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Contents

Federal Register

Vol. 65, No. 143

Tuesday, July 25, 2000

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:
7731.....45701

7 CFR

Proposed Rules:
215.....45725
225.....45725
226.....45725
245.....45725

14 CFR
39 (2 documents) 45703, 45705
71 (2 documents) 45707, 45708

17 CFR
143.....45709

21 CFR
558.....45711
1301.....45829
1306.....45712
1307.....45829

23 CFR
1325.....45713
1327.....45713

27 CFR

Proposed Rules:
9.....45739

30 CFR

Proposed Rules:
70.....45742
72.....45743
75.....45742
90.....45742

33 CFR
117.....45716

40 CFR
52.....45718
81.....45829

Proposed Rules:
52.....45743

47 CFR
73 (8 documents) 45720, 45721, 45722, 45723

Proposed Rules:
73 (6 documents) 45743, 45744

50 CFR
679.....45723, 45745

Federal Register
Vol. 65, No. 143
Tuesday, July 25, 2000

Presidential Documents

Title 3—

The President

Proclamation 7331 of July 21, 2000

Parents' Day, 2000

By the President of the United States of America

A Proclamation

Parents play a crucial role in shaping our lives and the life of our Nation. They nurture us as infants when we are unable to help ourselves, protect us as toddlers when we wander into trouble, encourage us as adolescents when we dream about the future, and guide us as adults as we face the challenges and opportunities of our own families and careers. It is through their care that we learn the invaluable lessons of love, family, and community; and it is through their selflessness that we come to understand the joy of making a difference in the life of another.

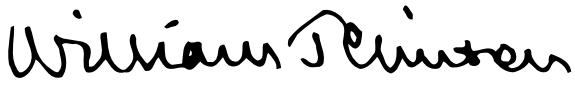
Throughout our Administration, Vice President Gore and I have strived to provide parents with the tools they need to meet their responsibilities. The Family and Medical Leave Act, which I signed in 1993, has allowed more than 20 million Americans to take up to 12 weeks of unpaid leave to care for a newborn or an ailing relative without fear of losing their job. We have also worked to make child care safer, better, and more affordable for millions of families, and we have expanded preschool and after-school programs to give parents more flexibility in balancing the demands of job and family. And we have worked hard for parents to make the dream of a college education for their sons and daughters a reality—with new HOPE scholarships, more work-study opportunities, higher Pell grants, and more affordable student loans.

Parenting is a lifetime commitment and a lifetime challenge—it involves balancing the demands of family, friends, career, and community. Yet parenting is also one of life's greatest gifts. To hold one's sleeping baby, watch one's children take their first tottering steps and hear them say their first words, boast with pride about their first home run or first music recital, and witness firsthand their journey into adulthood—these are some of the most precious rewards of parenthood.

Only when we pass from childhood to adulthood can we appreciate the value of our parents and the extent of their sacrifices. For these, we owe our parents—whether biological or adoptive, stepparents or foster parents—a profound debt of gratitude. On Parents' Day and throughout the year, let us pay tribute to America's parents, whose unconditional love and constant devotion have helped create a bright future for the next generation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States and consistent with Public Law 103–362, do hereby proclaim Sunday, July 23, 2000, as Parents' Day. I call upon all Americans to join together in observing this day with appropriate ceremonies and activities to honor our Nation's parents.

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



[FR Doc. 00–18914
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Rules and Regulations

Federal Register
Vol. 65, No. 143
Tuesday, July 25, 2000

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–10–AD; Amendment 39–11827; AD 2000–14–16]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 407 helicopters. That AD requires installing a tail rotor pitch-limiting left-pedal stop (pedal stop), installing an airspeed limitation placard, marking a never-exceed velocity (Vne) placard on all airspeed indicators, and revising the Limitations section of the Rotorcraft Flight Manual (RFM). This AD requires installing a redesigned tail rotor system and modifying the vertical fin and horizontal stabilizer to allow restoring the Vne to 140 knots indicated airspeed (IAS). This AD is prompted by design changes to the tail rotor system and modification of the pedal stop for airspeed actuation to eliminate a tail rotor strike to the tailboom. The actions specified by this AD are intended to prevent the tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter.

DATES: Effective August 29, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 29, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. 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: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–06–15, Amendment 39–11111 (64 FR 16801, April 7, 1999), which applies to BHTC Model 407 helicopters, was published in the **Federal Register** on May 17, 2000 (65 FR 31291). That action proposed to require installing a redesigned tail rotor system, modifying the vertical fin and horizontal stabilizer, and restoring the Vne to 140 knots IAS.

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 except for removing unnecessary wording from the introductory unsafe condition paragraph and removing the superseded AD number from Figure 1.

The FAA estimates that 200 helicopters of U.S. registry will be affected by this AD. It will take approximately 80 work hours per helicopter to perform the modifications and installations and the average labor rate is $60 per work hour. Required parts will cost approximately $24,161 per helicopter; however, the manufacturer has stated they will provide these parts at no cost. Additionally, the manufacturer has stated they will reimburse the cost of labor up to $4,400. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $5,792,200 or $28,961 per helicopter, assuming no costs are reimbursed.

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 39–11111 (64 FR 16801), and by adding a new airworthiness directive (AD), Amendment 39–11827, to read as follows:

2000–14–16 Bell Helicopter Textron Canada: Amendment 39–11827. Docket No. 2000–SW–10–AD. Supersedes AD 99–06–15, Amendment 39–11111, Docket No. 99–SW–16–AD.

Applicability: Model 407 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 the tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Install a stop that limits the maximum distance that the left pedal can travel in accordance with Part I of the Accomplishment Instructions in Bell Helicopter Textron Canada Technical Bulletin 407–98–13, dated December 12, 1998 (TB).

(2) Adjust the rigging of the directional controls in accordance with Part II of the Accomplishment Instructions in the TB.

(3) Install the airspeed limitation placard shown in Figure 1 of this AD so that it completely covers and obscures the airspeed limitation placard, P/N 407–070–201–103. Ensure that the replacement placard is at least 2 1/16-inches tall and 3 9/16-inches long.

FIGURE 1.—407 AIRSPEED LIMITATIONS–KNOTS–IAS

OAT	Pressure altitude FT X 1000										
C°	0	2	4	6	8	10	12	14	16	18	20
52	98	93	88	.....	.....	.....	.....	.....	.....	.....	.....
40	100	95	91	86	81	76	.....	.....	.....	.....	.....
20	100	100	95	90	85	80	76	71	66	61	.....
0	100	100	100	95	90	85	80	75	70	65	60
−20	100	100	100	100	95	90	85	80	75	70	65
−40	97	93	88	83	79	74	70	65	61	.....	.....

Maximum Autorotation VNE 100 KIAS

(4) Install a redline at a Vne of 100 KIAS on all airspeed indicators. Remove or obscure any previously installed lines or arcs above 100 KIAS. If the redline is installed on the instrument glass, also install a slippage mark on the glass and on the instrument case.

(5) Add the following statement to the Limitations section of the Rotorcraft Flight Manual (RFM):

When operating at an airspeed of 60 to 100 KIAS, maintain yaw trim within one ball diameter of the centered position of the turn and bank (slip) indicator, and avoid sudden or large directional control inputs in flight.

(6) Mark the airspeed limitations placard in Figure 1–3 in the RFM to indicate that it has been superseded by this AD, and insert a copy of this AD into the RFM. Also, mark the airspeed indicator in Figure 1–5 of the RFM to indicate a Vne of 100 KIAS.

(7) This AD revises the limitations section of BHTC Model 407 RFM by replacing sheet 1 of Figure 1–3 in the RFM with Figure 1 of this AD, revising sheet 3 of Figure 1–5 of the RFM, and adding an operational limitation for allowable yaw trim and directional control input.

(8) Report any uncommanded right yaw, uncommanded movement of the pedals during flight, or tail rotor blade contact with the tailboom within 24 hours of the occurrence to the Manager, Regulations Group, telephone (817) 222–5111. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120–0056.

(b) Before further flight after January 31, 2001:

(1) Remove and replace the existing tail rotor with tail rotor installation, P/N 407–012–100–109, in accordance with Part II of Bell Helicopter Textron Technical Bulletin 407–99–17, dated April 15, 1999.

(2) Modify the vertical fin and horizontal stabilizer in accordance with Bell Helicopter Textron Technical Bulletin No. 407–96–2, Revision A, dated March 11, 1997.

(3) Install the tail rotor airspeed-actuated pedal stop kit, install the new airspeed limitation decals, and remove the temporary instrument markings and RFM changes in accordance with the Accomplishment Instructions in Parts I, II, and III of Bell Helicopter Textron Alert Service Bulletin 407–99–33, Revision A, dated March 10, 2000.

(c) Accomplishing the requirements of paragraph (b) of this AD is terminating action for the requirements of this AD.

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

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

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

(f) The modifications shall be done in accordance with Parts I and II of the Accomplishment Instructions in Bell Helicopter Textron Canada Technical Bulletin 407–98–13, dated December 12, 1998; Part II of Bell Helicopter Textron Technical Bulletin 407–99–17, dated April 15, 1999; Bell Helicopter Textron Technical Bulletin No. 407–96–2, Revision A, dated March 11, 1997; and Parts I, II, and III of Bell Helicopter Textron Alert Service Bulletin 407–99–33, Revision A, dated March 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. 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 29, 2000.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–98–36R7, dated February 1, 2000.

Issued in Fort Worth, Texas, on July 12, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–18521 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–151–AD; Amendment 39–11831; AD 2000–15–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–400 series airplanes. This action requires a one-time inspection to determine if certain wire bundles are routed incorrectly and to detect damage, and corrective actions, if necessary. This action is necessary to prevent damage of certain wire bundles routed to the fuel tank transfer pumps in the horizontal stabilizer, which could result in electrical arcing and a possible fire adjacent to the fuel tank. This action is intended to address the identified unsafe condition.

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.

Comments for inclusion in the Rules Docket must be received on or before September 25, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–151–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–151–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 this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sulmo Mariano, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2686; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating that, during a flight test in production, the flight crew reported the advisory message ''FUEL PMP STAB R'' and the caution message ''FUEL STAB XFR'' were displayed on the engine indicating and crew alerting system. Inspection revealed that a certain wire bundle routed to the fuel tank transfer pumps in the horizontal stabilizer was ''pinched'' between the head of a clamp fastener and adjacent structure. Evidence of arcing was also detected. Investigation revealed that the wire bundle was routed incorrectly through a clamp near the transfer pump. This condition, if not corrected, could result in electrical arcing and a possible fire adjacent to the fuel tank.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–28A2232, Revision 1, dated June 22, 2000, which describes procedures for a one-time visual inspection of wire bundles routed to the fuel tank transfer pumps in the horizontal stabilizer to determine if wire bundles W4601 and W4602 are routed correctly and to detect damage, and corrective action, if necessary. Corrective action includes rerouting any wire bundle that is routed incorrectly and repairing any damaged wiring. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent damage of certain wire bundles routed to the fuel tank transfer pumps in the horizontal stabilizer, which could result in electrical arcing and a possible fire adjacent to the fuel tank. This AD requires accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between This AD and Alert Service Bulletin

Operators should note that this AD requires accomplishment of the inspection within 60 days after the effective date of this AD. The alert service bulletin recommends that operators accomplish the actions in the bulletin ''at their earliest opportunity when manpower and facilities are available.'' In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspection (less than one hour). In light of all of these factors, the FAA finds a 60-day compliance time for initiating the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–151–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–15–02 Boeing: Amendment 39–11831. Docket 2000–NM–151–AD.

Applicability: Model 747–400 series airplanes having line numbers (L/N) 1162 through 1223, except L/N 1174; equipped with horizontal stabilizer fuel tanks; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damage of certain wire bundles routed to the fuel tank transfer pumps in the horizontal stabilizer, which could result in electrical arcing and a possible fire adjacent to the fuel tank, accomplish the following:

One-Time Inspection and Corrective Actions

(a) Within 60 days after the effective date of this AD, perform a one-time detailed visual inspection of wire bundles routed to the fuel tank transfer pumps in the horizontal stabilizer to determine if wire bundles W4601 and W4602 are routed correctly and to detect damage, in accordance with Boeing Alert Service Bulletin 747–28A2232, Revision 1, dated June 22, 2000.

(1) If the wire bundles are routed correctly and no damage is detected, no further action is required by this AD.

(2) If either wire bundle is determined to be incorrectly routed, but no damage is detected, prior to further flight, reroute the affected wire bundle in accordance with the alert service bulletin.

(3) If any damage is detected (whether the wire bundles are routed properly or not), prior to further flight, repair the affected wire bundle and route the wire bundle correctly, as applicable, in accordance with the alert service bulletin.

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

Note 3: Inspections and corrective actions accomplished prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–28A2232, dated March 2, 2000, are considered acceptable for compliance with the applicable action specified in this amendment.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 747–28A2232, Revision 1, dated June 22, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

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

Issued in Renton, Washington, on July 17, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–18522 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–22]

Amendment to Class E Airspace; Elkhart, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

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

In addition, a minor revision to the Airport Reference Point (ARP) is included in this document.

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

DATES: Effective date: 0901 UTC, November 30, 2000.

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

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–22, 901 Locust, Kansas City, MO 64106.

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

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

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

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

The Direct Final Rule Procedure

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 00–ACE–22.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if

promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE KS E5 Elkhart, KS [Revised]

Elkhart-Morton County Airport, KS
(Lat. 37°00′07″ N., long. 101°52′56″ W.)
Elkhart NDB
(Lat. 37°00′04″ N., long. 101°53′05″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkhart-Morton County Airport and within 2.6 miles each side of the 164° bearing from the Elkhart NDB extending from the 6.5-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on July 11, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–18575 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ANM–12]

Revision of Class E airspace, North Bend, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the North Bend, OR, Class E airspace to accommodate the development of a revised Standard Instrument Approach Procedure (SIAP) at the North Bend Municipal Airport, North Bend, OR. This amendment provides for the safe and efficient use of the navigable airspace.

EFFECTIVE DATE: 0901 UTC, August 10, 2000.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 99–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On April 4, 2000, the FAA proposes to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at North Bend, OR, in order to accommodate a revised SIAP to the North Bend Municipal Airport, North Bend, OR (65 FR 17616). This amendment will provide additional airspace at North Bend, OR, to meet current criteria standards associated with SIAP holding patterns. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at North Bend Airport, North Bend, OR. This amendment provides revised airspace at North Bend, OR, to better meet current airspace standards associated with established procedures at North Bend Airport. The FAA establishes airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This amendment provides for the safe and efficient use of the navigable airspace. This amendment promotes safe flight operations under Instrument Flight Rules (IFR) and Visual Flight Rules (VFR) and the North Bend Airport, North Bend, OR, and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, 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 the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

* * * * *

ANM or E5 North Bend, OR [Revised]

North Bend VORTAC
(Lat. 43°24′56″ N, long. 124°10′06″ W)

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the North Bend VORTAC from the 142° radial clockwise to the 352° radial, and within a 14-mile radius of the VORTEC from the 352° radial clockwise to the 142° radial, and within 2.7 miles north of the VORTAC 268° radial extending from the 8 mile radius to 11 miles west of the VORTAC, and within 1.8 miles south and 5.7 miles north of the VORTAC 241° radial extending from the 8 mile radius to 14.8 miles southwest; that airspace extending upward from 1,200 feet about the surface within a 22 mile radius of the VORTAC extending clockwise from the west edge of V–27 south of the VORTAC, to the west edge of V–287 north of the VORTAC, and within 2.2 miles southeast and 10.1 miles northwest of the VORTAC 241° radial, extending from the VORTAC to 22.2 miles southwest.

* * * * *

Issued in Seattle, Washington, on July 6, 2000.

Daniel A. Boyle,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 00–18577 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 143

RIN 3038–AB59

Adjustment of Civil Monetary Penalties for Inflation

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (Commission) is amending Rule 143.8, which governs the maximum amount of civil monetary penalties, to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties assessable for violations of the Commodity Exchange Act (Act) and Commission rules and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

EFFECTIVE DATE: October 23, 2000.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, or Julie R. Windhorn, Law Clerk, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone Number: (202) 418–5450.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Debt Collection Improvement Act of 1996 (DCIA),[1] requires the head of each Federal agency to adjust by regulation, at least once every four years, the maximum amount of civil monetary penalties (CMPs) provided by law within the jurisdiction of that agency by the cost-of-living adjustment defined in the FCPIAA, as amended.[2] Because the purposes for the inflation adjustments include maintaining the deterrent effect of CMPs and promoting compliance with the law, the Commission monitors the impact of inflation on its CMP maximums and adjusts them as needed to implement the requirements and purposes of the FCPIAA.[3]

II. Relevant Commission CMPs

The inflation adjustment requirement applies to:

any penalty, fine or other sanction that—

(A) (i) is for a specific monetary amount as provided by Federal law; or

(ii) has a maximum amount provided for by Federal law; and

(B) is assessed or enforced by an agency pursuant to Federal law; and

(C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. 28 U.S.C. 2461 note.

The Act provides for CMPs that meet the above definition, and are therefore subject to the inflation adjustment, in three sections: section 6(c) of the Act, section 6b of the Act, and section 6c of the Act.[4]

Penalties may be assessed pursuant to Section 6(c) of the Act, 7 U.S.C. 9, against ''any person'' found by the Commission to have—

(1) engaged in the manipulation of the price of any commodity or futures contract;

(2) made willfully a false or misleading statement or omitted a material fact in an application or report filed with the Commission; or

(3) violated any provision of the Act or of the rules, regulations or orders thereunder.

Penalties may be assessed pursuant to Section 6b of the Act, 7 U.S.C. 13a, against: (1) Any contract market that the Commission finds is not enforcing or has not enforced its rules; or (2) any contract market, or any director, officer, agent, or employee of any contract market, that is violating or has violated any of the provisions of the Act or any of the rules, regulations, or orders thereunder.

Penalties may be assessed by ''the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States'' pursuant to section 6c of the Act, 7 U.S.C. 13a–1, against ''any person found * * * to have committed any violation [of any provision of the Act or any rule, regulation or order thereunder].''

III. Relevant Cost-of-Living Adjustment

The cost-of-living adjustment is defined by the FCPIAA, as amended by the DCIA, as the amount by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.[5] The

[1] The FCPIAA is codified in a note at 28 U.S.C. 2461 note. The relevant amendments to the FCPIAA contained in the Debt Collection Improvement Act of 1996, Pub. L. 104–134 (1996), are also codified at 28 U.S.C. 2461 note. In addition, the Federal Reports Elimination Act of 1998, Pub. L. 105–362 (1998), is also codified at 28 U.S.C. 2461 note. This statute, among other things, eliminated section 6 of the FCPIAA, which previously required the President to report annually to Congress. This amendment is not relevant to the adjustment of CMPs for inflation.

[2] Excluded from this requirement is ''any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970 or the Social Security Act.'' 28 U.S.C. 2461 note, as amended by Pub. L. 104–134.

DCIA also requires that the range of minimum and maximum CMPs be adjusted, if applicable. This is not applicable to the Commission because, for the relevant CMPs within the Commission's jurisdiction, the Act provides only for maximum amounts that can be assessed for each violation of the Act or the rules and orders thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

[3] Specifically, the FCPIAA states:

The purpose of [the FCPIAA] is to establish a mechanism that shall—

(1)allow for regular adjustment for inflation of civil monetary penalties;

(2) maintain the deterrent effect of civil monetary penalties and promote compliance with the law; and

(3) improve the collection by the Federal Government of civil monetary penalties.

[4] 7 U.S.C. 9, 13a and 13a–1.

[5] The Consumer Price Index means the Consumer Price Index for all-urban consumers (CPI–U) published by the Department of Labor. Interested parties may find the relevant Consumer Price Index over the Internet. To access this information, go to the Consumer Price Index Home Page at http://stats.bls.gov/datahome.htm; first select, Most Requested Series; then select Overall BLS Most Requested Series; and finally, under Price Indexes, select CPI for All Urban Consumers (CPI–U) 1967=100 (Unadjusted)—CUUROOOOAAO.

adjusted CMP maximums are to be rounded based upon the size of the penalty and a specified formula.

The Commission's initial inflation adjustment, reflected in the current Rule 143.8, was published in the **Federal Register** on October 28, 1996, with an effective date of November 27, 1996.[6] Therefore, the cost-of-living adjustment for the CMP maximums that can be assessed and enforced by the Commission would be the amount by which the Consumer Price Index for all-urban consumers published by the Department of Labor for June 1999 (*i.e.,* June of the year preceding this year) exceeds that index for June 1996.[7] After rounding according to the applicable formula,[8] the maximum, inflation-adjusted CMP for each violation of the Act or Commission rules or orders thereunder assessed against any person pursuant to sections 6(c) and 6c of the Act will be $120,000 or triple the monetary gain to such person for each such violation, and $575,000 for each such violation when assessed pursuant to section 6b of the Act. The FCPIAA provides that ''any increase under [FCPIAA] in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.'' Thus, the new CMP maximum may be applied only to violations of the Act that occur after the effective date of this amendment, October 23, 2000.[9]

IV. Related Matters

A. Effective Date

This amendment to Rule 143.8 will implement a statutory change regarding agency procedure or practice within the meaning of 5 U.S.C. 553(b)(3)(A) and therefore does not require notice.[10] The Commission also believes that opportunity for public comment is also unnecessary under 5 U.S.C. 553(b)(3)(B). This amendment does not affect any substantive change in Commission regulations, nor alter any obligation that a party has under Commission rules, regulations or orders. No party must change its manner of doing business, either with the public or the Commission, to comply with the rule amendments. These changes are undertaken pursuant to a statutory requirement that all agencies make such adjustments and are intended to prevent inflation from eroding the practical, deterrent effect of CMPs.

While higher maximum CMPs may expose persons to potentially higher financial liability, in nominal terms, for violations of the Act or Commission rules or orders thereunder, the rule amendments do not require that the maximum penalty be imposed on any party, nor do they alter any substantive due process rights that a party has in an administrative proceeding or a court of law that protect against imposition of excessive penalties. Further, the rule amendments only apply to violations of the Act, Commission rules or Commission orders that occur after the effective date of these amendments.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that agencies consider the impact of their rules on small businesses. The amended rule will potentially affect those persons who are found by the Commission or the Federal courts to have violated the Act or Commission rules or orders. Some of these affected parties could be small businesses. Nevertheless, the Chairman, on behalf of the Commission, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

While the Commission recognizes that certain persons assessed a CMP for violating the Act or Commission rules or orders may be small businesses, the rule does not mandate the imposition of the maximum fixed CMP set forth in the rule on any party. As is currently the case, the imposition of the maximum fixed CMP will occur only where the administrative law judge, the Commission or a Federal court finds that the gravity of the offense warrants a CMP in that amount.[11]

The rule should not increase in real terms the economic burden of the fixed maximum CMPs set forth in the Act. Instead, the rule implements a statutory requirement that agencies adjust for inflation existing CMPs so that the real economic value of such penalties, and therefore the Congressionally-intended deterrent effect of such CMPs, is not reduced over time by inflation. Nor does the rule impose any new, affirmative duty on any party or change any existing requirements and thus no party who is currently complying with the Act and Commission regulations will incur any expense in order to comply with the new rule. Therefore, the Commission believes that this final rule will not have a significant economic impact on a substantial number of small entities.[12]

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3507(d), which imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA, does not apply to this rule. The Commission

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[6] 61 FR 55564.

[7] The Consumer Price Index for all-urban consumers published by the Department of Labor for June 1999 was 497.9, and for June 1996 was 469.5. Therefore, the relevant cost of living adjustment factor would equal 497.9 divided by 469.5.

[8] The FCPIAA, as amended by DCIA, provides in relevant part for the rounding of any inflation adjustment ''to the nearest—

(5) multiple of $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and

(6) multiple of $25,000 in the case of penalties greater than $200,000.''

Calculations of the Commission's inflation-adjusted CMP maximums are the following:

(497.9/469.5)×$110,000=$116,653.89

(497.9/469.5)×$550,000=$583,269.44

When rounded according to the statutory requirements, the inflation-adjusted CMP maximums would be $120,000 and $575,000.

[9] *See also Landgraf* v. *USI Film Products,* 511 U.S. 244 (1994) (holding that there is a presumption against retroactivity in changes to damage remedies or civil penalties in the absence of clear statutory language to the contrary).

[10] 5 U.S.C. 553(b) generally requires notice of proposed rulemaking to be published in the **Federal Register**. That provision states, however, that except when notice or hearing is required by statute, notice is not required for:

(A) * * * interpretive rules, general statements of policy, or rules of agency organization, procedure or practice; or

(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

[11] Section 6(e) of the Act, 7 U.S.C. 9a(1), directs the Commission to ''consider the appropriateness of [a] penalty to the gravity of the violation'' when assessing a CMP pursuant to section 6(c) of the Act, 7 U.S.C. 9. In addition, the Commission's penalty guidelines state that the Commission, when assessing any CMP, will consider the gravity of the offense in question. In assessing the gravity of an offense, the Commission may consider such factors as whether the violations resulted in harm to the victims, whether the violations involved core provisions of the Act and whether the violator acted intentionally or willfully, as well as other factors. *See* CFTC Policy Statement Relating to the Commission's Authority to Impose Civil Money Penalties and Futures Self-Regulatory Organizations' Authority to Impose Sanctions; Penalty Guidelines, [1994–1996 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶26,265 (November 1994).

[12] Any agency that regulates the activities of small entities must establish a policy or program to reduce and, when appropriate, to waive civil penalties for violations of statutory or regulatory requirements by small entities. An agency is not required to reduce or to waive civil penalties, however, if: (1) An entity has been the subject of multiple enforcement actions; (2) an entity's violations involve willful or criminal conduct; or (3) the violations involve serious health, safety or environmental threats. *See* Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Pub. L. 104–121, § 223, 110 Stat. 862 (March 29, 1996). The Commission takes these provisions of SBREFA into account when it considers whether to seek or to impose a civil monetary penalty in a particular case involving a small entity.

believes this rule amendment does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 17 CFR Part 143

Civil monetary penalty, Claims.

In consideration of the foregoing and pursuant to authority contained in sections 6(c), 6b and 6c of the Act, 7 U.S.C. 9, 13a, and 13a–1(d), and 28 U.S.C. 2461 note as amended by Pub. L. No. 104–134, the Commission hereby amends part 143 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 143—COLLECTION OF CLAIMS OWED THE UNITED STATES ARISING FROM ACTIVITIES UNDER THE COMMISSION'S JURISDICTION

1. The authority of citation for part 143 is revised to read as follows:

Authority: 7 U.S.C. 9 and 15, 9a, 12a(5), 13a, 13a–1(d) and 13(a); 31 U.S.C. 3701–3719; 28 U.S.C. 2461 note.

2. Section 143.8 is amended by revising paragraphs (a) and (c) to read as follows:

§ 143.8 Inflation-adjusted civil monetary penalties.

(a) Unless otherwise amended by an act of Congress, the inflation-adjusted maximum civil monetary penalty for each violation of the Commodity Exchange Act or the rules or orders promulgated thereunder that may be assessed or enforced by the Commission under the Commodity Exchange Act pursuant to an administrative proceeding or a civil action in Federal court will be:

(1) For each violation for which a civil monetary penalty is assessed against any person (other than a contract market) pursuant to section 6(c) of the Commodity Exchange Act, 7 U.S.C. 9:

(i) For violations committed between November 27, 1996 and October 22, 2000, not more than the greater of $110,000 or triple the monetary gain to such person for each such violation; and

(ii) For violations committed on or after October 23, 2000, not more than the greater of $120,000 or triple the monetary gain to such person for each such violation;

(2) For each violation for which a civil monetary penalty is assessed against any contract market or other person pursuant to section 6c of the Commodity Exchange Act, 7 U.S.C. 13a–1:

(i) For violations committed between November 27, 1996 and October 22, 2000, not more than the greater of $110,000 or triple the monetary gain to such person for each such violation; and

(ii) For violations committed on or after October 23, 2000, not more than the greater of $120,000 or triple the monetary gain to such person for each such violation; and

(3) For each violation for which a civil monetary penalty is assessed against any contract market or any director, officer, agent, or employee of any contract market pursuant to section 6b of the Commodity Exchange Act, 7 U.S.C. 13a:

(i) For violations committed between November 27, 1996 and October 22, 2000, not more than $550,000 for each such violation; and

(ii) For violations committed on or after October 23, 2000, not more than $575,000 for each such violation.

* * * * *

(c) Unless otherwise amended by an act of Congress, the penalties set forth in this section or any penalty adjusted for inflation in the future pursuant to paragraph (b) of this section shall be applicable only to violations of the Commodity Exchange Act, Commission rules, or Commission orders which occur after the date on which such future inflation adjustments become effective.

Issued in Washington, DC on July 19, 2000 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–18728 Filed 7–24–00; 8:45 am]

BILLING CODE 6351–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Halofuginone and Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Alpharma, Inc. The NADA provides for use of approved, single-ingredient halofuginone hydrobromide and roxarsone Type A medicated articles to make two-way combination Type C medicated feeds used for prevention of coccidiosis, increased rate of weight gain, improved feed efficiency, and improved pigmentation in broiler and replacement chickens.

DATES: This rule is effective July 25, 2000.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed NADA 141–157 that provides for use of STENOROL® (2.72 grams per pound (g/lb) of halofuginone hydrobromide) and 3–NITRO® (45.4, 90, 227, or 360 g/lb of roxarsone) Type A medicated articles to make combination Type C medicated feeds for broiler chickens, replacement broiler breeder chickens, and replacement caged laying chickens prior to sexual maturity. The combination Type C medicated feeds contain 2.72 grams per ton (g/ton) halofuginone hydrobromide and 22.7 to 45.4 g/ton roxarsone and are used for the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*, and for increased rate of weight gain, improved feed efficiency, and improved pigmentation. The NADA is approved as of July 3, 2000, and the regulations are amended in 21 CFR 558.265 and § 558.530 (21 CFR 558.530) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

Also, § 558.530 is editorially amended in paragraphs (a) and (d)(5) to simplify the regulation.

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

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.265 is amended by adding paragraphs (c)(1)(viii) and (c)(3)(ii) to read as follows:

§ 558.265 Halofuginone hydrobromide.

* * * * *

(c) * * *

(1) * * *

(viii) *Amount per ton*. Halofuginone hydrobromide, 2.72 grams plus roxarsone, 22.7 to 45.4 grams.

(A) *Indications for use*. For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; for increased rate of weight gain, improved feed efficiency, and improved pigmentation.

(B) *Limitations*. Feed continuously as sole ration to replacement cage laying chickens until 20 weeks of age. Feed continuously as sole ration to replacement broiler breeder chickens until 16 weeks of age. Use as the sole source of organic arsenic; drug overdose or lack of water intake may result in leg weakness or paralysis. Do not feed to laying chickens or waterfowl. Withdraw 5 days before slaughter.

* * * * *

(3) * * *

(ii) *Amount per ton*. Halofuginone hydrobromide, 2.72 grams plus roxarsone, 22.7 to 45.4 grams.

(A) *Indications for use*. For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; for increased rate of weight gain, improved feed efficiency, and improved pigmentation.

(B) *Limitations*. Feed continuously as sole ration to replacement cage laying chickens until 20 weeks of age. Feed continuously as sole ration to replacement broiler breeder chickens until 16 weeks of age. Use as the sole source of organic arsenic; drug overdose or lack of water intake may result in leg weakness or paralysis. Do not feed to laying chickens or waterfowl. Withdraw 5 days before slaughter.

3. Section 558.530 is amended by revising paragraphs (a) and (d)(5) and by removing paragraph (d)(6) to read as follows:

§ 558.530 Roxarsone.

(a) *Approvals*. Type A medicated articles: 10, 20, 50, and 80 percent to 046573 in § 510.600(c) of this chapter for use as in paragraphs (d)(1) through (d)(4) of this section.

* * * * *

(d) * * *

(5) *Permitted combinations*. It may be used in accordance with this section in combination with:

(i) Aklomide as in § 558.35.

(ii) Amprolium as in § 558.55.

(iii) Amprolium and ethopabate as in § 558.58.

(iv) Bacitracin methylene disalicylate as in § 558.76.

(v) Bacitracin zinc as in § 558.78.

(vi) Bambermycins and bambermycins plus certain anticoccidials as in § 558.95.

(vii) Chlortetracycline as in § 558.128.

(viii) Clopidol as in § 558.175.

(ix) Decoquinate alone or in combination as in § 558.195.

(x) [Reserved]

(xi) Halofuginone alone or in combination as in § 558.265.

(xii) Lasalocid alone or in combination as in § 558.311.

(xiii) Monensin alone or in combination as in § 558.355.

(xiv) Narasin alone or in combination as in § 558.363.

(xv) Nequinate as in § 558.365.

(xvi) Nicarbazin alone or in combination as in § 558.366.

(xvii) Nitromide and sulfanitran as in § 558.376.

(xviii) Penicillin and zoalene as in § 558.680.

(xix) Robenidine hydrochloride as in § 558.515.

(xx) Salinomycin alone or in combination as in § 558.550.

(xxi) Semduramicin alone or in combination as in § 558.555.

(xxii) Sulfadimethoxine, ormetoprim as in § 558.575.

(xxiii) Zoalene alone or in combination as in § 558.680.

Dated: July 17, 2000.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 00–18744 Filed 7–24–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

[DEA–190I]

RIN 1117–AA54

Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule.

SUMMARY: DEA is amending Title 21, Code of Federal Regulations (CFR) 1306.11(g) to clearly include articulate that prescriptions for Schedule II narcotic substances for patients enrolled in hospice care certified by Medicare under Title XVIII or licensed by the state may be transmitted by facsimile. The regulation as it is currently worded grants this allowance for Schedule II prescriptions for patients ''residing in a hospice * * *''. This phrase has been perceived by the regulated industry as requiring that the patient reside in a hospice facility to the exclusion of other care settings, such as home hospice care. It was never DEA's intent to omit the significant number of patients receiving hospice care who reside at home. This interim rule clarifies DEA regulations in response to industry questions.

DATES: *Effective Date:* July 25, 2000.

Comments: Written comments must be submitted on or before September 25, 2000.

ADDRESSES: Comments should be submitted in triplicate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

What Do DEA Regulations Currently Provide?

DEA regulations permit a pharmacy to dispense a Schedule II narcotic substance pursuant to a prescription transmitted to the pharmacy via facsimile for a patient residing in a hospice certified by Medicare under Title XVIII or licensed by the state (21 CFR 1306.11(g)). The faxed prescription

serves as the original prescription for recordkeeping purposes. However, the use of the language ''residing in a hospice certified by Medicare under Title XVIII or licensed by the state'' has been perceived by the regulated industry as requiring that the patient reside in a hospice facility to the exclusion of other care settings, such as home hospice care. DEA has received letters from home hospice care providers inquiring about the requirements for facsimile transmission of Schedule II prescriptions for their patients. It was never DEA's intent to create an exclusion for these patients. DEA regulations were meant to cover all patients enrolled in hospice programs certified by Medicare under Title XVIII or licensed by the state, regardless of where the patient resides. Consistent with DEA's interpretation of its regulations, DEA has responded to the inquiries it has received with letters stating that its regulations allow for facsimile transmission of prescriptions to such patients.

What Change Does This Rulemaking Make?

The inquiries DEA has received indicate that the use of the term ''residing'' did not fully convey DEA's intended result. Therefore, DEA is modifying the language of 21 CFR 1306.11(g) to clarify that the permission for facsimile transmission of Schedule II narcotic prescriptions covers all patients enrolled in hospice programs certified by Medicare under Title XVIII or licensed by the state.

Regulatory Certifications

Administrative Procedure Act (5 U.S.C. 553)

This rule is minor and technical in nature, merely clarifying existing DEA regulations and requirements, the intent of which was clearly indicated in the original notices. Further, to the extent that regulated parties were following a more restrictive interpretation of existing regulations, the clarification this rule makes lessens a perceived regulatory restriction to the benefit of Medicare-certified or state licensed hospice program patients needing Schedule II narcotic substances. The original rulemakings (proposed rule 61 FR 8503, DEA–139P, RIN 1117–AA33; final rule 62 FR 13938, DEA–139F, RIN 1117–AA33) clearly indicate that DEA's intent was to permit the facsimile transmission of Schedule II prescriptions for all patients enrolled in hospice programs, regardless of where the patient resides. This interim rule does not change DEA practice or policy. Rather, the regulations are being amended to more accurately reflect DEA's intention in the rule promulgated at 62 FR 13938 and to alleviate public confusion. Accordingly, DEA finds good cause to exempt this rule from the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date.

Regulatory Flexibility Act

The Deputy Assistant Administrator hereby certifies that this rulemaking has been drafted in a manner consistent with the principles of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not have a significant economic impact on a substantial number of small business entities. This rulemaking clarifies the regulations regarding the facsimile transmission of prescriptions for Schedule II narcotic substances for patients enrolled in hospice programs.

Executive Order 12866

The Deputy Assistant Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866, Section 1(b). DEA has determined that this is not a significant rulemaking action. This rulemaking clarifies the regulations regarding the facsimile transmission of prescriptions for Schedule II narcotic substances for patients enrolled in hospice programs. Therefore, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13132

This action has been analyzed in accordance with the principles and criteria in Executive Order 13132, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, telephone (202) 307–7297.

List of Subjects in 21 CFR Part 1306

Drug traffic control, Prescription drugs.

For the reasons set out above, 21 CFR part 1306 is amended to read as follows:

PART 1306—[AMENDED]

1. The authority citation for Part 1306 continues to read as follows:

Authority: 21 U.S.C. 821, 829, 871(b).

2. Section 1306.11 is amended by revising paragraph (g) to read as follows:

§ 1306.11 Requirement of prescription.

* * * * *

(g) A prescription prepared in accordance with § 1306.05 written for a Schedule II narcotic substance for a patient enrolled in a hospice care program certified and/or paid for by Medicare under Title XVIII or a hospice program which is licensed by the state may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The practitioner or the practitioner's agent will note on the prescription that the patient is a hospice patient. The facsimile serves as the original written prescription for purposes of this paragraph (g) and it shall be maintained in accordance with § 1304.04(h).

Dated: July 14, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 00–18572 Filed 7–24–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Parts 1325 and 1327

[Docket No. NHTSA–00–7551]

RIN 2127–AG68

Procedures for Transition to New National Driver Register

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule announces that changes proposed in a notice of proposed rulemaking (NPRM) to NHTSA's National Driver Register (NDR) regulations will be adopted. These proposed changes are being adopted without change. Since all States now are participating in the new Problem Driver Pointer System (PDPS), and the transition from the old NDR to the new PDPS has been completed, the transition procedures outlined in the NPRM are no longer needed and are now removed.

DATES: This final rule becomes effective on August 24, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. William Holden, Chief, National Driver Register (NTS–24), 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–4800 or Ms. Heidi L. Coleman, Assistant Chief Counsel for General Law (NCC–30), 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–1834.

SUPPLEMENTARY INFORMATION: The National Driver Register (NDR) functions as a central, computerized index of State reports on drivers whose driving privileges have been denied, cancelled, suspended or revoked, for cause, or who have been convicted of certain serious traffic violations. It was designed to address the problem that arises when traffic law violators, after losing their license in one State, attempt to obtain a license in another State.

States participate by sending to the NDR records regarding individuals who have been subject to covered licensing actions and convictions, and by querying the NDR before they issue licenses to applicants. In this way, States can avoid issuing licenses to persons whose driving records contain violations or licensing actions that should keep them off the road. Originally established by law in 1960 (Pub. L. 86–660), the NDR was made a part of the Highway Safety Act of 1966 (Pub. L. 89–564) and has been operated since that time by the National Highway Traffic Safety Administration (NHTSA).

The NDR Act of 1982 (Pub. L. 97–364) called for the establishment of an improved NDR. The new NDR system (the Problem Driver Pointer System, or PDPS) differs from the old NDR system in that it no longer maintains full substantive records on adverse actions taken against problem drivers. Instead, it maintains only identification data on problem drivers and ''points'' to the State of record where the substantive adverse action data can be obtained. In addition, the new PDPS is fully automated and enables State driver licensing officials to determine virtually instantly whether another State has taken an adverse action or convicted a driver license applicant of a serious traffic offense.

Part 1325—Transition Procedures

On July 11, 1985 (50 FR 28191), NHTSA established a regulation on the Procedures for the Transition from the Old to the New PDPS NDR System (23 CFR part 1325). The regulation established procedures for the orderly transition from the NDR system established in Pub. L. 86–660 as amended, to the NDR system established in Pub. L. 97–364. The regulation provided that its purpose was to ensure that participating States understood their rights and obligations during the transition period, which was to last until such time as all States that are participating in the NDR are doing so under the PDPS.

Part 1327—Procedures for Participating

On August 20, 1991 (56 FR 41394), NHTSA established a regulation on the Procedures for Participating in and Receiving Data from the NDR PDPS (23 CFR part 1327). The regulation established procedures for States to participate in the NDR PDPS, and for other authorized parties to receive information from the NDR. It also established procedures for States to notify NHTSA of their intention to be bound by the requirements of the PDPS NDR system and for States to notify NHTSA in the event it becomes necessary to withdraw from participation.

The procedures provided that only States that have been certified as ''participating States'' may participate in the NDR after the transition period ends (no later than April 30, 1995). They provided, however, that States that were not certified as ''participating States'' by April 30, 1995, that wished to continue participating in the NDR, could request an extension of time.

Notice of Proposed Rulemaking

On April, 17, 1996, NHTSA published a notice of proposed rulemaking (NPRM) in the **Federal Register**, 61 FR 16729, proposing to remove the agency's regulation on procedures for transition to the new PDPS NDR. At the time the NPRM was published, all 50 States and the District of Columbia had notified NHTSA of their intention to be bound by the requirements of the PDPS NDR system. In addition, 38 States had completed their transition to the PDPS, and the remaining States had requested or been granted extensions of time. In the NPRM, the agency indicated that Part 1325 of 23 CFR would no longer be necessary and that section 1327.4 of 23 CFR would require modification once the transition from the old NDR system to the new system had been completed, and the agency proposed to make those changes. The NPRM provided a 45-day comment period for interested parties to present data, views, and arguments on the proposed action. No comments were received.

Current Status on Notification and NDR Participation

At this time, all 50 States and the District of Columbia now are participating in the NDR under the PDPS, in accordance with Part 1327. Accordingly, the transition to PDPS has been completed, and the transition regulations no longer are needed. Part 1325 of 23 CFR is hereby rescinded and the amendment to 23 CFR 1327.4 is made final.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribunal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rule is not considered a significant regulatory action under section 3(f) of the Executive Order 12866. Consequently, this rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, ''Regulatory Planning and Review.'' The rulemaking action also is not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Because the economic impacts of this rule are so minimal, no further regulatory evaluation is necessary.

Executive Order 13132

We have analyzed this rule in accordance with Executive Order 13132 (''Federalism''). We have determined that this rule does not have sufficient Federalism impacts to warrant the preparation of a federalism consultation.

Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we 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 us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866. It also does not involve decisions based on health risks that disproportionately affect children.

Executive Order 12778

Pursuant to Executive Order 12778, ''Civil Justice Reform,'' we have considered whether this rule will have any retroactive effect. This rule does not have any retroactive effect. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this rule. This rule does not preempt the states from adopting laws or regulations on the same subject, except that it does preempt a state regulation that is in actual conflict with the federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the federal statute.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

I have considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and certify that this proposal will not have a significant economic impact on a substantial number of small entities. The rule does not impose or rescind any requirements for anyone. The Regulatory Flexibility Act does not, therefore, require a regulatory flexibility analysis.

National Environmental Policy Act

We have analyzed this action for the purposes of the National Environmental Policy Act and determined that it will not have any significant impact on the quality of the human environment.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This rule does not propose any new information collection requirements.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal 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 the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This rule does not impose any unfunded mandates under the Unfunded Mandates Reform Act of 1995. This rule does not meet the definition of a Federal mandate because it does not impose requirements on anyone. Further, it will not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects

23 CFR Part 1325

Highway safety, Intergovernmental relations.

23 CFR Part 1327

Highway safety, Intergovernmental relations, Reporting and recordkeeping requirements.

Under the authority of 49 CFR part 1.50, the Deputy Administrator of the National Highway Traffic Safety Administration amends title 23 of the Code of Federal Regulations, Chapter III, as follows:

PART 1325—[REMOVED]

Part 1325 is removed.

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

1. The authority citation for part 1327 continues to read as follows:

Authority: Pub.L. 97–364, 96 Stat. 1740, as amended (49 U.S.C. 30301, *et seq.*); delegation of authority at 49 CFR 1.50.

2. Section 1327.4 is revised to read as follows:

§ 1327.4 Certification, termination and reinstatement procedures.

(a) *Certification requirement.* Only States that have been certified by NHTSA as participating States under PDPS may participate in the NDR. NHTSA will remove all records on file and will not accept any inquiries or reports from a State that has not been certified as a participating State.

(b) *Termination or cancellation.* (1) If a State finds it necessary to discontinue participation, the chief driver licensing official of the participating State shall notify NHTSA in writing, providing the reason for terminating its participation.

(2) The effective date of termination will be no less than 30 days after notification of termination.

(3) NHTSA will notify any participating State that changes its operations such that it no longer meets statutory and regulatory requirements, that its certification to participate in the NDR will be withdrawn if it does not come back into compliance within 30 days from the date of notification.

(4) If a participating State does not come back into compliance with statutory and regulatory requirements within the 30-day period, NHTSA will send a letter to the chief driver licensing official cancelling its certification to participate in the NDR.

(5) NHTSA will remove all records on file and will not accept any inquiries or reports from a State whose participation in the NDR has been terminated or cancelled.

(6) To be reinstated as a participating State after being terminated or cancelled, the chief driver licensing official shall follow the notification procedures in paragraphs (c)(1) and (3) of this section and must be re-certified by NHTSA as a participating State under PDPS, upon a determination by NHTSA that the State complies with the statutory and regulatory requirements for participation, in accordance with paragraphs (c)(2) and (4) of this section.

(c) *Reinstatement.* (1) The chief driver licensing official of a State that wishes to be reinstated as a participating State in the NDR under the PDPS, shall send a letter to NHTSA certifying that the State wishes to be reinstated as a participating State and that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and § 1327.5 of this part. It shall also describe the changes necessary to meet the statutory and regulatory requirements of PDPS.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt of the State's certification to be reinstated.

(3) The chief driver licensing official of a State that has notified NHTSA of its intention to be reinstated as a participating State will, at such time as it has completed all changes necessary to meet the statutory and regulatory requirements of PDPS, certify this fact to the agency.

(4) Upon receipt, review and approval of certification from the State, NHTSA will recertify the State as a participating State under PDPS.

Issued on: July 18, 2000.

Rosalyn G. Millman,

Deputy Administrator, National Highway Traffic Safety Administration.

[FR Doc. 00–18574 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–070]

RIN 2115–AE47

Drawbridge Operation Regulations: Westchester Creek, Bronx River, and Hutchinson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating rules for three New York City bridges; the Bruckner Boulevard/Unionport Bridge, at mile 1.7, across Westchester Creek at the Bronx, the Bruckner Boulevard/Eastern Boulevard Bridge, mile 1.1, across the Bronx River at the Bronx, and the Hutchinson River Parkway Bridge, mile 0.9, across the Hutchinson River, at the Bronx, all in New York. The bridge owner asked the Coast Guard to change the regulations to require a two-hour advance notice for openings. This action is expected to relieve the owner of the bridge from the requirement to crew each bridge at all times by using a roving crew of drawtenders and still meet the reasonable needs of navigation.

DATES: This rule is effective August 24, 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 (CGD01–99–029) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 25, 2000, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Westchester Creek, Bronx River and Hutchinson River, New York, in the **Federal Register** (65 FR 24162). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

Bruckner Boulevard/Eastern Boulevard Bridge

The Bruckner Boulevard/Eastern Boulevard Bridge, mile 1.1, across the Bronx River at the Bronx, has a vertical clearance of 27 feet at mean high water and 34 feet at mean low water. The existing operating regulations for the Bruckner Boulevard/Eastern Boulevard Bridge in 33 CFR 117.771(a) require the bridge to open on signal if at least a four-hour advance notice is given to the NYCDOT Radio Hotline, or NYCDOT Bridge Operations Office. From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the bridge need not open for vessel traffic.

Hutchinson River Parkway Bridge

The Hutchinson River Parkway Bridge, mile 0.9, across the Hutchinson River at the Bronx, has a vertical clearance of 30 feet at mean high water and 38 feet at mean low water. The existing operating regulations for the Hutchinson River Parkway Bridge in 33 CFR 117.793(b) require the bridge to open on signal if at least a six-hour advance notice is given.

Bruckner Boulevard/Unionport Bridge

The Bruckner Boulevard/Unionport Bridge, at mile 1.7, across Westchester Creek at the Bronx, has a vertical clearance of 14 feet at mean high water and 21 feet at mean low water. The existing operating regulations for the Bruckner Boulevard Bridge in 33 CFR 117.815 require the bridge to open on

signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the draw need not open for vessel traffic.

The owner of the bridges, the New York City Department of Transportation (NYCDOT), submitted bridge opening log data to the Coast Guard for review. The bridge owner plans to operate all three bridges with multiple crews of drawtenders after a two-hour advance notice is given. The two-hour advance notice for all three bridges will make the advance notice requirement consistent for each bridge allowing sufficient time for the roving crews of drawtenders to operate all three bridges. The closed periods 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, for Bruckner Boulevard/Unionport Bridge and Bruckner Boulevard/Eastern Boulevard Bridge will not be changed by this rule. The number of bridge openings at the three bridges are as follows:

	1998	1999
Bruckner/Unionport	429	516
Bruckner/Eastern	0	0
Hutchinson Parkway	75	129

The Coast Guard believes that the owner's plan to use multiple crews of roving drawtenders to operate these bridges will meet the needs of navigation. The bridge owner will provide additional crews of drawtenders in the event the number of bridge opening requests increases.

The Coast Guard believes that the two-hour advance notice is reasonable because the bridges will still open on signal, except during the closed periods at Bruckner Boulevard/Unionport Bridge and Bruckner Boulevard/Eastern Boulevard Bridge, provided the two-hour notice is given. The commercial vessel transits on the Bronx River, Hutchinson River, Eastchester Creek and Westchester Creek are scheduled in advance. Providing a two-hour notice for bridge openings should not prevent vessels from transiting the waterway in a timely manner.

The advance notice time will be reduced at the Bruckner Boulevard/Eastern Boulevard and the Hutchinson River Parkway bridges from four-hour and six-hour advance notice, respectively to two-hours advance notice for both bridges.

Discussion of Proposal

The Coast Guard is revising the operating regulations for the Bronx River, Hutchinson River (Eastchester Creek) and Westchester Creek as follows:

Bruckner Boulevard/Eastern Boulevard Bridge

Revise the operating regulations at 33 CFR 117.771(a) for the Bruckner Boulevard/Eastern Boulevard Bridge, mile 1.1, across the Bronx River, to require that the draw shall open on signal if at least a two-hour advance notice is given. The requirement that the draw need not open for vessel traffic, 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, will remain unchanged by this action.

Hutchinson River Parkway Bridge

Revise the operating regulations at 33 CFR 117.793(b) for the Hutchinson Parkway Bridge, mile 0.9, across the Hutchinson River, to require that the draw shall open on signal if at least a two-hour advance notice is given.

Bruckner Boulevard/Unionport Bridge

Revise the operating regulations at 33 CFR 117.815 for the Bruckner Boulevard/Unionport Bridge, mile 1.7, across Westchester Creek, to add the requirement that the draw open on signal if at least a two-hour advance notice be given. The requirement that the draw need not open for vessel traffic, 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, will remain unchanged by this action.

Requests for bridge openings may be given to the New York City Department of Transportation (NYCDOT) Radio Hotline or NYCDOT Bridge Operations Office.

This consistent two-hour advance notice requirement will allow the bridge owner to utilize multiple crews of drawtenders to open the bridges and still meet the reasonable needs of navigation.

The Coast Guard believes this roving crew concept will be successful because commercial vessel transits are scheduled in advance. Providing a two-hour notice for bridge openings should not prevent vessels from transiting the waterway in a timely manner.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridges will still open for marine traffic provided a two-hour notice is given. Commercial transits are scheduled in advance. Providing a two-hour advance notice should not prevent vessels from transiting in a timely manner.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the bridges will still open for all vessel traffic after a two-hour advance notice is given. Commercial vessel transits are scheduled in advance. Providing a two-hour notice for bridge openings should not prevent vessels from transiting the waterway in a timely manner.

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.771(a) is revised to read as follows:

§ 117.771 Bronx River.

(a) The draw of the Bruckner Boulevard Bridge, mile 1.1, at the Bronx, New York, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline, or the NYCDOT Bridge Operations Office. From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the bridge need not be opened for the passage of vessels.

* * * * *

3. Section 117.793(b) is revised to read as follows:

§ 117.793 Hutchinson River (Eastchester Creek).

* * * * *

(b) The draw of the Hutchinson River Parkway Bridge, mile 0.9, at the Bronx, New York shall open on signal if at least a two-hour notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline, or the NYCDOT Bridge Operations Office.

* * * * *

4. Section 117.815 is revised to read as follows:

§ 117.815 Westchester Creek.

The draw of the Bruckner Boulevard/Unionport Bridge, mile 1.7, at the Bronx, New York, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) radio hotline, or the NYCDOT Bridge Operations Office. The draw need not be opened for vessel traffic from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday. The owner of the bridge shall provide clearance gauges according to the provisions of § 118.160 of this chapter.

Dated: July 17, 2000.

G.N. Naccara,

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

[FR Doc. 00–18683 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD042–3051; FRL–6838–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Maryland regulations regarding batch type hot-dip galvanizing installations. The revisions effect the fluxing process at these facilities and the changes allow more flexibility in controlling particulate matter emissions while maintaining the same opacity limit on this process. These revisions were submitted by the State of Maryland, Department of the Environment (MDE) as a revision to its State Implementation Plan (SIP) on July 17, 1995.

DATES: This rule is effective on September 25, 2000 without further notice, unless EPA receives adverse written comment by August 24, 2000. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Ms. Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814–2191, or by e-mail at knapp.ruth@epamail.epa.gov.

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

Table of Contents

I. What Is the EPA Approving?

We are approving, as a SIP revision, changes made to the regulations that are related to batch type hot-dip galvanizing installations. These facilities perform finishing techniques on metals. In order to protect metals, such as steel, from corrosion, chemical coatings are applied. There are usually three steps in the hot dip process: surface preparation, fluxing, and galvanizing. The changes being made to the regulation effect the fluxing portion of the process. The revisions allow particulate emissions from fluxing to be controlled using a pollution control device. The revisions were submitted as a SIP revision to EPA on July 17, 1995. The changes allow these facilities to meet the current opacity limit by installing control equipment instead of imposing limits on materials used during fluxing.

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

We are approving revisions to a portion of the regulations that only apply to batch type hot-dip galvanizing operations. These facilities perform finishing techniques on metals and apply coatings to help protect the metal products from corrosion. Only these types of facilities are effected by the revisions. There are no new requirements for these facilities.

III. What Are the Provisions of the Revised Regulations?

The revised regulations allow more flexibility for these facilities to meet the 20% opacity limit contained in COMAR 26.11.12.04. The revisions allow a facility to install pollution control equipment to meet the applicable opacity limit instead of maintaining limits on the fluxing process. The revision provides that MDE must approve the use of the control device. If MDE approves the selection of a federally approved control device, no further action is required between MDE and us. However, if MDE approves the use of a non-federally approved control device then MDE must submit a source specific SIP revision to us so that use of the device can be federally approved. This additional step is required since there is no documented process provided in the regulation indicating how MDE will determine when a control device may be used in these situations. We view this revision as potentially allowing the selection of an alternative method of pollution control which has not been federally delegated to MDE.

IV. What Are the Current Limits on These Sources?

All batch type hot-dip galvanizing operations are prohibited from using ammonium chloride in prefluxes and top fluxes except where it is contained in a prepackaged flux compound of which the ammonium chloride content does not exceed 69 percent. The facilities are also prohibited from applying a flux to a galvanized end product.

V. What Supporting Material Did Maryland Provide?

Maryland provided information pertaining to the current regulation and the possible use of a control device. Visible emission limits are usually met by restrictions on the flux process which is generally uncontrolled. MDE indicates that use of a baghouse for control of particulate pollution may be a possible alternative to existing process limitations. This change provides an opportunity for operational flexibility but does not mandate require any changes at existing facilities.

VI. What Are the Environmental Effects of This Action?

Visible emission limitations are not being revised. Therefore, this action should not have an adverse impact on air quality. This action provides industry with additional flexibility to meet existing air pollution limits.

VII. EPA Rulemaking Action

We are approving, through direct final rulemaking, revisions to Maryland's batch type hot-dip galvanizing regulations. The revisions pertain to the manner in which a source may comply with the current opacity limits. 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 the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on September 25, 2000 without further notice unless we receive adverse comment by August 24, 2000. Should we receive such comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action must do so at this time.

VIII. Administrative Requirements

A. General Requirements

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

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action effect batch type hot-dip galvanizing installations in Maryland only.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 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).) This action only effects batch type hot-dip galvanizing installations in Maryland.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 1, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart 52.1070—Maryland

2. Section 52.1070 is amended by adding paragraphs (c)(149) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(149) Revisions to the Maryland Regulations related to use of pollution control devices in COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment to Mr. Stanley Laskowski of EPA transmitting revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations.

(B) Revision to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations. Revisions were effective on May 8, 1995.

(ii) Additional Material.—Remainder of July 17, 1995, submittal related to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations and the use of pollution control equipment to meet visible emission limitations.

[FR Doc. 00–18528 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1591, MM Docket No. 99–319; RM–9756]

Digital Television Broadcast Services; Albany, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Waitt License Company of Georgia, L.L.C., licensee of station WFXL(TV), NTSC Channel 31, substitutes DTV Channel 12 for DTV Channel 30 at Albany, Georgia. *See* 64 FR 60150, November 4, 1999. DTV Channel 12 can be allotted to Albany at coordinates (31–19–52 N. and 83–51–43 W.) with a power of 60, HAAT of 287 meters, and with a DTV service population of 631 thousand. With this action, this proceeding is terminated.

DATES: Effective September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–319, adopted July 19, 2000, and released July 20, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television 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.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Georgia, is amended by removing DTV Channel 30 and adding DTV Channel 12 at Albany.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00–18765 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1577; MM Docket No. 98–86; RM–9284, RM–9671]

Radio Broadcasting Services; Wamsutter and Bairoil, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountain Tower Broadcasting, allots Channel 261C to Wamsutter, Wyoming as the community's first local aural service; and, at the request of Mount Rushmore Broadcasting, Inc., allots Channel 266A to Wamsutter as a second local aural service, and Channel 265A at Bairoil, Wyoming as the community's first local aural service. *See* 63 FR 34621 (June 25, 1998).

Channel 261C can be allotted to Wamsutter in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 23.4 kilometers (14.6 miles) at coordinates 41–44–00 and 108–14–27. Channel 266A can be allotted at Wamsutter without the imposition of a site restriction, at coordinates 41–40–18 and 107–58–18; and Channel 265A can be allotted at Bairoil without the imposition of a site

restriction, at coordinates 42–14–42 and 107–33–24. Filing windows for Channels 261C and 266A at Wamsutter and 265A at Bairoil will not be opened at this time. Instead, the issue of opening a filing window for each channel will be addressed by the Commission in a subsequent *Order.*

DATES: Effective August 28, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–86, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Wamsutter, Channels 261C and 266A and Bairoil, Channel 281A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18754 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1571; MM Docket No. 96–204; RM–8876 and RM–9015]

Radio Broadcasting Services; Martin, Tiptonville, and Trenton, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies a petition for reconsideration of a *Report and Order Order,* 63 FR 49684 (September 17, 1998), that denied a petition for rule making and the alternative allotment plan filed by Thunderbolt Broadcasting Company (''Thunderbolt'') proposing the substitution of Channel 267C3 for Channel 269A at Martin, Tennessee. To accommodate its proposal to upgrade Station WCMT(FM)'s Channel 269A to Channel 267C3 at Martin, Thunderbolt also proposed to substitute Channel 247A for Channel 267C3 at Tiptonville, Tennessee and to substitute Channel 249C3 for Channel 248C3 at Trenton, Tennessee. These alternate proposals were rejected because engineering studies determined that retaining Channel 267C3 at Tiptonville would result in service to many more people than allotting Channel 267C3 to Martin.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 96–204, adopted on July 5, 2000, and released on July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1231 20th Street, NW., Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18752 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1560; MM Docket No. 00–5; RM–9752]

Radio Broadcasting Services; Las Vegas and Pecos, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of BK Radio, substitutes Channel 268C3 for Channel 268A at Las Vegas, NM, reallots Channel 268C3 from Las Vegas to Pecos, NM, as the community's first local aural service, and modifies its construction permit (BPH–19960829MH) accordingly. *See* 65 FR 4798, February 1, 2000. Channel 286C3 can be allotted to Pecos in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.7 miles) east, at coordinates 35–32–54 NL; 105–35–18 WL. This action also editorially amends the Table of FM Allotments to reflect the substitution of Channel 275C2 for Channel 275A at Las Vegas, NM, pursuant to Station KTRL's one-step upgrade application (BMPH–19991220ACQ) granted on March 30, 2000.

DATES: Effective August 28, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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. 00–5, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channels 268A and 275A and adding Channel 275C2 at Las Vegas and by adding Pecos, Channel 268C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18764 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1561; MM Docket No. 00–7; RM–9799]

Radio Broadcasting Services; Alva, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Wing-&-a-Prayer Broadcasting Company (''petitioner''), allots Channel 296C3 to Alva, OK, as the community's fourth local FM service. *See* 65 FR 4400, January 27, 2000. A filing window for Channel 296C3 at Alva will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective August 28, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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. 00–7, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 296C3 at Alva.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18763 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1520; MM Docket No. 99–2157; RM–9337, RM–9892]

Radio Broadcasting Services; Mason, Menard and Fredericksburg, TX.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of BK Radio, Jayson and Janice Fritz, Foxcom, Inc., and Kent S. Foster, this document allots Channel 239C2, Channel 273C2, and Channel 289C2 to Mason, Texas. BK Radio may amend its pending application for Channel 281C2 at Mason, Texas, to specify operation on Channel 239C2 without loss of cut-off protection. Jayson and Janice Fritz may amend their pending application for Channel 281C2 at Mason, Texas, to specify operation on Channel 289C2 without loss of cut-off protection. Foxcom, Inc. may amend its pending application for Channel 281C2 at Mason, Texas, to specify operation on Channel 273C2 without loss of cut-off protection. This document also allots Channel 265C2 to Menard, Texas. See 64 FR 33237, published June 22, 1999. The reference coordinates for the Channel 265C2 allotment at Menard, Texas, are 30–44–00 and 99–44–00. The reference coordinates for the Channel 239C2 allotment at Mason, Texas, are 30–33–24 and 99–25–34. The reference coordinates for the Channel 289C2 allotment at Mason, Texas, are 30–31–40 and 99–07–51. The reference coordinates for the Channel 273C2 allotment at Mason, Texas, are 30–38–21 and 99–20–36. The reference coordinates for the Channel 281C2 allotment at Mason, Texas, are now 30–44–55 and 99–13–49. The counterproposal filed by Munbilla Broadcasting to allot Channel 249C2 to Fredricksburg, Texas will not be considered in this proceeding because it required each applicant to amend their respective application to specify operation on Channel 273C2 at Mason. This proposal would not comply with the separation requirements set forth in Section 73.207(b) of the Rules.

DATES: Effective September 5, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 99–215, adopted June 28, 2000, and released July 7, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, D.C. 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 Texas, is amended by adding Channel 239C2 at Mason.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 289C2 at Mason.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 273C2 at Mason.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Menard, Channel 265C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18762 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1573; MM Docket No. 99–222; RM–9602 and RM–9789]

Radio Broadcasting Services; Fountain Green and Levan, UT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 260A at Fountain Green, Utah, in response to a petition filed by Mountain West Broadcasting. *See* 64 FR 34750, June 29, 1999. The coordinates for Channel 260A at Fountain Green are 39–37–42 and 111–38–24. In response to a counterproposal filed by Micro Communications, Inc. we will substitute Channel 244C1 for Channel 256A at Levan, Utah, and modify the construction permit for Station KBLN to specify operation on Channel 244C1. The coordinates for Channel 244C1 at Levan are 39–33–32 and 111–46–55. A filing window for Channel 260A at Fountain Green will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective August 28, 2000.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–222, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Utah, is amended by adding Fountain Green, Channel 260A and by removing Channel 256A and adding Channel 244C1 at Levan.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18759 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1572; MM Docket No. 99–343; RM–9750, BPED–19990630MB]

Radio Broadcasting Services; Elberton, Lavonia and Pendergrass, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Radio Elberton, Inc., reallots Channel 221A from Elberton, GA, to Lavonia, GA, as the community's first local aural service, and modifies Station WWRK–FM's license accordingly. Channel 221A can be allotted to Lavonia in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.5 kilometers (7.8 miles) west, at coordinates 34–27–26 NL; 83–14–27 WL, to accommodate petitioner's desired transmitter site. This action found that the public interest was better served by the provision of a first local aural service for the more populous community of Lavonia than by the mutually exclusive proposal of Waves of Mercy Productions, Inc., to provide a first local aural service on noncommercial educational FM Channel 220A at Pendergrass, GA (BPED–1990630MB). *See* 64 FR 70672, December 17, 1999.

DATES: Effective August 28, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554

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. 99–343, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 221A at Elberton and by adding Lavonia, Channel 221A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18758 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 072000A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2000 total allowable catch (TAC) of Pacific ocean perch in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 21, 2000, through 2400 hrs, A.l.t., December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the

BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2000 TAC of Pacific ocean perch for the Western Aleutian District was established as 5,245 metric tons (mt) by the Final 2000 Harvest Specifications of Groundfish for the BSAI (65 FR 8282, February 18, 2000). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2000 TAC for Pacific ocean perch in the Western Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,445 mt, and is setting aside the remaining 800 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 2000 TAC of Pacific ocean perch for the Western Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 20, 2000.

Rebecca Lent,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–18747 Filed 7–20–00; 1:46 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 143
Tuesday, July 25, 2000

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 215, 225, 226, and 245

RIN 0584–AC21

Special Milk Program for Children, Summer Food Service Program, Child and Adult Care Food Program, and Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools: Disclosure of Children's Eligibility Information

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations for the Special Milk Program for Children, Summer Food Service Program, Child and Adult Care Food Program and the Determination of Eligibility for Free and Reduced Price Meals and Free Milk in Schools to establish new requirements. These requirements relate to the confidentiality of information about individuals who receive free and reduced price meals and free milk. The rule would protect the confidentiality of personal data, but would allow the limited disclosure and use of a participant's program eligibility information or eligibility status. That information could be used by certain education, health, and means-tested nutrition programs. The rule reflects the confidentiality provisions of the Healthy Meals for Healthy Americans Act of 1994.

DATES: To be assured of consideration, comments must be postmarked on or before November 22, 2000.

ADDRESSES: Address all comments concerning this proposed rule to Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302. You also may submit comments electronically at cndproposal@fns.usda.gov. All written submissions received will be available for public inspection in Room 1007 at the address listed above, during regular business hours (8:30 a.m. to 5 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Barbara Semper or Mary Jane Whitney at the above address or by telephone at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Background

The Food and Nutrition Service (FNS) has had a longstanding policy that the information obtained from children's free and reduced price meal or free milk applications is confidential. Under this policy, the determining agency could only use the information on the application for program purposes. (For the purpose of this preamble, a determining agency means the State agency, school food authority, school (including a private or charter school), child care institution or Summer Food Service Program sponsor that makes the free and reduced price meal or free milk eligibility determination.) FNS applied this policy to all the Child Nutrition Programs, which include the National School Lunch Program (NSLP), Special Milk Program for Children (SMP), Summer Food Service Program (SFSP), and the Child and Adult Care Food Program (CACFP). FNS based the policy on sections 9(b)(4) and (5), 11(e), and 17(g)(2) of the National School Lunch Act (NSLA) (42 U.S.C. 1758(b)(4) and (5), 1759a(e), and 1766(g)(2)). These sections of the NSLA prohibit the overt identification of individuals who are eligible for free and reduced price meals or free milk. FNS incorporated the overt identification provision into the regulations at 7 CFR 215.13a(a) and (d)(3) for the SMP in child-care institutions; 225.6(c)(3)(ii)(C) and (F) for the SFSP; 226.23(b) and (c)(3) and (5) for the CACFP; and 245.1(b), 245.8(b), and 245.10(a)(4) for the NSLP, SBP, and SMP in schools. The policy permitted the determining agency to disclose only aggregate information, such as the number of children eligible for free and reduced price meals in an individual school. However, the determining agency could only disclose other information with the consent of children's parents or guardians.

Other programs have had increased interest in access to information about individuals who are eligible for free and reduced price meals or free milk. In fact, several Federal agencies, such as the Department of Labor and the Department of Education, cite free and reduced price meal eligibility as an eligibility criterion for some programs that they administer. Additionally, some Federal, State, and local education programs have requested free and reduced price meal eligibility status to use for statistical and research purposes.

FNS recognized that sharing information may benefit program participants and their households. FNS issued guidance to determining agencies in June 1992 and again in August 1998 concerning multi-use applications in the NSLP, SBP or SMP. The 1998 guidance also stated that the CACFP could also use a multi-use application. Using the multi-use application approach, households can indicate interest in programs in addition to applying for free and reduced price school meals or free milk. Determining agencies that choose to use a multi-use application must include a consent statement on the free and reduced price meal and free milk application. The consent statement lists the programs or uses to which the household may indicate interest, permits children's parents or guardians to limit consent to specified uses or programs and advises households that agreeing to the disclosure of their free and reduced price eligibility is not a requirement for participation in the child nutrition programs. The parent/guardian must sign the consent indicating that they understand that the determining agency may share eligibility information with these programs. The determining agency may also use a consent form separate from the free and reduced price application.

I. What Is a Disclosure and What Is the Disclosure Statute?

Any time information is revealed or used for a purpose other than for the purpose for which the information was obtained is a disclosure. This is true even when the same agency that obtained the information is the one wishing to use it for another purpose. The term ''disclosure,'' refers to access, release, or transfer of personal data about participants by means of print, tape, microfilm, microfiche, and electronic communication or other means. In this rule, the data would be individual children's free and reduced

price eligibility status or other information obtained through the free and reduced price meal or free milk eligibility process. In the CACFP, this could also include a participating adult's eligibility information.

As discussed above, determining agencies were previously prohibited from disclosing personal data unless they first obtained consent. Section 108 of Public Law 103–448, the Healthy Meals for Healthy Americans Act of 1994, amended Section 9(b)(2)(C) of the NSLA to allow, without consent, limited disclosure of eligibility information about free and reduced price meal eligibility. The statute authorizes the disclosure of participants' free and reduced price information obtained from a free and reduced price meal application or obtained through direct certification. Direct certification is the process by which program operators determine program eligibility by directly communicating with the appropriate State or local agency to obtain documentation that an individual is a member of a food stamp household or a family receiving assistance under certain State programs for the Temporary Assistance for Needy Families (TANF). The statute authorizes disclosure to:

(1) Persons directly connected with the administration or enforcement of the NSLA or the Child Nutrition Act of 1966 (42 U.S.C. 1771 *et seq.*) (CNA) or a regulation enacted under either of those Acts;

(2) Persons directly connected with the administration or enforcement of a Federal education program;

(3) Persons directly connected with the administration or enforcement of a State health or education program (other than Medicaid) administered by the State or local education agency;

(4) Persons directly connected with the administration or enforcement of a Federal, State or local means-tested nutrition program with eligibility standards comparable to the NSLP;

(5) The Comptroller General of the United States for audit and examination; and

(6) Law enforcement officials involved in investigating alleged violations of any of these programs.

The statute specifies that certain of the persons and programs listed above may have access to participants' names and eligibility status only, while other persons or programs may have access to all eligibility information. Any disclosures not authorized by the statute require the prior consent of parents or guardians. The statute also specifies a fine of not more than $1,000 or imprisonment of not more than 1 year, or both, for unauthorized disclosures of free and reduced price eligibility information.

Please note that although the statute allows limited disclosure, determining agencies are not required by the statute or by this proposed rulemaking to disclose eligibility information. This is a State and local decision.

II. What Programs Do the Disclosure Provisions Apply To?

The new disclosure provisions appear in the part of the NSLA that pertains to the free and reduced price meal application process for the NSLP. However, based on FNS practices and policies dealing with issues in the past and need for consistency among the Child Nutrition Programs, we are proposing to apply the confidentiality provision to information obtained in all the Child Nutrition Programs including the SBP, SMP, CACFP, and camps and enrolled sites in the SFSP. Therefore, this rule would also amend the regulations for each of these programs. The various sections to be amended are listed following the discussion of each issue addressed by this rule. The minor wording differences necessary to accommodate the terminology for the specific programs are not addressed in the preamble. School food authorities, SMP child-care institutions, CACFP institutions, and SFSP sponsors are collectively referred to as ''program operators'' in the preamble.

III. Does the Statute Limit the Disclosure to Eligibility Information That Program Operators Obtain From the Free and Reduced Price Meal or Free Milk Application or May Program Operators Disclose Information That They Obtain From Other Sources?

The statute refers only to the use and disclosure of information obtained from an application for free and reduced price meals or through direct certification. The statute does not refer to other information concerning program eligibility, such as information obtained through verification efforts. State agencies and school food authorities are required to verify the information on selected free and reduced price meal applications for the NSLP and the CACFP. These requirements are in sections 245.6a for the NSLP and the SBP and 226.23(h) for the CACFP. Verification may include obtaining documentation of eligibility from the applicant households and collateral contacts with third parties to confirm information provided by the household. This proposal would expand the statutory provision and treat all program eligibility information, including verification information not originating with the free and reduced price meal application, the same as information obtained from the free and reduced price meal application. All the disclosure provisions would apply.

IV. Why Is There Need for a Proposed Rule?

The statute is clear regarding disclosure of information to specific persons and programs for some uses, but not others. For example, there may be some question as to what constitutes an education program or who are persons directly connected with the administration or enforcement of programs under the NSLA or CNA. Also, student privacy and the potential for misuse of confidential information are issues of concern. Therefore, FNS is issuing this proposal to invite comment on which persons and programs should have access within the structure provided by the statutory provisions.

On December 7, 1998, FNS issued to all State agencies guidance on the disclosure of program eligibility information under the amendments made by Public Law 103–448 to section 9(b)(2)(C) of the NSLA. This proposed rule generally reflects the content of the guidance. However, once a final rule is published it will supersede the guidance.

V. What Information May Be Disclosed Without Consent?

A. Disclosure of Aggregate Information

This proposed rule would continue to permit program operators to disclose school level aggregate information (*e.g.,* numbers of participants eligible for free meals) that does not individually identify participants to any person or program. Program operators are not required to obtain parental consent for this type of disclosure. The authority for disclosure of aggregate information would be added to sections 215.13a(g)(2), 225.15(g)(2), 226.23(i)(2), and 245.6(f)(2) by this proposed rule.

B. Disclosure of Names and Eligibility Status, As Specified in the Statute

Section 9(b)(2)(C)(iii)(II) of the NSLA specifies that information obtained from the free and reduced price application and through direct certification may be disclosed to ''persons directly connected'' with the administration or enforcement of certain programs. The statute only explicitly mentions eligibility information and does not specifically mention participant's names. However, while the law does not mention the disclosure of participants' names, the eligibility status would be no

different than aggregate information without the names. Thus, this proposed rule would add sections 215.13a(g)(3), 225.15(g)(3), 226.23(i)(3), and 245.6(f)(3) to permit the disclosure of only the participants' names and eligibility status to persons directly connected with the administration or enforcement of the following programs:

(1) *Federal education programs.* In section 9(b)(2)(C)(iii)(II)(aa) of the NSLA, Congress specified that eligibility status may be disclosed to ''persons directly connected'' with the administration or enforcement of a Federal education program. The law intends that persons directly connected with a Federal program which provides academic or vocational educational benefits to children may have access to a student's eligibility status for Child Nutrition Programs. This would include persons directly responsible for administering or enforcing program regulations under the Department of Education. The Department of Education's programs are too numerous to list, but would include such programs as Title I; TRIO Programs; migrant education; educational research projects, such as the National Assessment of Educational Progress; vocational programs under the Carl D. Perkins Vocational and Applied Technology Education Act; and enforcement activities, such as program compliance and civil rights reviews.

The statute allows the disclosure of eligibility status to educational programs under the jurisdiction of any Federal agency, not just the Department of Education. Therefore, the disclosure of eligibility status to persons directly connected to the administration or enforcement of vocational training programs under the Department of Labor, such as educational/job training programs under the Workforce Investment Act (previously the Job Training Partnership Act), and any compliance reviews under those programs would fall within the category of ''Federal education programs.'' FNS encourages commenters to provide specific information about other Federal programs that they believe may qualify in this regard.

(2) *State health or education programs (other than Medicaid).* In section 9(b)(2)(C)(iii)(II)(bb) of the NSLA, Congress specified that eligibility status may be disclosed to ''persons directly connected'' with the administration or enforcement of a State health or education program administered by either a State agency or local educational agency. FNS emphasizes that the statute specifies that these must be State health or education programs.

To assist with health insurance outreach for children from low-income households, FNS included in its prototype application for free and reduced price meals, issued August 1998, a provision under which parents may consent to the sharing of information with Medicaid and the State Children's Health Insurance Program (SCHIP). Subsequently, FNS developed and distributed to State agencies several additional prototype forms to facilitate the disclosure of children's free and reduced price meal eligibility information, with parental/guardian consent, to identify and enroll children in Medicaid and SCHIP. However, the Agricultural Risk Protection Act of 2000, (Public Law 106–224), enacted on June 20, 2000, amended Section 9(b)(2)(C) of the NSLP (42 U.S.C. 1751(b)(2)(C)) to permit limited disclosure of children's free and reduced price meal eligibility information to ''a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa *et seq.*).'' The provision is effective October 1, 2000. Additionally, Section 263 of Public Law 106–224 requires that the Secretary promulgate regulations to implement its provisions. FNS will issue a rule to implement the authority to disclose children's free and reduced price meal eligibility information for State Medicaid and SCHIP purposes as a separate implementing rule. In the interim, FNS continues to partner with the Departments of Education and Health and Human Services to facilitate the enrollment of children in State Medicaid and SCHIP.

Currently, there is increased emphasis on developing comprehensive school health programs in recognition of the contribution proper health and well-being make in maximizing educational opportunities. State health programs administered by a State agency or local education agency that may have access to participants' eligibility status, without consent, could include alcohol and drug abuse education programs, dental, immunization and vision services, and mental health services under the sponsorship of the school.

Additionally, Congress included only State education programs and Federal education programs, as previously discussed. Therefore, no program eligibility information (including names and eligibility status) may be disclosed for local education programs without consent. Representatives of State or local education agencies evaluating the results and compliance with student assessment programs would be covered only to the extent that the assessment programs were established at the State, not local level.

(3) *Federal, State or local means-tested nutrition programs.* Section 9(b)(2)(C)(iii)(II)(cc) of the NSLA permits the disclosure and use of eligibility status for some other Federal, State and local means-tested nutrition programs. These are programs with eligibility standards comparable to the NSLP (*i.e.*, a maximum eligibility limit of 185 percent of the Federal poverty level ($30,895 annually for a household of four for School Year 1999–2000)). This would include the Food Stamp Program and some State and local means-tested nutrition programs as eligible recipients of eligibility status.

C. Disclosure of All Eligibility Information, As Specified in the Statute

In addition to names and eligibility status, determining agencies may disclose, without consent, any or all information concerning participation, including the information obtained from the application for free and reduced price meals or free milk, through direct certification, or through verification, to the following:

(1) *Persons directly connected with the administration or enforcement of National School Lunch Act or Child Nutrition Act programs.* Section 9(b)(2)(C)(iii)(I) permits persons directly connected with the administration or enforcement of the NSLA or CNA to have access to all information obtained from the free and reduced price meal application or direct certification. As discussed above, FNS is proposing to treat all program eligibility information the same as information obtained from the application or direct certification. Therefore, this rule would permit the disclosure of all program eligibility information to persons directly connected with the administration or enforcement of the NSLA or CNA. This means that program eligibility information may now be shared, without consent, between Child Nutrition Programs and other programs authorized under those Acts. Although, accordingly, eligibility information may now be shared with the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), this rule in no way affects the sharing of information about WIC participants. Information about WIC participants may be shared only in accordance with 7 CFR part 247. This means that program eligibility information may be shared

with another Child Nutrition Program, even if the programs are sponsored by different entities. For example, a public school may disclose information from children's free and reduced price school meal application, without consent, to a person directly connected with an organization, such as Parks and Recreation, administering a Summer Food Service Program. This provision is in sections 215.13a(g)(4)(i), 225.15(g)(4)(i), 226.23(i)(4)(i), and 245.6(f)(4)(i) of this proposed rule.

(2) *Certain law enforcement officials.* Section 9(b)(2)(C)(iii)(III)(bb) of the NSLA allows disclosure of all information obtained from the free and reduced price meal application or direct certification to Federal, State, and local law enforcement officials who are investigating alleged violations of any of the programs under the NSLA or CNA or any of the programs permitted to receive names and eligibility status. As discussed above, FNS is proposing to treat all program eligibility information the same as information obtained from the application or direct certification. Therefore, this rule would permit the disclosure of all program eligibility information, including information obtained through any verification procedures, to these law enforcement officials. This provision is in section 215.13a(g)(4)(iii), 225.15(g)(4)(iii), 226.23(i)(4)(iii), and 245.6(f)(4)(iii) of this proposed rule.

Thus, this proposal would allow disclosure of any or all program eligibility information to law enforcement officials investigating alleged violations of the Child Nutrition Programs and WIC. Also, the proposal would permit disclosure of this information to law enforcement officials who are investigating an alleged violation of a program authorized access to eligibility status under the NSLA. This could be a Federal education program, a State health or education program (other than Medicaid) administered by the State or local education agency, or other Federal, State or local means-tested nutrition programs (such as the Food Stamp Program). The statute does not authorize disclosure of any program eligibility information (other than aggregate information) to law enforcement officials investigating alleged violations of other programs or laws. For example, law enforcement officials involved in child custody cases are not authorized access under this provision. However, FNS continues to advise that if the request for information is in the form of a subpoena issued by a court or other government body possessed of subpoena power, program operators should seek guidance from their legal counsel and the State agency.

(3) *The Comptroller General of the United States.* Section 9(b)(2)(C)(iii)(III)(aa) of the NSLA specifically authorizes the Comptroller General of the United States to have access to information obtained from the free and reduced price meal application or direct certification for audit and examination. As discussed above, FNS is proposing to treat all program eligibility information the same as information obtained from the application or direct certification. Therefore, this rule would permit the disclosure of all program eligibility information to the Comptroller General. This provision would be added to sections 215.13a(g)(4)(ii), 225.15(g)(4)(ii), 226.23(i)(4)(ii), and 245.6(f)(4)(ii) by this proposed rule.

VI. Who Are ''Directly Connected Persons?''

The confidentiality provision in the NSLA permits disclosure and use of certain program eligibility information specifically to ''persons directly connected with the administration or enforcement'' of various statutes and programs. This rule would define ''persons directly connected with the administration or enforcement'' as Federal, State, and local program operators responsible for the ongoing operation of the programs or activities listed in section 9(b)(2)(C) of the NSLA and compliance officials responsible for monitoring, reviewing, auditing, or investigating a program, who are thereby authorized access to children's free and reduced price eligibility information as a specified function of those activities. It may also include contractors or grantees, who act on their behalf. Grantees and contractors, like others involved in the administration and enforcement of a program, may only use the information for program purposes.

The statute does not imply that Congress intended that programs or individuals have unlimited access to free and reduced price eligibility information. Rather, there must be a legitimate need to know in order to provide a service or carry out an activity authorized under the disclosure provision of section 9(b)(2)(C) of the NSLA. For example, persons having legitimate access may include the school principal, who has overall responsibility for specific programs within the school, which are entitled to eligibility information. Additionally, the school food service director, cafeteria manager and cafeteria staff, who are responsible for determining free and reduced price school meal eligibility and/or verifying the information, issuing the medium of exchange for free and reduced price meals, or for counting meals served by type are persons having legitimate access to free and reduced price eligibility information. Federal, State and local reviewers responsible for reviewing or auditing compliance with the Program regulations may have access to program eligibility information for monitoring purposes. Reviews may include civil rights reviews to ensure that there is no discrimination in the food service, as well as administrative reviews or audits, such as those conducted under the Coordinated Review Effort. Release of free and reduced price eligibility information to teachers, cafeteria staff or other persons who are not involved in any program function which would necessitate knowledge about eligibility would not be entitled to that information. Additionally, parent organizations could not have access either, since they would not be involved in the administration or enforcement of the program. The intent is to limit disclosure of program eligibility information to those who have a ''need to know'' program eligibility information for proper administration or enforcement of the particular program. A description of ''persons directly connected'' is included in proposed sections 215.13a(g)(5), 225.15(g)(6), 226.23(i)(6), and 245.6(f)(5).

VII. For What Purposes May Program Eligibility Information Be Used?

The State agency and program operator may use program eligibility information for administering or enforcing the program for which the information was obtained. In addition, any other Federal, State or local agency charged with administering or enforcing the program may use the information for that purpose. This provision would be added to §§ 215.13a(g)(6), 225.15(g)(5), 226.23(i)(5), and 245.6(f)(6).

VIII. Who Decides Whether To Disclose Program Eligibility Information?

The agency that makes the free and reduced price meal or free milk determination is the only agency that can decide to disclose program eligibility information. In most cases, this is the school food authority or school, Summer Food Service Program sponsor, or Child and Adult Care Food Program sponsor, but sometimes the State agency performs this function. This provision is at proposed §§ 215.13a(g)(1), 225.15(g)(1), 226.23(i)(1), 245.6(f)(1).

IX. What If Student Records and Other Systems Are Computerized?

Many schools are now computerized, and individual student information is often part of a Statewide electronic data base under the responsibility of the State's Department of Education. The information may also be part of a local school district data base. Typically, these databases contain ''directory information,'' such as student's name, address, phone number, and ''education records,'' such as achievement test scores, grades, special education plans, and evaluations. The Department of Education has regulations restricting access to ''education records,'' including those on computerized systems. These regulations are found at 34 CFR part 99.

Program operators should take note that ''education records'' do not include Child Nutrition Program eligibility information. Therefore, the Department of Education regulations do not extend to program eligibility information for the Child Nutrition Programs. Nor is compliance with the Department of Education confidentiality regulations sufficient to meet the confidentiality protections in the NSLA. Therefore, program operators must ensure that to the extent that Child Nutrition Program eligibility information is kept together with other school records, the program operators, who may also be database managers, establish controls to ensure that the program eligibility information is used only for the authorized purposes and is available only to persons directly connected with the program.

Access to eligibility information for authorized purposes and to persons directly connected with the program is of particular concern in computerized databases. FNS is not proposing any specific methods to ensure compliance with the NSLA confidentiality provisions in these situations. However, FNS remains concerned about the extent of access to the databases, and ways to protect program eligibility information from disclosure and use beyond what is authorized by Congress. Since FNS experience in this area is limited, commenters are encouraged to provide their experiences with student databases in which access restrictions vary according to the sensitivity of the different data items in the database. An example would be a school district database where access to students' academic records is more restricted than is access to students' class schedules, addresses, and other common information. Comments on this subject will aid FNS in determining whether special controls are necessary in situations in which program eligibility information reside in the same database where other student information is maintained. While this rule would not forbid such arrangement, FNS wishes to emphasize that to comply with this rule, database managers, who may also be program operators, must restrict access to program eligibility information to only those individuals and uses authorized by statute and regulation.

X. Who Needs To Be Notified or May Give Consent for the Disclosure of Program Eligibility Information to Other Persons or Programs?

In general, when eligibility status or other information from the program eligibility information is shared with the persons and/or programs as authorized by the NSLA confidentiality provisions, the statute does not require that program operators first obtain consent. However, FNS believes that households should be informed of any potential disclosure of program eligibility information at the time of program application. This notice could be in the notice/letter to households that accompanies the application. It could also be on the application itself, or, for participants directly certified for free meals or milk, on the document informing the household of the participant's eligibility through direct certification. While FNS recommends that notice be given, FNS is not proposing to amend the regulations to require the notice. Different requirements apply with respect to disclosure of social security numbers as discussed later in this preamble.

XI. Consent

Determining agencies that want to disclose more information than that specifically permitted by the NSLA or for programs not specified in the NSLA provisions *must* obtain consent prior to the disclosure. For children, the consent must be given by the parent or guardian who is a member of the household or family for purposes of the free and reduced price meal or free milk application. For an adult participant in the CACFP, the consent must be given by the adult participant, unless a guardian has been appointed to act for the adult. The consent may be accomplished as part of the free and reduced price application, such as on a multi-use application, or at a later time. This approach is already authorized by the multi-use application guidance discussed earlier in the preamble. Also, the State agency or program operator may rely on a consent form initiated by the program or agency that wants to use the free and reduced price information. For example, the agency administering a local eye care program, which provides free or low cost eye examinations to low income children may request written permission from parents/guardians to get their children's free or reduced price meal eligibility information from their children's schools. The eye care program, in this case, would be securing from the household the consent for the determining agency to release the information to the administering agency.

In the case of direct certification, school officials or the agency administering the food stamp, FDPIR, or TANF, as appropriate, may add a consent statement to the notice of eligibility for free meals or milk that is provided to the household. A household interested in obtaining the specified services or benefits would sign and return the consent to the school.

FNS wishes to emphasize that under this proposed rule, only a parent or guardian who is part of the household or family for program application purposes may provide consent to disclose. In the Child Nutrition Programs, generally the household or family is the group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit. For adults in the CACFP, it is the adult and the adult's spouse and dependent(s) residing with the adult. (See the definitions of ''family'' or ''household'' in 7 CFR 215.2(k) for the SMP in child-care institutions, 225.2 for the SFSP, 226.2 for the CACFP, and 245.2 for the SMP in schools and the SBP and NSLP). Thus, in most cases of divorce or separation, this means the custodial parent or guardian. However, if custody is shared, the parents or guardians must decide who has primary custody for purposes of making application for the program. The parent or guardian having such custody would be the only person who could provide consent to disclosure of program eligibility information.

FNS is concerned about the personal financial data at stake. This information is unlike other student records that directly concern the education of the child, and in which both parents have a direct interest. The program eligibility information in these circumstances is associated with one parent or guardian, and FNS believes that only that parent or guardian should be able to give consent to its disclosure. FNS recognizes that this is a difficult issue and is particularly interested in comments on this point.

Regardless of the document used to secure the consent, officials must

provide the household with adequate information for them to determine whether or not to give consent to the proposed disclosure. This rule would amend §§ 215.13a(g)(9), 225.15(g)(9), 226.23(i)(9), and 245.6(f)(9) to set the minimum standards for that notice. To be valid, the consent must be in writing. It must identify the information that will be shared, how the information will be used, and be signed and dated by the participant's parent or guardian (or adult applicant or participant in the CACFP). It must also state that failing to sign the consent will not affect the participant's eligibility for the program for which application is being made and that the information will not be shared by the receiving program for other than program related reasons.

Parents/guardians/adult applicants and participants must also be permitted to limit the consent to only those programs with which they wish to share information. For example, the consent could use a check-off system under which the applicant would check or initial a box to indicate that he or she wants to have information disclosed to determine eligibility for benefits from a particular program. Finally, the consent must be signed and dated by a parent or guardian (or adult applicant or participant in the CACFP). Readers should note that although any adult household member may sign the free and reduced priced meal or free milk application, the consent must be signed by the parent or guardian for the child, or by the adult applicant or participant in the CACFP or that person's guardian. Only those persons have the authority to consent to these disclosures. Information may not be disclosed to individuals or programs under any circumstances beyond that authorized by law or the implementing regulation without consent.

XII. What Is Required When Social Security Numbers Are Disclosed?

There is no statutory requirement that applicants or participants must be notified of the potential use of program eligibility information. However, the Privacy Act requires that notice be given of the intended uses of social security numbers. Thus, if a State agency or program operator intends to release social security numbers, either through the disclosures authorized in the NSLA or with specific parental consent, then section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note) requires that notice of the planned uses of the social security number be given. The easiest method is to include the planned uses in the Privacy Act statement currently required by §§ 225.15(f)(4), 226.23(e)(1)(ii)(F), and 245.6(a)(1). The only uses currently listed in the regulations and the prototype application are for the determination and verification of eligibility for program meals. Any State agency or program operator that plans to release the social security number for other purposes must amend the Privacy Act statement to reflect this. State agencies and program operators are responsible for ensuring the adequacy of their Privacy Act statement, and FNS encourages them to consult with their legal counsel. This requirement would be added to sections 215.13a(g)(7), 225.15(g)(7), 226.23(i)(7), and 245.6(f)(7) by this proposed rule.

This rule would also propose to revise the current Privacy Act notice required in Parts 225, 226, and 245 and would propose a new Privacy Act notice requirement for the SMP in child-care institutions to ensure Privacy Act compliance in that program. The Privacy Act statements required to be given at the time of application would each be revised to replace the three sentences giving detailed descriptions of the potential use of the social security number for verification with a more general statement that the number will be used in the administration and enforcement of the program. An additional Privacy Act notice is required to be given before verification (for those programs subject to verification). That notice would continue to provide the more detailed description on the potential uses of social security numbers in verification. The sections that would be revised are §§ 225.15(f)(2)(vi), 226.23(e)(1)(ii)(F), and 245.6(a)(1). The Privacy Act requirement for the SMP in child-care institutions would be added at section 215.13a(f).

XIII. Are Agreements Required Before Disclosing Program Eligibility Information?

Persons and programs to which program eligibility information is disclosed under the statute (see Section I of the preamble), may only use the information in the administration or enforcement of the programs for which the information was released. The receiving agency cannot transfer or otherwise disclose eligibility information to a third party. This rule recommends that the determining agency enter into agreements with the persons or programs receiving the information before any disclosures are made, including disclosures made with consent. This is to ensure proper use of the information.

FNS wishes to ensure that parties receiving program eligibility information (including participants' names and eligibility status) fully understand the limitations on the use of the information and the penalties for misusing the information. The agreement should identify the programs and persons receiving the information and describe the information to be disclosed and how it will be used. It should also describe how the information will be protected from unauthorized uses and disclosures and describe the penalties for unauthorized disclosure. This provision would be added to §§ 215.13a(g)(10), 225.15(g)(10), 226.23(i)(10), and 245.6(f)(10).

XIV. Are There Any Penalties for Unauthorized Disclosure or Misuse of Information?

As mandated in the statute, the proposal includes criminal penalties for any person who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by Federal law, information disclosed under these provisions. The penalties may include a fine of up to $1,000 or imprisonment of up to 1 year or both. These penalties would be described in §§ 215.13a(g)(11), 225.15(g)(11), 226.23(i)(11), and 245.6(f)(11) of the proposed rule.

XV. Summary

FNS is proposing to amend the Child Nutrition Program regulations to permit the release of program eligibility information that is consistent with the revised provisions of the NSLA. FNS' goal is to facilitate the release of free and reduced price information to specified programs or individuals, without sacrificing the confidentiality of the individuals or their parents/guardians.

Readers should note that the law does not require State agencies and program operators to share information but provides authority for State agencies and program operators to do so. Also, program operators must continue to prevent the overt identification of children receiving free and reduced price meals or free milk. This includes following such practices as not publishing, posting or announcing the names of children eligible for free or reduced price meals or free milk. Program operators are also prohibited from making children eligible for free and reduced price meals or free milk use special serving lines or special tokens or tickets that are not made available to all students.

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes a requirement 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 prepares a written statement, including a cost-benefit analysis. This is done for proposed and final rules that have ''Federal mandates'' which may result in expenditures of $100 million or more in any one year by State, local, or tribal governments, in the aggregate, or by the private sector. When this 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. It must then adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule.

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

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Shirley R. Watkins, Under Secretary for Food, Nutrition and Consumer Services, has certified that this rule will not have a significant economic impact on a substantial number of small entities. By permitting access to certain eligibility information, this rule could reduce duplicate paperwork by certain agencies which serve low-income children and adults. The rule could streamline operations of those programs. The provisions of this rule also may enhance access to these programs by needy children. The Department of Agriculture (the Department or USDA) does not anticipate any adverse fiscal impact resulting from implementation of this rulemaking. Although there may be some burdens associated with this rule, the burdens would not be significant and would be outweighed by the benefits of sharing of information.

Executive Order 12372

The Special Milk Program, the Summer Food Service Program, and the Child and Adult Care Food Program are listed in the Catalog of Federal Domestic Assistance under Nos. 10.556, 10.559, and 10.558 respectively. These programs are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule related notice at 48 FR 29115, June 24, 1983).

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It 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 impede its full implementation. This rule is not intended to have retroactive effect unless that is specified in the Effective Date section of the preamble of the final rule. Before any judicial challenge to the provisions of this rule or the application of its provisions, all administrative procedures that apply must be followed. The only administrative appeal procedures relevant to this proposed rule are the hearings that FNS must provide for decisions relating to eligibility for free and reduced price meals and free milk (section 245.7 for the NSLP, SBP, and SMP in schools; section 226.23(e)(5) for the CACFP).

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, this notice invites the general public and other public agencies to comment on proposed information collection.

Written comments must be received on or before September 25, 2000.

Comments concerning the information collection aspects of this proposed rule should be sent to Brenda Aguilar, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC. 20503. A copy of these comments may also be sent to Mr. Eadie at the address listed in the **ADDRESSES** section of this preamble. Commenters are asked to separate their information collection requirements comments from their comments on the remainder of this proposed rule.

OMB is required to make a decision concerning the collection of information contained in this proposed regulation between 30 and 60 days after the publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulation.

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 has practical utility; (b) the accuracy of the agency's estimate of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The title, description, and respondent description of the information collections are shown below with an estimate of the annual recordkeeping burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: 7 CFR Part 215, Special Milk Program; 7 CFR Part 225 Summer Food Service Program; 7 CFR Part 226, Child and Adult Care Food Program; 7 CFR Part 245 Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools.

OMB Number: 0584–0005, 0584–0280, 0584–0055 and 0584–0026, respectively.

Expiration Date: 8/31/02, 2/28/03, 5/31/01, and 9/30/01, respectively.

Type of Request: Revision of currently approved collection.

Abstract: Under this proposal, determining agencies may disclose applicants' names and eligibility, without consent, to persons directly connected with the administration or enforcement of the following programs: Federal education programs; State health and State education programs administered by the State or local education agency; Federal, State, or local means-tested nutrition programs with eligibility standards comparable to the Child Nutrition Programs (*i.e.,* food assistance to households with income at or below 185 percent of the Federal poverty level). Additionally, State agencies and program operators may disclose all other eligibility information obtained through the free and reduced price meal or free milk eligibility process (including all information on

the application or obtained through direct certification or verification), without consent, to the following: Persons directly connected with the administration or enforcement of the programs authorized under the NSLA and CNA; the Comptroller General of the United States for audit and examination; and Federal, State or local law enforcement officials investigating alleged violations of the programs under the NSLA and CNA or investigating violations of any of the programs authorized access to names and free and reduced price meal or free milk eligibility information. Disclosing any free and reduced price meal or free milk eligibility information to individuals and programs not authorized under the statute requires written consent. The proposed rule makes several recommendations to State agency, school food authority, SMP child-care institution, SFSP sponsor, or CACFP institution and the entity that is requesting the program eligibility information. The rule recommends (1) that these entities inform potential participants that their eligibility information may be shared with other entities; and (2) that there is an agreement between the State agency, school food authority, SMP child-care institution, SFSP sponsor, or CACFP institution and the entity that is requesting the program eligibility information.

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN

	Section	Annual number of respondents	Annual frequency	Average burden per response	Annual burden hours
State agency or child care institution should enter into a written agreement with the party requesting the information:					
Total Existing State agencies	7 CFR 215.13a(g)(10)	0	0	0	0
Total Proposed State agencies	7 CFR 215.13a(g)(10)	57	1	.50	29
Total Existing Child Care Institutions	7 CFR 215.13a(g)(10)	0	0	0	0
Total Proposed Child Care Institutions	7 CFR 215.13a(g)(10)	207	1	.25	52
State agency and child care institution must give notice of any additional uses of the social security number:					
Total Existing State agencies	7 CFR 215.13a(g)(7)	0	0	0	0
Total Proposed State agencies	7 CFR 215.13a(g)(7)	57	1	.32	18
Total Existing Child Care Institutions	7 CFR 215.13a(g)(7)	0	0	0	0
Total Proposed Child Care Institutions	7 CFR 215.13a(g)(7)	207	1	.16	33
Child care institutions that plan to use or disclose information in ways not permitted must first obtain written consent from the child's parent or guardian:					
Total Existing Child Care Institutions	7 CFR 215.13a(g)(9)	0	0	0	0
Total Proposed Child Care Institutions	7 CFR 215.13a(g)(9)	207	1	.07	14
Total Existing Household	7 CFR 215.13a(g)(9)	0	0	0	0
Total Proposed Household	7 CFR 215.13a(g)(9)	14,006	1	.07	980
Total Existing:	0.				
Total Proposed:	+1,126.				
Change:	+1,126.				
State agency or sponsor should enter into a written agreement with the party requesting the information:					
Total Existing State Agency	7 CFR 225.15(g)(10)	0	0	0	0
Total Proposed State Agency	7 CFR 225.15(g)(10)	49	1	.25	12
Total Existing Sponsor	7 CFR 225.15(g)(10)	0	0	0	0
Total Proposed Sponsor	7 CFR 225.15(g)(10)	3,309	1	.25	827
State agency or sponsors must give notice of any additional uses of the social security number:					
Total Existing State Agencies	7 CFR 225.13(g)(7)	0	0	0	0
Total Proposed State Agencies	7 CFR 225.13(g)(7)	49	1	.16	8
Total Existing Sponsors	7 CFR 225.13(g)(7)	0	0	0	0
Total Proposed Sponsors	7 CFR 225.13(g)(7)	3,309	1	.16	529
State agencies and sponsors that plan to use or disclose information in ways not permitted must first obtain written consent from the child's parent or guardian:					
Total Existing State Agency	7 CFR 225.15(g)(9)	0	0	0	0
Total Proposed State Agency	7 CFR 225.15(g)(9)	49	1	.25	12
Total Existing Sponsors	7 CFR 225.15(g)(9)	0	0	0	0
Total Proposed Sponsors	7 CFR 225.15(g)(9)	3,309	1	.25	827
Total Existing Household	7 CFR 225.15(g)(9)	0	0	0	0
Total Proposed Household	7 CFR 225.15(g)(9)	72,864	1	.083	6,047
Total Existing:	0.				
Total Proposed:	+8,262.				
Change:	+8,262.				
State agency or child care institution should enter into a written agreement with the party requesting the information:					
Total Existing State Agency	7 CFR 226.23(i)(10)	0	0	0	0
Total Proposed State Agency	7 CFR 226.23(i)(10)	54	1	.25	13

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN—Continued

	Section	Annual number of respondents	Annual frequency	Average burden per response	Annual burden hours
Total Existing Child and Adult Day Care Institutions.	7 CFR 226.23(i)(10)	0	0	0	0
Total Proposed Child and Adult Day Care Institutions.	7 CFR 226.23(i)(10)	10,144	1	.25	2,536
State agencies and child care institution must give notice of any additional uses of the social security number:					
Total Existing State Agency	7 CFR 226.23(i)(10)	0	0	0	0
Total Proposed State Agency	7 CFR 226.23(i)(10)	54	1	.25	13
Total Existing Child Care Institutions	7 CFR 226.13(g)(7)	0	0	0	0
Total Proposed Child Care Institutions	7 CFR 226.13(g)(7)	10,144	1	.16	1,623
State agencies and child care institutions that plan to use or disclose information in ways not permitted must first obtain written consent from the child's parent or guardian:					
Total Existing State Agency	7 CFR 226.23(i)(9)	0	0	0	0
Total Proposed State Agency	7 CFR 226.23(i)(9)	54	1	.25	13
Total Existing Child and Adult Day Care Institution.	7 CFR 226.23(i)(9)	0	0	0	0
Total Proposed Child and Adult Day Care Institution.	7 CFR 226.23(i)(9)	10,144	1	.25	2,536
Total Existing Household	7 CFR 226.23(i)(9)	0	0	0	0
Total Proposed Household	7 CFR 226.23(i)(9)	687,562	1	.083	57,067
Total Existing:	0.				
Total Proposed:	+63,801.				
Change:	+63,801.				
State agency, SFA, or school should enter into a written agreement with the party requesting the information:					
Total Existing State Agency	7 CFR 245.6(f)(10)	0	0	0	0
Total Proposed State Agency	7 CFR 245.6(f)(10)	58	1	.25	14
Total Existing School Food Authorities	7 CFR 245.6(f)(10)	0	0	0	0
Total Proposed School Food Authorities	7 CFR 245.6(f)(10)	16,342	3	.25	12,256
Total Existing Schools	7 CFR 245.6(f)(10)	0	0	0	0
Total Proposed Schools	7 CFR 245.6(f)(10)	101,000	3	.25	75,750
State agencies, SFA, or school must give notice of any additional uses of the social security number:					
Total Existing State Agencies	7 CFR 245.6(f)(7)	0	0	0	0
Total Proposed State Agencies	7 CFR 245.6(f)(7)	58	1	.16	9
Total Existing School Food Authorities	7 CFR 245.6(f)(7)	0	0	0	0
Total Proposed School Food Authorities	7 CFR 245.6(f)(7)	16,342	3	.25	12,256
Total Existing Schools	7 CFR 245.6(f)(7)	0	0	0	0
Total Proposed Schools	7 CFR 245.6(f)(7)	101,000	3	.25	75,750
State agencies, SFAs, and schools that plan to use or disclose information in ways not permitted must first obtain written consent from the child's parent or guardian:					
Total Existing State Agency	7 CFR 245.6(f)(9)	0	0	0	0
Total Proposed State Agency	7 CFR 245.6(f)(9)	58	1	.25	14
Total Existing School Food Authority	7 CFR 245.6(f)(9)	0	0	0	0
Total Proposed School Food Authority	7 CFR 245.6(f)(9)	16,342	3	.25	12,256
Total Existing School	7 CFR 245.6(f)(9)	0	0	0	0
Total Proposed School	7 CFR 245.6(f)(9)	101,000	3	.25	75,750
Total Existing Household	7 CFR 245.6(f)(9)	0	0	0	0
Total Proposed Household	7 CFR 245.6(f)(9)	4,138,810	1	.07	289,716
Total Existing:	0.				
Total Proposed:	+553,771.				
Change:	+553,771.				

List of Subjects

7 CFR Part 215

Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Labeling, Reporting and recordkeeping requirements.

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and

recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 245

Civil rights, Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Milk, Reporting and recordkeeping requirements, School breakfast and lunch programs.

Accordingly, 7 CFR parts 215, 225, 226, and 245 are proposed to be amended as follows:

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

1. The authority citation for part 215 is revised to read as follows:

Authority: 42 U.S.C. 1772 and 1779.

2. In § 215.13a, new paragraphs (f) and (g) are added to read as follows:

§ 215.13a Determining eligibility for free milk in child-care institutions.

* * * * *

(f) *Is a Privacy Act notice required on the free milk application?* Each free milk application must include substantially the following statement: ''Unless you include your child's case number for the Food Stamp Program, the Food Distribution Program on Indian Reservations (or other identifier for the Food Distribution Program on Indian Reservations) or the Temporary Assistance for Needy Families Program, you must include the social security number of the adult household member signing the application or indicate that the household member does not have a social security number. This is required by section 9 of the National School Lunch Act. The social security number is not mandatory, but the application cannot be approved if a social security number is not given or an indication is not made that the signer does not have a social security number. The social security number will be used in the administration and enforcement of the program.''

(g) *May program eligibility information be used for non-program purposes or disclosed to other individuals or programs?* Certain information about children eligible for free milk may be disclosed to the individuals and programs described in this section. Additionally, program eligibility information may be disclosed to other people and programs if parental consent is given.

(1) *Who decides whether to disclose program eligibility information?* The State agency or child care institution that determines free milk eligibility is responsible for deciding whether to disclose program eligibility information.

(2) *To whom may the State agency or child care institution disclose aggregate information?* The State agency or child care institution, as appropriate, may disclose aggregate information to any party. Parental consent is not necessary, since children are not identified. For example, the State agency or child care institution may disclose aggregate information, that is the number of children eligible for free milk, but not children's names.

(3) *To whom may the State agency or child care institution disclose participants' names and eligibility status, without consent?* The State agency or child care institution, as appropriate, may disclose, without parental consent, children's names and eligibility status (whether they are eligible for free milk) to persons directly connected with the administration or enforcement of the following programs:

(i) A Federal education program;

(ii) A State health program (other than Medicaid) or State education program administered by the State or local education agency; or

(iii) A Federal, State, or local means-tested nutrition program with eligibility standards comparable to the National School Lunch Program (*i.e.,* food assistance programs for households with incomes at or below 185 percent of the Federal poverty level).

(4) *To whom may the State agency or child care institution disclose all eligibility information, without consent?* In addition to children's names and eligibility status, the State agency or child care institution, as appropriate, may disclose, without parental consent, all eligibility information obtained through the free milk eligibility process (including all information on the application or obtained through direct certification or any verification of eligibility efforts) to the following:

(i) Persons directly connected with the administration or enforcement of programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966. This means that all eligibility information obtained for the Special Milk Program may be disclosed to persons directly connected with administering or enforcing regulations under the National School Lunch or School Breakfast Programs (parts 210 and 220, respectively, of this chapter), Child and Adult Care Food Program (part 226 of this chapter), Summer Food Service Program (part 225 of this chapter) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (part 246 of this chapter);

(ii) The Comptroller General of the United States for purposes of audit and examination; and

(iii) Federal, State, and local law enforcement officials for the purpose of investigating any alleged violation of the programs listed in paragraphs (g)(3) and (g)(4) of this section.

(5) *For what purposes may program eligibility information be used?* State agencies and child-care institutions may use program eligibility information for administering or enforcing the program. Additionally, any other Federal, State, or local agency charged with administering or enforcing the program may use the information for that purpose. Individuals and programs to which program eligibility information is disclosed under this section may only use the information in the administration or enforcement of the receiving program. No further disclosure of the information may be made.

(6) *Who are ''directly connected'' persons?* Persons directly connected with the administration or enforcement of a program are the Federal, State, and local program operators responsible for program compliance, including their contractors, to the extent those persons have a need to know the information for program administration or enforcement. Program operators include persons responsible for the ongoing operation of the program. Compliance officials include persons responsible for monitoring, reviewing, auditing, or investigating the program. Contractors include evaluators, auditors, and others with whom State agencies and program operators may contract to assist in the administration or enforcement of their program.

(7) *May social security numbers be disclosed?* The State agency or child care institution, as appropriate, may disclose social security numbers to any programs or persons authorized to receive all program eligibility information under paragraph (g)(4) of this section or when consent is obtained. However State agencies and child care institutions that plan to disclose social security numbers must give notice of the planned use of the social security number. This notice must be in accordance with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note). The application must include substantially the following language for disclosures of social security numbers under paragraph (g)(4) of this section: ''The social security number may also be disclosed to programs under the National School Lunch Act and Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of

investigating violations of certain Federal, State, and local education, health and nutrition programs.'' This language is in addition to the notice required in paragraph (f) of this section. State agencies and child care institutions are responsible for drafting the appropriate notice for disclosures of social security numbers under the consent provisions of paragraph (g)(10) of this section.

(8) *When is parental consent required?* State agencies and child care institutions that plan to use or disclose information about children eligible for free milk in ways not specified in this section must obtain written consent from the child's parent or guardian prior to the use or disclosure.

(9) *Who may give consent for the disclosure of program eligibility information to other programs or persons?* Only a parent or guardian who is a member of the child's household for purposes of the free milk application may give consent to the disclosure of program eligibility information. The consent must identify the information that will be shared and how the information will be used. Additionally, the consent statement must be signed and dated by the child's parent or guardian who is a member of the household for purposes of the free milk application. There must be a statement informing parents and guardians that failing to sign the consent will not affect the child's eligibility for free milk and that the individuals or programs receiving the information will not share the information with any other entity or program. Parents/guardians must also be permitted to limit the consent to only these programs with which they wish to share information.

(10) *Are agreements required before disclosing program eligibility information?* Agreements between the State agency or child care institution, as appropriate, and the individual or program receiving the information are not required. However, agreements are recommended. Before disclosing any information, the State agency or child care institution should enter into a written agreement with the party requesting the information. An agreement is not necessary for disclosures to Federal, State or local agencies evaluating or reviewing program operations or for disclosures to the Comptroller General. The agreement should:

(i) Identify the programs or persons receiving the information;

(ii) Describe the information to be disclosed and how the information will be used;

(iii) Describe how the information will be protected from unauthorized uses and disclosures and include the penalties for using the information for unauthorized purposes; and

(iv) Be signed by both the determining agency and the receiving party.

(11) *What are the penalties for unauthorized disclosure or misuse of information?* Any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or the regulations in this part, any information obtained under this paragraph (g) will be fined up to $1,000 or imprisoned for up to 1 year, or both.

PART 225—SUMMER FOOD SERVICE PROGRAM

1. The authority citation for part 225 continues to read as follows:

Authority: Secs. 9, 13, and 14, National School Lunch Act, as amended (42 U.S.C. 1758, 1761, and 1762a).

2. In § 225.15, redesignate paragraphs (g) and (h) as paragraphs (h) and (i) and add a new paragraph (g).

The addition reads as follows:

§ 225.15 Management responsibilities of sponsors.

* * * * *

(g) *May program eligibility information be used for non-program purposes or disclosed to other individuals or programs?* Certain information about children eligible for free meals may be disclosed to the individuals and programs described in this section. Additionally, program eligibility information may be disclosed to other individuals and programs if parental consent is given.

(1) *Who decides whether to disclose program eligibility information?* The State agency or sponsor that determines free meal eligibility is responsible for deciding whether to disclose program eligibility information.

(2) *To whom may the State agency or sponsor disclose aggregate information?* The State agency or sponsor, as appropriate, may disclose aggregate information to any party. Parental consent is not necessary, since children are not identified. For example, the State agency or sponsor may disclose aggregate information, that is the number of children eligible for free and reduced price meals, but not children's names.

(3) *To whom may the State agency or sponsor disclose participants' names and eligibility status?* The State agency or sponsor may disclose, without parental consent, children's names and eligibility status (whether they are eligible for free meals) to persons directly connected with the administration or enforcement of the following programs:

(i) A Federal education program;

(ii) A State health program (other than Medicaid) or State education program administered by the State or local education agency; or

(iii) A Federal, State, or local means-tested nutrition program with eligibility standards comparable to the National School Lunch Program (*i.e.,* food assistance programs for households with incomes at or below 185 percent of the Federal poverty level).

(4) *To whom may the State agency or sponsor disclose all eligibility information, without parental consent?* In addition to children's names and eligibility status, the State agency or sponsor may disclose, without parental consent, all eligibility information obtained through the free meal eligibility process (including all information on the application or obtained through direct certification or any verification of eligibility efforts) to the following:

(i) Persons directly connected with the administration or enforcement of programs authorized under the National School Lunch Act (NSLA) or the Child Nutrition Act of 1966 (CNA). This means that all eligibility information obtained for the Summer Food Service Program may be disclosed to persons directly connected with administering or enforcing regulations under the Special Milk Program (part 215 of this chapter), the National School Lunch or School Breakfast Programs (parts 210 and 220, respectively, of this chapter), Child and Adult Care Food Program (part 226 of this chapter), and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (part 246 of this chapter);

(ii) The Comptroller General of the United States for purposes of audit and examination; and

(iii) Federal, State, and local law enforcement officials for the purpose of investigating any alleged violation of the programs listed in paragraphs (g)(3) and (g)(4) of this section.

(5) *For what purposes may program eligibility information be used?* State agencies and sponsors may use program eligibility information for administering or enforcing the program. Additionally, any other Federal, State, or local agency charged with administering or enforcing the program may use the information for that purpose. Individuals and programs to which program eligibility information is disclosed under this section may only use the information in the

administration or enforcement of the receiving program. No further disclosure of the information may be made.

(6) *Who are ''directly connected'' persons?* Persons directly connected with the administration or enforcement of a program are the Federal, State, and local program operators responsible for program compliance, including their contractors, to the extent those persons have a need to know the information for program administration. Program operators include persons responsible for the ongoing operation of the program. Compliance officials include persons responsible for monitoring, reviewing, auditing, or investigating the program. Contractors include evaluators, auditors, and others with whom State agencies and program operators may contract to assist in the administration or enforcement of their program.

(7) *May social security numbers be disclosed?* The State agency or sponsor may disclose social security numbers to any programs or persons authorized to receive all program eligibility information under paragraph (g)(4) of this section or when consent is obtained. However State agencies or sponsors that plan to disclose social security numbers must give notice of the planned use of the social security number. This notice must be in accordance with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note). The application must include substantially the following language for disclosures of social security numbers under paragraph (g)(4) of this section: ''The social security number may also be disclosed to programs under the National School Lunch Act and Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain Federal, State, and local education, health and nutrition programs.'' This language is in addition to the notice required in paragraph (f) of this section. Determining agencies are responsible for drafting the appropriate notice for disclosures of social security numbers under the consent provisions of paragraph (g)(10) of this section.

(8) *When is parental consent required?* State agencies and sponsors that plan to use or disclose information about children eligible for free milk in ways not specified in this section must obtain written consent from the child's parent or guardian prior to the use or disclosure.

(9) *Who may give consent for the disclosure of program eligibility information to other programs or persons?* Only a parent or guardian who is a member of the child's household for purposes of the free meal application may give consent to the disclosure of program eligibility information. The consent must identify the information that will be shared and how the information will be used. Additionally, the consent statement must be signed and dated by the child's parent or guardian who is a member of the household for purposes of the free and reduced price meal application. There must be a statement informing parents and guardians that failing to sign the consent will not affect the child's eligibility for free meals and that the individuals or programs receiving the information will not share the information with any other entity or program. Parents/guardians must also be permitted to limit the consent to only these programs with which they wish to share information.

(10) *Are agreements required before disclosing program eligibility information?* Agreements between the State agency or sponsor and the individual or program receiving the information are not required. However, agreements are recommended. Before disclosing any information, the State agency or sponsor should enter into a written agreement with the party requesting the information. An agreement is not necessary for disclosures to Federal, State or local agencies evaluating or reviewing program operations or for disclosures to the Comptroller General. The agreement should:

(i) Identify the programs or persons receiving the information;

(ii) Describe the information to be disclosed and how the information will be used;

(iii) Describe how the information will be protected from unauthorized uses and disclosures and include the penalties for using the information for unauthorized purposes; and

(iv) Be signed by both the determining agency and the receiving party.

(11) *What are the penalties for unauthorized disclosure or misuse of information?* Any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or the regulations in this part, any information obtained under this paragraph (g) will be fined up to $1,000 or imprisoned for up to 1 year, or both.

* * * * *

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

1. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16 and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765, and 1766).

2. In § 226.23,

a. Paragraph (e)(1)(ii)(F) is revised; and

b. A new paragraph (i) is added.

The revision and addition read as follows:

§ 226.23 Free and reduced-price meals.

* * * * *

(e)(1) * * *

(ii) * * *

(F) A statement that includes substantially the following information: ''Unless you include your child's case number for the Food Stamp Program, the Food Distribution Program on Indian Reservations (or other identifier for the Food Distribution Program on Indian Reservations) or the Temporary Assistance for Needy Families Program, you must include the social security number of the adult household member signing the application or indicate that the household member does not have a social security number. This is required by section 9 of the National School Lunch Act. The social security number is not mandatory, but the application cannot be approved if a social security number is not given or an indication is not made that the signer does not have a social security number. The social security number will be used in the administration and enforcement of the program.'' State agencies and institutions must ensure that the notice complies with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note); and

* * * * *

(i) *May program eligibility information be used for non-program purposes or disclosed to other individuals or programs?* Certain information about children eligible for free and reduced price meals may be disclosed to the individuals and programs described in this section. Additionally, program eligibility information may be disclosed to other people and programs if parental consent is given.

(1) *Who decides whether to disclose program eligibility information?* The State agency or institution that makes the free and reduced price meal determination is responsible for deciding whether to disclose program eligibility information.

(2) *To whom may the State agency or institution disclose aggregate information?* The State agency or institution may disclose aggregate information to any party. Parental consent is not necessary, since children are not identified. For example, the

State agency or institution may disclose aggregate information, that is the number of children eligible for free and reduced price meals, but not children's names.

(3) *To whom may the State agency or institution disclose participants' names and eligibility status?* The State agency or institution may disclose, without parental consent, children's names and eligibility status (whether they are eligible for free or reduced price meals) to persons directly connected with the administration or enforcement of the following programs:

(i) A Federal education program;

(ii) A State health program (other than Medicaid) or State education program administered by the State or local education agency; or

(iii) A Federal, State, or local means-tested nutrition program with eligibility standards comparable to the National School Lunch Program (*i.e.,* food assistance programs for households with incomes at or below 185 percent of the Federal poverty level).

(4) *To whom may the State agency or institution disclose all eligibility information, without parental consent?* In addition to children's names and eligibility status, the State agency or institution may disclose, without parental consent, all eligibility information obtained through the free and reduced price meal eligibility process (including all information on the application or obtained through direct certification or any verification of eligibility efforts) to the following:

(i) Persons directly connected with the administration or enforcement of programs authorized under the National School Lunch Act (NSLA) or the Child Nutrition Act of 1966 (CNA). This means that all eligibility information obtained for the Child and Adult Care Food Program may be disclosed to persons directly connected with administering or enforcing regulations under the Special Milk Program (part 215 of this chapter), the National School Lunch or School Breakfast Programs (parts 210 and 220, respectively, of this chapter), Summer Food Service Program (part 225 of this chapter), and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (part 246 of this chapter);

(ii) The Comptroller General of the United States for purposes of audit and examination; and

(iii) Federal, State, and local law enforcement officials for the purpose of investigating any alleged violation of the programs listed in paragraphs (i)(3) and (i)(4) of this section.

(5) *For what purposes may program eligibility information be used?* State agencies and institutions may use program eligibility information for administering or enforcing the program. Additionally, any other Federal, State, or local agency charged with administering or enforcing the program may use the information for that purpose. Individuals and programs to which program eligibility information is disclosed under this section may only use the information in the administration or enforcement of the receiving program. No further disclosure of the information may be made.

(6) *Who are ''directly connected'' persons?* Persons directly connected with the administration or enforcement of a program are the Federal, State, and local program operators responsible for program compliance, including their contractors, to the extent those persons have a need to know the information for program administration. Program operators include persons responsible for the ongoing operation of the program. Compliance officials include persons responsible for monitoring, reviewing, auditing, or investigating the program. Contractors include evaluators, auditors, and others with whom State agencies and program operators may contract to assist in the administration or enforcement of their program.

(7) *May social security numbers be disclosed?* The State agency or institution may disclose social security numbers to any programs or persons authorized to receive all program eligibility information under paragraph (i)(4) of this section or when consent is obtained. However, State agencies or institutions that plan to disclose social security numbers must give notice of the planned use of the social security number. This notice must be in accordance with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note). The application must include substantially the following language for disclosures of social security numbers under paragraph (i)(4) of this section: ''The social security number may also be disclosed to programs under the National School Lunch Act and Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain Federal, State, and local education, health and nutrition programs.'' This language is in addition to the notice required in paragraph (e) of this section. State agencies and child care institutions are responsible to drafting the appropriate notice for disclosures of social security numbers under the consent provisions of paragraph (i)(10) of this section.

(8) *When is parental consent required?* State agencies and child care institutions that plan to use or disclose information about children or adults eligible for free and reduced price meals in ways not specified in this section must obtain written consent from the child's parent or guardian or the adult participant or guardian prior to the use or disclosure.

(9) *Who may give consent for the disclosure of program eligibility information to other programs or persons?* Only a parent or guardian who is a member of the child's household for purposes of the free or reduced price meal application may give consent to the disclosure of program eligibility information. The consent must identify the information that will be shared and how the information will be used. Additionally, the consent statement must be signed and dated by the child's parent or guardian who is a member of the household for purposes of the free and reduced price meal application. There must be a statement informing parents and guardians that failing to sign the consent will not affect the child's eligibility for free and reduced price meals and that the individuals or programs receiving the information will not share the information with any other entity or program. Parents/guardians must also be permitted to limit the consent to only these programs with which they wish to share information. For an adult applicant or participant in the CACFP, the consent must be given and signed by the adult applicant or participant, unless a guardian has been appointed to act for the adult.

(10) *Are agreements required before disclosing program eligibility information?* Agreements between the State agency or child care institution and the individual or program receiving the information are not required. However, agreements are recommended. Before disclosing any information, the State agency or child care institution should enter into a written agreement with the party requesting the information. An agreement is not necessary for disclosures to Federal, State or local agencies evaluating or reviewing program operations or for disclosures to the Comptroller General. The agreement should:

(i) Identify the programs or persons receiving the information;

(ii) Describe the information to be disclosed and how the information will be used;

(iii) Describe how the information will be protected from unauthorized uses and disclosures and include the

penalties for using the information for unauthorized purposes; and

(iv) Be signed by both the State agency or child care institution and the receiving party.

(11) *What are the penalties for unauthorized disclosure or misuse of information?* Any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or the regulations in this part, any information obtained under this paragraph (i) will be fined up to $1,000 or imprisoned for up to 1 year, or both.

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

1. The authority citation for part 245 is revised to read as follows:

Authority: 42 U.S.C. 1752, 1758, 1759a, 1772, 1773, and 1779.

2. In § 245.6, paragraph (a)(1) is revised and a new paragraph (f) is added.

The revision and addition read as follows:

§ 245.6 Certification of children for free and reduced price meals and free milk.

(a) * * *

(1) ''Unless you include your child's case number for the Food Stamp Program, the Food Distribution Program on Indian Reservations (or other identifier for the Food Distribution Program on Indian Reservations) or the Temporary Assistance for Needy Families Program, you must include the social security number of the adult household member signing the application or indicate that the household member does not have a social security number. This is required by section 9 of the National School Lunch Act. The social security number is not mandatory, but the application cannot be approved if a social security number is not given or an indication is not made that the signer does not have a social security number. The social security number will be used in the administration and enforcement of the program.'' State agencies and school food authorities must ensure that the notice complies with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note); and

* * * * *

(f) *May program eligibility information be used for non-program purposes or disclosed to other individuals or programs?* Certain information about children eligible for free meals may be disclosed to the individuals and programs described in this section. Additionally, program eligibility information may be disclosed to other people and programs if parental consent is given.

(1) *Who decides whether to disclose program eligibility information?* The agency that makes the free and reduced price meal or free milk eligibility determination (*i.e.*, the determining agency) is the only agency that can decide to disclose program eligibility information. In most cases, this is the school food authority, but sometimes the State agency performs this function.

(2) *To whom may the determining agency disclose aggregate information?* The State agency or school food authority may disclose aggregate information to any party. Parental consent is not necessary, since children are not identified. For example, the State agency or school food authority may disclose aggregate information, that is the number of children eligible for free and reduced price meals or free milk, but not children's names.

(3) *To whom may the determining agency disclose participants' names and eligibility status, without consent?* The State agency or school food authority may disclose, without parental consent, children's names and eligibility status (whether they are eligible for free and reduced price meals or free milk) to persons directly connected with the administration or enforcement of the following programs:

(i) A Federal education program;

(ii) A State health program (other than Medicaid) or State education program administered by the State or local education agency; or

(iii) A Federal, State, or local means-tested nutrition program with eligibility standards comparable to the National School Lunch Program (*i.e.*, food assistance programs for households with incomes at or below 185 percent of the Federal poverty level).

(4) *To whom may the determining agency disclose all eligibility information, without consent?* In addition to children's names and eligibility status, the State agency or child-care institution may disclose, without parental consent, all eligibility information obtained through the free and reduced price meal or free milk eligibility process (including all information on the application or obtained through direct certification or any verification of eligibility efforts) to the following:

(i) Persons directly connected with the administration or enforcement of programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966. This means that all eligibility information obtained for the Special Milk Program may be disclosed to persons directly connected with administering or enforcing regulations under the National School Lunch or School Breakfast Programs (parts 210 and 220, respectively, of this chapter), Child and Adult Care Food Program (part 226 of this chapter), Summer Food Service Program (part 225 of this chapter) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (part 246 of this chapter);

(ii) The Comptroller General of the United States for purposes of audit and examination; and

(iii) Federal, State, and local law enforcement officials for the purpose of investigating any alleged violation of the programs listed in paragraphs (f)(3) and (f)(4) of this section.

(5) *Who are ''directly connected'' persons?* Persons directly connected with the administration or enforcement of a program are the Federal, State, and local program operators responsible for program compliance, including their contractors, to the extent those persons have a need to know the information for program administration or enforcement. Program operators include persons responsible for the ongoing operation of the program. Compliance officials include persons responsible for monitoring, reviewing, auditing, or investigating the program. Contractors include evaluators, auditors, and others with whom State agencies and program operators may contract to assist in the administration or enforcement of their program.

(6) *For what purposes may program eligibility information be used?* State agencies and school food authorities may use program eligibility information for administering or enforcing the program. Additionally, any other Federal, State, or local agency charged with administering or enforcing the program may use the information for that purpose. Individuals and programs to which program eligibility information is disclosed under this section may only use the information in the administration or enforcement of the receiving program. No further disclosure of the information may be made.

(7) *May social security numbers be disclosed?* The determining agency may disclose social security numbers to any programs or persons authorized to receive all program eligibility information under paragraph (f)(4) of this section or when consent is obtained. However State agencies and school food authorities that plan to disclose social security numbers under this paragraph (f)(7) must give notice of the planned use of the social security

number. This notice must be in accordance with section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a note). The application must include substantially the following language for disclosures of social security numbers under paragraph (f)(4)of this section: ''The social security number may also be disclosed to programs under the National School Lunch Act and Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain Federal, State, and local education, health and nutrition programs.'' This language is in addition to the notice required in paragraph (a) of this section. State agencies and school food authorities are responsible for drafting the appropriate notice for disclosures of social security numbers under the consent provisions of paragraph (f)(9) of this section.

(8) *When is parental consent required?* State agencies and school food authorities that plan to use or disclose information about children eligible for free and reduced price meals or free milk in ways not specified in this section must obtain written consent from the child's parent or guardian prior to the use or disclosure.

(9) *Who may give consent for the disclosure of program eligibility information to other programs or persons?* Only a parent or guardian who is a member of the child's household for purposes of the free and reduced price meal or free milk application may give consent to the disclosure of program eligibility information. The consent must identify the information that will be shared and how the information will be used. Additionally, the consent statement must be signed and dated by the child's parent or guardian who is a member of the household for purposes of the free and reduced price meal or free milk application. There must be a statement informing parents and guardians that failing to sign the consent will not affect the child's eligibility for free and reduced price meals or free milk and that the individuals or programs receiving the information will not share the information with any other entity or program. Parents/guardians must also be permitted to limit the consent to only these programs with which they wish to share information.

(10) *Are agreements required before disclosing program eligibility information?* Agreements between the State agency or school food authority (determining agency) and the individual or program receiving the information are not required. However, agreements are recommended. Before disclosing any information, the determining agency should enter into a written agreement with the party requesting the information. An agreement is not necessary for disclosures to Federal, State or local agencies evaluating or reviewing program operations or for disclosures to the Comptroller General. The agreement should:

(i) Identify the programs or persons receiving the information;

(ii) Describe the information to be disclosed and how the information will be used;

(iii) Describe how the information will be protected from unauthorized uses and disclosures and include the penalties for using the information for unauthorized purposes; and

(iv) Be signed by both the determining agency and the receiving party.

(11) *What are the penalties for unauthorized disclosure or misuse of information?* Any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or the regulations in this part, any information obtained under this paragraph (f) will be fined up to $1,000 or imprisoned for up to 1 year, or both.

Dated: July 11, 2000.

Shirley R. Watkins,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 00–18631 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 900]

RIN 1512–AA07

Fair Play Viticultural Area (2000R–170P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area to be known as ''Fair Play,'' located in southern El Dorado County, California, entirely within the existing ''El Dorado'' and ''Sierra Foothills'' viticultural areas. This proposal is the result of a petition filed by Brian Fitzpatrick, President of Fair Play Winery Association. Mr. Fitzpatrick believes that ''Fair Play'' is a widely known name for the petitioned area, that the area is well defined, and that the area is distinguished from other areas by its soil, elevation, climate, terrain, and topography.

DATES: Written comments must be received by September 25, 2000.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, (Attention: Notice No. 900). See ''Public Participation'' section of this notice if you want to comment by facsimile or e-mail.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–9347).

SUPPLEMENTARY INFORMATION:

1. Background on Viticultural Areas

What is ATF's Authority to Establish a Viticultural Area?

ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) on August 23, 1978. This decision revised the regulations in 27 CFR part 4, Labeling and Advertising of Wine, to allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added 27 CFR part 9, American Viticultural Areas, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

What is the Definition of an American Viticultural Area?

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

What is Required to Establish a Viticultural Area?

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical features (climate, soil,

elevation, physical features, *etc.*) which distinguish the viticultural features of the proposed area from surrounding areas;

• A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

• A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

2. Fair Play Petition

ATF has received a petition from Brian Fitzpatrick, President of Fair Play Winery Association, proposing to establish a viticultural area in southern El Dorado County, California, known as ''Fair Play.'' The proposed viticultural area is located entirely within the existing ''El Dorado'' and ''Sierra Foothills'' viticultural areas described in 27 CFR 9.61 and 9.120.

The proposed area encompasses approximately 33 square miles. The total acreage of vineyards is approximately 350 acres, of which 250 acres are currently in production. The proposed viticultural area now boasts ten bonded wineries and a number of vineyards ranging in size from less than five acres to over seventy acres.

What Name Evidence Has Been Provided?

According to the petitioner, the proposed ''Fair Play'' viticultural area takes its name from an old gold mining camp during the California gold rush. Although Fair Play was at first only a mining camp, the town later became a trading center and post office for drift and hydraulic mines in the area. The *Alta Californian* newspaper dated December 21, 1853, mentions Fair Play as a prosperous little mining town with several stores and hotels.

Today, the name ''Fair Play'' is used to designate a former school, an existing crossroads store, and a farm road located within the proposed boundaries. In 1998, residents of Fair Play petitioned the United States Postal Service to acknowledge Fair Play as a postal address. The petition was granted and Fair Play now shares the Zip Code 95684 with Somerset.

According to the petitioner, the first commercial vineyard and winery in ''Fair Play'' was established in 1887 by a Civil War veteran, Horace Bigelow. Bigelow planted 4,000 grape vines and by 1898 was producing between 600 and 1,000 gallons of wine each year. Today, ''Fair Play'' is gaining recognition as a wine growing area and is featured in the media, on some wine labels, and in the petitioner's promotional materials. The petitioner has provided the following other references as name evidence:

• The Aukum, California 1952 (photorevised 1973) U.S.G.S. map used to show the boundaries of the proposed area, show the town of Fair Play and Fair Play School located within the proposed ''Fair Play'' viticultural area. The map shows no conflicting designation for the remainder of the proposed area;

• Correspondence from Jim McBroom, Manager of Operations Programs Support with the United States Postal Service, indicating that Fair Play, California 95684 is an authorized last line mailing address;

• An article about the history of the Fair Play area written in 1998 by Doug Noble, Democrat correspondent, for the Mountain Democrat;

• Fair Play Winery Association's 16th annual brochure advertising the ''Fair Play Wine Festival;''

• Fair Play Winery Association's 17th annual brochure advertising the ''Fair Play Wine Festival;''

• The Articles of Incorporation of the Fair Play Winery Association; and

• An excerpt from a book in progress by historian Erick Costa called Gold and Wine, A History of Winemaking in El Dorado County, California.

What Boundary Evidence Has Been Provided?

The petitioner contends that the name ''Fair Play'' is used to designate the entire area bisected by Fair Play Road. The general boundaries are the canyon of the Middle Fork of the Cosumnes River to the north; rugged terrain and higher elevation to the east; a change in soils to the southeast and south; Cedar Creek running through a deep canyon to the southwest; Cedar Creek flowing into a short section of Scott Creek and into a mile long section of the South Fork of the Cosumnes River (near River Pines) thence northerly cross country to the Middle Fork of the Cosumnes River. In support of this approach, the petitioner provided a copy of U.S.G.S. map (Aukum, California) on which the boundaries of the proposed ''Fair Play'' viticultural area and town of Fair Play is prominently labeled. The petitioner has also provided other maps that show that Fair Play Road runs through the proposed viticultural area, beginning at Grays Corner (shown as Melsons Corner on the U.S.G.S. map) and running generally southeast, east and south to Omo Ranch Road. The proposed ''Fair Play'' viticultural area primarily consists of those farms and ranches served by Fair Play Road and its ''tributaries.''

What Evidence Relating to Geographical Features Has Been Provided?

• Soil:

According to the petitioner, the proposed ''Fair Play'' viticultural area is characterized by deep, moderately to well drained, granitic soils of the Holland, Shaver, and Musick series. These soils consist of sandy loams and coarse sandy loams, with an effective average rooting depth between 40 and 60 inches. The soil maps taken from the USDA Soil Survey show the specific areas where each of these soils predominate; the proposed boundaries were specifically designed to include these three soil series, and to exclude other soils which are either not granitic, or shallow, or poorly drained. The areas to the north and east of the proposed boundaries are predominately shallow granitic soils of the Chawanakee and Chaix series. The proposed northern and eastern boundaries are drawn primarily based on terrain and ease of description, but with the intent to generally exclude these soils. The southeastern and southern boundaries of ''Fair Play,'' the waterways of Cedar Creek into Scott Creek into the South Fork of the Cosumnes River, lay out a clear geological demarcation where the granitic soils predominate and the volcanic soils begin. Thus, the petitioner argues that ''Fair Play'' has a soil association that sets it apart from the rest of the Sierra Foothills and El Dorado viticultural areas.

• Terrain and Topography:

The petitioner asserts that the arable terrain within the proposed area is generally composed of rolling hillsides and rounding ridge tops. At these elevations (2,000–3,000) each vineyard's topographic location in relationship to the immediate surroundings is of utmost importance to minimize the negative effects of late spring frosts. Most of the existing vineyards are situated on the ridge tops or hillsides so there is lower ground for the cold air to drain.

To the east and southeast, the proposed boundaries include terrain too rugged for commercial viticulture. This is also true of Coyote Ridge to the south. The petitioner states that although little vineyard activity is anticipated in these steep canyon lands, the use of the Middle Fork of the Cosumnes River, Cedar Creek, Scott Creek, and South Fork of the Cosumnes River make easily understood and prominent boundaries.

• Elevation:

The petitioner asserts that the lowest elevations in the proposed area, about 2,000 feet, occur along Perry Creek and

the North and South Forks of Spanish Creeks where they flow west out of the proposed viticultural area. The lowest existing vineyards sit at about 2,000 feet near Mt. Aukum. The elevation rises to the north, east and south to a maximum of about 2,800 feet above Slug Gulch Road and Walker Ridge.

To the north, the steep sides of the canyon of the Middle Fork of the Cosumnes River are not suitable for viticulture. The bottom land along the river, ranging from 1,700 to 1,800 feet elevation, is at least two hundred feet lower in elevation than the lowest points included within the proposed boundaries.

The rugged terrain east of the proposed boundaries, and the volcanic ''caps'' to the southeast and south quickly rise above 2,800 feet.

Elevation is significant because of its effect on growing conditions in the Sierra Nevada Foothills.

• Growing Season and Rainfall:

According to the petitioner, the U.S.D.A. Soil Survey shows that in this part of Sierra Foothills, rainfall generally increases along with the elevation. The isobars generally run from the northwest to southeast, similar to the general run of the elevation contour lines. The proposed ''Fair Play'' area receives between 35 to 40 inches of rain in an average year, while the lower areas to the west and southwest of ''Fair Play'' receive 35 inches or less.

The U.S.D.A. chart for the length of growing season follows the reverse pattern; as elevation increases, the growing season decreases. ''Fair Play'' enjoys an average growing season of between about 230 and 250 days; the areas to the west and southwest show over 250 days.

Thus, the petitioner asserts that the proposed ''Fair Play'' viticultural area enjoys more rainfall, but with a shorter growing season, than the areas to the west and southwest.

• Climate:

According to the petitioner, based on the standard University of California at Davis (UCD) temperature summation definition of climatic regions or zones, the proposed ''Fair Play'' viticultural area would appear to fall into high Region 3 (less than 3,500 degree days). The areas to the west and southwest fall into low Region 4 (over 3,500 degree days).

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

How Does the Regulatory Flexibility Act Apply to This Proposed Rule?

The proposed regulations will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement or approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that area.

No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

Does the Paperwork Reduction Act Apply to This Proposed Rule?

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

4. Public Participation

Who May Comment on This Notice?

ATF requests comments from all interested parties. In addition, ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

Can I Review Comments Received?

Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at the ATF Reading Room, Office of the Liaison and Public Information, Room 6480, 650 Massachusetts Avenue, N.W., Washington, D.C. 20226. For information on filing a Freedom of Information Act request for a copy of the comments, please refer to the internet address: http://www.atf.treas.gov/about/foia/foia.htm.

Will ATF Keep My Comments Confidential?

ATF will not recognize any comment as confidential. All comments and materials will be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comments. We will also disclose the name of any person who submits a comment.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

How do I Send Facsimile Comments?

You may submit comments by facsimile transmission to (202) 927–8525. Facsimile comments must:

- Be legible.
- Reference this notice number.
- Be on paper 8½″ × 11″ in size.
- Contain a legible written signature.
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

How Do I Send Electronic Mail (E-Mail) Comments?

You may submit comments by e-mail by sending the comments to nprm@atfhq.atf.treas.gov. You must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address.
- Reference this notice number.
- Be legible when printed on not more than three pages, 8½″ × 11″ in size.

We will not acknowledge receipt of e-mail. We will treat comments submitted by e-mail as originals.

How do I Send Comments to the ATF Internet Web Site?

You may also submit comments using the comment form provided with the online copy of the proposed rule on the ATF internet web site at http://www.atf.treas.gov.

Drafting Information: The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.168 to read as follows:

* * * * *

§ 9.168 Fair Play.

(a) *Name.* The name of the viticultural area described in this section is ''Fair Play.''

(b) *Approved Maps.* The appropriate maps for determining the boundary of the Fair Play viticultural area are three United States Geological Survey (U.S.G.S.) topographic maps (7.5 minute series; quadrangles). They are titled:

(1) ''Omo Ranch, California,'' 1952 (photorevised 1973).

(2) ''Aukum, California,'' 1952 (photorevised 1973).

(3) ''Camino, California,'' 1952 (photorevised 1973).

(c) *Boundaries.* The Fair Play viticultural area is located in El Dorado County, California and is located entirely within the existing Sierra Foothills and El Dorado viticultural areas. The boundary for Fair Play is as follows:

(1) The beginning point of the boundary is the intersection of the Middle Fork of the Cosumnes River and the U.S.G.S. map section line between Sections 26 and 27, T. 9 N., R. 11 E. (''Aukum'' Quadrangle);

(2) From the beginning point, the boundary follows northeast along the Middle Fork of the Cosumnes River until it meets an unnamed medium-duty road (Mt. Aukum Road or El Dorado County Road E–16) just as it crosses onto the ''Camino'' Quadrangle map;

(3) The boundary continues then northeast along Mt. Aukum Road to its intersection with Grizzly Flat Road at the town of Somerset (''Camino'' Quadrangle);

(4) The boundary continues east and then southeast along Grizzly Flat Road to its intersection with the U.S.G.S. map section line between Sections 15 and 16, T. 9 N., R. 12 E. (''Camino'' Quadrangle):

(5) The boundary then proceeds south along the U.S.G.S. map section line between Sections 15 and 16, T. 9 N., R. 12 E., to its intersection with the Middle Fork of the Cosumnes River (''Aukum'' Quadrangle);

(6) The boundary then follows along the Middle Fork of the Cosumnes River in a southeasterly direction onto the ''Omo'' Quadrangle map and continues until it meets the range line between R. 12 E. and R. 13 E. (''Aukum'' Quadrangle and ''Omo Ranch'' Quadrangle);

(7) The boundary then follows south along the range line between R. 12 E. and R. 13 E. to its intersection with an unnamed medium-duty road in T. 8 N. (Omo Ranch Road) (''Omo Ranch'' Quadrangle);

(8) The boundary then continues west in a straight line approximately 0.3 miles to the point where Cedar Creek intersects with the 3200-foot contour line, within Section 1, T. 8 N.,R. 12 E. (''Omo Ranch'' Quadrangle);

(9) The boundary follows along Cedar Creek west and then southwest until it empties into Scott Creek (''Aukum'' Quadrangle);

(10) The boundary then proceeds west along Scott Creek until it empties into the South Fork of the Cosumnes River (''Aukum'' Quadrangle);

(11) The boundary continues west along the South Fork of the Cosumnes River to its intersection with the U.S.G.S. map section line between Sections 14 and 15, T. 8 N., R. 11 E. (''Aukum'' Quadrangle); and

(12) Finally, the boundary follows north along the section line back to its intersection with the Middle Fork of the Cosumnes River, the point of the beginning. (''Aukum'' Quadrangle).

Approved: July 18, 2000.

Bradley A. Buckles,

Director.

[FR Doc. 00–18732 Filed 7–24–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 75 and 90

RIN 1219–AB14

Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust; Correction

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; correction.

SUMMARY: This document lists typographical errors which appeared in the preamble to a proposed rule regarding verification of underground coal mine operators' dust control plans and compliance sampling for respirable dust published in the **Federal Register** on July 7, 2000. Information in this document is provided to correct these errors.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, Director, Office of Standards, Regulations, and Variances, MSHA; 703–235–1910.

Corrections

As published, the proposed rule preamble contains typographical errors. This document provides information so that a reader may correct those errors. No corrections are being made to the regulatory text. Please note: if you received a copy of the proposed rule from MSHA in the mail, some of the corrections have already been made. These are marked with an *.

In the proposed rule addressing verification of underground coal mine operators' dust control plans and compliance sampling for respirable dust, published in the **Federal Register** on July 7, 2000 (65 FR 42122), make the following corrections:

1. On page 42123 , column one, line 9 insert ''provide'' between ''third,'' and ''additional''.

2. On page 42140, column two, in the formula, change ''m^3'' to read ''m^3/min''.

3. On page 42143, column three, line 45, section heading, insert ''with'' between ''comply'' and ''this''.

4.* On page 42144, column three, line 67, within footnote 9, change ''1–P (X>=n)'' to ''1–P(X>n)''.

5. On page 42159, column two, line 18, remove ''and NIOSH''.

6. On page 42159, column two, lines 19 and 20, remove ''and NIOSH are'' and replace with ''is''.

7. On page 42160, column two, line 46, replace ''Secretaries invite'' with ''Secretary invites''.

8. On page 42161, footnote 14, line 3, replace ''production of'' with ''proportion of''.

9. On page 42164, column three, line 51, change ''January 2000'' to read ''June 2000''.

10. On page 42170, Table IX–3, line two, column one (of text), change ''≤500 employees'' to read ''≤ 500 employees''.

Dated: July 20, 2000.

Carol J. Jones,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 00–18812 Filed 7–21–00; 12:45 pm]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 72

RIN 1219–AB18

Determination of Concentration of Respirable Coal Mine Dust; Correction

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects typographical errors which appeared in the preamble to the joint proposed rule that announced that the Secretary of Labor and the Secretary of Health and Human Services (the Secretaries) would find in accordance with sections 101 (30 U.S.C. 811) and 202(f)(2) (30 U.S.C. 842(f)(2)) of the Federal Mine Safety and Health Act of 1977 that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be accurately measured over a single shift. No corrections are being made to the regulatory text.

The joint proposal published in the **Federal Register** on July 7, 2000, would rescind a previous 1972 finding by the Secretaries on the validity of such single-shift sampling.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, Director, Office of Standards, Regulations, and Variances, MSHA; 703–235–1910.

Corrections

The proposed rule as published by the **Federal Register** contains typographical errors. This document provides information so that a reader may correct those errors. Please note: if you received a copy of the proposed rule from MSHA in the mail, some of the corrections have already been made. These are marked with an *.

In the proposed rule addressing determination of concentration of respirable coal mine dust, published in the **Federal Register** on July 7, 2000 (65 FR 42068), make the following corrections:

1. On page 42068, column one, line 42, change ''1997'' to read ''1998''.

2. On page 42069, column three, line 53, change ''1999'' to read ''proposed''.

3. On page 42079, column two, line 31, change ''1n'' to read ''ln''.

4. On page 42094, column two, line 13 change ''μ'' to read ''μg''.

5. On page 42094, column two, line 59, change ''μg'' to read ''1,400 μg''.

6. On page 42094, column three, line 17, change ''μ'' to read ''μm''.

7. On page 42096, column one, line 14, change ''Appendix B'' to read ''Appendix C''.

8. On page 42097, column three, line 51, change ''Appendix C'' to read ''Appendix D''.

9. On page 42098, column one, lines 11, 20 and 27, change ''Appendix B'' to read '' Appendix C''.

10. On page 42101, column three, line 40, change ''December 1999'' to read ''June 2000.''

11.* On page 42112, column one, line 44, replace ''Q_e'' with ''σ_e''.

12.* On page 42113, column 2, line 3, replace, ''will is'' with ''is''.

13. On page 42113, column three, line 19, and Table C–1, column one, line 23, replace ''Tyvek,'' with ''Tyvek®''.

14.* On page 42118, column one, line 21, replace ''of $_e$'' with ''of σ_e''.

15.* On page 42119, column one, line 73, replace ''equal to ''2)'' with ''equal to $\sqrt{2}$)''.

Dated: July 20, 2000.

Carol J. Jones,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 00–18813 Filed 7–21–00; 12:45 pm]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD042–3051b; FRL–6838–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of establishing operational flexibility to meet visible emission limits for batch type hot-dip galvanizing installations. 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 and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. 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. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by August 24, 2000.

ADDRESSES: Written comments should be addressed to Ms. Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814–2191, at the EPA Region III address above, or by e-mail at knapp.ruth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: For further information, regarding the revisions to Maryland's regulation on batch type hot-dip galvanizing installations, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: June 30, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 00–18529 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1569, MM Docket No. 00–127, RM–9894]

Digital Television Broadcast Service; Jamestown, North Dakota

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Red River Broadcast Company, licensee of

station KJRR(TV), NTSC Channel 7, Jamestown, North Dakota, requesting the substitution of DTV Channel 30 for station KRJJ(TV)'s assigned DTV Channel 14. DTV Channel 14 can be allotted to Jamestown, North Dakota, in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (46–55–30 N. and 98–46–21 W.). However, since the community of Jamestown is located 400 kilometers of the U.S.-Canadian border, concurrence by the Canadian government must be obtained for this proposal. As requested, we propose to allot DTV Channel 30 to Jamestown with a power of 1000 and a height above average terrain (HAAT) of 135 meters.

DATES: Comments must be filed on or before September 11, 2000, and reply comments on or before September 26, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John T. Scott III, Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004 (counsel for Red River Broadcast Company).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–127, adopted July 19, 2000, and released July 20, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00–18766 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1556; MM Docket No. 99–136; RM–9570]

Radio Broadcasting Services; Babb, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by the Battani Corporation requesting the allotment of Channel 233C3 at Babb, Montana. *See* 64 FR 24997, May 10, 1999. Based on the information submitted by Battani Corporation, we believe it has failed to establish that Babb qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel to Babb.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–136, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036; (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 00–18757 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1570, MM Docket No. 00–128, RM–9912]

Radio Broadcasting Services; Pilot Rock, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Aaron Bruton to allot Channel 221C3 to Pilot Rock, OR, as the community's first local aural service. Channel 221C3 can be allotted to Pilot Rock in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.5 kilometers (9 miles) west, at coordinates 45–30–00 NL; 119–00–56 WL, to avoid a short-spacing to Station KWVR, Channel 221A, Enterprise, Oregon.

DATES: Comments must be filed on or before September 5, 2000, and reply comments on or before September 20, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Aaron Bruton, 1832 Fern, Walla Walla, WA 99362 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–128, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18755 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1555; MM Docket No. 00–129, RM–9909]

Radio Broadcasting Services; Moberly, Malta Bend & Chillicothe, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Best Broadcasting, Inc., requesting the substitution of Channel 247C2 for Channel 247C3 at Moberly and modification of the license for Station KCSX to specify operation on Channel 247C2. The coordinates for Channel 247C2 at Moberly are 39–27–41 and 92–21–03. To accommodate the substitution at Moberly, Best Broadcasting has also requested the substitution of Channel 280C3 for Channel 248C3 at Malta Bend, MO and modification of the license for Station KRLI and substitution of Channel 273A for Channel 280C3 at Chillicothe, MO and modification of the license for Station KCHI accordingly. The coordinates for Channel 280C3 at Malta Bend are 39–21–59 and 93–24–12. The coordinates for Channel 273A at Chillicothe are 39–45–56 and 93–33–14. In accordance with Section 1.420(g)(3) of the Commission's Rules, we will not accept competing expressions of interest for Channel 247C2 at Moberly.

DATES: Comments must be filed on or before August 28, 2000, and reply comments on or before September 12, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John R. Wilner, Bryan Cave LLP, 700 13th Street, N.W., Suite 700, Washington, D.C. 20005.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–129, adopted July 5, 2000, and released July 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18753 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–1519; MM Docket No. 99–221; RM–9639]

Radio Broadcasting Services; Fortine, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by the Battani Corporation requesting the allotment of Channel 232C3 at Fortine, Montana. *See* 64 FR 34752, June 29, 1999. Based on the information submitted by the Battani Corporation, we believe it has failed to establish that Fortine qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel to Fortine.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–221, adopted June 28, 2000, and released July 7, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036; (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18761 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1521; MM Docket No. 00–57; RM–9825]

Radio Broadcasting Services; Gadsden and Springville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Capstar Royalty II Corporation (now Capstar TX Limited Partnership), licensee of Station WQEN(FM), Channel 279C1, Gadsden, Alabama, proposing the substitution of Channel 279C for Channel 279C1 at Gadsden, the reallotment of Channel 279C to Springville, Alabama, and modification of its license accordingly. Petitioner withdrew its interest in pursuing the proposal. *See* 65 FR 20791, April 18, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 00–57, adopted June 28, 2000 , and released

July 7, 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–18760 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 65, No. 143
Tuesday, July 25, 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

Submission for OMB Review; Comment Request

July 19, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: 7 CFR Part 54–Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards).

OMB Control Number: 0581–0124.

Summary of Collection: The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide consumers with voluntary Federal meat grading and certification services that facilitate the marketing of meat and meat products. This is accomplished by providing meat and meat products that are uniform in quality. The Meat Grading and Certification (MGC) Branch provides these services under the authority of 7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards). The Agricultural Marketing Service (AMS) will collect information using forms LS–313, ''Application for Service,'' and LS–315, ''Application for Commitment Grading or Certification Service.''

Need and Use of the Information: AMS will collect information to identify the responsible authorities in establishments requesting services and to initiate billing and collection accounts. A signed and approved application (Form LS–313 or LS–315) constitutes authorization for any employee of AMS to enter the establishment for the purpose of performing official functions under the regulations. Without a properly signed and approved Form LS–313 or LS–315, AMS officials would not have the authority to enter the premises to provide grading and/or certification services nor would users of the services be legally obligated to abide by the regulations or to remit payment for services rendered.

Description of Respondents: Business or other for-profit.

Number of Respondents: 888.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 406.

Agricultural Marketing Service

Title: Olives Grown in California.

OMB Control Number: 0581–0142.

Summary of Collection: Marketing Order 932 (7 CFR Part 932), covering the handling of olives grown in California, emanates from enabling legislation (The Agricultural Marketing Agreement Act of 1937, Sections 1–19, 48 Stats. 31, as amended; 7 USC 601–674). The order authorizes the issuance of grade and size standards, and incoming and outgoing inspection requirements. The order also has authority for research and development projects, including paid advertising. The Agricultural Marketing Service (AMS) will collect information using several forms.

Need and Use of the Information: AMS will collect information to determine olive inventories, acquisition of olives, shipments, and disposition. Only authorized representatives of the USDA, including AMS, Fruit and Vegetable Programs' regional and headquarters' staff, and authorized employees of the committee would use the information collected.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 691.

Frequency of Responses: Recordkeeping; reporting: On occasion; Other (2–6 years)

Total Burden Hours: 2,947.

Food and Nutrition Service

Title: Interoperability Funding Agreement.

OMB Control Number: 0584–NEW.

Summary of Collection: Under Section 7(k) of Pub. L. 106–71, the Electronic Benefit Transfer (EBT) Interoperability and Portability Act of 2000, the Secretary is required to ensure that electronic benefit transfer (EBT) systems used for the issuance and redemption of food stamp program (FSP) benefits are interoperable and that food stamp benefits are portable among all States by October 1, 2002, except where exemptions apply or a temporary waiver is granted.

Need and Use of the Information: The Interoperability Funding Agreement will inform State agencies of the administrative procedures for requesting enhanced funding for interoperability costs, including prescribed formats for submitting requests for payment and submission deadlines. State agencies that request funding will be required to submit the signed agreement concurrent with the State agency's first request for payment for each fiscal year, indicating that it agrees to comply with the procedures established by the Department. If the agreement is not submitted it would prevent the Food and Nutrition Service from obligating enhanced funding each fiscal year for

interoperability costs incurred by State agencies.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 51.

Frequency of Responses: Recordkeeping; reporting: Annually.

Total Burden Hours: 38.

Agency is requesting an emergency approval by 7/31/00.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 00–18695 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the soybean varieties designated ''N6210,'' ''N7101,'' N7102,'' and ''N7103'' are available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service intends to grant to North Carolina State University of Raleigh, North Carolina, an exclusive license to these varieties.

DATES: Comments must be received on or before October 23, 2000.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's intellectual property rights to these inventions are assigned to the United States of America, as represented by the Secretary of Agriculture. The prospective exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive licenses may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the licenses would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,

Assistant Administrator.

[FR Doc. 00–18768 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–054–1]

Notice of Request for Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of additional information collections, Feedlot '99 and Ongoing Monitoring, in support of the National Animal Health Monitoring System. These collection activities will include conducting a national study on feedlot cattle, increasing the number of participants in the sentinel feedlot monitoring study as part of our ongoing monitoring, and collecting antimicrobial susceptibility testing results from veterinary diagnostic laboratories as a new component to ongoing monitoring.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by September 25, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–054–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238

Please state that your comment refers to Docket No. 00–054–1.

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

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

FOR FURTHER INFORMATION CONTACT: For information on the national feedlot study and ongoing monitoring data collection activities, contact Ms. Marj Swanson, Management Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 555 S. Howes, Fort Collins, CO 80521; (970) 490–7978. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION: *Title:* National Animal Health Monitoring System (Feedlot '99 and Ongoing Monitoring).

OMB Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: The United States Department of Agriculture is responsible for protecting the health of our nation's livestock and poultry populations by preventing the importation and interstate spread of contagious, infectious, or communicable diseases of livestock and poultry and for eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service operates the National Animal Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock and poultry diseases. Information from these studies is disseminated and used by livestock and poultry producers, consumers, animal health officials, private veterinary practitioners, animal industry groups, policymakers, public health officials, the media, educational institutions, and others to improve agriculture's productivity and competitiveness.

NAHMS' national studies have evolved into a collaborative industry and government initiative to help improve product quality and to determine the most effective means of producing animal and poultry products. We are the only agency responsible for collecting national data on animal and poultry health. Participation in any NAHMS study is voluntary, and all data are confidential.

Feedlot '99: The Feedlot '99 study is NAHMS' second national study of the beef feedlot industry. The NAHMS' 1994 Cattle on Feed Evaluation results provided producer-requested baseline information that will be used with Feedlot '99 information to identify

trends in animal health and management practices over the past 5 years. NAHMS is requesting approval to collect data from feedlot operators in the United States. The data collected through the national study will be used to: (1) Describe the changes in management practices and animal health in feedlots from 1994 to 1999; (2) describe management practices that might affect product quality; (3) identify factors associated with shedding of specific pathogens by feedlot cattle; (4) describe antimicrobial usage in feedlots; (5) describe animal health management practices in feedlots and the relationship to cattle health; and (6) identify priority areas for prearrival processing of cattle and calves.

Sentinel Feedlot Monitoring: Sentinel feedlot monitoring is a low-cost, high-impact method of continually monitoring the multibillion dollar cattle feeding industry for death and disease trends. NAHMS collects limited data from private veterinary practitioners and uses it to assess the industry and monitor for emerging issues. This ongoing monitoring activity originally started with data being reported on 15 percent of the cattle on feed in the United States. NAHMS is requesting that the number of cattle monitored be increased to 20 percent.

Antimicrobial Susceptibility Testing Study: The ability of bacteria to resist the effects of antimicrobials has become a global issue affecting both animal and human health. Despite a growing concern that antimicrobial resistance is affecting health, there is a lack of data to monitor trends and make timely decisions about antimicrobial selection and use. An extensive amount of antimicrobial resistance testing is carried out in veterinary diagnostic laboratories across the country but, to date, has not been collected and analyzed. NAHMS is requesting approval to collect, aggregate, and summarize data from the veterinary diagnostic laboratories. The objectives of this study are to: (1) Survey diagnostic laboratories to determine how they conduct antimicrobial resistance testing, store data, and if they would be willing to contribute data to a central clearinghouse; and (2) initiate collection of data from a geographically diverse sample of laboratories to test the feasibility and usefulness of such a system.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning these information collection activities. These comments will help us:

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

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

(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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.0364 hours per response.

Respondents: Industry personnel, private veterinary practitioners, company and independent producers, academicians, State veterinary medical officers, State Public Health Officials as well as other interested parties involved with animal health and management practices in the United States.

Estimated annual number of respondents: 4466.

Estimated annual number of responses per respondent: 1.2651.

Estimated annual number of responses: 5,650.

Estimated total annual burden on respondents: 5,856. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

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.

Done in Washington, DC, this 18th day of July 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–18691 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–014R]

Announcement of and Request for Comment Regarding Industry Petition on Hazard Analysis and Critical Control Point (HACCP) Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reopening the comment period on a notice published in the **Federal Register** on May 15, 2000, announcing and requesting comment on a petition received by several trade associations requesting FSIS to amend sections of its Hazard Analysis and Critical Control Point (HACCP) regulations. The comment period will be reopened for 60 days. This action is in response to a request received from the National Advisory Committee on Meat and Poultry Inspection (NACMPI).

DATES: Comments must be received on or before September 12, 2000.

ADDRESSES: Submit one original and two copies of written comments to: FSIS Docket Room, Docket #00–014E, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250–3700. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday. FSIS is making available side-by-side comparison documents on the FSIS homepage at *www.fsis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel L. Engeljohn, Director, Regulations Development and Analysis Division, Food Safety and Inspection Service, Washington, DC 20250–3700, Telephone (202) 720–5627, FAX (202) 690–0486.

SUPPLEMENTARY INFORMATION: On May 15, 2000, FSIS published a notice in the **Federal Register** announcing the availability of and requesting comment on a petition received from a group of trade associations (65 FR 30952). The petition asked FSIS to amend sections of the Hazard Analysis and Critical Control Point (HACCP) regulations (9 CFR Part 417). The petitioners argued that the changes would increase the effectiveness of establishments' HACCP systems and would make the regulations more consistent with the HACCP principles published in 1997 by the

National Advisory Committee on Microbiological Criteria for Food (NACMCF). However, the petition was submitted with no data or examples to support the requests being made. The notice provided a 60-day comment period, which ended on July 14, 2000.

FSIS received a request from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) to extend the comment period to allow the petitioners more time to provide specific examples and data to support the recommendations they posed in their petition. The NACMPI also requested that FSIS make available a set of side-by-side documents discussing definitions, principles, procedures, and prerequisites of FSIS, the Food and Drug Administration, the NACMCF, and the Codex Alimentarius Commission's HACCP procedures.

In response to the requests, FSIS is reopening the comment period for 60 days, making comments due September 12, 2000. Also, FSIS has prepared a set of side-by-side documents which are now available on the FSIS homepage at *www.fsis.usda.gov* and also in the FSIS Docket Room (see **ADDRESSES**).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC, on: July 20, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–18769 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Motorized Trail Analysis and Parking Area Development, Medicine Bow-Routt National Forests, Jackson County, Colorado

AGENCY: USDA, Forest Service.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare and Environmental Impact Statement (EIS) to assess and disclose the environmental effects of determining the future status of Forest Development Trail (FDT) 1135 (Arapaho Ridge Trail) and creating trailhead parking areas at both ends of the trail. FDT 1135 is located on the Routt National Forest in Jackson County, Colorado. Trailhead parking areas would be rough surfaced, approximately 2 acres in size, and would be built to accommodate horse trailers and other recreational parking. Informational signing, Interpretive Education bulletin boards, and other area improvements may also be installed in the future. Installation of these amenities would be based on public need and the Forest Service budget.

The purpose and need for the proposal is to determine whether or not motorized use is appropriate on FDT 1135. Currently, the area around and including FDT 1135 is in a non-motorized Forest Plan Management Area prescription. The analysis will determine the appropriate use of the trail, if user-conflicts or resource impacts are occurring as a result of existing motorized use of the trail, and the types of amenities and parking areas needed at each trailhead.

The Forest Service is giving notice that it is beginning a full environmental analysis and decision-making process for this proposal so that potentially interested or affected individuals, agencies, or organizations can participate in the process and contribute to the final decision. All comments and suggestions on the scope of the analysis and decision-making process are welcome.

DATES: Public scoping to determine the future status of FDT 1135 and to create trailhead parking areas at both ends of the trail was initiated on January 4, 2000. Over 500 comment letters were received. All comments received from the January 4, 2000 scoping effort will be combined with comments received as a result of this Notice of Intent. Comments from both scoping efforts will be reviewed to identify potential issues for this analysis. Since the previously received comments will be incorporated into this analysis, individuals who responded to the January 4, 2000 scoping request need to provide comments at this time only if they wish to provide additional information to what they previously submitted. Written comments and suggestions should be postmarked by August 21, 2000 to receive consideration. The estimated time for filing the draft EIS is October 2000 followed by the final decision in February 2001.

ADDRESSES: Send written comments to Charles T. Oliver, District Ranger, Parks Ranger District, P.O. Box 158, Walden, Colorado, 80480.

FOR FURTHER INFORMATION CONTACT: Melissa Martin, Project Coordinator, Medicine Bow-Routt National Forests, 2468 Jackson Street, Laramie, Wyoming, 82070. Telephone: (307) 745–2371.

SUPPLEMENTARY INFORMATION: Prior to revision of the 1997 Routt National Forest Plan, FDT 1135 was located entirely within a Forest Plan Management Area that allowed motorized travel on designated routes. Consequently, the trail was managed to accommodate motorcycle use, as well as other non-motorized uses. Following revision of the Forest Plan, however, most of the area through which FDT 1135 runs was changed to a non-motorized Management Area prescription. As a result of this change, the middle portion (roughly 9 miles) of the trail is now located in Forest Plan Management Area 1.32, Backcountry Recreation, Non-motorized with Limited Motorized Use in Winter, whereas both trailheads and roughly 3 miles of the trail are located in Management Area 5.13, Forest Products. Allowing motorized travel to continue on portions of the trail currently falling within the non-motorized prescription conflicts with the 1997 Routt National Forest Plan.

Proposed Action: The Forest Service is proposing to close FDT 1135 to motorized use; all other forms of non-motorized recreation activities would continue to be allowed. The Forest Service would also create trailhead parking areas at both ends of the trail. The parking areas would be rough surfaced, approximately 2 acres in size, and would be built to accommodate

horse trailers and other recreational parking. Informational signing, Interpretive Education bulletin boards, and other area improvements may also be installed in the future. Installation of these amenities would be based on public need and the Forest Service budget.

Preliminary Issues: The following preliminary issues were identified as a result of the January 4, 2000 scoping effort:

- Implement the Revised Routt Forest Plan by closing FDT 1135 to motorized use.
- Amend the Revised Routt Forest Plan to allow continued motorized use.
- Reduce the size of the proposed parking areas.
- Construct physical barriers to prevent motorized use of the trail.
- User conflicts due to use of motorized vehicles in back country settings.
- User conflicts due to potentially reduced motorized trail opportunities.
- Resource impacts from motorized use of FDT 1135.
- Impacts to roadless areas from motorized use of FDT 1135.

Preliminary Alternatives: The following preliminary alternatives were developed in response to the issues identified above:

(1) No Action: The Forest Service would allow continued motorized use of the trail and would not amend the Routt National Forest Plan. Trailhead parking areas would not be created, and informational signing and Interpretive Education bulletin boards would not be installed.

(2) Proposed Action: Please refer to the description above.

(3) Amend the Routt National Forest Plan to allow continued motorized use of FDT 1135: The Forest Service would amend the Routt National Forest Plan to create a motorized Management Area corridor around FDT 1135. This action would change a linear portion of the currently non-motorized prescription to one that accommodates motorized uses in back country settings for roughly 100 feet on either side of FDT 1135. The Management Area change would affect roughly 9 miles of the trail. All other activities associated with this alternative would be identical to the proposed action.

Selection of this alternative would likely result in a significant amendment to the Routt National Forest Plan.

Decisions to be Made: The Responsible Official must decide which alternative of those analyzed in the draft EIS to select for implementation. Based on the decision that is made, he will also decide what mitigation measures and monitoring requirements will be required.

Reviewer Obligations: The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The comment period is expected to end August 21, 2000.

Release of Names: Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27 (d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOLA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOLA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within ten (10) days.

Responsible Official: Charles T. Oliver, District Ranger; Parks Ranger District; Medicine Bow-Routt National Forests; PO Box 158; Walden, CO 80480.

As the Responsible Official, I will decide which, if any of the alternatives to be described in the draft Environmental Impact Statement will be implemented. I will document the decision and reasons for my decision in a Record of Decision.

Dated: June 26, 2000.

Charles T. Oliver,

District Ranger.

[FR Doc. 00–18127 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–6M–M

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee will meet on August 3, 2000, at the Embassy Suites Portland Downtown, 319 SW Pine Street, Portland, Oregon 97204–2726. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 9:30 a.m. and continue until 3:30 p.m. Agenda items to be discussed include, but are not limited to: briefings and discussion on Monitoring efforts, the Survey and Manage Draft Supplemental Environmental Impact Statement, and progress reports on ongoing implementation issues. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Curt Loop, Acting Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 502–808–2180).

Dated: July 19, 2000.

Curtis A. Loop,

Acting Designated Federal Official.

[FR Doc. 00–18699 Filed 7–24–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Sunshine Act Meetings

AGENCY: Rural Telephone Bank, USDA.

ACTION: Staff Briefing for the Board of Directors.

TIME AND DATE: 2 p.m., Thursday, August 3, 2000.

PLACE: Room 5030, South Building, Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED:

1. Current telecommunications industry issues.
2. Status of PBO planning.
3. Retirement of class A stock in FY 2000.
4. Annual class C stock dividend rate.
5. Board of Directors, election.
6. Administrative issues.

ACTION: Board of Directors Meeting.

TIME AND DATE: 9 a.m., Friday August 4, 2000.

PLACE: Room 104–A, The Williamsburg Room, Department of Agriculture, 12th & Jefferson Drive, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to order.
2. Action on Minutes of the May 12, 2000, board meeting.
3. Report on loans approved in the third quarter of FY 2000.
4. Report on third quarter financial activity for FY 2000.
5. Privatization Committee report.
6. Consideration of resolution to retire class A stock in FY 2000.
7. Consideration of resolution to set annual class C stock dividend rate.
8. Final dates for receipt and tabulation of nominations.
9. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Roberta D. Purcell, Assistant Governor, Rural Telephone Bank, (202) 720–9554.

Dated: July 20, 2000.

Roberta D. Purcell,

Acting Governor, Rural Telephone Bank.

[FR Doc. 00–18849 Filed 7–20–00; 5:02 pm]

BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 37–2000]

Foreign-Trade Zone 34—Niagara County, New York Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Niagara, New York, grantee of FTZ 34, requesting authority to expand its general-purpose zone site to include an additional parcel in Wheatfield, New York. 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 July 17, 2000.

FTZ 34 was approved on November 29, 1977 (Board Order 125, 42 FR 61489, 12/5/77), relocated on January 27, 1983 (Board Order 203, 48 FR 5771, 2/8/83), and expanded on October 28, 1993 (Board Order 662, 58 FR 59236, 11/8/93). The zone project currently consists of 183 acres at the Niagara Falls International Airport in Niagara County (Town of Wheatfield), New York.

The applicant is now requesting authority to expand the existing zone site to include the Vantage International Pointe Industrial Park (158 acres) located at 6300 Lockport Road, Wheatfield, adjacent to the airport site. The park is owned by the Niagara County Industrial Development Agency. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment 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 25, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 9, 2000).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center 111 West Huron Street, Room 1304, Buffalo, NY 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: July 18, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–18807 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Continuation of Antidumping Duty Order: Glycine from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of continuation of antidumping duty orders: Glycine from the People's Republic of China

SUMMARY: On June 8, 2000 the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty order on glycine from the People's Republic of China (''PRC'') would be likely to lead to continuation or recurrence of dumping (65 FR 36405). On July 12, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty order on Glycine from PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (65 FR 43037). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of antidumping duty order on Glycine from the PRC.

EFFECTIVE DATE: July 25, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–1698 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2000, the Department initiated, and the Commission instituted, sunset reviews (65 FR 5308 and 65 FR 5371, respectively) of the antidumping duty order on glycine from the PRC, pursuant to section 751(c) of the Act. As a result of its review, the Department found that revocation of the antidumping duty order would be likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the order to be revoked.[1]

On July 12, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on glycine from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (see, Glycine From China, 65 FR 43037 (July 12, 2000) and USITC Publication 3315, Investigation No. 731–TA–718 (Review) (June 2000)).

Scope

The product covered by this order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, re-absorbable amino acid, chemical

[1] See Glycine From the People's Republic of China; Final Results of Expedited Sunset Review of Antidumping Duty Order, 65 FR 36405 (June 8, 2000).

intermediate, and a metal complexing agent. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff schedule of the United States (''HTSUS''). The scope of this order includes glycine of all purity levels. In a separate scope ruling, the Department determined that D(-)PhenylglycineEthyl Dane Salt is outside the scope of the order.[2]

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of these antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on glycine from the PRC. The Department will instruct the U.S. Customs Service to continue to collect antidumping and countervailing duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than June 2005.

Dated: July 19, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–18808 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–501]

Natural Bristle Paint Brushes and Brush Heads From the People's Republic of China: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of final results of administrative review: natural bristle paint brushes and brush heads from the People's Republic of China.

SUMMARY: On March 15, 2000, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on natural bristle paint brushes and brush heads from the People's Republic of China (PRC). This administrative review covers the period February 1, 1998 through January 31, 1999.

Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: July 25, 2000.

FOR FURTHER INFORMATION CONTACT: Sarah Ellerman or Maureen Flannery, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4106 or (202) 482–3020, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (1998).

Background

On March 15, 2000, the Department published the preliminary results of review of the antidumping duty order on natural bristle paint brushes and brush heads from the PRC (65 FR 13944). We received surrogate value comments from respondent Hebei Founder Import & Export Company (Founder) and the Paint Applicator Division of the American Brush Manufacturers Association (petitioner) on April 3 and 4, 2000 respectively. On April 14, 2000 we received rebuttal comments regarding surrogate values from respondent Hunan Provincial Native Produce & Animal By-Products Import and Export Corp. (Hunan). On April 24, 2000, we received comments regarding our preliminary calculations on behalf of the petitioner and Founder. On May 2, 2000, we received rebuttal comments from petitioner and respondents Hunan and Founder. The Department has now completed this review in accordance with section 751 of the Act.

Scope of Review

Imports covered by this review are shipments of natural bristle paint brushes and brush heads from the PRC. Excluded from the review are paint brushes and brush heads with a blend of 40% natural bristles and 60% synthetic filaments. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (Decision Memo) from Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated July 14, 2000, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 of the main Department building (B–099). In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations for Hunan and Founder. Any alleged programming or clerical errors are discussed in the relevant sections of the Decision Memo, accessible in room B–099 and on the Web at *http://ia.ita.doc.gov.*

Final Results of Review

We determine that the following weighted-average margins exist for the period February 1, 1998 through January 31, 1999:

[2] See Notice of Scope Rulings, 62 FR 62288 (November 21, 1997). We note that scope ruling are made on an order-wide basis.

Manufacturer/exporter	Margin (percent)
Hunan Provincial Native Produce & Animal By-Products Import & Export Corp. ...	0.00
Hebei Founder Import & Export Company	30.02

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of natural bristle paint brushes and brush heads from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis*, the Department shall require no deposit of estimated antidumping duties; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, 351.92 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751 and 777(i) of the Act.

Dated: July 13, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix—List of Issues

1. Factor Valuation and Usage Rates
   A. Surrogate Values of Material Inputs
   B. Material Input Weights
   C. Wooden Core
   D. Inflation of Surrogate Values
2. Non *Bona Fide* Sale
3. Scope
4. Clerical Errors

[FR Doc. 00–18810 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–808, A–822–804, A–570–860, A–560–811, A–588–855, A–580–844, A–449–804, A–841–804, A–455–803, A–821–812, A–823–809, A–307–819]

Initiation of Antidumping Duty Investigations: Steel Concrete Reinforcing Bars From Austria, Belarus, Indonesia, Japan, Latvia, Moldova, the People's Republic of China, Poland, the Republic of Korea, the Russian Federation, Ukraine, and Venezuela

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of Antidumping Duty Investigations.

EFFECTIVE DATE: July 25, 2000.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Tom Futtner at (202) 482–0650 and (202) 482–3814, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (2000).

The Petitions

On June 28, 2000, the Department of Commerce (the Department) received petitions filed in proper form by the Rebar Trade Action Coalition (RTAC), as well as its individual members [1] (hereinafter collectively, the petitioner). RTAC is an ad hoc trade association, the members of which are producers of the domestic like product in the alleged region. The Department received from RTAC information supplementing the petitions throughout the 20-day initiation period.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of steel concrete reinforcing bars (rebar) from Austria, Belarus, Indonesia, Japan, the Republic of Korea (Korea), Latvia, Moldova, the People's Republic of China (the PRC), Poland, the Russian Federation (Russia), Ukraine, and Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that the petitioner filed these petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and has demonstrated sufficient industry support with respect to each of the antidumping investigations that it is requesting the Department to initiate (*see* the following section below).

Determination of Industry Support for the Petitions

The petitioner alleges that there is a regional industry for the domestic like product and included data for both factors required by section 771(4)(C) of the Act: (1) The producers within such market sell all or almost all of their production of the like product in question in the regional market; and (2) the demand in the regional market is not supplied, to any substantial degree, by producers located elsewhere in the United States.[2] Moreover, the petitioner included data supporting its allegation that there is a concentration of dumped

[1] AmeriSteel; Auburn Steel Co., Inc.; Birmingham Steel Corp.; Border Steel, Inc.; Marion Steel Company; Riverview Steel; Nucor Steel and CMC Steel Group. Auburn Steel Co. is not a petitioner in the investigations involving rebar from Japan and Indonesia.

[2] The region identified by the petitioner consists of Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

imports from the subject countries in the region, pursuant to section 771(4)(C) of the Act.[3] We have examined the accuracy and adequacy of the information supporting the regional industry claim to determine whether the petitioner provided evidence, reasonably available to it, sufficient to justify initiation based on a regional industry analysis. We determined the accuracy and adequacy of the petitioner's data by comparing the petition information with publicly available data. On this basis, we have determined that the petitioner satisfied the statutory requirements for initiation purposes. *See Initiation Checklist*, dated July 18, 2000 (*Initiation Checklist*), which is on file in Import Administration's Central Records Unit.

If the petitioner alleges that the industry is a regional industry, the Department, on the basis of production in the region, shall determine whether the petition has been filed on behalf of the domestic industry by applying the requirements enunciated in section 732(c)(4)(A) of the Act. This section of the Act provides that the Department's industry support determination, which is to be made before the initiation of the investigation, be based on whether a minimum percentage of the relevant regional industry supports the petition. A petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product in the region; and (2) more than 50 percent of the production of the domestic like product in the region produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry.

While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authorities. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[4]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petitions is the single domestic like product defined in the ''Scope of Investigations'' section, below. No party has commented on the petitions' definition of the domestic like product, and there is nothing on the record to indicate that this definition is inaccurate. The Department, therefore, has adopted the domestic like product definition set forth in the petitions.

Moreover, the Department has determined that the petitions contain adequate evidence of industry support; therefore, polling is unnecessary (*see Initiation Checklist*). For each petition filed, the petitioner established industry support representing over 50 percent of total production of the domestic like product in the region. Accordingly, the Department determines that these petitions are filed on behalf of the regional domestic industry within the meaning of section 732(b)(1) of the Act.[5]

Scope of Investigations

For purposes of these investigations, the product covered is all steel concrete reinforcing bars (rebar) sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 7214.20.00 or any other tariff item number. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth bars) and rebar that has been further processed through bending or coating. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this proceeding is dispositive.

During our review of the petitions, we discussed the scope with the petitioner to ensure that it accurately reflects the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by August 18, 2000. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which the Department based its decision to initiate these investigations. The sources of data for the deductions and adjustments relating to home market price, U.S. price, and factors of production (FOP) are detailed in the *Initiation Checklist.* Where the petitioner obtained data from foreign market research, we spoke to the researcher to establish that person's credentials and to confirm the validity of the information being provided. Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we may re-examine the information and revise the margin calculations, if appropriate.

Regarding the investigations involving non-market economies (NME), the Department presumes, based on the extent of central government control in an NME, that a single dumping margin, should there be one, is appropriate for

[3] To date, the International Trade Commission has not considered the issue of whether to cumulatively assess the volume and effect of imports under section 771(7)(G)(i) of the Act in a regional industry case, where the petition alleges dumping of imports from more than one country. As a result, this case presents a novel question of whether to reach the cumulation issue before determining whether the subject imports were sufficiently concentrated within the alleged region, or whether to consider the concentration issue for each individual country, pursuant to section 771(4)(C) of the Act. Either method is a plausible interpretation of the statute. For purposes of these initiations, in our analysis of whether subject imports were sufficiently concentrated under section 771(4)(C) of the Act, we will accept the petitioner's allegation of injury based on the cumulative assessment of the volume and value of imports under section 771(7)(G)(i) of the Act.

[4] *See Algoma Steel Corp. Ltd.,* v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination*; *Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

[5] We note that, even if the petitions did not allege a regional market for the subject merchandise, industry support for these petitions represents more than 50 percent of national production of the domestic like product.

all NME exporters in the given country. In the course of these investigations, all parties will have the opportunity to provide relevant information related to the issues of a country's NME status and the granting of separate rates to individual exporters. *See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC*, 59 FR 22585 (May 2, 1994).

Austria

Export Price

The petitioner based export price (EP) on the March 2000 unit value reported in the Bureau of the Census IM–145 data and calculated a net U.S. price by deducting from this value international freight, U.S. port charges, and customs duties paid.

Normal Value

The petitioner based normal value (NV) on two methodologies. First, the petitioner provided an Austrian domestic price of high yield rebar obtained from an industry publication. However, because of the lack of specificity of the terms of sale associated with this price, we have not considered this value as a basis for NV. The petitioner also based NV on constructed value (CV), consisting of cost of manufacturing (COM), selling, general and administrative expenses (SG&A), profit, interest expense, depreciation, and packing. COM was calculated based on the average consumption rates of two U.S. rebar producers. The petitioner adjusted COM for known cost differences of the producers in the United States and Austria. To calculate SG&A and interest expense, the petitioner relied upon its own data because the Austrian producer's financial statements did not disclose these expenses. The petitioner derived profit based upon an Austrian rebar producer's 1998 financial statements.

Based upon the comparison of CV to EP, the petitioner calculated an estimated dumping margin of 104.05 percent.

Belarus

Export Price

The petitioner based EP on price quotes from Byelorussian Steel Works (BSW) to an unaffiliated U.S. purchaser for different sizes of rebar of the same grade and calculated a net U.S. price by deducting international freight and U.S. port charges.

Normal Value

The petitioner alleges that Belarus is an NME country, and calculated NV based on the FOP methodology pursuant to section 773(c) of the Act. In accordance with section 771(18)(C) of the Act, any determination that a foreign country has at one time been considered an NME shall remain in effect until revoked. This status covers the geographic area of the former U.S.S.R., each part of which retains the NME status of the former U.S.S.R. Therefore, Belarus will be treated as an NME unless and until its NME status is revoked (*see Preliminary Determination of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan*, 57 FR 23380 (June 3, 1992)).

For NV, the petitioner based the FOP, as defined by section 773(c)(3) of the Act, on the consumption rates of two U.S. rebar producers. The petitioner asserts that information regarding BSW's consumption rates is not available, and that the consumption rates of the two U.S. producers are typical of the global steel industry. Based on the information provided by the petitioner, we believe that the petitioner's FOP methodology represents information reasonably available to the petitioner and is appropriate for purposes of initiating this investigation.

The petitioner asserts that Thailand is the most appropriate surrogate country for Belarus, claiming that Thailand is: (1) A market economy; (2) a significant producer of comparable merchandise; and (3) at a level of economic development comparable to Belarus in terms of per capita GNP. Based on the information provided by the petitioner, we believe that the petitioner's use of Thailand as a surrogate country is appropriate for purposes of initiating this investigation.

In accordance with section 773(c)(4) of the Act, the petitioner valued FOP, where possible, on reasonably available, public surrogate country data from Thailand. Values for scrap steel and the scrap offset were based on Thai import prices listed in *TradStat Import/Exports Report* for the period October 1999 through March 2000. The value for electricity was obtained from the International Energy Agency's *Energy Prices & Taxes*, Fourth Quarter 1999. The natural gas value was taken from *Coal and Natural Gas Competition in APEC Economies*, August 1999. Labor was valued using the Department's regression-based wage rate for Belarus, in accordance with 19 CFR 351.408(c)(3).

The petitioner valued other production costs, for which no Thai surrogate values were available, with values from the two U.S. producers. All surrogate values that fell outside the anticipated period of investigation (POI), which in the NME cases was October 1, 1999 through March 31, 2000, were adjusted for inflation. For electricity, we recalculated the inflator using the wholesale price index. To determine depreciation, SG&A, interest expenses, and profit, the petitioner relied on the data from a 1999 annual report of Sahaviriya Steel Industries Public Company Limited, a Thai steel producer. Based on the information provided by the petitioner, we believe that the surrogate values represent information reasonably available to the petitioner and are acceptable for purposes of initiating this investigation.

Based on comparisons of EP to NV, the petitioner calculated estimated dumping margins ranging from 49.06 to 56.48 percent.

Indonesia

Export Price

The petitioner based EP on price quotes from PT Jakarta Kyoei Steel Works Ltd. (Jakarta Kyoei) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland frieght, international freight, and Indonesian and U.S. port charges.

Normal Value

With respect to NV, the petitioner provided a home market price that was obtained from foreign market research for a grade and size of rebar that is comparable to those of the products exported to the United States which serve as the basis for EP. The petitioner states that the home market price quotation was FOB mill and did not make any deductions from this price.

Although the petitioner provided a margin based on a price-to-price comparison, it also provided information demonstrating reasonable grounds to believe or suspect that sales of rebar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, and packing. The petitioner calculated COM based on the consumption rates of a U.S. rebar producer. The petitioner adjusted COM for known differences in the production process used by producers in the United States and Indonesia. To calculate depreciation and SG&A, the petitioner relied upon amounts reported in Jakarta Kyoei's 1998 financial statements. For interest

expense, the petitioner used Jakarta Kyoei's 1997 financial statements, explaining that the 1998 interest expenses were unreasonably high as a result of the financial crisis.

Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation. *See* the *Initiation of Cost Investigations* section below.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner also based NV for sales in Indonesia on CV. The petitioner calculated CV using the same COM, depreciation, SG&A, and interest expense figures used to compute Indonesian home market costs. Consistent with section 773(e)(2) of the Act, the petitioner included in CV an amount for profit. However, the profit amounted to zero because Jakarta Kyoei reported a loss on its 1998 financial statements. *See, e.g., Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Brazil, the People's Republic of China, Indonesia, Japan, the Russian Federation, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela*, 64 FR 34194, 34202 (June 25, 1999) (Petitioners added to CV no amount for profit, because the Thai steel producer reported a loss in its 1998 financial statements).

Based upon the comparison of CV to EP, the petitioner has calculated an estimated dumping margin of 71.01 percent.

Japan

Export Price

The petitioner based EP on a price quote from Kyoei Steel Ltd. (Kyoei), to an unaffiliated U.S. purchaser for two grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland freight, international freight, U.S. port charges, and customs duties paid.

Normal Value

With respect to NV, the petitioner provided a home market price that was obtained from foreign market research for grades and sizes of rebar that are comparable to the products exported to the United States which serve as the basis for EP. The petitioner calculated an ex-factory NV by deducting from the quoted home market price foreign inland freight and home market credit expense.

Although the petitioner provided a margin based on a price-to-price comparison, it also provided information demonstrating reasonable grounds to believe or suspect that sales of rebar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, interest expenses, and packing. The petitioner calculated COM based on the consumption rates of a U.S. rebar producer. The petitioner adjusted COM for known differences in the production process used by producers in the United States and Japan. To calculate depreciation, SG&A, and interest expenses, the petitioner relied upon the 1999 financial statements of Tokyo Steel Manufacturing Company (Tokyo Steel) because it was unable to locate public financial statements for Kyoei. Based upon the comparison of the price of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation. *See* the *Initiation of Cost Investigations* section below.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner also based NV for sales in Japan on CV. The petitioner calculated CV using the same COM, depreciation, SG&A, and interest expense figures used to compute Japanese home market costs. Pursuant to section 773(e)(2) of the Act, the petitioner included in CV an amount for profit. However, the profit amounted to zero because Tokyo Steel reported a loss on its 1998 financial statement.

Based upon the comparison of CV to EP, the petitioner has calculated an estimated dumping margin of 188.79 percent.

Latvia

Export Price

The petitioner based EP on a price quote from Liepaja Metalurgs (Liepaja) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting international freight and Latvian and U.S. port charges.

Normal Value

The petitioner alleges that Latvia is an NME country, and calculated NV based on the FOP methodology pursuant to section 773(c) of the Act. For the reasons described above for Belarus, Latvia will be treated as an NME unless and until its NME status is revoked.

Given that information regarding Liepaja's consumption rates is not available, NV was calculated using the same methodology described above for Belarus. Further, Thailand was used as the surrogate country. We believe that Thailand is an appropriate surrogate for purposes of initiating this case with respect to Latvia for the same reasons as discussed above with respect to Belarus.

Based on comparisons of EP to NV, the petitioner calculated estimated dumping margins ranging from 45.52 to 58.40 percent.

Moldova

Export Price

The petitioner based EP on a price quote from Moldova Steel Works (MSW) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland freight, international freight, and U.S. port charges.

Normal Value

The petitioner alleges that Moldova is an NME country, and constructed NV based on the FOP methodology pursuant to section 773(c) of the Act. For the reasons described above for Belarus, Moldova will be treated as an NME unless and until its NME status is revoked.

Given that information regarding MSW's consumption rates is not available, NV was calculated using the same methodology described above for Belarus, except that Indonesia, rather than Thailand, was used as the surrogate country for valuing the FOP. The petitioners assert that Indonesia is the most appropriate surrogate country for Moldova because Indonesia is: (1) A market economy country; (2) a significant producer of comparable merchandise; and (3) at a level of economic development comparable to Moldova in terms of per capita GNP. Based on the information provided by the petitioner, we believe that the petitioner's use of Indonesia as a surrogate country is appropriate for purposes of initiating this investigation.

In accordance with section 773(c)(4) of the Act, the petitioner valued FOP, where possible, on reasonably available, public surrogate country data from Indonesia. Values for scrap steel and the scrap offset were based on Indonesian

import prices listed in *TradStat Import/Exports Report* for the period October 1999 through March 2000. The values for electricity and gas were obtained from the International Energy Agency's *Energy Prices & Taxes*, Fourth Quarter 1999. Labor was valued using the Department's regression-based wage rate for Moldova, in accordance with 19 CFR 351.408(c)(3).

The petitioner valued other production costs, for which no Indonesian surrogate values were available, using values from the two U.S. producers. All surrogate values which fall outside the POI were adjusted for inflation. To determine depreciation and SG&A, the petitioner applied rates derived from the 1998 financial statements of Jakarta Kyoei, an Indonesian producer of the subject merchandise. For interest expense, the petitioner used Jakarta Kyoei's 1997 financial statements, explaining that the 1998 interest expenses were unreasonably high as a result of the financial crisis. The amount for profit was reported as zero because Jakarta Kyoei reported a loss on its 1998 financial statements. Based on the information provided by the petitioner, we believe that the surrogate values represent information reasonably available to the petitioner and are acceptable for purposes of initiating this investigation.

Based on comparisons of EP to NV, the petitioner calculated an estimated dumping margin of 49.07 percent.

The People's Republic of China

Export Price

The petitioner based EP on a price quote from Laiwu Steel Group Limited (Laiwu) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting international freight, U.S. port charges, and customs duties paid.

Normal Value

The petitioner asserts that the PRC is an NME country, and that in all previous investigations the Department has determined that the PRC is an NME. *See, e.g., Natural Bristle Paintbrushes and Brush Heads From the People's Republic of China,* 65 FR 13944, 13946 (March 15, 2000) (preliminary determination). The PRC will be treated as an NME unless and until its NME status is revoked. Pursuant to section 771(18)(C)(i) of the Act, because the PRC's status as an NME remains in effect, the petitioner determined the dumping margin using an NME analysis.

Given that information regarding Laiwu's consumption rates is not available, NV was calculated using the same methodology described above for Moldova. Further, Indonesia was used as the surrogate country. We believe that Indonesia is an appropriate surrogate for purposes of initiating this case with respect to the PRC for the same reasons as discussed above with respect to Moldova.

Based on comparisons of EP to NV, the petitioner calculated an estimated dumping margin of 59.98 percent.

Poland

Export Price

The petitioner based EP on a price quote from Huta Ostrowiec to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland freight, international freight, and U.S. port charges.

Normal Value

With respect to NV, the petitioner provided a home market price that was obtained from foreign market research for a grade and size of rebar that is comparable to those of the products exported to the United States which serve as the basis for EP. The petitioner states that the home market price quotation was FOB mill and did not make any deductions from this price.

Although the petitioner provided a margin based on a price-to-price comparison, it also provided information demonstrating reasonable grounds to believe or suspect that sales of rebar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, interest expenses, and packing. The petitioner calculated COM based on the average consumption rates of two U.S. rebar producers. The petitioner adjusted COM for known differences in the production process used by producers in the United States and Poland. To calculate depreciation, SG&A, and interest expenses, the petitioner also relied upon its own data because it was unable to locate public financial statements for Huta Ostrowiec. Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation. *See* the *Initiation of Cost Investigations* section below.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner also based NV for sales in Poland on CV. The petitioner calculated CV using the same COM, depreciation, SG&A and interest expense figures used to compute Polish home market costs. Consistent with section 773(e)(2) of the Act, the petitioner also added to CV an amount for profit. Petitioner derived profit based upon its own data.

Based upon the comparison of CV to EP, the petitioner calculated an estimated dumping margin of 53.54 percent.

Republic of Korea

Export Price

The petitioner determined EP based on price quotes from Hanbo Iron and Steel Co. Ltd. (Hanbo) and the former Kangwon Industries Ltd. (Kangwon), which has recently been acquired by Inchon Iron & Steel Co. Ltd. (Inchon), to unaffiliated U.S. purchasers for different grades and sizes of rebar. The petitioner calculated a net U.S. price by deducting foreign inland freight, international freight charges, Korean and U.S. port charges, and customs duties paid.

Normal Value

With respect to NV, the petitioner provided home market prices that were obtained from foreign market research for grades and sizes of rebar that are comparable to the products exported to the United States which serve as the basis for EP. The petitioner calculated an ex-factory NV by deducting from the quoted home market prices foreign inland freight.

Although the petitioner provided a margin based on a price-to-price comparison, it also provided information demonstrating reasonable grounds to believe or suspect that sales of rebar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, interest expenses, and packing. The petitioner calculated COM based on the average consumption rates of two U.S. rebar producers. The petitioner adjusted COM for known differences in the production process used by producers in the United States and Korea. To calculate depreciation, SG&A, and

interest expenses the petitioner relied upon the 1998 unconsolidated annual report for Kangwon. Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation. *See* the *Initiation of Cost Investigations* section below.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioner also based NV for sales in Korea on CV. The petitioner calculated CV using the same COM, depreciation, SG&A and interest expense figures used to compute Korean home market costs. Consistent with section 773(e)(2) of the Act, the petitioner also added to CV an amount for profit, using data from Inchon's 1998 financial statements because Kangwon had no profit in 1998.

Based upon the comparison of CV to EP, the petitioner calculated estimated dumping margins of 86.69 percent and 102.28 percent.

The Russian Federation

Export Price

The petitioner based EP on a price quote from Kuznetskiy Met Kombinat (KMK) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and given that the terms of this price quote were FOB mill, no deductions to the price quotation were made.

Normal Value

The petitioner asserts that the Russia is an NME country, and that in all previous investigations the Department has determined that Russia is an NME. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation,* 65 FR 42669, 42670–71 (July 11, 2000) (final determination). Russia will be treated as an NME unless and until its NME status is revoked. Pursuant to section 771(18)(C)(i) of the Act, because Russia's status as an NME remains in effect, the petitioner determined the dumping margin using an NME analysis.

Given that information regarding KMK's consumption rates is not available, NV was calculated using the same methodology described above for Belarus. Further, Thailand was used as the surrogate country. We believe that Thailand is an appropriate surrogate for purposes of initiating this case with respect to Russia for the same reasons as discussed above with respect to Belarus.

Based on comparisons of EP to NV, the petitioner calculated an estimated dumping margin of 68.87 percent.

Ukraine

Export Price

The petitioner based EP on a price quote from Krivoi Rog State Mining & Metal Works (Krivoi Rog) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland freight, international freight, U.S. port costs, and customs duties paid.

Normal Value

The petitioner alleges that Ukraine is an NME country, and in all previous investigations, the Department has determined that Ukraine is an NME. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Ukraine,* 62 FR 61754 (November 19, 1997)). Ukraine will be treated as an NME unless and until its NME status is revoked. Pursuant to section 771(18)(C)(i) of the Act, because Ukraine's status as an NME remains in effect, the petitioner determined the dumping margin using an NME analysis.

Given that information regarding Krivoi Rog's consumption rates is not available, NV was calculated using the same methodology described above for Moldova. Further, Indonesia was used as the surrogate country. We believe that Indonesia is an appropriate surrogate for purposes of initiating this case with respect to Ukraine for the same reasons discussed above with respect to Moldova.

Based on comparisons of EP to NV, the petitioner calculated an estimated dumping margin of 41.69 percent.

Venezuela

Export Price

The petitioner based EP on a price quote from Siderurgica del Turbio SA (Sidetur) to an unaffiliated U.S. purchaser for different grades and sizes of rebar, and calculated a net U.S. price by deducting foreign inland freight, international freight, and Venezuelan and U.S. port charges.

Normal Value

With respect to NV, the petitioner provided a home market price obtained from foreign market research for grades and sizes of rebar comparable to the products exported to the United States which serve as the basis for EP. The petitioner calculated an ex-factory NV by deducting from the quoted home market price movement related charges associated with delivering the merchandise to the Venezuelan customers.

Based upon the comparison of NV to EP, the petitioner calculated an estimated dumping margin of 125.49 percent.

Initiation of Cost Investigations

As noted above, pursuant to section 773(b) of the Act, the petitioner provided information demonstrating reasonable grounds to believe or suspect that sales in the home markets of Indonesia, Japan, Korea, and Poland were made at prices below the fully absorbed COP and, accordingly, requested that the Department conduct country-wide sales-below-COP investigations in connection with the requested antidumping investigations for these countries. The Statement of Administrative Action (SAA), submitted to the U.S. Congress in connection with the interpretation and application of the URAA, states that an allegation of sales below COP need not be specific to individual exporters or producers. SAA, H.R. Doc. No. 316 at 833 (1994). The SAA, at 833, states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.''

Further, the SAA provides that ''new section 773(b)(2)(A) retains the current requirement that Commerce have 'reasonable grounds to believe or suspect' that below cost sales have occurred before initiating such an investigation. 'Reasonable grounds' * * * exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.'' *Id.* Based upon the comparison of the adjusted prices from the petition for the representative foreign like products to their COPs, we find the existence of ''reasonable grounds to believe or suspect'' that sales of these foreign like products in markets of Indonesia, Japan, Korea, and Poland were made below their respective COPs within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating the requested country-wide cost investigations.

Critical Circumstances

The petitioner has alleged that the Department should make an expedited

finding that critical circumstances exist with regard to imports of rebar from the PRC, Korea, Latvia, and Poland, and has supported its allegations with the following information.

First, the petitioner claims that the importers knew, or should have known, that the rebar was being sold at less than NV. Specifically, the petitioner alleges that the margins calculated in the petition for each of the four countries exceed the 25 percent threshold used by the Department to impute importer knowledge of dumping. Moreover, with regard to Korea and Latvia, the petitioner notes that exports of rebar from these countries have been subject to recent antidumping duties imposed by countries other than the United States.

The petitioner also has alleged that imports from these four countries have been massive over a relatively short period. Alleging that there was sufficient pre-filing notice of these antidumping petitions, the petitioner contends that for purposes of this determination, the Department should compare imports during September to December 1999 to imports during January to April 2000.[6] As explained in section 351.206(i) of our regulations, ''the Secretary normally will consider a ''relatively short period'' as the period beginning on the date the proceeding begins and ending at least three months later. However, if the Secretary finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a period of not less than three months from that earlier time.''

The petitioner supported its claim that an earlier comparison period should be used with citations from a December 7, 1999, news article discussing the formation of a U.S. industry coalition and the likelihood of filing of antidumping petitions against producers of rebar. Additionally, in a petition amendment/supplement filed July 13, 2000, the petitioner provided several additional articles published prior to the petition filing that specifically referenced the volume of rebar exports from these four countries.

In the past, the Department concluded that a high level of press coverage provided foreign producers of rebar with prior knowledge of pending antidumping investigations. *See e.g., Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Brazil, the People's Republic of China, Indonesia, Japan, the Russian Federation, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela,* 63 FR 34194, 34203 (June 25, 1999). Therefore, the Department considered import statistics contained in the petition for the periods September–December 1999 and January–April 2000 for Korea, Latvia and Poland, and the periods of August–December 1999 and January–May 2000 for the PRC. Based on this comparison, imports of rebar from the PRC increased by 130 percent, imports from Korea increased by 17 percent, imports from Latvia increased by 42.4 percent, and imports from Poland increased from zero imports to over forty thousand metric tons, an unquantifiable percentage.[7]

The Department also considers the extent of the increase in the volume of imports of the subject merchandise as one indicator of whether a reasonable basis exists to impute knowledge that material injury was likely. In the cases involving the PRC, Korea, Latvia and Poland, the increases in imports were in excess of fifteen percent, the amount considered ''massive'' by the Department. Taking into consideration the foregoing, we find that the petitioner has supported its claim of critical circumstances with information reasonably available for purposes of initiating a critical circumstances inquiry. For these reasons, we will investigate this matter further and will make a preliminary determination at the appropriate time, in accordance with section 735(e)(1) of the Act and the Department's practice (see Policy Bulletin 98/4 (63 FR 55364, October 15, 1998)).

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of rebar from Austria, Belarus, Indonesia, Japan, Korea, Latvia, Moldova, the PRC, Poland, Russia, Ukraine, and Venezuela are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitions allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The petitioner contends that the industry's injured condition is evident in the declining trends in net operating profits, net sales volumes, profit to sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation (*see Initiation Checklist* at Attachment Re: Material Injury).

Initiation of Antidumping Investigations

Based upon our examination of the petitions on rebar, and the petitioner's responses to our supplemental questionnaire clarifying the petitions, as well as our conversations with foreign market researchers and other experts who provided information concerning various aspects of the petitions, we have found that they meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of rebar from Austria, Belarus, Indonesia, Japan, Korea, Latvia, Moldova, the PRC, Poland, Russia, Ukraine, and Venezuela are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of Austria, Belarus, Indonesia, Japan, Korea, Latvia, Moldova, the PRC, Poland, Russia, Ukraine, and Venezuela. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, no later than August 14, 2000, whether there is a reasonable indication that imports of certain rebar products from Austria, Belarus, Indonesia, Japan, Korea, Latvia, Moldova, the PRC, Poland, Russia,

[6] For the PRC, the petitioner compared imports from the five-month period of August to December 1999, and January to May 2000, in order to include a significant May shipment of rebar in its analysis.

[7] In the period of September to December 1999, there were no imports of rebar from Poland.

Ukraine, and Venezuela are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: July 18, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–18809 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 84–11A12.''

Northwest Fruit Exporters' (''NFE'') original Certificate was issued on June 11, 1984 (49 FR 24581, June 14, 1984) and previously amended on May 2, 1988 (53 FR 16306, May 6, 1988); September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); November 19, 1992 (57 FR 55510, November 25, 1992); August 16, 1994 (59 FR 43093, August 22, 1994); November 4, 1996 (61 FR 57850, November 8, 1996); October 22, 1997 (62 FR 55783, October 28, 1997); November 2, 1998 (63 FR 60304, November 9, 1998); and October 20, 1999 (64 FR 57438, October 25, 1999). A summary of the application for an amendment follows.

Summary of the Application

Applicant: Northwest Fruit Exporters, 105 South 18th Street, Suite 227, Yakima, Washington 98901.

Contact: James R. Archer, Manager, Telephone: (509) 576–8004.

Application No.: 84–11A12.

Date Deemed Submitted: July 18, 2000.

Proposed Amendment: Northwest Fruit Exporters seeks to amend its Certificate to:

1. Add each of the following companies as a new ''Member'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Apple Country, Inc., Wapato, Washington; Cashmere Fruit Exchange, Cashmere, Washington; Dole Northwest, Wenatchee, Washington; IM EX Trading Company, Yakima, Washington; Inland—Joseph Fruit Company, Wapato, Washington; (controlling entity: Inland Fruit & Produce Co., Inc.); PAC Marketing International, LLC, Yakima, Washington; Sage Marketing LLC, Yakima, Washington (controlling entities: Olympic Fruit, Columbia Reach and Valley Fruit); Voelker Fruit & Cold Storage, Inc., Yakima, Washington; and Washington Export, LLC, Yakima, Washington;

2. Delete the following companies as ''Members'' of the Certificate: Crandell Fruit Company, Wenatchee, Washington; George F. Joseph Orchard, Yakima, Washington; Gwin, White & Prince, Inc., Wenatchee, Washington; H & H Orchards Packing, Inc., Malaga, Washington; Inland Fruit & Produce Co., Wapato, Washington; Johnny Appleseed of WA/CRO Fruit Co., Wenatchee, Washington, Majestic Valley Produce, Wenatchee, Washington; and Valicoff Fruit Company, Inc., Wapato, Washington; and

3. Change the listing of the company name for the current Member ''Blue Bird, Inc.'' to the new listing ''Washington Cherry Growers''.

Dated: July 19, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–18737 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Workshop on Modes of Operation for Symmetric Key Block Cipher Algorithms

AGENCY: National Institute of Standards and Technology, Doc.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) announces a workshop to discuss modes of operation for the protection of data using a symmetric key block cipher algorithm. The results of this workshop will be used by NIST in development a draft modes of operation standard for symmetric key block cipher algorithms. Comments and papers are encouraged prior to the workshop to propose, define, and justify any modes that are appropriate for NIST to include in such a standard. These comments and papers should be addressed to EncryptionModes@nist.gov.

DATES: The Modes of Operation workshop will be held on Friday, October 20, 2000, from 9 a.m. to 5 p.m.

To provide for sufficient time to prepare the agenda for the modes to be discussed at the workshop, comments are due by October 1, 2000.

ADDRESSES: The workshop will be held at the Baltimore Convention Center in Baltimore, Maryland. Details regarding workshop registration can be found at: http://www.nist.gov/modes.

Comments regarding proposed modes of operation may be sent to: EncryptionModes@nist.gov or to Elaine Barker, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, USA.

FOR FURTHER INFORMATION CONTACT: The Symmetric Key Block Cipher Modes of Operation home page (http://www.nist.gov/modes) may be used to access information regarding the modes of operation workshop, registration and lodging information.

Questions may also be addressed to: 1) Elaine Barker at (301) 975–2911 (Email: ebarker@nist.gov) or Bill Burr at (301) 975–2914 (Email: william.burr@nist.gov).

SUPPLEMENTARY INFORMATION: In 1997, NIST began the development of the Advanced Encryption Standard (AES) to specify a symmetric key block cipher algorithm that would provide confidentiality for sensitive (unclassified) data. As the AES development process nears its conclusion, the specific modes of operation for its use need to be addressed. In 1980, Federal Information Processing Standard (FIPS) 81, *DES Modes of Operation,* defined four encryption modes for the Data Encryption Standard (DES). The four modes are the Electronic Codebook (ECB) mode, the Cipher Block Chaining (CBC) mode, the Cipher Feedback (CFB) mode, and the Output Feedback (OFB) mode. Each mode of FIPS 81 specifies a different way to use the DES block encryption algorithm to encrypt and decrypt data, with somewhat different security and operational characteristics, and each is best suited to different applications. Cryptographic system designers or security application designers need to select one or more of the modes when using the DES symmetric key block cipher algorithm in a cryptographic system or security application. However, FIPS 81 was written to be specific to DES and its key and block size. A new standard is needed that will address other symmetric key block cipher algorithms (*e.g.,* AES). The workshop will provide NIST with useful input as the standard is drafted.

It is NIST's intention that the planned standard be independent of specific key or block sizes of particular encryption algorithms and that the standard include the four modes specified in FIPS 81, plus other modes needed for current applications and technology. During the development of the AES, NIST received comments suggesting that additional modes should be included in a Modes of Operation standard, and that the development of a new modes standard should be carefully considered by the cryptographic community. To this end, the workshop will discuss appropriate secure modes that participants believe NIST should consider for the standard. Comments are requested prior to the workshop on any recommended modes so as to facilitate discussion of specific proposals at the workshop. Following the workshop, NIST intends to prepare a draft standard that will be made available for public review and comment.

Advance registration and a workshop fee is required for workshop attendance. Details of the workshop may be obtained at http://www.nist.gov/modes. Note that this workshop follows the National Information Systems Security Conference (NISSC) held in Baltimore, Maryland from October 16–19, 2000.

NIST solicits comments from interested parties, including industry, academia, voluntary standards organizations, the public, Federal agencies, and State and local governments concerning the Modes of Operation Standard issues and techniques for discussion at the workshop.

Authority: NIST's activities to develop computer security standards to protect Federal sensitive (unclassified) systems are undertaken pursuant to specific responsibilities assigned to NIST in Section 5131 of the Information Technology Management Reform Act of 1996 (Pub. L. 104–106), the Computer Security of 1987 (Pub. L. 100–235), and Appendix III to Office of Management and Budget Circular A–130.

Dated: July 18, 2000.

Karen H. Brown,

Deputy Director, NIST.

[FR Doc. 00–18811 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–CN–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Participation in the Special Access Program

July 19, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs suspending participation in the Special Access Program.

EFFECTIVE DATE: August 1, 2000.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Committee for the Implementation of Textile Agreements (CITA) has determined that Top Kid's, Inc. has violated the requirements for participation in the Special Access Program, and has suspended Top Kid's, Inc. from participation in the Program for the period August 1, 2000 through January 31, 2002.

Through the letter to the Commissioner of Customs published below, CITA directs the Commissioner to prohibit entry of products under the Special Access Program by or on behalf of Top Kid's, Inc. during the period August 1, 2000 through January 31, 2002, and to prohibit entry by or on behalf of Top Kid's, Inc. under the Program of products manufactured from fabric exported from the United States during that period.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Richard B. Steinkamp,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 19, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has suspended Top Kid's, Inc. from participation in the Special Access Program for the period August 1, 2000 through January 31, 2002. You are therefore directed

to prohibit entry of products under the Special Access Program by or on behalf of Top Kid's, Inc. during the period August 1, 2000 through January 31, 2002. You are further directed to prohibit entry of products under the Special Access Program by or on behalf of Top Kid's, Inc. manufactured from fabric exported from the United States during the period August 1, 2000 through January 31, 2002.

Sincerely,

Richard B. Steinkamp,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–18682 Filed 7–24–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 24, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wai-Sinn Chan, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address Wai-Sinn__L.__Chan@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: July 19, 2000.

Joseph Schubart,

Acting Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New.

Title: Annual Performance Report for the Preparing Tomorrow's Teachers to use Technology Grant Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 225—Burden Hours: 2,250.

Abstract: This submission requests approval for a web-based performance report needed by the U.S. Department of Education (ED) to obtain baseline data and information on the progress and effectiveness of the Preparing Tomorrow's Teachers to use Technology (PT3) grantees. The PT3 grant program was established to assist consortia of public and private entities in developing and implementing teacher training programs that prepare prospective teachers to use technology for improved instructional practices and student learning opportunities in the classroom. The performance reports will be completed by all 225 grantees and data gathered from the reports will be used by ED to determine which activities are most successful at training preservice teachers to integrate technology and to determine the overall effectiveness of the PT3 grant program.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie__Montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–18690 Filed 7–24–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Soliciting Motions To Intervene, Protests, Comments, Recommendations, Terms and Conditions, and Prescriptions

July 19, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Amendment of Exemption.

b. Project No.: 7662–015.

c. Date filed: June 12, 2000.

d. Applicant: Reading Area Water Authority.

e. Name of Project: Ontelaunee.

f. Location: At Lake Ontelaunee in Berks County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact: Gary D. Bachman, Van Ness Feldman, P.C., 1050 Thomas Jefferson Street, N.W., Washington, D.C. 20007, (202) 298–1800.

i. FERC Contact: Hector Perez, hector.perez@ferc.fed.us, 202–219–2843.

j. Deadline for filing motions to intervene, protest, comments, recommendations, terms and conditions, and prescriptions: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commisison's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The existing project consists of two units at the facility's gatehouse, 375-kW and 530-kW, respectively, and a 37-kW unit at a nearby filter plant. The

applicant proposes to decommission the two units at the gatehouse by removing the units and disconnecting the transmission line that connects them to the grid.

The applicant also proposes to amend the conservation minimum flows. Presently, the applicant is required to maintain a minimum flow of 51 cubic feet per second (cfs) or the inflow to the reservoir, whichever is less. The applicant proposes to: (1) maintain a constant conservation flow of 51 cfs if the level of the reservoir is 302 feet; (2) maintain a constant conservation flow of 36 cfs if the reservoir level is between 300 and 302 feet; and (3) maintain a constant conservation flow of 27 cfs if the level of the reservoir is under 300 feet.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding.

n. All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). An additional copy must be sent to Director, Division of Environmental and Engineering Review, Office of Energy Projects at the address shown in item j and to the applicant's contact specified in item h above. The filing must include proof of service of the filing on all persons listed in the service list in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 00–18698 Filed 7–24–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application To Amend License, and Soliciting Comments, Motions To Intervene, and Protests

July 20, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Application Type: Application to amend the license.

b. Project No.: P–6641–037.

c. Date Filed: April 7, 2000.

d. Applicant: City of Marion, Kentucky and Smithland Hydroelectric Partners.

e. Name of Project: Smithland Hydroelectric Project.

f. Location: The Project would be located at the existing U.S. Army Corps of Engineers' Smithland Lock and Dam on the Ohio River in Livingston County, Kentucky. The project utilizes a government dam.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Smithland Hydroelectric Partners, Ltd., 120 Calumet Court, Aiken, S.C. 29803. Tel: (803) 642–2749.

i. FERC Contact: Any questions on this notice should be addressed to Ms. Allyson Lichtenfels at (202) 219–3274 or by e-mail at Allyson.lichtenfels@ferc.fed.us.

j. Deadline for filing comments and/or motions: August 28, 2000.

Please include the project number (P–6641–037) on any comments or motions filed.

k. Description of Filing: Smithland Hydroelectric Partners, Ltd., (Smithland) proposes to change (a) the number of units authorized from 216 turbines and 108 generators to 170 turbines and 170 generators, (b) total authorized capacity from 80 MW to 83 MW, (c) the project's hydraulic capacity from 58,000 cfs to 63,500 cfs, (d) the net head from 20.2 ft. to 21 ft., and (e) extend the deadline for project completion.

l. Location of the Application. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–18739 Filed 7–24–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6840–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; New Source Performance Standard (NSPS), for Automobile and Light Duty Truck Surface Coating

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS, Subpart MM, for Automobile and Light Duty Truck Surface Coating. OMB Control Number: 2060–0034, expiration date: 9/30/2000. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 24, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1064.09. For technical questions about the ICR contact Anthony Raia in the Office of Compliance at 202–564–6045.

SUPPLEMENTARY INFORMATION:

Title: NSPS, Subpart MM, for Automobile and Light Duty Truck Surface Coating (OMB Control Number 2060–0034; EPA ICR Number 1064.09; expiring 9/30/2000). This is a request for extension of a currently approved collection.

Abstract: The New Source Performance Standards (NSPS) for automobile and light duty truck surface coating operations were proposed on October 5, 1979 and promulgated on December 24, 1980 (45 FR 85415). These standards apply to the following automobile and light duty truck assembly plant lines: each prime coat operation, guide coat operation, and top coat operation commencing construction, modification or reconstruction after October 5, 1979. Volatile organic compounds (VOC) are the pollutants regulated under the standards.

Owners or operators of the affected facilities described must make the following one time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of the date of the initial performance test (not required under section 60.393(a)); and the results of the initial performance test.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 21, 2000 (65 FR 3443). Comments were received from industry representatives. The representatives believed the EPA substantially underestimated the number of burden hours associated with this regulation.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 228 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Automobile and light duty truck surface coating plants.

Estimated Number of Respondents: 45.

Frequency of Response: Quarterly.

Estimated Total Annual Hour Burden: 39,039.

Estimated Total Annualized Capital O&M Cost Burden: $6,750.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1064.09 and OMB Control No. 2060–0034 in any correspondence.

Ms. Sandy Farmer,
U.S. Environmental Protection Agency,
Office of Environmental Information,
Collection Strategies Division (2822),
1200 Pennsylvania Ave NW,
Washington, DC 20460;

and

Office of Information and Regulatory Affairs,
Office of Management and Budget,
Attention: Desk Officer for EPA,
725 17th Street, NW, Washington, DC 20503.

Dated: July 15, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–18792 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6838–7]

FY01 Wetland Program Development Grants

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Wetland Program Development Grants (WPDGs), initiated in FY90, provide states, tribes and local governments (S/T/LGs) an opportunity to develop projects which build and refine comprehensive wetland programs. While WPDGs can continue to be used by S/T/LGs to build and refine all elements of a comprehensive wetland program, the wetland program identified two program priorities for FY01: monitoring and assessing the status and condition of wetlands; and improving the effectiveness of compensatory mitigation. Some priority will be given to funding projects which address these two priority areas. This document will serve as operating guidance for S/T/LGs interested in applying for FY01 WPDGs.

FOR FURTHER INFORMATION CONTACT: Shanna Draheim, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (MC 4502F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460, Telephone: (202) 260–6218, Fax:

(202) 260–8000, email: draheim.shanna@epa.gov.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans and Watersheds.

Table of Contents

I. Introduction

The goals of the Environmental Protection Agency's wetland program and the Clean Water Action Plan are to increase the quantity and quality of wetlands in the U.S. by conserving and increasing wetland acreage, and improving wetland health. In pursuing these goals, EPA seeks to build the capacity of all levels of government to develop and implement effective, comprehensive programs for wetland protection and management.

The Wetland Program Development Grants were initiated in FY90 to provide an opportunity for states, tribes and local governments (S/T/LGs) to develop projects which build and refine comprehensive wetland programs. S/T/LG interest in the grant program has continued to grow over the years, and since 1995 Congress has appropriated $15 million annually to support the grant program. EPA encourages S/T/LGs to build effective, comprehensive wetland programs in five areas: monitoring and assessment, regulation, restoration, water quality, and public-private partnerships.

The type of projects which S/T/LGs can undertake to build their comprehensive wetland programs are very diverse. In the past, S/T/LGs have pursued a wide range of activities, such as developing plans and management tools for wetland resources, advancing scientific and technical tools for protecting wetland health, improving public access to information about wetlands, and training/educating wetland managers and the public about wetland and watershed values. A list of other example project topics is included in Appendix B.

The statutory authority for Wetland Program Development Grants is section 104(b)(3) of the Clean Water Act (CWA). Wetland Program Development Grants (WPDG) are limited to developing new or refining existing comprehensive wetland programs. Section 104(b)(3) of the CWA restricts the use of these grants to developing wetland management programs. These grants may not be used for the operational support of wetland programs. All projects funded through this program must contribute to the overall development and improvement of S/T/LG wetland programs. Applicants must demonstrate that their proposed project integrates with their S/T/LG wetland programs. At this time, Wetland Program Development Grants cannot be used for ongoing operational support of S/T/LG wetland programs.

The award and administration of Wetland Program Development Grants are governed by the regulations at 40 CFR Part 31 (''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments''). EPA has proposed additional regulations to govern state and tribal environmental program grants, including Wetland Program Development Grants and Performance Partnership Grants, to be codified at 40 CFR Part 35, Subparts A and B (see 64 FR 40064 and 64 FR 40084 (July 23, 1999)). EPA will provide further guidance regarding these proposed regulations when they are promulgated as final rules.

II. FY 2001 Program Priorities

EPA has begun to assess the status of programs that will move us toward our wetland goals. The wetland program has identified two areas as program priorities for improving our ability to protect and restore wetlands in the U.S.—monitoring and assessing the status and condition of wetlands, and improving the effectiveness of compensatory mitigation. S/T/LG are encouraged to develop WPDGs which build their programs in these areas.

Monitoring and assessing the status and condition of wetlands: Projects which advance the science, technical, and management tools for evaluating, protecting and restoring wetland health. Projects should be directed toward developing and ultimately implementing multi-scale, comprehensive S/T/LG wetland monitoring programs. For example, WPDGs can be used for projects which build S/T/LG capacity to analyze data, assess biological health of wetlands, estimate wetland losses and gains, assess wetland function, and coordinate activities and information among levels of government. Grant funds can also be used to provide training in monitoring and assessment techniques. While wetland inventory is an important component of monitoring, inventory alone does not constitute program development.

Improving the effectiveness of compensatory mitigation: Projects which improve S/T/LG capacity to ensure ecologically effective compensatory mitigation for unavoidable impacts. For example, WPDGs can be used to build technical expertise in wetland restoration and creation, develop tracking systems for compliance and enforcement of mitigation activities, and develop methods for monitoring the effectiveness of mitigation. Grants can only be used for improvement or development of mitigation programs. They cannot be used for specific mitigation activities (e.g. projects for mitigation banks or in lieu fee mitigation programs).

While WPDGs can still be used by S/T/LGs to build and refine all elements of a comprehensive wetland program (see examples in Appendix B), in this and upcoming years, some priority will be given to funding projects which address these two priority areas.

III. Funding Eligibility

State, tribal, and local governmental agencies, interstate, intertribal, and local government associations are eligible to receive grant funds. Typical wetland or wetland related agencies include, but are not limited to wetland regulatory agencies, water quality agencies (Section 401 water quality certification), planning offices, wild and scenic rivers agencies, departments of transportation, fish and wildlife or natural resources agencies, agriculture departments, forestry agencies, coastal zone management agencies, park and recreation agencies, non-point source or storm water agencies, city or county and other S/T/LG wetland-related agencies.

In order to be eligible for Wetland Program Development Grant funds, tribes must be federally recognized, although ''Treatment as a State'' status is not a requirement. Interstate and intertribal entities and associations are eligible for direct funding. Inter-state/tribal/local entity projects must be broad in scope and encompass more than one state, tribe or local government.

Grant funds are typically awarded through a competitive process at a Regional level. While funds are allocated to EPA Regional offices based

on the number of states within the Region, EPA is not required to provide grant funds to any or all S/T/LGs. Funding decisions will be made by EPA Regional offices, and are based on the quality of the proposals received and adherence to the selection criteria. Regions typically receive requests for funding far in excess of available funds.

EPA Headquarters (HQ) uses some of the Wetland Program Development Grant funds to support entities other than S/T/LG agencies for projects and tasks that advance state, tribal and/or local wetland programs on a national basis. These projects are not selected through the Regional grant selection process.

IV. Selection Criteria

For FY2001, some priority in the selection process will be given to projects which build S/T/LG's monitoring and assessment programs or seek methods for improving the effectiveness of compensatory mitigation. All proposals (regardless of topic area) will be evaluated using the following general criteria:

- Clarity of Proposal's Work Plan—clearly written and described projects
- Potential Environmental Results—a high likelihood for positive environmental results in the short and long term
- Transferability of Results and/or Methods to Other S/T/LG
- Success of Previous Projects—for any applicants who have received prior EPA funding
- Involvement/Commitment of the S/T/LG applicant—significant financial and personnel contribution, involvement of partners, incorporation of project into broad agency goals.

Some EPA Regions have additional criteria for evaluating grant applications. Please contact your Regional Grant Coordinator for further guidance (see Appendix C).

V. Application Procedures

Wetland Program Development Grants are applied for through EPA Regional offices. Regional offices review all their applications and select the most competitive projects for funding. We emphasize that the quality of the applications will play a significant role in the Region's selection of grants for funding.

a. *Application Package:* Interested applicants must submit an application including completed EPA grant forms and a work plan. At a minimum, work plans must include a project description, time-line, budget, and deliverables. Some Regional offices may ask S/T/LGs to submit pre-application proposals of grant projects for competitive review. Contact your Regional EPA Grant Coordinator (Appendix C) for more specific regional requirements and formats.

b. *Deadlines:* Full applications and/or pre-application proposals must be submitted to the appropriate EPA Regional office. Regional deadlines are generally in the fall. Please contact your Regional Grants Coordinator (see Appendix C) for further information about application processes and to confirm deadlines.

Regions may request the applicant to submit revised work plans to adjust funding levels to fit within the Region's funding availability or to revise a proposal to develop a project that better fits within the grant criteria.

c. *Match Requirements:* Recipients must provide a minimum of 25% of each award's total project costs in accordance with the regulation governing cost sharing (40 CFR 31.24 ''Matching or Cost Sharing''). We encourage states, tribes and local governments to provide additional matching funds whenever possible (i.e., funds in excess of the required 25% of total project costs).

Matching funds can be provided by entities other than the S/T/LG agency. Other federal money cannot be used as the match for this grant program. However, Indian tribes can use funds provided under the Indian Self-Determination and Education Act (*i.e.*, 638 funds) to provide the required matching funds to the extent authorized by that Act and implementing regulations.

Matching funds are considered grant funds. They may be used for the reasonable and necessary expenses of carrying out the work plan. Any restrictions on the use of grant funds (i.e. acquisition of land) also apply to the use of matching funds.

d. *Quality Assurance/Quality Control (QA/QC):* QA/QC and peer review are sometimes applicable to these grants. Each application should be evaluated to determine if QA/QC is needed in order to comply with the quality system requirements under EPA Order 5360.1. These requirements apply to the collection of environmental data. Environmental data is any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data includes information collected directly from measurements, produced from models, and compiled from other sources such as data bases or literature. Applicants should allow sufficient time and resources for this process. EPA Regional offices can provide specific guidance on QA/QC requirements.

VI. Additional Program Information

a. *Performance Partnership Grants:* A Performance Partnership Grant (PPG) is a multi-program grant made to a state, interstate agency, tribe, or intertribal consortium from funds allocated and otherwise available for environmental program grants. PPGs are voluntary and provide recipients the option to combine funds from two or more categorical grants into one or more PPG. PPGs can provide administrative and/or programmatic flexibility. Local governments are not eligible for PPGs.

The Wetland Program Development Grants remain a competitive grant program. The state or tribal project must first be selected under the competitive grant process and must identify specific wetland-related output or outcome measures in the grant proposal as a condition for adding funds to the PPG. A state or tribe may include these grant output measures in its Environmental Performance Agreement/Tribal Environmental Agreement and use these agreements to support their application for these grant funds. If the state or tribe chooses to add wetland grant funds to an existing PPG, EPA will add these funds to the PPG by a grant amendment and the recipient must amend its work plan to identify the specific wetland-related output or outcome measures that will be accomplished.

For further information, see 63 FR 53764, ''Performance Partnership Grants for State and Tribal Environmental Programs: Revised Interim Guidance'' (Oct. 6, 1998) and the proposed rules for State and Tribal environmental program grants at 64 FR 40064 and 40084 (July 23, 1999).

b. *Core Elements of a State or Tribal Comprehensive Wetland Program:* The EPA Wetland Program Development Grants have assisted states and tribes in developing or refining their wetland programs since 1990. Under the Wetland Program Development Grants, funds can only support development or enhancement of wetland programs; funds cannot support operation or implementation of wetland programs. EPA's Wetlands Division recognizes that not being able to fund the operation of state and tribal programs has been problematic to states and tribes.

To address this problem, EPA's Wetlands Division will provide a limited exception to the normal competitive process for wetland grants. States or tribes who demonstrate that they meet a set of core elements for a

Comprehensive Wetland Program can apply to EPA for funding to partially support operation of their wetland program, but only if these funds will be included in the state or tribe's PPG (see above guidelines and restrictions). For states, the recipient may only use funds for implementation if the state's PPG includes other grant funds from at least one other environmental program which authorizes wetland program work as an eligible activity (e.g. CWA Section 106 or Section 319 grants).

A description of the Core Elements of a Comprehensive Wetland Program and information on program approval is available on EPA's web page at: www.epa.gov/owow/wetlands/ or by calling EPA Helpline at 1–800–832–7828.

c. *Local and Tribal Funding Targets:* Each Regional Office shall support the local government initiative and tribal efforts by targeting at least 15% of their Regional allocation to local government and tribal applications.

d. *Reporting:* EPA uses information on progress and completion of wetland grants and/or cooperative wetland management efforts between EPA and S/T/LGs to disseminate information on effective wetland management approaches to the general public and other S/T/LG. Information on the grant projects is also used to provide information about the progress and usefulness of the grant program to Congress, the Office of Management and Budget, other federal agencies, and within EPA. Such information helps EPA improve our partnerships with S/T/LGs and to set priorities for improving wetland protection.

S/T/LG Wetland Program Development Grants are currently covered under EPA's general grant regulations, 40 CFR Part 31. These regulations specify basic grant reporting requirements, including performance and financial reports. In negotiating these grants, the Regions will work closely with their S/T/LGs to incorporate appropriate reporting requirements into each grant agreement consistent with 40 CFR 31.40 and 31.41. These regulations provide sufficient flexibility to allow the Agency, in consultation with the S/T/LGs, to determine the appropriate reporting requirements, within certain boundaries, and to specify their content and frequency.

Regional offices will set the time frames and required content of all periodic performance reports. However, at a minimum, the reports should include:

- Project description—short narrative of the original project
- Information on status of funding (total federal funds awarded, federal funds expended, federal funds remaining),
- Accomplishments in the last reporting period/progress to date (short narrative assessment of accomplishments and program highlights for that reporting period),
- Deficiencies and/or corrective actions (short narrative of any program deficiencies or corrective actions during that reporting period and proposed corrective actions or project modifications), and
- Planned activities for the next reporting period (short narrative describing upcoming activities.)

e. *Public Participation:* EPA regulations (40 CFR Part 25) require public participation in various Clean Water Act programs including grants. Each applicant for EPA financial assistance (40 CFR 25.11) shall include tasks for public participation in their project's work plan submitted in the grant application. The project work plan should reflect how public participation will be provided for, assisted, and accomplished.

f. *Annual Wetlands Meeting/Training:* EPA encourages S/T/LGs to include travel costs in the grant application for wetland personnel to attend at least one national wetland meeting or training each year (e.g. Association of State Wetland Managers Annual Meeting). EPA's Wetlands Division does not anticipate providing travel for state, tribal or local government staff to attend meetings other than through this grant program.

Appendix A—Grant Restrictions

Based on experience gained from previous years and policy and regulation, we offer the following comments/restrictions on funding eligibility.

- Universities (except those chartered as a part of state government), schools, non-governmental agencies and nonprofit organizations are not eligible for direct funding under this grant program. However, they can be prime or subcontractor on grants awarded to S/T/LG agencies as long as that recipient actively participates and has a significant role in the project. The state, tribe or local agency should not simply pass through funding to an organization that is not eligible to receive funding directly.
- Universities that are legally chartered as part of state government are eligible to receive grant funds as they fall under the ''state agency'' category. The university must provide documentation that supports the premise that they function as a state agency and EPA must agree with the premise before grant funds are awarded. Land grant schools do not automatically qualify for direct funding because of their status as a land grant school.
- This grant program cannot fund land acquisition or purchase of easements. However, this program can support planning efforts to identify areas for acquisition.
- This grant program cannot fund payment of taxes for landowners who have wetlands on their property.
- While contractual efforts can be a part of these grants, each grant must have a significant involvement by the state/tribal/local agency receiving the grant. EPA recommends that recipients use no more than 50% of the grant funds for contractual efforts. However, if the S/T/LG feels that it needs to exceed this limit, it should submit a written justification for greater contractual efforts with its grant application. EPA's Regional Office will evaluate the need for greater contractual efforts and may approve the request if they agree that there is adequate justification to exceed the 50% limit. Work done by other S/T/LG agencies is not considered contractual efforts. The grant application should clearly indicate if the ''contractual'' work is being done by another S/T/LG agency.
- Inventory or mapping for the sole purpose of locating wetlands in a S/T/LG is not eligible for funding under this grant program. A description of how mapping or inventory projects will directly develop or improve S/T/LG's wetland protection programs must be included in the grant application for these types of projects to be considered for funding under this grant program.
- Each grant must be completed with the initial award of funds. S/T/LGs should not anticipate additional funding beyond the initial award of funds for a specific project. S/T/LGs should request the entire amount of money needed to complete the project in the original application. Each grant should produce a final, discrete product. Funding and project periods can be for more than one year so long-term projects can continue over more than one year.
- Grant funds cannot be used to fund an honorarium.
- Any field work or research-type activities are limited to activities that have a direct, demonstrated link to program development or refinement included in the application.
- Purchase/lease of vehicles (including boats, motor homes) and office furniture is not eligible for funding.
- Grant funds cannot be used to pay for travel by federal agency staff. However, grant funds can be used to pay state, tribal or local government travel costs related to the grant project.

Appendix B—Example WPDG Project Topics

EPA has developed a database of all projects supported through the Wetland Program Development Grants funding. This searchable database will be available on EPA's web page in July, 2000 at: *www.epa.gov/owow/wetlands.*

The following is a sample list of past projects that have been funded through Wetland Program Development Grants. This is not an exhaustive list, and S/T/LGs may submit any eligible proposal for wetland

program development which addresses the goals of EPA's wetland program outlined in this document:

- Comprehensive planning of wetland resources, or integration of wetland management into broad watershed protection approaches.
- Development of S/T/LG Wetland Conservation Plans (WCP).
- Development of a framework for assuming CWA Section 404 program or Programmatic General Permits program.
- Development of widely applicable model wetland training programs for S/T/LGs.
- Incorporation of wetlands into water quality standards, or refining criteria to appropriately reflect water quality conditions in wetlands.
- Creation, piloting and refining of wetland and riparian restoration programs.
- Development, piloting and refining of wetland bioassessment programs to evaluate wetland health and performance of protection and restoration activities.
- Facilitation of public-private partnerships to develop wetland restoration, protection or education programs.
- Creation of and/or participation in training that builds watershed and wetland partnership and technical skills (e.g. the Watershed Academy).
- Conducting outreach and education efforts aimed at improving public understanding of wetland protection and regulatory efforts.
- Development of outreach programs to inform owners of potential wetland restoration sites of government assistance programs.
- Creating public education programs which promote wetland information for American Wetlands month.

Appendix C—Grant Coordinators

Region 1: Bob Goetzel, 617/565–3602, *goetzel.robert@epa.gov*
Region 2: John Cantilli, 212/637–3810, *cantilli.john@epa.gov*
Region 3: Alva Brunner, 215/814–2715, *brunner.alva@epa.gov*
Region 4: Sharon Ward, 404/562–9369, *ward.sharon@epa.gov*
Region 5: Cathy Garra, 312/886–0241, *garra.catherine@epa.gov*
Region 6: Sondra McDonald, 214/665–7187, *mcdonald.sondra@epa.gov*
Region 7: Raju Kakarlapudi, 913/551–7320, *kakarlapudi.raju@epa.gov*
Region 8: Ed Stearns, 303/312–6946, *stearns.edward@epa.gov*
Region 9: Cheryl McGovern, 415/744–2013, *mcgovern.cheryl@epa.gov*
Region 10: Anne Robinson, 206/553–6219, *robinson.anne@epa.gov*
Headquarters: Shanna Draheim, 202/260–6218, *draheim.shanna@epa.gov*

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ENVIRONMENTAL PROTECTION AGENCY

[PF–957; FRL–6596–4]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–957, must be received on or before August 24, 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–957 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5697; e-mail address: tompkins.jim@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–957. 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–957 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–957. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 20, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Monsanto Company

0F6130

EPA has received a pesticide petition 0F6130 from Monsanto Company, 600 13th St., NW., Suite 660, Washington, DC 20005 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of glyphosate (*N*-phosphonomethyl)glycine from the application of glyphosate, the isopropylamine salt of glyphoste, the ethanolamine salt of glyphosate, and the ammonium salt of glyphosate in or on the raw agricultural commodity grass forage, fodder, and hay group at 300 parts per million (ppm). These tolerances would replace the existing tolerances for Bahia grass, Bermuda grass, bluegrass, bromegrass, fescue, orchard grass, rye grass, timothy, and wheat grass at 200 ppm, and forage, grasses at 0.2 ppm, grasses forage, at 0.2 ppm, and grasses forage, at 0.1 ppm. The Agency has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The qualitative nature of the residue in plants is adequately understood. Studies with a variety of plants including corn, cotton, soybeans, and wheat indicate that the uptake of glyphosate or its metabolite, aminomethylphosphonic acid (AMPA), from soil is limited. The material which is taken up is readily translocated. Foliarly applied glyphosate is readily absorbed and translocated throughout the trees or vines to the fruit of apples, coffee, dwarf citrus (calamondin), pears, and grapes. Metabolism via *N*-methylation yields *N*-methylated glycines and phosphonic acids. For the most part, the ratio of glyphosate to AMPA is 9 to 1 but can approach 1 to 1 in a few cases (e.g., soybeans and carrots). Much of the residue data for crops reflects a detectable residue of parent (0.05–0.15 ppm) along with residues below the level of detection (<0.05 ppm) of AMPA. The terminal residue to be regulated in plants is glyphosate per se.

2. *Analytical method.* Adequate enforcement methods are available for analysis of residues of glyphosate in or on plant commodities. These methods include GLC (Method I in Pesticides

Analytical Manual (PAM) II; the limit of detection is 0.05 ppm) and high performance liquid chromatography (HPLC) with fluorometric detection. Use of the GLC method is discouraged due to the lengthiness of the experimental procedure. The HPLC procedure has undergone successful Agency validation and was recommended for inclusion in PAM II. A gas chromatography mass spectrometry (GC/MS) method for glyphosate in crops has also been validated by EPA's analytical chemistry laboratory (ACL).

Adequate analytical methods are available for residue data collection and enforcement of the proposed tolerances of glyphosate in or on grass forage, fodder, and hay group.

3. *Magnitude of residues*. The available crop field trial residue data support the establishment of tolerances in grass forage, fodder, and hay at 300 ppm. This new tolerance will be sufficient to replace the existing tolerances for specific grass species at 200 ppm. Any secondary residues occurring in the liver or kidney of cattle, goats, horses, sheep, liver, and kidney of poultry will be covered by existing tolerances, and the available data indicate that residues of glyphosate are not anticipated to occur in any other livestock commodities as a result of this action.

B. Toxicological Profile

1. *Acute toxicity*. Several acute toxicology studies placing technical-grade glyphosate in toxicity category III and toxicity category IV. Technical glyphosate is not a dermal sensitizer.

2. *Genotoxicty*. Mutagenicity data included chromosomal aberration *in vitro* (no aberrations in chinese hamster ovary (CHO) cells were caused with and without S9 activation); DNA repair in rat hepatocyte; *in vivo* bone marrow cytogenetic test in rats; rec-assay with *B. subtilis*; reverse mutation test with *S.typhimurium*; Ames test with *S. typhimurium*; and dominant-lethal mutagenicity test in mice (all negative).

3. *Reproductive and developmental toxicity*. A developmental toxicity study in rabbits given doses of 0, 75, 175, and 350 milligrams/kilograms/day (mg/kg/day) with a developmental no observed adverse effect level (NOAEL) of 175 mg/kg/day (insufficient litters were available at 350 mg/kg/day to assess developmental toxicity); a maternal NOAEL of 175 mg/kg/day based on clinical signs of toxicity and mortality at 350 mg/kg/day highest dose tested (HDT).

A multi-generation reproduction study with rats fed dosage levels of 0, 3, 10, and 30 mg/kg/day with the parental and reproductive (pup) NOAELs at 30 mg/kg/day HDT based on no adverse effects related to dosing at any level tested.

In a 2-generation reproduction study, rats were fed dosage levels of 0, 100, 500, and 1,500 mg/kg/day with a systemic NOAEL of 500 mg/kg/day based on soft stools in Fo and F1 males and females at 1,500 mg/kg/day HDT and a reproductive NOAEL 1,500 mg/kg/day HDT.

4. *Subchronic toxicity*. In a 2-day dermal toxicity study, rabbits were exposed to glyphosate at levels of 0, 10, 1,000, or 5,000 mg/kg/day. The systemic NOAEL was 1,000 mg/kg/day and the lowest observed adverse effect level (LOAEL) was 5,000 mg/kg/day based on decreased food consumption in males. Although serum lactate dehydrogenase was decreased in both sexes at the high dose, this finding was not considered to be toxicologically significant.

5. *Chronic toxicity*. A 1-year feeding study with dogs fed dosage levels of 0, 20, 100, and 500 mg/kg/day with a NOAEL of 500 mg/kg/day. A 2-year carcinogenicity study in mice fed dosage levels of 0, 150, 750, and 4,500 mg/kg/day with no carcinogenic effect at the highest dose tested HDT of 4,500 mg/kg/day.

A chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 3, 10, and 31 mg/kg/day (males) and 0, 3, 11, or 34 mg/kg/day (females) with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 31 mg/kg/day HDT (males) and 34 mg/kg/day HDT (females) and a systemic NOAEL of 31 mg/kg/day HDT (males) and 34 mg/kg/day HDT (females). Because a maximum tolerated dose (MTD) was not reached, this study was classified as supplemental for carcinogenicity.

A second chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 89, 362, and 940 mg/kg/day (males) and 1, 113, 457, and 1,183 mg/kg/day (females) with no carcinogenic effects noted under the conditions of the study at dose levels up to and including 940/1,183 mg/kg/day (males/females) HDT and a systemic NOAEL of 362 mg/kg/day (males) based on an increased incidence of cataracts and lens abnormalities, decreased urinary pH, increased liver weight and increased liver weight/brain ratio (relative liver weight) at 940 mg/kg/day (males) HDT and 457 mg/kg/day (females) based on decreased (bwt) body weight gain 1,183 mg/kg/day (females) HDT. There was no carcinogenic response at any dose level.

6. *Animal metabolism*. The qualitative nature of the residue in animals is adequately understood. Studies with lactating goats and laying hens fed a mixture of glyphosate and AMPA indicate that the primary route of elimination was by excretion (urine and feces). These results are consistent with metabolism studies in rats, rabbits, and cows. The terminal residues in eggs, milk, and animal tissues are glyphosate and its metabolite AMPA; there was no evidence of further metabolism. The terminal residue to be regulated in livestock is glyphosate per se.

7. *Metabolite toxicology*. The metabolite AMPA has been determined to not be of toxicological significance.

8. *Endocrine disruption*. The toxicity studies required by EPA for the registration of pesticides measure numerous endpoints with sufficient sensitivity to detect potential endocrine-modulating activity. No effects have been identified in subchronic, chronic or developmental toxicity studies to indicate any endocrine-modulating activity by glyphosate. In addition, negative results were obtained when glyphosate was tested in a dominant-lethal mutation assay. While this assay was designed as a genetic toxicity test, agents that can affect male reproduction function will also cause effects in this assay. More importantly, the multi-generation reproduction study in rodents is a complex study design which measures a broad range of endpoints in the reproductive system and in developing offspring that are sensitive to alterations by chemical agents. Glyphosate has been tested in two separate multi-generation studies and each time the results demonstrated that glyphosate is not a reproductive toxin.

C. Aggregate Exposure

1. *Dietary exposure—From food and feed uses*. Tolerances have been established (40 CFR 180.364) for the residues of (*N*-(phosphonomethyl)glycine resulting from the application of the isopropylamine salt of glyphosate, and/or the ammonium salt of glyphosate, in or on a variety of raw agricultural commodities. Tolerances are established on the kidney of cattle, goats, hogs, horses, and sheep at 4.0 ppm; liver of cattle, goats, hogs, horses, and sheep at 0.5 ppm; and liver, and kidney of poultry at 0.5 ppm based on animal feeding studies and worst-case livestock diets. Risk assessments were conducted by EPA to assess dietary exposures from glyphosate as follows.

i. *Food*—a. *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. An acute dietary risk assessment was not performed because no endpoints attributable to single dose were identified in the oral studies including rat and rabbit developmental studies. There are no data requirements for acute and subchronic neurotoxicity studies and no evidence of neurotoxicity in any of the toxicity studies at very high doses. The Agency has concluded with reasonable certainty that glyphosate dose not elicit an acute toxicological response, and that an acute dietary risk assessment is not needed.

b. *Chronic exposure and risk*. The chronic dietary exposure analysis was conduced using the reference dose (RfD) of 2.0 mg/kg/day based on the maternal NOAEL of 175 mg/kg/day from a developmental study and an uncertainty factor of 100 (applicable to all population groups) the Dietary Exposure Evaluation Model (DEEM) analysis assumed tolerance levels residues and 100% of the crop treated. These assumptions resulted in the following theoretical maximum residue contributions and percent RfDs for certain population subgroups. The theoretical maximum residue contribution (TMRC) for the U.S. population (48 contiguous states) was 0.029960 or 1.5% of the RfD; 0.026051 or 1.3% of the RfD for nursing infants (less than on 1-year old); 0.065430 or 3.3% of the RfD for non-nursing infants less than 1–year old; 0.064388 or 3.2% of the RfD for children (1-6 years old); 0.043017 or 2.2% of the RfD for children (7–12 years old); 0.030928 or 1.5% of the RfD for females (13+/nursing); 0.030241 or 1.5% of the RfD for non-hispanic whites; and 0.030206 or 1.5% of the RfD for non-hispanic blacks. These exposure levels are unaffected by the proposed tolerances on grass forage, fodder, and hay group. These commodities are only consumed by livestock, and the existing tolerances in liver and kidney fractions of cattle, goats, horses, sheep, and poultry are considered sufficient to account for any additional dietary burden these animals may encounter.

c. *Chronic risk-carcinogenic*. Glyphosate has been classified as a group E chemical no evidence of carcinogenicity in two acceptable animal species.

ii. *Drinking water*. Generic Expected Environmental Concentration (GENEEC) and Screening Concentration and Groundwater (SCI-GROW) models were run by EPA to produce maximum estimates of glyphosate concentrations in surface and ground water, respectively. The drinking water exposure for glyphosate from the ground water screening model, SCI-GROW, yields a peak and chronic estimated environmental concentration (EEC) of 0.0011 parts per billion (ppb) in ground water. The GENEEC values represent upper-bound estimates of the concentrations that might be found in surface water due to glyphosate use. Thus, the GENEEC model predicts that glyphosate surface water concentrations range from a peak of 1.64 ppb to a 56-day average of 0.19 ppb. The model estimates are compared directly to drinking water levels of comparison (DWLOC) (chronic). The DWLOC (chronic) is the theoretical concentration of glyphosate in drinking water so that the aggregate chronic exposure (food + water + residential) will occupy no more than 100% of the RfD. This assessment does not take into account expected reductions in any glyphosate concentrations in water arising from water treatment of surface water prior to releasing it for drinking purposes. The Agency's default body weights (bwts) and consumption values used to calculate DWLOCs are as follows: 70 kg/2 liter (L) (adult male), 60 kg/2L (adult female), and 10 kg/1L (child).

a. *Acute exposure and risk*. An acute dietary endpoint and dose was not identified in the toxicology data base. Adequate rat and rabbit developmental studies did not provide a dose or endpoint that could be used for acute dietary risk purposes. Additionally, there were no data requirements for acute or subchronic rat neurotoxicity studies since there was no evidence of neurotoxicity in any of the toxicology studies at very high doses.

b. *Chronic exposure and risk*. The DWLOC (chronic, non-cancer) risk is calculated by multiplying the allowed chronic water exposure (mg/kg/day) x bwt/kg divided by the consumption (L) x 10^3 µg/mg. The DWLOCs are 69,000 µg/L for the U.S. population in 48 contiguous states, males (13+), non-hispanic whites, and non-hispanic blacks; and 19,000 for non-nursing infants (less than 1–year old) and children (1-6 years). Although the GENEEC and SCI–GROW models are known to produce worst-case estimates, the resulting average concentrations of glyphosate in the surface and ground water are more than 10,000–fold less than the DWLOC (chronic). Therefore, taking into account present uses and uses proposed in this action, Monsanto concludes with reasonable certainty that no harm will result from chronic aggregate exposure to glyphosate.

2. *Non-dietary exposure*. Glyphosate is currently registered for use on the following residential non-food sites: Around ornamentals, shade trees, shrubs, walks, driveways, flower beds, and home lawns. Based on the registered uses of glyphosate, the potential for residential exposures exists. However, based on the low acute toxicity and lack of other toxicological concerns, glyphosate does not meet the Agency's criteria for residential data requirements and a residential exposure assessment is not required since there are no toxicological endpoints selected for either dermal or inhalation exposure. Exposures from residential uses are not expected to pose undue risks or harm to public health.

i. *Acute exposure and risk*. There are no acute toxicological concerns for glyphosate. Glyphosate has been the subject of numerous incident reports, primarily for eye and skin irritation injuries, in California. Some glyphosate end-use products are in toxicity categories I and II for eye and dermal irritation. The reregistration eligibility decision document for glyphosate (SEP–1993) indicated that the Agency is not adding additional personal protective equipment (PPE) requirements to labels of end-use products, but that it continues to recommend the PPE and precautionary statements required for end-use products in toxicity categories I and II.

ii. *Chronic exposure and risk*. Although there are registered residential uses for glyphosate, glyphosate does not meet the Agency's criteria for residential data requirements, due to the lack of toxicological concerns. Incidental acute and/or chronic dietary exposures from residential uses of glyphosate are not expected to pose undue risks to the general population, including infants and children.

iii. *Short- and intermediate-term exposure and risk*. EPA identified no toxicological concerns for short-, intermediate-, and long-term dermal or inhalation routes of exposures for glyphosate. The Agency has concluded that exposures from residential uses of glyphosate are not expected to pose undue risks.

D. Cumulative Effects

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 residue and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether glyphosate 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, glyphosate does not produce a toxic metabolite that is also produced by other substances. For the purposes of this tolerance action, therefore, EPA should assumed that glyphosate does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

E. Safety Determination

1. *U.S. population*—i. *Acute risk*. There was no acute dietary endpoint identified, therefore there are no acute toxicological concerns for glyphosate.

ii. *Chronic risk*. Using the TMRC exposure assumptions described in this unit, EPA has concluded that aggregate exposure to glyphosate from food will utilize 1.5% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants (less than 1-year) and children (1–6) as discussed below. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to glyphosate in drinking water and from non-dietary, non-occupational exposure, the aggregate exposure will not exceed 100% of the RfD. EPA has previously concluded that there is a reasonable certainty that no harm will result from aggregate exposure to glyphosate residues at this level.

iii. *Short- and intermediate-term risk*. Short- and intermediate-term dermal and inhalation risk is not a concern due to the lack of significant toxicological effects observed with glyphosate under these exposure scenarios. 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.

iv. *Aggregate cancer risk for U.S. population*. Glyphosate has been classified as a group E chemical, with no evidence of carcinogenicity for humans in two acceptable animal studies.

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

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

FFDCA section 408 provides that EPA shall apply an additional ten-fold 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 ten-fold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Prenatal and postnatal sensitivity*. The oral perinatal and prenatal data demonstrated no indication of increased sensitivity of rats or rabbits to *in utero* and postnatal exposure to glyphosate.

iii. *Conclusion*. There is a complete toxicity data base for glyphosate and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. Based on these data, there is no indication that the developing fetus or neonate is more sensitive than adult animals. No developmental neurotoxicity studies have been required at this time. A developmental neurotoxicity data requirement is an upper tier study and is required only if effects observed in the acute and 90-day neurotoxicity studies indicate concerns for frank neuropathy or alterations seen in fetal nervous system in the developmental or reproductive toxicology studies. The Agency has concluded that reliable data support the use of the standard 100–fold uncertainty factor for glyphosate, and that a ten-fold (10x) uncertainty factor is not needed to protect the safety of infants and children.

iv. *Acute risk*. There are no acute toxicological endpoints for glyphosate. The Agency has concluded that establishment of the proposed tolerances would not pose an unacceptable aggregate risk.

v. *Chronic risk*. Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to glyphosate from food utilizing present tolerances will utilize 3.0.% of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. These dietary exposure levels are unaffected by the proposed tolerances on grass forage, fodder, and hay group, because these commodities are only consumed by livestock, and the existing tolerances in liver and kidney fractions of cattle, goats, horses, sheep, and poultry are considered sufficient to account for any additional dietary burden these animals may encounter. Although there is a low likelihood, potential exposure to glyphosate in drinking water and from non-dietary, non-occupational exposure, EPA has previously concluded that the aggregate exposure is not expected to exceed 100% of the RfD.

vi. *Short- or intermediate-term risk*. Short-term and intermediate-term dermal and inhalation risk is not a concern due to the lack of significant toxicological effects observed with glyphosate under these exposure scenarios.

vii. *Determination of safety*. Based on these risk assessments, EPA has previously concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to glyphosate residues at these levels.

F. International Tolerances

A Codex Maximum Residue Level exists for ''hay or fodder (dry) of grasses'' at 50 ppm.

[FR Doc. 00–18794 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6840–4]

Proposed CERCLA Administrative Cost Recovery Settlement for the Bioclinical Laboratories Superfund Site, Bohemia, Suffolk County, New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region II, of a proposed administrative settlement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Bioclinical Laboratories Superfund Site (''Site'') located at 1585 Smithtown Avenue in Bohemia, Suffolk County, New York, with Harold Carpentier and Carpentier Construction Company, Inc. (''Settling Parties''). The settlement requires the settling parties to pay the principal sum of $100,000.00 in three payments plus interest at the prevailing Superfund interest rate (5.30%), to the EPA Hazardous Substance Superfund in reimbursement of past response costs incurred with respect to the Site. The Settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for all costs incurred at or in connection with the Site by the United States prior to December 31, 1999. For thirty (30) days following the date of publication of this notice, the U.S. Environmental Protection Agency (''EPA'' or ''Agency'') will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region II, 290 Broadway, New York, New York 10007–1866.

DATES: Comments must be submitted on or before August 24, 2000.

ADDRESSES: The proposed settlement is available for public inspection at the EPA, 290 Broadway, New York, New York 10007–1866. Comments should reference the Bioclinical Laboratories Superfund Site located in Bohemia, New York, Docket No. CERCLA–02–2000–2015. A copy of the proposed settlement may be obtained from the individual listed below.

FOR FURTHER INFORMATION CONTACT: Henry A. Guzman, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007–1866. Telephone: 212–637–3166.

Dated: July 13, 2000.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 00–18791 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6839–8]

Underground Injection Control (UIC) Program; Proposed Coal Bed Methane (CBM) Study Design

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting to receive comment on a study design for collecting information to assess environmental risks associated with the hydraulic fracturing of coal beds for methane gas recovery.

SUMMARY: The purpose of this notice is to announce that EPA intends to conduct a study of the environmental risks associated with hydraulic fracturing; EPA has drafted a design for the study and invites comment from the public on the study design; and, EPA will hold a public meeting to solicit input on the study design.

Prior to 1997, EPA had not considered regulating hydraulic fracturing because the Agency believed that this well production stimulation process did not fall under the UIC program's purview, nor was it under the jurisdiction of the Safe Drinking Water Act (SDWA). In 1994, the Legal Environmental Assistance Foundation (LEAF) challenged that interpretation by petitioning EPA to withdraw Alabama's EPA-approved Section 1425 (SDWA) UIC program because LEAF believed the State should regulate hydraulic fracturing for coal bed methane development as underground injection. EPA rejected LEAF's petition, but LEAF litigated and in 1997, the 11th Circuit Court of Appeals ruled that hydraulic fracturing of coal beds in Alabama should be regulated under the SDWA as underground injection (*LEAF* v. *EPA,* 118 F. 3d 1467). The State was required to modify its UIC program, and in December 1999, EPA approved this revision. Since the 11th Circuit Court's decision, EPA has received verbal and written reports from several environmental interest groups that practices associated with methane gas production from coal beds has resulted in contamination of their underground drinking water sources.

Because of such reports, and because the frequency of coal bed methane development is rapidly escalating, EPA will conduct a study to evaluate the environmental risks to underground sources of drinking water, potential and actual, associated with hydraulic fracturing. The study will initially evaluate hydraulic fracturing of coal beds, however, EPA will also consider experiences with hydraulic fracturing associated with other types of production. EPA may later study a wider universe of hydraulic fracturing if information collected during this study indicates further investigation is warranted.

The current study will estimate contamination incidents associated with hydraulic fracturing through interviews with State and local agencies responsible for drinking water protection, citizens, and industries performing hydraulic fracturing. The study will also include a literature review to provide information on the potential risks posed by hydraulic fracturing of coal beds in areas likely to be developed for methane gas production.

EPA is requesting comments on the proposed study design from stakeholders interested in coal bed methane production. EPA believes receiving stakeholder input in the initial study design will assist it in conducting a comprehensive investigation in the most efficient and expeditious way possible.

DATES: A public meeting is scheduled for August 24, 2000, from 9:30 a.m. to 4 p.m. EPA requests parties who plan to attend provide notice including name, title, organization, address, telephone, fax, and/or email by August 15, 2000, so that sufficient facilities can be made available. The meeting will be made available to remote locations through teleconferencing. Any person may also provide comment on the proposed study design in writing to EPA by August 25, 2000.

ADDRESSES: The proposed study can be viewed on EPA's Internet site at *http://www.epa.gov/safewater/uic.html.* Copies of the proposed study may be

obtained from EPA's Water Resource Center by phone at (202) 260–7786, or by e-mail to *center.water-resource@epa.gov* or by conventional mail to EPA Water Resource Center, RC–4100, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460. Notices to attend the public meeting and comments may be submitted to E. Barros, Horsley & Witten, Inc., 90 Route 6A, Sandwich, MA 02563, Fax: (508) 833–9140, E-mail: *ebarros@horsleywitten.com.* The August 24, 2000, public meeting will be held at the Omni Shoreham, 2500 Calvert Street, NW., Washington, DC, PH: (202) 234–0700.

FOR FURTHER INFORMATION CONTACT: L. Cronkhite, Ground Water Protection Division, Environmental Protection Agency, Mail Code 4606, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, PH: (202) 260–0713.

Dated: July 19, 2000.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 00–18793 Filed 7–24–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

July 18, 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, 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 24, 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 Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0773.

Title: Marketing of RF Devices Prior to Equipment Authorization, 47 CFR Section 2.830.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 6,000.

Estimated Time Per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 3,000 hours.

Total Annual Costs: N.A.

Needs and Uses: FCC rules permit the display and advertising of radio frequency (RF) devices prior to equipment authorization or a determination of compliance, providing that the advertising or display contains a conspicuous notice as specified at 47 CFR Section 2.803(c). A notice must also accompany RF prototype equipment devices offered for sale, as stated in 47 CFR Section 2.803(c)(2), prior to equipment authorization or a showing of compliance, that the equipment must comply with FCC rules prior to delivery. This information informs third parties of the FCC's requirement for the responsible party to comply with its rules.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–18730 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–1596]

New Commission Registration System (CORES)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the New Commission Registration System (CORES). Starting July 19, 2000, the Commission will begin implementing (CORES). CORES is a registration system for entities filing applications or making payments with the Commission. CORES will assign a unique 10-digit FCC Registration Number (FRN) which can be obtained both on-line and manually. Over time, the FRN will be used by all Commission systems that handle financial, authorization of service, and enforcement activities. The use of the registration number is voluntary, although the Commission will consider making it mandatory in the future. FCC customers can access the on-line filing system or get further information on CORES by visiting the FCC's web site at *www.fcc.gov* and clicking on the CORES registration link. You may also file manually by completing and filing a FCC Form 160 (CORES Registration). Mailing instructions are found on Form 160. Wireless Telecommunications Bureau's Universal Licensing System registrants will receive a CORES registration number automatically by mail if they were registered prior to June 22, 2000.

DATES: The Commission Registration System (CORES) will be operational on July 19, 2000. The Commission will hold a public forum on July 31, 10 to 12 p.m.

ADDRESSES: The public forum will be held in the Commission Meeting Room at 445 12th Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: To attend the public forum contact Tammy Watson at *twatson@fcc.gov*, or by calling (202) 418–0565. Individuals with disabilities who need accommodations for the July 31 public forum are asked to contact Brian Millin at *access@fcc.gov*, or by calling (202) 418–7426 voice, (202) 418–7365 TTY.

Andrew S. Fishel,

Managing Director.

[FR Doc. 00–18731 Filed 7–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, July 31, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 21, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–18946 Filed 7–24–00; 3:43 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00101]

Announcement of a Cooperative Agreement with the American Indian Higher Education Consortium (AIHEC) To Enhance Research, Infrastructure, and Capacity Building Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the availability of fiscal year (FY) 2000 funds for a cooperative agreement program with the American Indian Higher Education Consortium (AIHEC). The purpose of the program is to assist the AIHEC in developing the commitment and capacity of their member institutions to promote education, development, research, leadership and community partnerships that enhance the participation of American Indians/Alaska Natives in the health professions; and to enhance the health status of American Indians/Alaska Natives in the United States.

The CDC and ATSDR are committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010'', a national activity to reduce morbidity and mortality and to improve the quality of life. This announcement is related to the ''Healthy People 2010'' objectives which specify improving the health of groups of people bearing a disproportionate burden of poor health as compared to the total population. The framework of ''Heathy People 2010'' consists of two broad goals which are to:

1. Increase quality and years of healthy life; and
2. Eliminate health disparities.

Healthy People'' is the national prevention initiative that identifies opportunities to improve the health of all Americans. For the conference copy of ''Healthy People 2010'' visit the internet site: <http://www.health.gov/healthypeople>

The life expectancy of Americans has steadily increased. In 1979, when the first ''Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention'' was published, average life expectancy was 73.7 years. Based on current mortality experience, babies born in 1995 are expected to live 75.8 years. However, people have become increasingly interested in other health goals, such as preventing disability, improving functioning, and relieving pain and the distress caused by physical and emotional symptoms.

The proportion of the population who assess their current health status positively has not changed substantially during the past decade. In 1987, the percentage was 90.4 percent. During the same period, the percentage of the population reporting that they were limited in major activity due to chronic conditions actually increased from 18.9 percent in 1988, to 21.4 percent in 1995.

Eliminating disparities by the year 2010 will require new knowledge about the determinants of disease and effective interventions for prevention and treatment. It will also require improved access for all to the resources that influence health. Reaching this goal will necessitate improved collection and use of standardized data to correctly identify all high-risk populations and monitor the effectiveness of health interventions targeting these groups. Research dedicated to a better understanding of the relationships between health status and income, education, race and ethnicity, cultural influences, environment, and access to quality medical services will help us acquire new insights into eliminating the disparities and developing new ways to apply our existing knowledge toward this goal. Improving access to quality health care and the delivery of preventive and treatment services will require working more closely with communities to identify culturally sensitive implementation strategies.

Although health statistics on race, ethnicity, socioeconomic status and disabilities are sparse, the data we do have demonstrates the volume of work needed to eliminate health disparities. The greatest opportunities for improvement and the greatest threats to the future health status of the Nation reside in the population groups that have historically been disadvantaged economically, educationally and politically.

B. Eligible Applicants

Assistance will be provided only to the American Indian Higher Education Consortium (AIHEC). No other applications are solicited.

The American Indian Higher Education Consortium (AIHEC), a non-profit 501(c)(3) tax exempt organization under the Internal Revenue Code, was formed in October, 1972, by six Indian community colleges with a view toward mobilizing a concerted effort to deal with developmental problems common to them all. AIHEC was established for the purpose of providing or facilitating technical assistance and training programs to assist in the development of its member schools.

AIHEC was established as an exercise in tribal sovereignty with which to meet the expressed needs of each institution's tribal population. AIHEC believes these institutions to be the only ones that comprehensively address the technical development needs of their constituent tribes while promoting and enhancing their tribal cultures and representing the tribes within the broader academic community.

AIHEC is responsible for providing training and assistance based on individual needs and organizational resources. The AIHEC colleges and universities are the most appropriate and qualified institutions to provide services specified under this cooperative agreement because:

1. AIHEC is sponsored in part by 30 member Tribal Colleges and Universities (TCUs) located throughout the United States. The consortium began

with six Tribal colleges in 1972 and has expanded to 30 institutions, which exist today. AIHEC strives to serve the common needs of its member institutions by providing the infrastructure for educational advancement.

2. The consortium of Tribal Colleges and Universities (TCUs) individually serve the diverse needs of Tribal Nations and Native American people in 12 States within the United States.

3. Each institution has unique methods in serving their respective population. AIHEC is the only national Native American organization that is comprised of and specifically charged with representing the TCUs.

4. The AIHEC is uniquely positioned to consult with TCUs because their main purpose is to be the primary advocate and liaison when collaborating with the Federal government, State government, World Health Organization, universities, colleges, and other organizations.

5. The majority of graduates from TCUs work with the Federal government and Tribal government.

6. AIHEC is currently promoting public health initiatives among tribal members to improve the health status of the Indian Nations. Each institution is unique in two ways: (1) they attempt to organize and deliver services to the Indian people; and (2) they administer health care to Indian people within their respective area.

7. AIHEC promotes public health activities and the Healthy People 2010 Objectives in pursuit of improving the health status of American Indians/Alaska Natives.

8. AIHEC strives to assist the Indian Nations in the development and implementation of the highest standards of education that are consistent with the inherent rights of tribal sovereignty and self-determination.

9. AIHEC has provided a critical framework for TCUs in serving their tribal communities as a resource to comprehensively address the technical and economic development needs of their constituents. TCUs serve their communities as resources for research, human resource development, and community organization.

10. The overall goal for AIHEC and the TCUs is to provide educational programs that respond to the community and student needs.

11. The Tribal college's vision in organizing the AIHEC is to unify and strengthen the tribal colleges' curriculum within the Federal and State governments, focusing on health and prevention. The organization has well established linkages with American Indians/Alaska Natives, National Indian organizations and Federal agencies.

12. AIHEC has experience in managing activities and resources through cooperative agreements with Federal, State and local governments.

C. Availability of Funds

Approximately $200,000 is available in FY 2000 to fund this cooperative agreement. AIHEC will solicit applications for special projects and fund subawards within the scope of this program announcement. Subawards will be funded through CDC and ATSDR. A cumulative award of approximately $2,000,000 to the AIHEC is expected during FY 2000. It is expected that the awards will begin on September 30, 2000.

Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

D. Where to obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management technical assistance may be obtained from: Sharon Robertson, Senior Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC) 2920 Brandywine Road, Room 3000, M.S. E–15, Koger Center, Colgate Building, Atlanta, Georgia 30341–3724. Telephone 770–488–2720. E-mail address sqr2@cdc.gov.

Program technical assistance may be obtained from: Karen E. Harris, Senior Advisor for Research Projects, Office of the Associate Director for Minority Health, Office of the Director, Centers for Disease Control and Prevention, 1600 Clifton Road, Northeast, Mailstop D–39, Atlanta, Georgia 30333. Telephone (404) 639–4313, e-mail address keh2@cdc.gov.

Dated: July 19, 2000.

Henry S. Cassell, III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–18702 Filed 7–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00125]

Improve State and Local Health Information and Data Systems; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a cooperative agreement program to improve state and local health information and data systems to monitor and improve the health of U.S. populations and their communities.

The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010'', a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area—Data and Information Systems, Chapter 23, ''Public Health Infrastructure'' of ''Healthy People 2010''. Healthy People 2010 is available online at http://www.health.gov/healthypeople/publications/ or the ODPHP Communication Support Center, P.O. Box 37366, Washington, DC 20013–7366, (301) 468–5960.

The purpose is to develop programs which will enable state and local health departments to regularly and systematically collect, assemble, analyze, and make available information on the health of their populations and communities. Further background may be found in 1988 the Institute of Medicine published The Future of Public Health, which described the three core functions of public health: assessment, policy development, and assurance. For assessment, every public health agency should regularly and systematically collect, assemble, analyze, and make available information on the health of the community, including statistics on health status, community health needs, and epidemiologic and other studies of health problems.

B. Eligible Applicants

Funding will be provided only to national non-profit organizations, whose primary mission is to support State and local health agencies in the collection, management, analysis and dissemination of population-based, health-related data. These data include data on mortality, morbidity, natality, and healthcare (*e.g.,* ambulatory or

hospital-based), that are derived from surveys, vital registrations, disease notifications, disease registries, or health-related administrative systems (*e.g.,* Medicaid claims and encounters).

Eligible national organizations must have affiliate offices and local, state, or regional membership constituencies in a minimum of 10 states and territories. Affiliate offices and local, state, or regional membership constituencies may not apply in lieu of, or on behalf of, their national office. Colleges and universities and for-profit organizations are not eligible to apply.

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 $200,000 is available in FY 2000 to fund approximately 2 awards. It is expected that the average award will be $100,000, ranging from $50,000 to $150,000. It is expected that the awards will begin on or about September 29, 2000 and will be made for a 12-month budget period within a project period of up to 3 years. The funding estimate may vary and is subject to 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.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under ''Recipient Activities,'' and CDC will be responsible for the activities listed under ''CDC Activities.''

1. Recipient Activities

a. Establish and maintain activities which support health information and data system for state and local health departments.

b. Assess state and local medicaid, education, and social service programs to achieve the purposes of this program.

c. Implement projects and activities with specific, measurable, and feasible goals, objectives, and timelines. Evaluate the effectiveness of the activities related to this program including possible indicators of success.

d. Participate in the Division of Public Health Surveillance and Informatics (DPHSI) annual Assessment State Meeting each budget year of the project for the purpose of sharing best practices learned from the planned activities.

e. Disseminate project-related information and findings through a variety of methods.

f. Implement an operational plan for one or more of the following activities:

1. Internet-based Systems: Identify best practices among state and local health agencies and/or programs that collect, manage, and disseminate health-related information by way of the Internet; develop a plan for the use of the Internet as a means for the exchange of data and information among and between state and local health departments and their partners.

2. Strategic Plan for Use of Data Standards Develop and implement a strategic plan to facilitate the use of national specifications and standards in health information systems by state and local health agencies. These specifications and standards should take advantage of existing national and international data and information standards, and work already done in the public and private sectors.

3. Model Data Sharing Agreements: Identify and evaluate current efforts by state and local health agencies to share information, develop and field test model agreements, disseminate the models to state and local health departments, and provide training on their use.

4. Technical Assistance: Develop a plan to address the technical needs of state and local health departments such areas as methods of linking or matching data, methods of managing and storing data, methods of analyzing data, methods of querying or otherwise accessing data, methods of displaying information, and methods of ensuring the integrity and security of data and the confidentiality of data about individual persons. Identify the most common requests for information that state and local health agencies receive; assess information and service needs; and provide direct technical assistance to requesting agencies.

5. National Health Information Systems Training: In conjunction with various partners develop a national plan to address the changing training needs of state and local health departments in the area of health information systems include public and private sector training courses; develop new training, as appropriate, to address emerging topics; and identify other opportunities for state and local health agency staff.

2. CDC Activities

a. Coordinate with national, state, and local health information and data agencies, as well as other relevant organizations, in developing programs which will enable state and local health departments to regularly and systematically collect, assemble, analyze, and make available information on the health of their populations and communities.

b. Provide programmatic consultation and guidance related to program planning, implementation, and evaluation; assessment of program objectives; use of indicators; and dissemination of successful strategies, experiences, and evaluation reports.

c. Plan and conduct the annual Assessment meeting to address issues and program activities related to this cooperative agreement.

d. Assist in the evaluation of program activities.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

The narrative should be no more than 25 double-spaced pages printed on one side, with one-inch margins, and unreduced font. Pages must be numbered clearly, and a complete table of contents of the application and its appendixes must be included. Begin each separate section on a new page.

Provide a concise, one page Executive Summary that clearly states the activities being addressed and describes your organization's eligibility, including: (a) its status as a national organization, (b) number and membership of affiliate offices, and (c) experience and capacity of the organization to work with state and local health departments. The summary should also include the major proposed goals, objectives, and activities for implementation of the project.

Divide the body of the application into the following sections:

1. Background and Need (not more than 2 pages)

a. The needs associated with the activities under proposed activities.

b. Your organization's background and experience in addressing the needs related to health information and data systems.

c. The need for the specific activities proposed in your plan.

2. Capacity (not more than 2 pages):

a. Describe your organization's constituents and affiliates as follows:

Type of constituency.

Number of constituents and affiliates.

Location of constituents and affiliates.

How the constituency can influence and work with health information

and data systems.

b. Describe your organization's experience in supporting the activities for which you are applying, including such factors as:

Current and previous experience related to the proposed program activities.

Current and previous coordination with other national organizations and partners. Activities related to building alliances, networks, or coalitions.

c. Describe your organization's structure and how it supports health information and data systems. Attach a copy of your organizational chart.

3. Operational Plan (not more than 10 pages):

a. Goals—List goals that specifically relate to program requirements that indicate where the program will be at the end of the projected 3 year project period.

b. Objectives—List objectives that are specific, measurable, and feasible to be accomplished during the first 12-month budget period. The objectives should relate directly to the project goals and recipient activities.

c. Describe in narrative form and display on a timetable, specific activities that are related to each first-year objective. Indicate when each activity will occur as well as when preparations for activities will occur. Indicate who will be responsible for each activity.

d. List major milestones that will be accomplished during years two and three.

4. Project Management and Staffing Plan (not more than 4 pages):

a. Describe the proposed staffing for the project and provide job descriptions for existing and proposed positions.

b. Attach curriculum vitae (limited to 2 pages per person—in attachments) for each professional staff member named in the proposal.

c. Submit job descriptions (in attachments) illustrating the level of organizational responsibility for professional staff who will be assigned to the project.

d. If a state(s) has been identified where the proposed activities will occur, provide the name of this state(s) and the name(s) of the contact person who will coordinate the activity.

5. Sharing experiences (not more than 1 page):

Describe how project materials and accomplishments will be shared with others. Identify appropriate audiences for this information.

6. Collaboration (not more than 1 pages):

Describe the purposes of proposed collaboration and the agencies and organizations with which collaboration will be conducted. If other organizations will participate in proposed activities, provide the name(s) of the organization(s), and state who in your organization will coordinate the activity. For each organization listed, provide a letter from them that acknowledges their specific role and describes their capacity to fulfill it. Do not include letters of support from organizations that will not have specific roles in the project.

7. Evaluation (not more than 4 pages):

Describe a plan to evaluate the project's effectiveness in meeting its objectives and goals. Describe the type of evaluation that will be used (process, outcome, or both). Specify the evaluation question(s) to be answered, data to be obtained, the type of analyses that will be performed, to whom it will be reported, and how data will be used to improve the program. The plan should indicate major steps in the evaluation, who will be responsible.

8. Budget and Accompanying Justification:

Provide a detailed budget narrative and line-item justification of all operating expenses. The budget should be consistent with the stated objectives and planned activities of the project. Budget requests should include the cost for two people for a 2 day trip to Atlanta, Georgia for a planning meeting and a 4 day trip to Atlanta, Georgia for the annual Assessment Conference. Applicants are also requested to present an estimate (percentage) of their total request budgeted for each identified activity area and its associated activities.

F. Submission and Deadline

Submit the original and two copies of PHS–5161–1 (OMB Number 0937–0189). Forms are available at the following Internet address: www.cdc.gov/...Forms, or in the application kit.

On or before August 25, 2000, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement. Deadline: Applications will 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 and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.) Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria (100 points)

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Organizational Capability (20 Points)

The extent to which the applicant documents:

(a) An organizational mission of assisting state or local agencies in collecting, assembling, analyzing and making available health-related information.

(b) Recent experience assisting state or local agencies in collecting, assembling, analyzing and making available health-related information.

(c) Recent experience administering or coordinating health-related, public health, or community-based data or information programs in conjunction with other national associations or federal health agencies.

(d) Ability to access and influence state and local health agencies through a network of affiliates, constituents, or members, and

(e) Capacity (or planned capacity) to provide either coordination and oversight, or technical assistance and training to state and local health agencies in improving information and information systems. This capacity should include skilled and experienced staff, physical facilities, and information technology resources (e.g.,Internet access).

2. Understanding of the Problem (10 Points)

The extent to which the applicant demonstrates and documents an understanding of population-based health information systems, the unmet needs of state and local health agencies with respect to these systems, and the opportunities and barriers that exist to meet these needs.

3. Program Objectives (15 Points)

The extent to which the proposed objectives are specific, measurable, time-phased, and consistent with the purpose of the program announcement.

4. Quality of Plan (25 Points)

The strength of the applicant's plan for conducting program activities and the likelihood that the proposed plan will adequately address the purpose of

the program. The plan should address each of the activities under the program area for which the applicant organization is applying and provide a timeline for conducting program activities.

5. Organizational Experience (15 Points)

The extent to which the applicant can demonstrate existing support for partnership activities and collaboration with CDC, other associations and organizations, and official health agencies.

6. Evaluation Plan (15 Points)

The extent to which the applicant presents an evaluation plan to measure the achievement of program objectives and monitor the implementation of proposed activities, or the commitment to implement a collaboratively developed evaluation plan.

7. Budget Justification (not scored)

The budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the intended use of cooperative agreement funds.

H. Other Requirements

1. Technical Reporting Requirements Provide CDC with original plus two copies of

a. semiannual progress reports;

b. financial status report, no more than 90 days after the end of the budget period; and

c. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

2. The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Section 301(a) of the Public Health Service Act, 42 U.S.C. 241(a), as amended. The Catalog of Federal Domestic Assistance Number is 93.283.

J. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov 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: Juanita D. Crowder, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3720, 2920 Brandywine Road Atlanta, GA 30341–4146, Telephone Number: (770) 488–2734, Email address: jdd2@cdc.gov.

For program technical assistance, contact: R. Gibson Parrish, M.D., CDC Project Officer, 2877 Brandywine Road, Mailstop K74, Atlanta, Georgia 30341–3724, Telephone number: (770) 488–8357, Email address: rgp1@cdc.gov.

Dated: July 19, 2000.

Henry S. Cassell III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–18700 Filed 7–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

National Instututes of Health (NIH); National Institute on Drug Abuse (NIDA)

Licensing Opportunity and/or Cooperative Research and Development Agreement (''CRADA'') Opportunity: Novel Methods and Compositions for Diagnosing, Treating and Monitoring Psychiatric Disease

AGENCY: NIDA, NIH, DHHS.

ACTION: Notice.

SUMMARY: The National Institute on Drug Abuse (NIDA), Cellular Neurobiology Research Branch, is seeking Licensee(s) and/or proposals from potential collaborators for a Cooperative Research and Development Agreement (CRADA) to participate in the exploration of the clinical significance of recent studies in which NIDA has identified variations in the isoforms of neural cell adhesion molecule (N–CAM) associated with neuropsychiatric disorders. Elevations in certain isoforms are associated with specific neuropsychiatric disorders. These specific variations in the levels of N–CAM suggest that diagnostic techniques or therapeutic interventions could be based on the observed alterations in cell adhesion molescules. A provisional patent application relating to the N–CAM isoforms associated with neuropsychiatric disorders has been filed. Any successful CRADA collaborator may need to negotiate a license to the provisional patent application in order to commercialize developments under the CRADA. Contact information to apply for a license to the provisional patent application appears below.

DATES: Interested CRADA applicants should submit written notice of intent to apply within 45 days of the date of this notice. NIDA will consider all written proposals received within 60 days of the date of publication of this notice. CRADA proposals submitted thereafter may be considered if a suitable CRADA collaborator has not been found. There is no specific deadline for licensing applications.

ADDRESSES: Scientific questions about this notice may be addressed to Dr. Marquis Vawter, National Institute on Drug Abuse, 5500 Nathan Shock Drive, Baltimore, Maryland 21224, Tel. 410–550–1405; questions concerning the CRADA opportunity may be addressed to Dr. Malka Scher, Technology Development and Commercialization Branch, National Cancer Institute, 6120 Executive Boulevard, Suite 450, Rockville, Maryland 20852, Tel: 301–496–0477, Fax: 301–402–2117, e-mail: scherm@mail.nih.gov; and questions concerning the patent application should be addressed to Dr. Norbert Pontzer, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804, Tel: 301–496–7057 (ext. 284), Fax: 301–402–0220, e-mail: np59n@nih.gov.

SUPPLEMENTARY INFORMATION: Respondees interested in licensing the invention will be required to submit an Application for License to Public Health Service Inventions. Inventions described in the patent application are available for either exclusive or non-exclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404. Information about Patent Application(s) and pertinent information not yet publicly described can be obtained under the terms of a Confidential Disclosure Agreement.

A ''Cooperative Research and Development Agreement'' or ''CRADA'' is the anticipated joint agreement to be entered into by NIDA and a collaborator pursuant to the Federal Technology

Transfer Act of 1986 as amended by the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113 (Mar. 7, 1996)) and by the Executive Order 12591 of October 10, 1987. The CRADA would pertain to inventions conceived or reduced to practice after the effective date of the CRADA. CRADA applicants should be aware that a license to the above mentioned patent rights may be necessary in order to commercialize products arising from a CRADA.

A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and is not a contract for the procurement of goods/services. The NIDA is prohibited from transferring funds to a CRADA collaborator. Under a CRADA, NIDA can contribute facilities, staff, materials, and expertise to the effort. The collaborator may contribute facilities, staff, materials, expertise, and funding to the collaboration. The CRADA collaborator receives an exclusive option to negotiate an exclusive or non-exclusive license to Government intellectual property rights arising under the CRADA in a pre-determined field of use and may qualify as a co-inventor of new technology developed under the CRADA.

NIDA's principal objectives under a License and/or CRADA would be the development and timely commercialization of new diagnostics and/or therapeutics for specific neuropsychiatric disorders and rapid publication of results related to these research projects.

Scientists at NIDA have discovered that distinct isoforms of N–CAM are elevated in the cerebrospinal fluid (CSF) and brains of patients diagnosed with specific neuropsychiatric disorders including schizophrenia, bipolar disorder and depression. A distinct isoform with molecular weight 105–115 kDa is present in elevated levels in both the CSF and brain tissues of patients with schizophrenia. The secreted (SEC) N–CAM isoform was elevated in brain tissue from bipolar disorder patients. Elevation of at least one isoform, the variable alternative spliced exon, or VASE isoform, is correlated significantly with behavioral ratings in patients with schizophrenia but not affective disorders. Thus, patients with neuropsychiatric disorders exhibit variations in N–CAM isoforms which are specific for their particular disorder. The specific association of these variations in N–CAM isoforms with particular neuropsychiatric disorders suggests the potential for development of therapeutic interventions, clinical trials for monitoring treatment response, and diagnostic methods of schizophrenia, bipolar disorder, depression and related diseases.

Present treatment of schizophrenia, bipolar disorder, depression and related diseases is inadequate. Existing treatments may have serious side effects and do not prevent the progression of schizophrenia. Development of an effective treatment requires a greater understanding of the biological mechanisms underlying the disease conditions. Through NIDA's discovery of an association between clinical abnormalities and alterations in the level of N–CAM, a greater understanding of the disease process is now possible, and this discovery suggests possible therapies.

In addition to inadequate existing treatments, there is presently no definitive diagnostic test for schizophrenia. Determination of the presence of the various criteria characteristic of schizophrenia is made by a trained clinician and is somewhat subjective. NIDA's discovery suggests that altered levels of N–CAM isoforms in the CSF may be the basis of an objective diagnostic test.

N–CAM is a cell recognition molecule with four major isoforms present in the brain. N–CAM isoforms are membrane-associated glycoproteins, either transmembrane glycoproteins or glycosylphosphatidyl inositol-anchored glycoproteins. There is also a secretory isoform. Membrane-associated N–CAM has several roles in cellular organization and development of the central nervous system. An important aspect of N–CAM activity is the regulation of adhesion of brain cells. Adhesion of neural to glial cells is mediated by N–CAM binding. N–CAM is also involved in memory processes, intracellular signal cascades, and neurite outgrowth. N–CAM is thought to be a neuronal protein and is known to be associated with synaptosomes, vesicles recovered from neuronal preparations. Thus, alterations in N–CAM influence brain structure, learning, and psychiatric systems, as shown in the recent research that NIDA is seeking to develop with a collaborator.

The proposed collaboration would include *in vivo* investigations of production of N–CAM isoforms and release of N–CAM isoforms into CSF. Measurements on N–CAM production and release would be correlated with the clinical status of patients. The possibility of using these correlations to develop a diagnostic method will be investigated. Potential therapeutic compounds would be tested for effects on the biochemical parameters and the clinical status of patients. The collaboration would also involve *in vitro* investigation of N–CAM fragment production and release from brain tissue.

The proposed duration of the CRADA is two (2) years. However, the duration could be as long as five (5) years depending on the nature of the research plan developed by the parties.

The role of NIDA under the proposed CRADA may include the following, and other relevant scientifically appropriate collaborative research projects will be considered:

(1) Provide further characterization of association between N–CAM variations with neuropsychiatric disorders.

(2) Perform *in vitro* determinations of N–CAM fragment production and release from brain tissue.

(3) Provide in vitro assessment of possible therapeutic compounds.

(4) Monitor the efficacy of therapeutic compounds through biochemical methodology.

(5) Jointly publish results.

(6) Provide project coordination for the overall development and testing.

The role of the Collaborator under the proposed CRADA may include the following, and other relevant and scientifically appropriate collaborative research projects will be considered:

(1) Provide significant intellectual, scientific, and technical expertise in developing appropriate methods for a diagnostic assay based on the level of N–CAM isoforms in cerebrospinal fluid.

(2) Determine whether the variation in level of N–CAM isoforms in cerebrospinal fluid can be used diagnostically.

(3) Provide compounds which may have therapeutic potential.

(4) Provide significant intellectual, scientific, and technical expertise in developing a therapeutic protocol based on regulating the level of N–CAM isoforms.

(5) Perform clinical studies including assessments of patients and collection of samples.

(6) Monitor the efficacy of therapeutic compounds using clinical determinations of efficacy.

(7) Jointly publish results.

(8) Jointly provide project coordination for the overall development and testing.

The following factors will be evaluated in selecting a CRADA collaborator:

(1) Corporate expertise in the field of development of diagnostic tools.

(2) Competency in developing and assessing efficacy of therapeutic interventions.

(3) Number and character of possible therapeutic compounds that collaborator may be able to provide.

(4) Ability to provide for staff to perform in vitro studies.

(5) Key staff expertise, qualifications and relevant experience.

(6) Ability to effectively commercialize new technologies.

Dated: July 6, 2000.

Kathleen Sybert,

Director, Technology Development and Commercialization Branch, National Cancer Institute, National Institutes of Health.

Dated: July 14, 2000.

Jack Spiegel,

Director, Division of Technology Transfer and Development, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00–18724 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel ZHG1 HGR P 03.

Date: August 10, 2000.

Time: 3:00 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: Conference Room B2B32/BLDG 31, 31 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: July 14, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18721 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Effects on Menopause and Hormone Replacement on Visceral Fat and Insulin Sensitivity.

Date: August 7, 2000.

Time: 11 am to 3 pm.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington-National Airport, 1489 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Ramesh Vemuri, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892; (301) 496–9666..

(Catalogue of Federal Domestic Assistance Program Nos. 93866, Aging Research, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18711 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–7 O1.

Date: August 3–4, 2000.

Time: 8:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lakshmanan Sankaran, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 659, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1, GRB–2(02)S.

Date: August 7–8, 2000.

Time: 7:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Shan S. Wong, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 643, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–3(02).

Date: August 9–10, 2000.

Time: 8 am to 12 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Michele L. Barnard, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 657, 6707 Democracy

Boulevard, Bethesda, MD 20892, 301/594–8898.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel.

Date: August 21–22, 2000.

Time: 7 pm to 5:30 pm

Agenda: To review and evaluate grant applications.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 649, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18712 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: July 21, 2000.

Time: 9:30 am to 10:30 am.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Room 1AS19, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca H. Hackett, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS19J, Bethesda, MD 20892, (301) 594–2771, hackettr@nigms.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18713 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 7, 2000.

Time: 10 am to 11 am

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jon M. Ranhand, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.684, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18714 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 17, 2000.

Time: 8 am to 12 pm.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, 301–435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18715 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 23, 2000.

Time: 11 am to 12 pm

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jon M. Ranhand, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18716 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: August 7–8, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Fred Altman, Scientific Review Administrator, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6220, MSC 9621, Bethesda, MD 20892–9621, 301–443–8962.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18717 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: August 11, 2000.

Time: 11:30 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Asikiya Walcourt, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: July 18, 2000.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18718 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: August 21, 2000.

Time: 2:00 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carole H. Latker, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical

Sciences, National Institutes of Health, Natcher Buidling, Room 1AS–13, Bethesda, MD 20892, (301) 594–2848.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharamacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: July 13, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18720 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel

Date: July 25, 2000.

Time: 11 am to 12 pm

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sharee Pepper, Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 200817.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 13, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18719 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel.

Date: July 19–21, 2000.

Time: July 19, 2000, 7:30 pm to 10:00 pm.

Agenda: To review and evaluate grant applications.

Place: Newark Airport Marriott Hotel Newark, NJ 07114.

Time: July 20, 2000, 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: University of Medicine & Dentistry of New Jersey, Newark, NJ 01703–2754.

Time: July 21, 2000, 8:00 am to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: Newark Airport Marriott Hotel Newark, NJ 07114.

Contact Person: Sharee Pepper, Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 14, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18722 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 24, 2000.

Time: 3:00 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 25, 2000.

Time: 3:00 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 26, 2000.

Time: 11:00 am to 1:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Marcia Litwack, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 27, 2000.

Time: 11:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gillian Einstein, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5198, MSC 7850, Bethesda, MD 20892, 301–435–4433, einsteig@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 27, 2000.

Time: 11:00 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rita Anand, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, 301–435–1151.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle..

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 27, 2000.

Time: 2:00 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David J. Remondini, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7890, Bethesda, MD 20892, 301–435–1038, remondid@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 27, 2000.

Time: 4:00 pm to 7:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bruce Maurer, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 28, 2000.

Time: 1:00 pm to 1:45 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stephen M. Nigida, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2000.

Time: 10:30 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Marcus, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435–1245, richard.marcus@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2000.

Time: 2:30 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Marcus, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435–1245, richard.marcus@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18710 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 20, 2000.

Time: 10:00 am to 12 pm.

Agenda: To review and evaluate grant applicatons.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 17, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–18723 Filed 7–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of

information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301)443–7978.

Annual Census of Patient Characteristics in State and County Mental Hospital Inpatient Services (0930–0093, Revision)—The Annual Census, which is conducted by SAMHSA's Center for Mental Health Services (CMHS), is a complete enumeration of all State and county mental hospitals and collects aggregate information by age, gender, and diagnosis for each State on the number of additions during the year and resident patients who are physically present for 24 hours per day in the inpatient service at the end of the reporting year. First conducted in 1840, the Census has provided information throughout the years that is not available from any other sources.

The Census is the primary means within CMHS for assessing de-institutionalization practices of State and county mental hospitals. Effective with the 2000 Census, two tables are being added to obtain patient race/ethnicity by diagnostic grouping for additions and resident patients. The annual burden estimate is shown in the table below.

	Number of respondents	Responses/ respondent	Burden/ response (hours)	Annual burden (hours)
State Statisticians and Superintendents of State Mental Hospitals	52	1	2	104

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: July 19, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–18703 Filed 7–24–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Proposed Information Collection: Comment Request; Lender Qualifications for Multifamily Accelerated Processing (MAP)

AGENCY: Office of the Assistant Secretary for Housing, 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: *Comments Due Date:* September 25, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, D.C. 20410, telephone (202) 708–5221 (this is not a toll-free number) for copies of the proposed forms and other available information.

FOR FURTHER INFORMATION CONTACT: Michael L. McCullough, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000 (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 affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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: Lender Qualifications for Multifamily Accelerated Processing (MAP).

OMB Control Number, if applicable: 2502–0541.

Description of the need for the information and proposed use: Multifamily Accelerated Processing (MAP) is a new way for approved lenders to apply for Federal Housing Administration (FHA) multifamily mortgage insurance. MAP will replace existing ''fast-track'' procedures with a single national process for all multifamily offices of the U.S. Department of Housing and Urban Development (HUD).

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of respondents are 130, the frequency of responses is 1, the hours per response is 10 hours, and the total estimated annual burden hours is 1,300.

Status of the proposed information collection: Reinstatement.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: July 19, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–18696 Filed 7–24–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–46]

Notice of Submission of Proposed Information Collection to OMB Survey of New Manufactured (Mobile) Home Placements

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 24, 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 (2528–0029) 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 20502.

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 maybe 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: Survey of New Manufactured (Mobil) Home Placements.

OMB Approval Number: 2528–0029.

Form Numbers: C–HM–9A.

Description of The Need For The Information And Its Proposed Use: This survey is used to collect data on the placement of new manufactured (mobile) homes. The data are collected from manufactured home dealers. The principal user, HUD, used the statistics to monitor trends in this type of low-cost housing, to formulate policy, draft legislation, and evaluate programs.

Respondents: Business or other for-profit.

Frequency of Submission: Monthly.

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Reporting Burden	12,960	1	.....	0.5	.....	6,480	

Total Estimated Burden Hours: 6,480.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 19, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–18697 Filed 7–24–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4513–N–04]

Credit Watch Termination Initiative

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration against HUD-approved mortgagees through its Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements (Agreements) terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh St. SW, Room B133–P3214, Washington, DC 20410; telephone (202) 708–2830 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in the HUD mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating origination approval agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement

Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Agreement between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor performance of FHA-insured mortgage loans originated by the mortgagee. The Termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD's regulations at 24 CFR part 25.

Cause

HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the third review period, HUD is only terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 300 percent of the field office rate.

Effect

Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the Termination became effective may be submitted for insurance endorsement. Approved loans are: (1) Those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender; and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may apply for a new Origination Approval Agreement if the mortgagee continues to be an approved mortgagee meeting the requirements of 24 CFR 202.5, 202.6, 202.7, 202.8 or 202.10 and 202.12, if there has been no Origination Approval Agreement for at least six months, and if the Secretary determines that the underlying causes for termination have been remedied.

To enable the Secretary to ascertain whether the underlying causes for termination have been remedied, a mortgagee applying for a new Origination Approval Agreement must obtain an independent review of the terminated office's operations as well as its mortgage production, specifically including the FHA-insured mortgages cited in its termination notice. This independent analysis shall identify the underlying cause for the mortgagee's high default and claim rate. The review must be conducted and issued by an independent Certified Public Accountant (CPA) qualified to perform audits under Government Auditing Standards as set forth by the General Accounting Office.

The mortgagee must also submit a written corrective action plan to address each of the issues identified in the CPA's report, along with evidence that the plan has been implemented. The application for a new Agreement should be in the form of a letter, accompanied by the CPA's report and corrective action plan. The request should be sent to the Director, Office of Lender Activities and Program Compliance, 451 Seventh Street SW, Room B133–P3214, Washington, DC 20410, or by courier to 490 L'Enfant Plaza, East, S.W., Suite 3214, Washington, DC 20024.

Action

The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch address	HUD office jurisdictions	Termination effective date	Home ownership centers
Allied Mortgage Capital Corp.	513 East Center Street, Kingsport, TN 37660	Memphis, TN	06/02/2000	Atlanta.
Challenge Mortgage Corp	15 Spinning Wheel Road, STE 426, Hinsdale, IL 60521.	Chicago, IL	06/05/2000	Atlanta.
First Guaranty Mortgage Corp.	8180 Greensboro Dr., STE 1175, McLean, VA 22102.	Richmond, VA	06/02/2000	Philadelphia.
First Republic Mortgage Corp.	6230 Fairview RD #200, Charlotte, NC 28210	Greensboro, NC	03/20/2000	Atlanta.
General Mortgage Corp	23880 Woodward Avenue, Pleasant Ridge, MI 48069.	Detroit, MI	06/02/2000	Philadelphia.
Wells Fargo Home Mortgage Inc.	14402 John Humphrey Drive, Orland Park, IL 60462.	Chicago, IL	06/02/2000	Atlanta.

Dated: July 17, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–18745 Filed 7–24–00; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Environmental Assessment of Take of Nestling American Peregrine Falcons for Falconry

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice is to announce the availability of a Draft Environmental Assessment of falconry take of nestling American peregrine falcons in the contiguous United States and Alaska. In it, we seek to provide protection for the nationwide population of American peregrine falcons while allowing a limited take of nestlings for falconry. We do so by evaluating the effects of take of nestlings on American peregrine population growth in the United States. We seek public comment on the draft assessment.

DATES: Comments on the Draft Environmental Assessment are due by September 25, 2000.

ADDRESSES: The Draft Environmental Assessment is available from, and written comments about it should be submitted to, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 634, Arlington, Virginia 22203–1610. You can request a copy of the Environmental Assessment by calling 703–358–1714. The fax number for a request or for comments is 703–358–2272. The Assessment also is available on the Office of Migratory Bird Management web pages at http://migratorybirds.fws.gov.

FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, at 703–358–1714 or the address above.

SUPPLEMENTARY INFORMATION: The American peregrine falcon (*Falco peregrinus anatum*) occurs throughout much of North America from the subarctic boreal forests of Alaska and Canada south to Mexico. The American peregrine falcon declined precipitously in North America following World War II, a decline attributed largely to organochlorine pesticides applied in the United States and Canada. Because of the decline, the American peregrine was listed as endangered in 1970 (35 FR 16047).

Recovery goals for American peregrine falcons in the United States were substantially exceeded in some areas, and on August 25, 1999, we removed the American peregrine falcon from the List of Endangered and Threatened Wildlife and Plants (64 FR 46542). However, monitoring of the status of the species is required, and it is still protected under the Migratory Bird Treaty Act.

Anticipating delisting, in June 1999 a number of state fish and wildlife agencies, through the International Association of Fish and Wildlife Agencies, proposed allowing take of nestling American peregrines for falconry. In response, in an October 4, 1999, **Federal Register** notice (64 FR 53686), we stated that we would prepare two management plans and associated environmental assessments for take of wild peregrine falcons. We further stated that we would consider a conservative take of nestling peregrines from healthy populations of American peregrine falcons in the western United States and Alaska, where recovery was most marked and where approximately 82% of the nesting pairs in the United States were found in 1998.

The States proposed allowing take of 5% of the annual production of nestlings in States west of 100° (Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). In preparing the Draft Environmental Assessment, we considered the request from the States, as well as the effects of allowing no take, and take of 10%, 15%, and 20% of annual production in those States. A sixth alternative we evaluated was lifting the current restriction on take by falconry permittees. This option would make no distinctions regarding where nestling peregrines could be taken.

Because population changes also are greatly influenced by survival of adults, we also assessed the effects of different take levels with different values for adult mortality. We concluded that 20% post-first-year mortality is a conservative and reasonable value to use. However, we also modeled population growth using 10%, 15%, and 25% annual mortality of adults.

The proposed action in the Draft Environmental Assessment is to allow take of up to 5% of the nestlings produced in western States; take of any lesser amount could be allowed by a State. The 5% level of take should still allow population growth of 3% per year if post-first-year mortality is 20% and population density does not affect reproduction or survival.

Dated: July 18, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00–18693 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Science Advisory Board; Notice of Reestablishment

AGENCY: Bureau of Land Management, Interior.

ACTION: Science Advisory Board—Notice of Reestablishment.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior has reestablished the Science Advisory Board.

SUPPLEMENTARY INFORMATION: The purpose of the Advisory Board is to advise and assist the Director of the Bureau of Land Management on issues pertaining to science and the application of scientific information in the management of public lands and their resources. The Advisory Board is comprised of up to nine members from among the following categories: natural resource management, energy and minerals, conservation biology, and ecology and genetics.

FOR FURTHER INFORMATION CONTACT: Lee Barkow, Bureau of Land Management, Denver Federal Center, Building 50, P.O. Box 25047, Denver, Colorado 80225–0047, (303) 236–6454.

Certification

I hereby certify that the reestablishment of the Science Advisory Board is necessary and in the public interest in connection with the Secretary of the Interior's responsibilities to manage the lands, resources and facilities administered by the Bureau of Land Management.

Dated: July 14, 2000.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 00–18751 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU–76305]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease UTU–76305 for lands in Grand County, Utah, was timely filed and required rentals accruing from January 1, 2000, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The $500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU–76305, effective January 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Robert Lopez,

Chief, Branch of Minerals Adjudication.

[FR Doc. 00–18706 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–SS–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–680–5101–ER–B124; CACA–41418]

Proposed Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent for plan amendment to California desert conservation area plan.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has proposed a plan amendment to the California Desert Conservation Area Plan (CDCA) to partially exempt a proposed fiber optic cable right-of-way from a designated Energy Production and Utility Corridor for a portion of the proposed alignment.

DATES: Written scoping comments must be received no later than August 24, 2000.

ADDRESSES: Written scoping comments should be addressed to: Becki Gonzales, Attn: Plan Amendment, Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311.

FOR FURTHER INFORMATION CONTACT: Becki Gonzales (760) 252–6029.

SUPPLEMENTARY INFORMATION: An approximate 235.8 mile fiber optic cable is proposed by Level 3 Communications, L.L.C., from Las Vegas, Nevada to San Bernardino, California. A major portion of the proposed route will utilize Energy

Production and Utility Corridor ''D'' as shown in the California Desert Conservation Area Plan 1980 (CDCA), as amended. The proposed right-of-way as it nears the City of Victorville, deviates from the corridor at Stoddard Wells Road following existing fiber optic lines to Black Mountain Quarry Road, returning to the corridor. The approximate 12 miles segment where the proposed route leaves Corridor D is not formally designated as a utility corridor by the CDCA Plan. The proposed plan amendment/exemption is being evaluated in the environmental documentation for the proposed fiber optic facility.

Individual respondents may request confidentiality. If you wish to withold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or business, and from individuals identifying themselves as representatives or officials of organization or business, will be made available for public inspection in their entirety.

Dated: July 18, 2000.

James L. Williams,

Acting District Manager.

[FR Doc. 00–18652 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB control number 1010–0067).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations.'' We are also soliciting comments from the public on this ICR.

DATES: Submit written comments by August 24, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0067), 725 17th Street, N.W., Washington, D.C. 20503. Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

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

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations

OMB Control Number: 1010–0067.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on OCS resources; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' This authority and responsibility are among those delegated to the Minerals Management Service (MMS).

The MMS district supervisors analyze and evaluate the information and data collected under subpart E to ensure that planned well-completion operations will protect personnel safety and natural resources. They use the analysis and evaluation results in the decision to approve, disapprove, or require modification to the proposed well-completion operations. Specifically, MMS uses the information to ensure: (a) Compliance with personnel safety training requirements; (b) crown block safety device is operating and can be expected to function to avoid accidents; (c) proposed operation of the annular preventer is technically correct and provides adequate protection for personnel, property, and natural resources; (d) well-completion operations are conducted on well casings that are structurally competent; and (e) sustained casing pressures are within acceptable limits.

We protect proprietary information that is submitted according to the Freedom of Information Act (5 U.S.C. 552), and its implementing regulations (43 CFR 2), and 30 CFR 250.196. No items of a sensitive nature are collected. Responses are mandatory.

We published a **Federal Register** notice with the required 60-day comment period on April 17, 2000 (65 FR 20485). We received no comments in response to that notice.

Frequency: The frequency of reporting varies according to requirement (see following burden chart).

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 5,672 hours (see following burden chart).

Estimated Annual Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens associated with this collection of information.

BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart E	Reporting & recordkeeping requirement (frequency)	Number	Burden (hours)	Annual burden hours
502	Request approval not to shut in well during equipment movement (on occasion).	13 requests	131	13
502 (MMS condition of approval).	Notify MMS of well-completion rig movement on or off platform or from well to well on same platform (on occasion).	560 notices	.1	56
505; 513; 515(a); 516(g), (j)	Submit forms MMS–123, MMS–124, MMS–125 for various approvals.	Burden included in 1010–0044, 1010–0045, 1010–0046.		0
512	Request field well-completion rules be established and canceled (on occasion; however, there have been no requests in many years).	2 requests	1	2
515(a)	Submit well-control procedures (on occasion)	15 submissions	1	15
517(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	20 reports	4	80
517(c)	Notify MMS if sustained casing pressure is observed on a well (on occasion).	1,355 notices	.25	339 (rounded)
Reporting subtotal		1,965 Responses		505
506	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews × 2 weeks per completion = 4).	570 completions × 4 = 2,280.	.16	365 (rounded)
511	Perform operational check of traveling-block safety device; document results (weekly × 2 weeks per completion = 2).	575 completions × 2 = 1,150.	.1	115
516 tests; 516(i)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of well (when installed; minimum every 14 days; as stated for component).	575 completions	6	3,450
516(d)(5) test; 516(i)	Function test annulars and rams; document results (every 7 days between BOP tests—biweekly; note: part of BOP test when conducted).	575 completions	.16	92
516(e)	Record reason for postponing BOP system tests (on occasion).	45 postponed tests	.1	5 (rounded)
516(f)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per completion = 4).	570 completions × 4 = 2,280.	.5	1,140
Recordkeeping subtotal		130 Recordkeepers (RKs)		5,167
Total hour burden		2,095 Responses/RKs		5,672

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Section 3506(c)(2)(A) of the PRA requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 24, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744).

Dated: July 5, 2000.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 00–18803 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension and revision of a currently approved information collection (OMB Control Number 1010–0049).

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart B-Exploration and Development and Production Plans.'' We are also soliciting comments from the public on this ICR.

DATE: Submit written comments by August 24, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0049), 725 17th Street, N.W., Washington, D.C. 20503. Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

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

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION: *Title:* 30 CFR 250, Subpart B, Exploration and Development and Production Plans

OMB Control Number: 1010–0049.

Bureau Form Numbers: MMS–137, MMS–138, MMS–139, and MMS–141.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS, consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; and preserve and maintain free enterprise competition.

Sections 11 and 25 of the amended OCS Lands Act require the holders of OCS oil and gas and sulphur leases to submit exploration plans (EPs) and development and production plans (DPPs) for approval prior to commencing these activities. The implementing regulations and associated information collection requirements are contained in 30 CFR 250, subpart B, Exploration and Development and Production Plans (subpart B). In addition, MMS has issued Notices to Lessees and Operators (NTLs) that provide supplementary guidance and procedures as applicable to each Region or nationally. These NTLs address the various surveys, reports, plans (including deep water operations plans and conservation information), etc., that are necessary for MMS to approve the exploration or development and production activities.

The MMS engineers, geologists, geophysicists, and environmental scientists use the information collected under subpart B, and related NTLs, to analyze and evaluate the planned operations to ensure that they will not adversely affect the marine, coastal, or human environment and that they conserve the resources of the OCS. It would be impossible for the Regional Supervisor to make an informed decision on whether to approve the proposed plans, or whether modifications are necessary, without the analysis and evaluation of the required information. The affected States also review the information collected for consistency with approved Coastal Zone Management plans.

We are resubmitting this collection of information to OMB to obtain official approval of several aspects of the plan submissions that have developed over time. In addition to the currently approved requirements, we are seeking OMB approval of the number of copies respondents submit; a new ''OCS Plan Information Form'' (form MMS–137) for use in the GOM Region; and two air emissions spreadsheets (forms MMS–138 and MMS–139) currently used in the GOM Region. Except for form MMS–137, these are not new requirements. We consider the burdens for these as part of the burden currently approved for developing and submitting EPs or DPPs (development operations coordination documents (DOCDs) in the western GOM).

In addition, we are seeking OMB approval for a new form MMS–141, ''ROV Survey Report.'' Sections 250.203(o) and 250.204(s) of our regulations provide the authority to require monitoring surveys and submit the results. MMS has not required such monitoring surveys be conducted for some time. Because many of the current exploration areas in the GOM Region are now characterized as ''relatively untested or remote,'' it will be necessary to obtain the information from these surveys. We have developed a suggested form on which respondents may record the information from the survey.

We will protect information respondents submit that is considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2) and 30 CFR 250.196. No items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency of reporting is on occasion.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 249,370 hours—refer to the following chart for a breakdown of this estimate.

Citation 30 CFR 250 Subpart B and related NTLs	Reporting and recordkeeping requirement	Annual number	Average burden (hours)	Annual burden hours
201	Notify MMS and others of preliminary activities and submit follow-up information.	22 notices/information	10	220
202	Submit conservation information documents	30 documents	300	900
203	Submit initial exploration plan, including surveys, reports, studies, GOM Region forms MMS–137, MMS–138, MMS–39, etc., including notification requirements.	260 plans	580 hours	150,800
203(i), (j), (k), (l), (n), (q)	Submit revised/modified exploration plan, including surveys, reports, studies, departures, etc.	180 revisions	80	14,400
203(o); 204(s)	Conduct surveys or monitoring programs and submit results; GOM Region form MMS–141.	3 each for 30 wells = 90	2	180

Citation 30 CFR 250 Subpart B and related NTLs	Reporting and recordkeeping requirement	Annual number	Average burden (hours)	Annual burden hours
203(p); 204(t)	Submit Application for Permit to Drill	Burden covered under 1010–0044.		0
204	Submit initial development and production plan (or DOCD) used in western GOM, including surveys, reports, studies, GOM Region forms MMS–137, MMS–138, MMS–139, etc., including notification requirements.	95 plans	580	55,100
204	Submit deepwater operations plans for projects in GOM water depths greater than 1,000 feet and projects utilizing subsea production technology.	17 plans	580	9,860
204(k)	Submit preliminary plans for tracts in vicinity of a DPP that requires NEPA procedures.	10 plans	2	20
204 (l), (m), (n), (o), (q), (u)	Submit revised/modified development and production plan (or DOCD), including surveys, reports, studies, departures, etc.	215 revisions	82	17,630
Reporting—Subtotal		886 Responses		249,110
Supplemental NTLs	Retain original copies of surveys, studies, reports, etc. (Note: Respondents would retain these as part of usual and customary business activities. The burden is to make them available to MMS if needed.).	130	2	260
Recordkeeping—Subtotal		130 Recordkeepers		260
Total burden		1,016 Responses/Recordkeepers		249,370

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens for this collection.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We published a **Federal Register** notice with the required 60-day comment period soliciting comments on this ICR on February 23, 2000 (65 FR 8984). We received no comments in response to that notice. If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 24, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: June 15, 2000.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 00–18804 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB control number 1010–0053).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart D, Oil and Gas Drilling Operations.'' We are also soliciting comments from the public on this ICR.

DATES: Submit written comments by August 24, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0053), 725 17th Street, NW, Washington, DC 20503. Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

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

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy

of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart D, Oil and Gas Drilling Operations

OMB Control Number: 1010–0053.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' This authority and responsibility are among those delegated to the Minerals Management Service (MMS).

The MMS uses the information to determine the condition of a drilling site to prevent hazards inherent in drilling operations. Among other things, MMS specifically uses the information to ensure: (a) The drilling unit is fit for the intended purpose; (b) the lessee will not encounter geologic conditions that present a hazard to operations; (c) equipment is maintained in a state of readiness and meets safety standards; (d) each drilling crew is properly trained and able to promptly perform well-control activities at any time during well operations; (e) compliance with safety standards; and (f) the proposed field drilling rules will provide for safe and proper field or reservoir development, resource evaluation, conservation, protection of correlative rights, safety, and environmental protection. We also review well records to determine whether drilling operations have encountered hydrocarbons or H_2S and to ensure that H_2S detection equipment, personnel protective equipment, and training of the crew are adequate for safe operations in zones known to contain H_2S and zones where the presence of H_2S is unknown.

We protect proprietary information that is submitted according to the Freedom of Information Act (5 U.S.C. 552), and its implementing regulations (43 CFR 2), and 30 CFR 250.196. No items of a sensitive nature are collected. Responses are mandatory.

We published a **Federal Register** notice with the required 60-day comment period on April 17, 2000 (65 FR 20484). We received no comments in response to that notice.

Frequency: The frequency of reporting varies according to requirement (see following burden chart).

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 113,827 hours (see following burden chart).

Estimated Annual Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens associated with this collection of information.

BURDEN BREAKDOWN

Citation 30 CFR 250 subpart D	Reporting and recordkeeping requirement (frequency)	Number	Burden (hours)	Annual burden hours
401(a)(3), (c), (d)	Submit new fitness of drilling reports (on occasion)	30 reports	1 hour	30
401(a)(3), (f)	Apply for installation of fixed drilling platforms or structures; provide 3rd party review of drilling unit		Burden included in 1010–0058 (30 CFR 250, subpart I)	0
401(e)(1)	Submit plans for well testing; notify MMS before testing (on occasion).	25 plans	2 hours	50
401(e)(5)	Provide copy of directional survey to affected leaseholder upon request (on occasion).	13 occasions	1 hour	13
401(g)	Request approval not to shut-in well during equipment movement (on occasion).	15 requests	1 hour	15
401(g) (MMS condition of approval).	Notify MMS of drilling rig movement on or off drilling location (on occasion).	1,210 notices	.1 hour	121
404(a), (b), (c); 405(a), (b), (c).	Submit revised casing & cementing program (on occasion).	20% of 1,105 drilling operations = 221.	2 hours	442
405(c)	Pressure test or evaluate casing; submit results (every 30 days during prolonged drilling).	20% of 1,108 wells = 221.6	5 hours	1,108
408(a)(2)	Prepare & post well control drill plan for crew members (on occasion).	33 plans	3 hours	99
412	Request to amend or cancel field drilling rules (on occasion).	8 requests	2.7 hours	[1] 22
414 incl. various refs in 402, 404, 405, 406, 407, 409, 410, 411.	Apply for permit to drill & supplemental required information, including various other approvals required in subpart D.	Burden covered under 1010–0044 &/or 1010–0132 (forms MMS–123 and MMS–123S)		0
415; 416(b), (e)	Submit forms MMS–124, Sundry Notices & Reports on Wells, & MMS–125, Well Summary Report.	Burden included in 1010–0045 or 1010–0046)		0
416	Submit well records & other data as requested (daily; on occasion; note in GOMR, daily drilling reports submitted weekly on form MMS–133, burden under 1010–0132).	20% of 13 wells = 2.6 (Pacific Region only).	3 hours	[1] 8
417(c)(1), (c)(2), (c)(3)	Request classification for presence of H_2S	Submitted with APD; burden included in 1010–0044		0

BURDEN BREAKDOWN—Continued

Citation 30 CFR 250 subpart D	Reporting and recordkeeping requirement (frequency)	Number	Burden (hours)	Annual burden hours
417(c)(4), (d)	Submit request for reclassification of H_2S zone; notify MMS if conditions change (on occasion).	33 responses	1.7 hours	[1] 56
417(f), (j)(12)	Submit contingency plans for operations in H_2S areas; propose alternatives to minimize or eliminate SO_2 hazards (on occasion).	47 plans (21 drill, 13 workover, 13 production.).	10 hours	470
417(i)	Display warning signs	Not applicable; facilities would display warning signs & use other visual & audible systems		0
417(j)(13)(vi)	Label breathing air bottles	Not applicable; supplier normally labels bottles; facilities would routinely label if not		0
417(l)	Notify (phone) MMS of unplanned H_2S releases (on occasion).	65 facilities × 2 = 130	.2 hour	26
417(o)(5)	Request approval to use drill pipe for well testing (on occasion).	4 requests	2 hours	8
417(q)(1)	Seal & mark for the presence of H_2S cores to be transported.	Not applicable: facilities would mark transported cores		0
417(q)(9)	Request approval to use gas containing H_2S for instrument gas (on occasion).	4 requests	2 hours	8
417(q)(12)	Analyze produced water disposed of for H_2S content & submit results to MMS (on occasion, apprx. weekly).	8 production platforms × 52 = 416.	2.8 hour	[1] 1,165 (rounded)
Reporting Subtotal		2,413 Responses		3,641
401(b)(1)	Check drilling unit safety device; record results (weekly).	138 drilling rigs × 52 = 7,176.	.1 hour	[1] 718
404(a)(5), (6)	Perform pressure-integrity & pore-pressure tests; record results of tests & hole-behavior observations (on occasion).	485 tests	4 hours	1,455
405(a), (b)	Perform casing pressure & production liner lap tests; record results (on occasion).	138 drilling rigs × apprx. 50 per rig = 6,900.	2 hours	13,800
407 tests; 407(h)	Perform BOP tests, actuations & inspections; record results; retain records 2 years following completion (when installed; at a minimum every 14 days; as stated for components of drilling activity).	138 drilling rigs × apprx. 35 per rig = 4,830.	6 hours	28,980
407(d)(5) test; 407(h)	Function test annulars and rams; document results (every 7 days between BOP tests-biweekly; note: part of BOP test when conducted).	139 drilling rigs × appx. 20 per rig = 2,780.	.16 hour	[1] 445
407(e)	Record reason for postponing BOP test (on occasion)	139 drilling rigs × 2 = 278	.1 hour	[1] 28
408(a)(3), (a)(4)	Perform well-control drills; record operations (weekly for 2 crews=104).	138 drilling rigs × 104 = 14,352.	1 hour	14,352
409(f)	Test diverter sealing element, valves & control system when installed & subsequent actuation; record results (on occasion; daily/weekly during drilling; average 2 per drilling operation).	1,104 drilling operations × 2 = 2,208.	2 hours	4,416
410(b), (c), (d)	Perform mud tests & calculations; post information; record test data (on occasion, daily, weekly, quarterly).	135 drilling rigs × 52 =	1.5 hours	10,530
		7,020 3 drilling rigs × 365 = 1,095.	1.5 hours	[1] 1,643
413	Maintain training records for lessee & drilling contractor personnel.	Burden included in 1010–0078, 30 CFR 250, subpart O		0
416(a), (g)	Maintain drilling & well records (annual recordkeeping)	1,138 wells	1.5 hours	1,707
417(g)(2), (g)(5)	Conduct training; post safety instructions; document training (on occasion; annual refresher).	62 facilities × 2 = 124	2 hours	248
417(h)(2)	Conduct drills & safety meetings; document attendance (weekly).	62 facilities × 52 = 3,224	1 hour	3,224
417(j)(8)	Test H_2S detection & monitoring sensors during drilling; record testing & calibrations (apprx. 12 sensors per rig; on occasion, daily during drilling).	33 drilling rigs × 365 days = 12,045.	2 hours	24,090
417(j)(8)	Test H_2S detection & monitoring sensors during production; record testing & calibrations (apprx. 30 sensors on 5 platforms + apprx. 42 sensors on 23 platforms; every 14 days).	50 production platforms × 26 weeks = 1,300.	3.5 hours	4,550
Recordkeeping Subtotal		130 Recordkeepers		110,186
TOTAL HOUR BURDEN.		2,543 Responses/Recordkeepers.		113,827

[1] Rounded.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult

with members of the public and affected agencies concerning each proposed collection of information * * *''

Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 24, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744).

Dated: July 5, 2000.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 00–18805 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

RIN 1010–AB57

Major Portion Prices and Due Dates for Additional Royalty Payments on Indian Gas Production in Designated Areas Not Associated with an Index Zone

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of major portion prices.

SUMMARY: Final regulations for valuing gas produced from Indian leases, published on August 10, 1999, require MMS to determine major portion values and notify industry by publishing the values in the **Federal Register**. The regulations also require MMS to publish a due date for industry to pay additional royalty based on the major portion value. This notice provides the major portion values and due dates for January and February 2000 production months.

EFFECTIVE DATES: January 1, 2000.

ADDRESSES: See **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: John Barder, Royalty Valuation Division, MMS; telephone, (303) 275–7234; FAX, (303) 275–7227; E-mail, John.Barder@mms.gov; mailing address, Minerals Management Service, Royalty Management Program, Royalty Valuation Division, P.O. Box 25165, MS 3152, Denver, Colorado 80225–0165.

SUPPLEMENTARY INFORMATION: On August 10, 1999, MMS published a final rule, titled ''Amendments to Gas Valuation Regulations for Indian Leases,'' with an effective date of January 1, 2000 (64 FR 43506). The gas regulations apply to all gas produced from Indian (tribal or allotted) oil and gas leases (except leases on the Osage Indian Reservation).

The rule requires that MMS publish major portion prices for each designated area not associated with an index zone for each production month beginning January 2000 along with a due date for additional royalty payments. See 30 CFR 206.174(a)(4)(ii) (64 FR 43520, August 10, 1999). If additional royalties are due based on a published major portion price, the lessee must submit an amended Form MMS–2014, Report of Sales and Royalty Remittance, to MMS by the due date. If additional royalties are not paid by the due date, late payment interest under 30 CFR 218.54 (1999) will accrue from the due date until payment is made and an amended Form MMS–2014 is received. The table below lists the major portion prices for all designated areas not associated with an index zone and the due date for payment of additional royalties.

GAS MAJOR PORTION PRICES FOR JANUARY AND FEBRUARY 2000 AND DUE DATES FOR DESIGNATED AREAS NOT ASSOCIATED WITH AN INDEX ZONE

MMS-Designated Areas	January 2000	February 2000	Due Date
Blackfeet Reservation	$1.73/MMBtu	$1.68/MMBtu	08/31/2000
Fort Belknap	3.72/MMBtu	3.81/MMBtu	08/31/2000
Fort Berthold	0.87/MMBtu	1.00/MMBtu	08/31/2000
Fort Peck Reservation	1.47/MMBtu	1.67/MMBtu	08/31/2000
Navajo Allotted Leases in the Navajo Reservation	2.20/MMBtu	2.45/MMBtu	08/31/2000
Rocky Boys Reservation	1.64/MMBtu	1.84/MMBtu	08/31/2000
Turtle Mountain Reservation	1.27/MMBtu	1.27/MMBtu	08/31/2000
Ute Allotted Leases in the Uintah and Ouray Reservation	2.18/MMBtu	2.38/MMBtu	08/31/2000
Ute Tribal Leases in the Uintah and Ouray Reservation	2.18/MMBtu	2.38/MMBtu	08/31/2000

For information on how to report additional royalties due to major portion prices, please refer to our Dear Payor letter dated December 1, 1999.

Dated: July 19, 2000.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 00–18694 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 15, 2000. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by August 9, 2000.

Patrick W. Andrus,

Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Park Hill Historic District, Roughly bounded by Plainview Circle, Crestview Blvd., Ridge St. and H Ave., Pulaski, 00000935

COLORADO

Larimer County

First National Bank Building, 3728 Cleveland Ave., Wellington, 00000937

Prowers County

Petticrew Stage Stop, Address Restricted, Lamar, 00000936

CONNECTICUT

Fairfield County

Norwalk Lock Company Factory, 18 Marshall St., Norwalk, 00000939

Litchfield County

Rye House, 122–132 Old Mount Tom Rd., Litchfield, 00000940

Tolland County

Eldredge Mills Archeological District, Address Restricted, Willington, 00000938

FLORIDA

St. Lucie County

St. Anastasia Catholic School, Old, 910 Orange Ave., Fort Pierce, 00000941

ILLINOIS

Cook County

American State Bank, 6801 Cermak Rd., Berwyn, 00000951
Buckingham Building, 59–67 E. Van Buren St., Chicago, 00000942
Noble-Seymour-Crippen House, 5622–5624 N. Newark Ave., Chicago, 00000950

Lake County

Leonard, Clifford Milton, Farm, 550, 561, 565, 570, 575, 579 Hathaway Circle, Lake Forest, 00000944
Morse, Robert Hosmer, House, 1301 Knollwood Circle, Lake Forest, 00000947

Morgan County

Jacksonville Public Library, (Illinois Carnegie Libraries MPS) 201 W. College Ave., Jacksonville, 00000953

Perry County

Perry County Jail, 108 W. Jackson St., Pickneyville, 00000943

Sangamon County

Bretz, John F., House and Warehouse, 113 N. Fifth St., Springfield, 00000945

Shelby County

Clarksburg Schoolhouse, Clarksburg Rd. 1 mi. E of Cty Rd. 800 N/2025 E, Clarksburg, 00000952

Stephenson County

Ritzman, William, House, 10715 IL 26 N, Orangeville, 00000949

Winnebago County

Brown, William, Building, 226–228 S. Main St., Rockford, 00000946
Illinois National Guard Armory, 605 N. Main St., Rockford, 00000948

IOWA

Adams County

Odell, Noah, House, 1245 240th St., Nodaway, 00000917

Allamakee County

Turner Hall, 119 E. Greene St., Postville, 00000921

Cedar County

Kreinbring Phillips 66 Gas Station, 200 Main St., Lowden, 00000933

Clinton County

Helvig—Olson Farm Historic District, (Norwegian Related Resources of Olive Township, Clinton County, Iowa MPS) 2008 260th St., Grand Mound, 00000924
Johnson, George, House, (Norwegian Related Resources of Olive Township, Clinton County, Iowa MPS) 2566 190th Ave., Calamus, 00000923
Kvindherred Lutheran Church, School and Cemetery, (Norwegian Related Resources of Olive Township, Clinton County, Iowa MPS) 2589 190th Ave., Calamus, 00000922

Johnson County

Bethel AME Church, 411 S. Governor St., Iowa City, 00000925

Linn County

Second and Third Avenue Historic District, (Cedar Rapids, Iowa MPS) 1400 to 1800 blks of Second Ave. SE and Third Ave. SE, Cedar Rapids, 00000926

Polk County

Goddard Bungalow Court Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) 1410–21 Goddard Court, 1232 14th St., Des Moines, 00000930
Ingersoll Place Plat Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) 28th St., Linden and High Sts., Des Moines, 00000931
Kingman Place Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) 27th to 31st Sts., Kingman Blvd., Rutland St. and Cottage Ave., Des Moines, 00000928
Middlesex Plat Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) Center St. to Woodland Ave., 31st to 35th Sts., Des Moines, 00000932
Veneman's Bungalow Court Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) 1101–115 Droukas Court, 1228, 1232 E. 12th St., Des Moines, 00000929
Woodland Place Historic District, (Bungalow, The, and Square House—Des Moines Residential Growth and Development MPS) 25th to 27th St. to Woodland Ave., De Moines, 00000927

Tama County

Conant's Cabin and Park, IA 96, 3 mi. W of Gladbrook, Gladbrook, 00000920

Wapello County

Dahlonega School #1, Cty. Rd. H25, 2 mi. NE of Ottumwa, Ottumwa, 00000934

Woodbury County

Bruguier, Theophile, Cabin, Riverside Park, Sioux City, 00000918
New Orpheum Theatre, 520–28 Pierce St., Sioux City, 00000919

KENTUCKY

Boone County

Blankenbecker—Riley Farm, (Boone County, Kentucky MPS) 2788 Hathaway Rd., Union, 00000907
Chamber, Robert, House, (Boone County, Kentucky MPS) 118 Chambers Rd., Walton, 00000906
Chambers, C. Scott, House and Funeral Parlor, (Boone County, Kentucky MPS) 111 N. Main St., Walton, 00000911
Clore, Jonas, Log House, (Boone County, Kentucky MPS) 9293 E. Bend Rd., Burlington, 00000910
George—Vest House, (Boone County, Kentucky MPS) 13815 Walton-Verona Rd., Verona, 00000913
Glore, William Milburn, House, (Boone County, Kentucky MPS) 11682 Big Bone-Union Rd., Union, 00000904
Goodridge, Virginia Corey, House, (Boone County, Kentucky MPS) 259 Main St., Florence, 00000902
Gregory, Peter, House, (Boone County, Kentucky MPS) 5063 Beaver Rd., Union, 00000905
Huey, Thomas, Farm, (Boone County, Kentucky MPS) 10492 Big Bone Rd., Union, 00000900
Jenkins—Berkshire House, (Boone County, Kentucky MPS) 6529 Mill St., Petersburg, 00000908
Rogers, Boone Fowler, Barn, (Boone County, Kentucky MPS) 5394 Belleview Rd., Petersburg, 00000901
Stevenson, Dr. John E., House, (Boone County, Kentucky MPS) 3422 Beaver Rd., Union, 00000912

Verona High School, (Boone County, Kentucky MPS) 14923 Walton—Verona Rd., Verona, 00000909

Williams, Caroline, Log House, (Boone County, Kentucky MPS) 3650 Burlington Pike, Burlington, 00000903

Jessamine County

Avon Stock Farm, 6289 Haroodsburg Rd., Nicholasville, 00000954

MASSACHUSETTS

Barnstable County

West Dennis Graded School, 67 School St., Dennis, 00000957

Bristol County

Buttonwood Park Historic District, Kempton St., Rockdale Ave., Hawthorne St. and Brownell Ave., New Bedford, 00000915

Essex County

Rollins, John R., School, 451 Howard St., Lawrence, 00000956

Middlesex County

Wilson, Henry, Shoe Shop, 181 W. Central St., Natick, 00000955

NEW JERSEY

Morris County

Tempe Wick Road—Washington Corners Historic District, Corey Ln., Cemetery Rd., Tempe Wick, Kennaday, Leddell, and Jockey Hollow Rds., Harding, 00000959

Somerset County

Higginsville Road Bridges, (Metal Truss Bridges in Somerset County MPS) Higginsville Rd., at the South Branch of the Raritan River, Hillsborough, 00000916

Maplewood, Burnt Hill Rd., at Rock Brook, Mongomery, 00000960

NEW YORK

Rensselaer County

Blink Bonnie, 1368 Sunset Rd., Schodack, 00000958

OHIO

Columbiana County

Teegarden—Centennial Covered Bridge, Eagleton Rd. T–761, 0.1 mi E of C–411, Salem, 00000961

Cuyahoga County

Olmsted Falls Depot, 25802 Garfield Rd., Olmsted Falls, 00000963

Summit County

Northfield Town Hall, 9546 Brandywine Rd., Northfield, 00000962

PENNSYLVANIA

Erie County

Erie Trust Company Building, 1001 State St., Erie, 00000967

Fulton County

Cold Spring Farm, 323 Lions Park Dr., McConnellsburg, Todd, 00000966

Greene County

Gordon, George W., Farm, 333 Mary Hoge Rd., 0.3 mi. SW of Gordon Hill, Franklin, 00000965

Mercer County

Greenville Commercial Historic District, Centered on Main, Canal and Clinton Sts., Greenville, 00000964

WASHINGTON

Ferry County

Fairweather—Trevitt House, 645 Kaufman, Republic, 00000975

King County

Colvos Store, 123rd Ave. SW and Cove Rd., Vashon, 00000970

Pirate (R-Class Sloop), 1010 Valley St., Seattle, 00000968

Skykomish Historic Commercial District, Railroad Ave., from 3rd St. to W of N 6th St., and part of Old Cascade Hwy., Skykomish, 00000974

Steen, Helmer and Selma, House, 10924 SW Cove Rd., Vashon, 00000976

Trommald Building, 1523–1525 Cole St., Enumclaw, 00000972

Vashon Hardware Store, 17601 99th Ave. SW, Vashon, 00000971

Pierce County

Wilkeson Arch, WA 165, Church St. and Brierhill Blvd., Wilkeson, 00000973

Spokane County

Bump Block—Bellevue House—Hawthorne Hotel, (Single Room Occupancy Hotel's in the Central Business District of Spokane MPS) S 206 Post St., Spokane, 00000977

Roosevelt Apartments, 524 W. Seventh Ave., Spokane, 00000969

WISCONSIN

Dane County

West Main Street Historic District, Roughly bounded by S. Fairchild St., W. Main St., S. Carroll St., and W. Doty St., Madison, 00000914

Ozaukee County

Jahn, William F., Farmstead, 12112–12116 N. Wauwatosa Rd., Mequon, 00000978

[FR Doc. 00–18689 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Coachella Canal Lining Project, Coachella and Imperial Counties, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent to update and revise the 1993 Draft Environmental Impact Statement (DEIS)/Draft Environmental Impact Report (DEIR) and to prepare the Final Environmental Impact Statement (FEIS)/Final Environmental Impact Report (FEIR) for the lining of the Coachella Canal, Riverside and Imperial Counties, California.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the California Environmental Quality Act (CEQA), the Bureau of Reclamation and the Coachella Valley Water District in conjunction with the State of California and the Metropolitan Water District of Southern California will update and revise the 1993 DEIS/DEIR and prepare a FEIS/FEIR to evaluate the environmental aspects associated with the proposed project to line 33.4 miles of the Coachella Canal (canal) between siphons 7 and 14 and siphons 15 and 32. Reduction of the seepage loss from the canal would conserve approximately 26,000 acre feet of water/year, which would be made available to the San Luis Rey Indian Tribe and Metropolitan Water District of Southern California and would help maintain the amount of Colorado River water available to California in accordance with the furtherance of implementing and achieving the goals of the ''California Colorado River Water Use Plan.'' The allocation of the water conserved from the canal lining will be consistent with federal law, and shall be determined by an agreement among the Metropolitan Water District of Southern California, the Imperial Irrigation District, the Palo Verde Irrigation District, the Coachella Valley Water District, and the San Luis Rey settlement parties, reached after consultation with the United States Secretary of the Interior and the Director of the California Department of Water Resources.

DATES: It is anticipated that the Revised DEIS/DEIR will be completed during August–September, 2000. A Notice of Availability for this document will be published, and copies of the Revised DEIS/DEIR will be circulated for a 60-day review and comment period by the public and other agencies.

FOR FURTHER INFORMATION CONTACT: Mr. Don Young, Assistant Area Manager, Yuma Area Office, Bureau of Reclamation, 7301 Calle Agua Salida, P.O. Box D, Yuma, Arizona 85366.

SUPPLEMENTARY INFORMATION: On November 17, 1988, Public Law 100–675 authorized the Secretary of the Interior to line the Coachella Canal or to recover seepage from the canal using construction funds from California water agencies entitled to the use of Colorado River water. A DEIS/DEIR was prepared for this project after public scoping meetings were held in 1988, 1989 and 1992 to identify issues, develop alternatives and provide information to the public on the project plan. In addition, Reclamation chaired various interagency work groups to evaluate project effects, develop alternatives and identify mitigation measures. Based upon this public/agency input, four alternatives were developed for this project: (1) Conventional lining, (2) underwater lining, (3) construction of a parallel canal, and (4) the no action alternative. The DEIS/DEIR for the project was completed and circulated to other government agencies, interested parties, and the public for review and comment from January 11 to March 15, 1994. However, following the public involvement process, the DEIS/DEIR was not revised to produce a FEIS/FEIR because funding was not available for the project.

California has now provided appropriated funds to finance the lining of the remaining unlined portions of the Coachella Branch of the All American Canal. The environmental analysis for this project will be updated to evaluate the status of resources since the original DEIS/DEIR was prepared. Since the alternatives have not changed for this project, further scoping is not required. Substantive comments received during the first public review of the document will be evaluated and incorporated into the revised DEIS/DEIR. The revised DEIS/DEIR will be distributed to the public and interested agencies/cooperators for a 60-day review and comment period. A Notice of Availability will be published when the revised DEIS/DEIR is available for public review and comment, and a public hearing has been scheduled.

The Coachella Canal delivers an average of 300,000 acre-feet of Colorado River water each year to the Coachella Valley Water District (CVWD), situated on the north end of the Salton Sea. The canal begins at a turnout on the All American Canal near the international boundary with Mexico and runs through the desert, east of the Salton Sea, before it enters the irrigated area of the CVWD. The canal was excavated through desert soils in the 1940's and was placed in operation as a partially lined and unlined canal in 1948.

The first 49-mile section of the canal, which runs through the sandy soil of the East Mesa, had especially high leakage; consequently it was lined in 1980 to conserve water pursuant to Title I of the Colorado River Basin Salinity Control Act (Public Law 93–320). The canal was ''lined'' by constructing a new canal parallel to the existing canal and connecting the new canal to existing concrete structures. The last 37 miles of the canal were lined when the canal was originally constructed.

The intervening section of canal was constructed in a mixture of gravel and clay soils. The rate of seepage from this section was not as high as in the first 49 miles, so lining was deferred. This section contains 33.4 miles of unlined canal (between siphons 7 and 14 and siphons 15 and 32) that are proposed for lining by this project. Between siphons 14 and 15, the canal was lined experimentally in 1991. The length of unlined canal does not include the lengths of the pipe siphons (wash crossings and rail road crossings), which are not proposed for replacement.

Anyone interested in more information concerning the Coachella Canal Lining Project should contact Mr. Young as provided above.

Dated: July 18, 2000.

Robert W. Johnson,

Regional Director.

[FR Doc. 00–18707 Filed 7–24–00; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–885–887 (Preliminary)]

Desktop Note Counters and Scanners From China, Korea, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of a preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigations Nos. 731–TA–885–887 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that 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 imports from China, Korea, and the United Kingdom of desktop note counters and scanners, provided for in subheading 8472.90.9520 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by August 31, 2000. The Commission's views are due at the Department of Commerce within five business days thereafter, or by September 8, 2000.

For further information concerning the conduct of these investigations 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 and B (19 CFR part 207).

EFFECTIVE DATE: July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Jozlyn Kalchthaler (202–205–3457), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on July 17, 2000, by Cummins-Allison Corp., Mt. Prospect, IL.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations

have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on August 7, 2000, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Jozlyn Kalchthaler (202–205–3457) not later than August 3, 2000, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 10, 2000, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must 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 rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: July 19, 2000.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–18733 Filed 7–24–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–624–625 (Review)]

Helical Spring Lock Washers From China and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on helical spring lock washers from China and Taiwan.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: July 11, 2000.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–205–3190), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—On February 3, 2000, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (65 FR 7890, February 16, 2000). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on November 8, 2000, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on November 30, 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 November 21, 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 November 27, 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), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is November 20, 2000. Parties may also 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 207.67 of the Commission's rules. The deadline for filing posthearing briefs is December 11, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before December 11, 2000. On January 3, 2001, 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 January 5, 2001, but such final comments must not contain new factual information and must otherwise comply with section 207.68 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 BPI 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 reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 19, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–18734 Filed 7–24–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–428]

Certain Integrated Circuit Chipsets, Components Thereof and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Granting a Motion To Terminate the Investigation as to Fifteen Claims of One Patent

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') granting complainant's motion for termination of the investigation as to 15 claims of one patent at issue.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205–3096. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on February 4, 2000, based on a complaint filed by Intel Corp. of Santa Clara, California (''Intel''). 65 FR 7059 (2000). The complaint named five respondents: VIA Technologies, Inc., of Taipei, Taiwan; VIA Technologies, Inc., of Fremont, California; First International Computer, Inc., of Taipei, Taiwan; First International Computer of America, Inc., of Fremont, California; and Everex Systems, Inc., of Fremont, California. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain integrated circuit chipsets and products containing same by reason of infringement of claims 1–3 and 15–16 of U.S. Letters Patent 5,333,276; claims 1–4, 10, 15, 22, 27–30, 36–37, 44–45, and 49 of U.S. Letters Patent 5,740,385; claims 1–12 and 28–48 of U.S. Letters Patent 5,581,782; and claims 1–31 of U.S. Letters Patent 5,548,733 (''the '733 patent'').

On June 5, 2000, complainant Intel moved to amend the complaint and notice of investigation by deleting claims 2–4, 7, 15–20, 22, 27–29, and 31 of the '733 patent. Motion Docket No. 428–14. There were no responses to the motion.

On June 27, 2000, the ALJ issued an ID (Order No. 14) granting Intel's motion to the extent that he permitted Intel to withdraw claims 2–4, 7, 15–20, 22, 27–29, and 31 of the '733 patent from the investigation. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) In the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202–205–2000.

Issued: July 19, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–18735 Filed 7–24–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–428]

Certain Integrated Circuit Chipsets, Components Thereof and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Granting a Motion To Terminate the Investigation as to One Patent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') granting complainant's motion for termination of the investigation as to one of four patents at issue.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205–3096. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on February 4, 2000, based on a complaint filed by Intel Corp. of Santa Clara, California (''Intel''). 65 FR 7059 (2000). The complaint named five respondents: VIA Technologies, Inc., of Taipei, Taiwan; VIA Technologies, Inc., of Fremont, California (collectively, ''VIA''); First International Computer, Inc., of Taipei, Taiwan; First International Computer of America, Inc., of Fremont California; and Everex Systems, Inc., of Fremont, California (collectively, ''FIC''). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain integrated circuit chipsets and products containing same by reason of infringement of claims 1–3 and 15–16 of U.S. Letters Patent 5,333,276; claims 1–4, 10, 15, 22, 27–30, 36–37, 44–45, and 49 of U.S. Letters Patent 5,740,385 (''the ''385 patent''); claims 1–12 and 28–48 of U.S. Letters Patent 5,581,782; and claims 1–31 of U.S. Letters Patent 5,548,733.

On June 5, 2000, complainant Intel moved to amend the complaint and notice of investigation by deleting the ''385 patent. Motion Docket No. 428–12. The VIA and FIX respondents responded separately to Intel's motion. Both sets of respondents supported the motion, provided certain documents currently in the confidential record of the investigation were made public. The Commission investigative attorney supported the motion unconditionally.

On June 20, 2000, the ALJ issued an ID (Order No. 12) granting Intel's motion to the extent that he permitted Intel to withdraw the ''385 patent from the investigation. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) In the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, DC 20436, telephone 202–205–2000.

Issued: July 19, 2000.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–18736 Filed 7–24–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Public Meeting; Federal Committee on Registered Apprenticeship

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. APP. 1), notice is hereby given of a meeting of the Federal Committee on Registered Apprenticeship (FCRA).

Time and Date: The meeting will begin at 9:00 a.m. Thursday, August 17, 2000, and will continue until approximately 5 p.m. The meeting will reconvene at 9:00 a.m. on Friday, August 18, 2000, and will continue until approximately 12 noon.

Place: The Hilton Milwaukee Center, 509 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, Employment and Training Administration, U.S. Department of Labor, Room N–4649, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone: (202) 693–2806, x–149 (this is not a toll-free number).

Matters to be Considered: The agenda will focus on the following topics:

(1) Reports on the Federal Committee on Registered Apprenticeship Work Groups

Marketing

Quality

Diversity

Resources/Data

Legislative

(2) Progress Report on Apprenticeship Training, Employer and Labor Services/ Bureau of Apprenticeship and Training activities

(3) Progress Report on National Association State and Territorial Apprenticeship Directors

(4) Progress Report on National Association of Government Labor Officials

(5) Progress Report on National Skill Standards Board

(6) Next Meeting Dates and Location

(7) Public Comment

Status: Members of the public are invited to attend the proceedings. Individuals with disabilities should contact Marion Winters at (202) 219–5921 no later than August 8, 2000, if special accommodations are needed.

Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending it to Mr. Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, Employment and Training Administration, U.S. Department of Labor, Room N–4649, 200 Constitution Avenue, NW, Washington, D.C. 20210. Such submissions should be sent by August 8, 2000, to be included in the record for the meeting.

Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of the time needed by furnishing a written statement to the Designated Federal Official by August 8, 2000. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such request.

Dated: Signed at Washington, D.C., this 19th day of July 2000.

Raymond L. Bramucci,

Assistant Secretary of Employment and Training.

[FR Doc. 00–18774 Filed 7–24–00; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Renewal of Advisory Committee on Presidential Libraries

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.) and advises of the renewal of the National Archives and Records Administration's (NARA) Advisory Committee on Presidential Libraries. In accordance with Office of Management and Budget (OMB) Circular A–135, OMB approved the inclusion of the Advisory Committee on Presidential Libraries in NARA's ceiling of discretionary advisory committees. The Committee Management Secretariat, General Services Administration, also concurred with the renewal of the Advisory Committee on Presidential Libraries in correspondence dated July 10, 2000.

NARA has determined that the renewal of the Advisory Committee is in the public interest due to the expertise and valuable advice the Committee members provide on issues affecting the functioning of existing Presidential libraries and library programs and the development of future Presidential libraries. NARA will use the Committee's recommendations in its implementation of strategies for the efficient operation of the Presidential libraries. NARA's Committee Management Officer is Mary Ann Hadyka. She can be reached at 301–713–7360 x222.

Dated: July 19, 2000.

John W. Carlin,

Archivist of the United States.

[FR Doc. 00–18738 Filed 7–24–00; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* August 1, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in Political Science, International Affairs, and Jurisprudence, submitted to the Division of Research Programs at the May 1, 2000 deadline.

2. *Date:* August 2, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in American and Latin American Literature, submitted to the Division of Research Programs at the May 1, 2000 deadline.

3. *Date:* August 3, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in Romance Languages and Literatures, submitted to the Division of Research Programs at the May 1, 2000 deadline.

4. *Date:* August 4, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in Film and Theater, submitted to the Division of Research Programs at the May 1, 2000 deadline.

5. *Date:* August 7, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in anthropology and Archaeology II, submitted to the Division of Research Programs at the May 1, 2000 deadline.

6. *Date:* August 8, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships in History of Art and Architecture, submitted to the Division of Research Programs at the May 1, 2000 deadline.

7. *Date:* August 9, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in Classical and Medieval Studies, submitted to the Division of Research Programs at the May 1, 2000 deadline.

8. *Date:* August 10, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in African, Near Eastern, and Asian Studies, submitted to the Division of Research Programs at the May 1, 2000 deadline.

9. *Date:* August 10, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships in Sociology, Psychology, and Education, submitted to the Division of Research Programs at the May 1, 2000 deadline.

10. *Date:* August 11, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: The meeting will review applications for Fellowships in American Studies, submitted to the Division of Research Programs at the May 1, 2000 deadline.

11. *Date:* August 14, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in Germanic and Slavic Languages and Literatures, Comparative Literature, Literary Criticism and Linguistics, submitted to the Division of Research Programs at the May 1, 2000 deadline.

12. *Date:* August 15, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in American Studies, Rhetoric, Communication and Media, submitted to the Division of Research Programs at the May 1, 2000 deadline.

13. *Date:* August 16, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.

Program: This meeting will review applications for Fellowships in European History, submitted to the Division of Research Programs at the May 1, 2000 deadline.

14. *Date:* August 17, 2000.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships in History of Art and Architecture, submitted to the Division of Research Programs at the May 1, 2000 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 00–18681 Filed 7–24–00; 8:45 am]

BILLING CODE 7536–01–M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the reports and recommendations of the Commission's standing Committees.

DATES: The meeting will begin at 10:30 a.m. on Wednesday, August 2, 2000.

ADDRESSES: The meeting will be held at The Centennial Inn, Concord, New Hampshire, I–93 S, Exit 14.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: July 19, 2000.

Kenneth M. Becker,

Executive Director.

[FR Doc. 00–18708 Filed 7–24–00; 8:45 am]

BILLING CODE 1650–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549

Extension:

Rule 11a–3, SEC File No. 270–321, OMB Control No. 3235–0358

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 11a–3 Under the Investment Company Act of 1940; Offers of Exchange by Open-End Investment Companies Other Than Separate Accounts

Rule 11a–3 under the Investment Company Act of 1940 [17 CFR 270.11a–3] is an exemptive rule that permits open-end investment companies (''funds''), other than insurance company separate accounts, and funds' principal underwriters, to make certain exchange offers to fund shareholders and shareholders of other funds in the same group of investment companies. The rule requires a fund, among other things: (i) to disclose in its prospectus and advertising literature the amount of any administrative or redemption fee imposed on an exchange transaction; (ii) if the fund imposes an administrative fee on exchange transactions, other than a nominal one, to maintain and preserve records with respect to the actual costs incurred in connection with exchanges for at least six years; and (iii) to give the fund's shareholders a sixty day notice of a termination of an exchange offer or any material amendment to the terms of an exchange offer (unless the only material effect of an amendment is to reduce or eliminate an administrative fee, sales load or redemption fee payable at the time of an exchange).

The rule's requirements are designed to protect investors against abuses associated with exchange offers, to provide fund shareholders with information necessary to evaluate exchange offers and certain material changes in the terms of exchange offers, and to enable the Commission staff to monitor funds' use of administrative fees charged in connection with exchange transactions.

It is estimated that approximately 2,900 funds may choose to rely on the rule, and each fund may spend one hour annually complying with the recordkeeping requirement and another one hour annually complying with the notice requirement. The burdens associated with the disclosure requirement of the rule are accounted for in the burdens associated with the Form N–1A registration statement for funds. The total annual burden associated with the rule therefore, is limited to the recordkeeping and notice requirements under the rule, which is estimated to be 5,800 hours. This estimate represents an increase of 800 hours over the prior estimate of 5,000 hours. This increase in burden hours is attributable to an increase in the estimated number of funds from 2,500 to 2,900. The estimate of average burden hours is made solely for the purposes of the PRA, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of rule 11a–3 is mandatory. Responses subject to the disclosure requirement of rule 11a–3 will not be kept confidential. Information subject to the recordkeeping requirement and notice requirement of rule 11a–3 is not submitted to the Commission and, therefore, confidentiality is not an issue.

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.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: July 18, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–18740 Filed 7–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–4052; File No. SR–CBOE–00–16]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to an Increase in Narrow-Based Index Option Position and Exercise Limits

July 18, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 11, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to increase the position and exercise limits for narrow-based index options. The CBOE amended its proposal on June 13, 2000.[3] The proposed rule change, as amended, is described in Items I and II below, which have been prepared by the Exchange. The Commission is publishing this notice and order to solicit comments on the proposed rule change and Amendment No. 1 from interested persons and to approve the proposal, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 24.4A, ''Position Limits for Industry Index Options,'' to increase the position and exercise limits for narrow-based (industry) index options to the levels currently in place for industry index options listed on the Philadelphia Stock Exchange, Inc. (''Phlx'') and on the American Stock Exchange, Inc. (''Amex''). The text of the proposed rule change is available at the CBOE and at the Commission's public reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CBOE proposes to amend CBOE Rule 24.4A to increase the position and exercise limits for narrow-based (industry) index options, which are subject to a three-tier position and exercise limit determination.[4] The CBOE's proposal, as amended, will make the CBOE's position and exercise limits for narrow-based index options consistent with a recently approved increase in position and exercise limits for narrow-based index options listed on the Phlx and Amex.[5] Specifically, the CBOE proposes to increase the position and exercise levels for narrow-based index options from 9,000, 12,000 and 15,000 contracts to 18,000, 24,000 and 31,500 contracts. The CBOE requests that the Commission approve the proposal on an accelerated basis to allow for uniformity among the options exchanges with regard to position and exercise limits for narrow-based index options, which in turn should promote fair competition among the exchanges. The CBOE believes that the possibility of investor confusion will be eliminated in a trading environment with uniform position and exercise limits for industry index options.

The CBOE notes that exercise limits for narrow-based index options will continue to correspond to position limits, so that investors may exercise the number of contracts set forth as the position limit during any five consecutive business day period.

As of April 3, 2000, the CBOE listed the following industry index options, with limits as shown:

(1) S&P Banking Index—15,000 contracts;
(2) S&P Chemical Index—9,000 contracts;
(3) S&P Health Care Index—12,000 contracts;
(4) S&P Insurance Index—9,000 contracts;
(5) S&P Retail Index—12,000 contracts;
(6) S&P Transportation Index—12,000 contracts;
(7) CBOE Automotive Index—12,000 contracts;
(8) CBOE Computer Software Index—12,000 contracts;
(9) CBOE Gaming Index—12,000 contracts;
(10) CBOE Gold Index—15,000 contracts;
(11) CBOE Internet Index—15,000 contracts;
(12) CBOE Latin 15 Index—15,000 contracts;
(13) CBOE Mexico Index—12,000 contracts;
(14) CBOE Oil Index—15,000 contracts;
(15) CBOE Technology Index—15,000 contracts;
(16) GSTI Hardware Index—12,000 contracts;
(17) GSTI Internet Index—12,000 contracts;
(18) GSTI Multimedia Networking Index—12,000 contracts;
(19) GSTI Services Index—12,000 contracts;
(20) GSTI Software Index—12,000 contracts;
(21) DJUA Index—15,000 contracts;
(22) DJTA Index—15,000 contracts;
(23) Dow Jones Internet Commerce Index—15,000 contracts;
(24) Dow 10 Index—12,000 contracts; and,
(25) GSTI Semiconductor Index—12,000 contracts.

In addition to providing regulatory equality, the CBOE believes that an increase in position and exercise limits for narrow-based index options is appropriate for several reasons. First, the CBOE believes that increased position and exercise limits for narrow-based index options may bring additional depth and liquidity, in terms of both volume and open interest, to these index options classes without significantly increasing concerns regarding inter-market manipulations or disruptions of the index options or the underlying component securities.

Second, the CBOE notes that the Commission recently approved rule changes increasing the position and exercise limits for standardized equity option contracts.[6] The Commission also approved the elimination of position

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Mary L. Bender, Senior Vice President and Chief Regulatory Officer, Division of Regulatory Services, CBOE, to Joseph Corcoran, Division of Market Regulation (''Division''), Commission, dated June 12, 2000 (''Amendment No. 1''). In Amendment No. 1, the CBOE revised CBOE Rule 24.4A(a)(i) to provide that the position limits for options on a narrow-based index will be: (1) 18,000 contracts if the CBOE determines, during the semi-annual review conducted pursuant to CBOE Rule 24.4A(a)(ii), that any single underlying stock accounted, on average, for 30% or more of the index value during the 30-day period immediately preceding the review; (2) 24,000 contracts if the CBOE determines, during its semiannual review, that any single underlying stock accounted, on aveage, for 20% or more of the index value or that any five underlying stocks together accounted, on average, for more than 50% of the index value, but that no single stock in the group accounted, on average, for 30% or more of the index value during the 30-day period immediately preceding the review; or (3) 31,500 contracts if the CBOE determines that the conditions specified in (1) or (2) which would require the establishment of a lower limit have not occurred.

[4] CBOE Rule 24.5, ''Exercise Limits,'' provides that the exercise limits for index options will be equivalent to the position limits prescribed for options with the nearest expiration date in CBOE Rule 24.4 or 24.4A.

[5] *See* Securities Exchange Act Release No. 42132 (November 12, 1999), 64 FR 63837 (November 22, 1999) (order approving File Nos. SR-Amex 98–39 and SR-Phlx–98–39) (''Narrow-Based Index Option Order'').

[6] *See* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (order approving File Nos. SR–CBOE–98–25, SR–Amex–98–22, SR–PCX–98–33, and SR–Phlx–98–36).

and exercise limits for certain broad-based index option contracts for a two-year pilot program.[7] Given these recent changes to various options exchanges' position and exercise limit rules, the CBOE believes that it is reasonable to allow for corresponding changes to the position and exercise limits for narrow-based index options.

Third, the CBOE notes that the proposal, while increasing the position limits for narrow-based index options, continues to reflect the unique characteristics of each index option and to maintain the structure of the current three-tiered system. Specifically, under the proposal, as amended, the lowest proposed limit, 18,000 contracts, will apply to narrow-based index options in which a single underlying stock accounted on average for 30% or more of the index value during the 30–day period immediately preceding the Exchange's semi-annual review of industry index option position limits. A position limit of 24,000 contracts will apply if: (i) Any single underlying stock accounted, on average, for 20% or more of the index value, or (ii) any five underlying stocks together accounted, on average, for more than 50% of the index value, but no single stock in the group accounted, on average, for 30% or more of the index value, during the 30-day period immediately preceding the Exchange's semi-annual review of industry index option position limits. The 31,500-contract limit will apply only if the Exchange determines that the above-specified conditions requiring either the 18,000-contract limit or the 24,000-contract limit have not occurred.

2. Statutory Basis

The CBOE believes the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5)[8] of the Act in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition that is necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–00–16 and should be submitted by August 15, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposal is consistent with the requirements of the Act.[9] In particular, the Commission finds the proposal is consistent with Section 6(b)(5)[10] of the Act. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

The Commission believes that the CBOE's proposal to increase its position and exercise limits for narrow-based index options is appropriate for several reasons. First, the Commission notes that the proposal will increase the CBOE's position and exercise limits for narrow-based index options to the levels adopted by the Phlx and the Amex, which the Commission previously approved.[11] Accordingly, the Commission finds that the proposal will help to assure fair competition among exchange markets, consistent with the Congressional findings in Section 11A(a)(1)(C)(iii) of the Act.[12]

Second, the Commission believes that increasing position and exercise limits for narrow-based index options may bring additional depth and liquidity, in terms of both volume and open interest, to these index options classes without significantly increasing concerns regarding intermarket manipulations or disruptions of the index options or the underlying component securities.

Third, increasing position and exercise limits for narrow-based index options should better serve the hedging needs of institutions that engage in trading strategies different from those covered under the index hedge exemption policy.

Fourth, the Commission notes that the proposal, while increasing the position limits for narrow-based index options, continues to reflect the unique characteristics of each index option and to maintain the structure of the current three-tiered system. Specifically, under the proposal, as amended, the lowest proposed limit, 18,000 contracts, will apply to narrow-based index options in which a single underlying stock accounted for 30% or more of the index value during the 30-day period immediately preceding the Exchange's semi-annual review of industry index option position limits. A position and exercise limit of 24,000 contracts will apply if any single underlying stock accounted, on average, for 20% or more of the index value or any five underlying stocks accounted, on average, for more than 50% of the index value, but no single stock in the group accounted, on average, for 30% or more of the index value during the 30-day period immediately preceding the Exchange's semi-annual review of industry index option position limits. The 31,500-contract limit will apply only if the Exchange determines that the conditions requiring either the 18,000-contract limit or the 24,000-contract limit have not occurred.[13]

Fifth, the Commission believes that financial requirements imposed by the Exchange and by the Commission adequately address concerns that a CBOE member or its customers may try to maintain a large unhedged position in a narrow-based index option. In this regard, the Commission notes that

[7] *See* Securities Exchange Act Release Nos. 40969 (January 22, 1999), 64 FR 4911 (February 1, 1999) (order approving File No. SR–CBOE–98–23); and 41011 (February 1, 1999), 64 FR 6405 (February 9, 1999) (order approving File No. SR–Amex–98–38).

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Narrow-Based Index Option Order, *supra* note 5.

[12] *See* 15 U.S.C. 78k–1(a)(1)(C)(iii).

[13] *See* Amendment No. 1, *supra* note 3.

current margin and risk-based haircut methodologies serve to limit the size of positions that a CBOE member or its customer may maintain.[14] The CBOE also has the authority under its rules to impose a higher margin requirement upon the member or member organization when it determines that a higher requirement is warranted.[15] Monitoring accounts maintaining large positions should provide the Exchange with information necessary to determine whether to impose additional margin and/or whether to assess capital charges upon a member organization carrying the account. In addition, the Commission's net capital rule, Rule 15c3–1 under the Exchange Act, imposes a capital charge on members to the extent of any margin deficiency resulting from the higher margin requirement. The Commission also notes that the Options Clearing Corporation will serve as the counter-party guarantor in every exchange-traded transaction.

Sixth, the Commission notes that the index options and other types of index-based derivatives (*e.g.,* forwards and swaps) are not subject to position and exercise limits in the OTC market. The Commission believes that increasing position and exercise limits for narrow-based index options will better allow the Exchange to compete with the OTC market.

Finally, the absence of any discernible manipulative problems for narrow-based index options at existing levels leads the Commission to conclude that the proposed increases are reasonable and that they can be safely implemented.[16] The Commission believes that the Exchange's surveillance programs are adequate to detect and deter violations of position and exercise limits, as well as to detect and deter attempted manipulation and other trading abuses through the use of such illegal positions by market participants.[17]

The Commission finds good cause to approve the proposed rule change and Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** As discussed above, the proposed rule change, as amended, is identical to proposals by the Phlx and Amex that the Commission previously approved.[18] The Commission notes that no comments were received on either the Phlx's or Amex's proposal. In addition, the Commission is not aware of any problems arising from the position and exercise limits approved in the Phlx and Amex proposals. Amendment No. 1 conforms CBOE's position and exercise limits for narrow-based index options to the levels adopted by the Phlx and Amex. Accordingly, the Commission finds that, consistent with Sections 6(b) and 19(b)(2) of the Act, there is good cause to approve the proposal and Amendment No. 1 to the proposal on an accelerated basis.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–CBOE–00–16), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–18743 Filed 7–24–00; 8:45 am]

BILLING CODE 8010–01–M

[14] In particular, Exchange Act Rule 15c3–1 requires a capital change equal to the maximum potential loss on a broker-dealer's aggregate index position over a +(−) 10% market move. In addition, the adoption of risk-based haircuts in 1997 resulted in significant increases in capital charges for unhedged options positions. *See* Securities Exchange Act Release No. 38248 (February 6, 1997), 62 FR 6474 (February 12, 1997) (adopting risk-based haircuts). With regard to margin requirements, CBOE Rule 12.3 provides a customer margin requirement for an unhedged position in a listed narrow-based index option equal to the option premium plus 20% of the product of the current index group value and the applicable index multiplier, reduced by any out-of-the-money account, with a minimum margin requirement equal to the option premium plus 10% of the product of the current index group value and the applicable index multiplier.

[15] *See* CBOE Rule 12.10.

[16] Telephone Conversation between Mary L. Bender, Senior Vice President and Chief Regulatory Officer, Division of Regulatory Services, CBOE, and Joseph Corcoran, Division, Commission, on June 27, 2000.

[17] The Commission emphasizes that the Exchange must closely monitor compliance with position and exercise limits and impose appropriate sanctions for failures to comply with the Exchange's position and exercise limit rules.

[18] *See* Narrow-Based Index Option Order, *supra* note 5.

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43044; International Series Release No. 1228; File No. SR–NYSE–00–25]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to the Trading of the Ordinary Shares of Celanese AG

July 17, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 14, 2000, the New York Stock Exchange, Inc. (the ''Exchange'' or the ''NYSE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to adopt two interpretations under its rules to accommodate the trading of Celanese AG (''Celanese''). Celanese listed on the NYSE on October 25, 1999.

Celanese is a stock corporation incorporated under the laws of the Federal Republic of Germany with a single class of common stock—ordinary shares, no par value (''Ordinary Shares'')—that trade on both the NYSE and the Frankfurt Stock Exchange, as well as on other exchanges around the world. The register for the Ordinary Shares is administered by Deutsche Bank AG, Celanese's transfer agent and registrar in Germany, and ChaseMellon Shareholder Services, Celanese's transfer agent and registrar in the United States. Transactions in the Ordinary Shares are cleared through the central clearing systems of both countries, The Depository Trust and Clearing Corporation (''DTCC'').in the United States and Deutsche Borse Clearing in Germany.

Although the Celanese Ordinary Shares are issued by a German company, they have many characteristics that are similar to shares of common stock issued by U.S. companies. For example, while most German stocks are in bearer form, Celanese shares are in registered form, the same as U.S. shares. However, the form of the stock certificate will have certain characteristics more similar to certificated shares of common stock of a German company than of a U.S. company. In addition, Celanese will pay dividends and call stockholder meetings and conduct voting at such meetings generally in accordance with German practices. For these reasons, the Exchange proposes to adopt two interpretations of its rules to accommodate the listing and trading of Celanese, similar to interpretations that the Commission approved in 1998 to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

accommodate the listing and trading of DaimlerChrysler [3]:

Certificates: The Frankfurt Stock Exchange rules governing stock certificates are somewhat different than the Exchange's rules. This rule change interprets Paragraph 502 of the Exchange's Listed Company Manual (the ''Manual'') to accept the Celanese certificates.

Proxies: Celanese will solicit proxies in a manner that combines characteristics of both the German and U.S. markets. This rule change interprets Paragraphs 401.03 and 402 of the Manual to accept Celanese's proposed proxy procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide two interpretations under the Exchange's rules to accommodate the listing and trading of Celanese. These interpretations pertain to Celanese's share certificates and voting procedures. As noted above, they are similar to interpretations that the Commission approved in 1998 with respect to the listing of the ordinary shares of DaimlerChrysler.[4]

Certificates

The Celanese share certificates conform in most respects to the requirements in Paragraph 502 of the Manual. The only exceptions are that the vignettes (pictures) are not fully steel engraved and the form of endorsement provides for German registry. Otherwise, the printing and engraving requirements are met. The Exchange believes that these are relatively minor inconsistencies with current requirements.

Voting

Under German law, only stockholders who hold shares on the date of the stockholders meeting are entitled to vote. Accordingly, the record date for voting at a stockholder meeting is the meeting date. In contrast, Exchange rules require 10 days' notice of a record date and 30 days between record and meeting date. Celanese will modify its current practice to accommodate the notice period in the United States. In Germany, there already are procedures to distribute preliminary agendas and other information to shareholders approximately one month before the meeting. Celanese has agreed to prepare and mail stockholder meeting materials approximately 45 days prior to its meeting, permitting the solicitation of proxies in the United States in the currently accepted time frame. The company also has agreed to give the Exchange 10 days' notice of the record date.

The coincidence of the record and meeting date also raises the possibility that a selling shareholder could give a proxy and then sell the shares, with the buyer also getting a proxy. This could lead to double voting. In order to address this, both ChaseMellon Shareholder Services as transfer agent (the ''Transfer Agent'') and Automatic Data Processing (''ADP''), the proxy agent for most member organizations, will institute procedures to monitor changes in the shareholder list between the date the proxy material is originally mailed out and the date of the meeting. These procedures will be designed (i) To cancel the votes of persons who submit proxies but sell their shares prior to the meeting date, and (ii) to facilitate voting by persons who purchase shares after the time the proxy material is mailed out, but before the meeting date. A purpose of the proposed rule change is to accept these procedures as being in compliance with NYSE procedures.

Both the Transfer Agent and ADP will produce shareholder lists on the day designated for mailing the proxy material (approximately 30–45 days prior to the meeting). The Transfer Agent's list will reflect the names of registered holders and ADP's list will reflect the names of beneficial owners. Prior to the meeting date, the Transfer Agent and ADP will each produce a current shareholder list. If holders no longer appear on the list, then votes attributed to proxies submitted by them will be cancelled. If new holders appear, proxy materials will be mailed to them by the Transfer Agent, in the case of registered owners, and by ADP, in the case of beneficial owners.

The shareholder lists can be updated periodically up until the date of the meeting. If practicable, proxy materials will be mailed to any new holders. This will be done on a best efforts basis. Such best efforts may include electronic notification and expedited delivery service. The proxy materials will describe voting procedures in detail. Notices will be included advising of the automatic revocation of the proxy if the holder sells stocks prior to the meeting. Finally, as a check and balance, the total vote cast in nominee name will not be permitted to exceed the total position so held.

In addition, Celanese shareholders can vote in person at a shareholders' meeting. Under German law, a shareholder must give the company notice of his or her intent to vote in person no later than three business days prior to the meeting, and the person must be a record holder on the meeting date.[5]

2. Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act, [6] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

[3] *See* Securities Exchange Act Release No. 40597 (October 23, 1998), 63 FR 58435 (October 30, 1998).

[4] The Exchange anticipates developing and filing with the Commission such generally applicable rules as are necessary to cover matters relating to the trading of ordinary shares of non-U.S. companies, thus making company specific rule filings such as this one unnecessary. Since Celanese listed before the development work could be finalized, the Exchange is requesting this company-specific approval, following the DaimlerChrysler model.

[5] With respect to dividends, Celanese's record date also will be the date of the company's annual meeting (like most German companies, Celanese pays dividends annually). This will make it impossible to trade the stock ''ex-dividend'' on the Exchange in the normal course. Accordingly, the Exchange will use its existing flexibility under Exchange Rules 235 and 257 and Paragraph 703.02 of the Manual to trade Celanese stock with ''due bills'' for the period that the stock normally would trade ex-dividend. This is a process pursuant to which the seller will receive the dividend, but is obligated to pay the dividend to the buyer of the shares. This process will be transparent to investors since due bills net out in the clearing process. To avoid any potential confusion as to the ''ex-dividend date'', the Exchange will endeavor to transmit notices to member organizations well in advance of the dividend declaration date.

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and coping in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and coping at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–00–25 and should be submitted by [insert date 21 days from the date of this publication].

IV. Commissions's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the NYSE's proposal to interpret the Manual to accommodate the listing and trading of Celanese shares is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act in that it will remove impediments to and perfect the mechanism of a free and open market, and will protect investors and the public interest, by enabling the NYSE to serve as a market for shares of Celanese (rather than American depositary receipts) while maintaining trading standards that are substantially equivalent to the NYSE's existing standards.

The Commission believes that it is reasonable for the NYSE to interpret the Manual to accept the Celanese proxy procedures. By mailing stockholder meeting materials approximately 45 days prior to its annual meeting, Celanese will give shareholders the same type of advance notification provided for in the Manual. Moreover, the Celanese proxy procedures will cancel proxies for shares sold prior to the meeting, and will facilitate voting by persons who purchase shares during the month leading up to the meeting. In that way, the Exchange's proxy procedures regarding Celanese appear to be substantially equivalent to the NYSE's existing standards, by permitting the votes cast at the annual meeting to accurately reflect the company's shareholders at the time of the meeting. Indeed, the Commission, approved a similar interpretation in 1998 to permit the NYSE to trade ordinary shares of DaimlerChrysler, [8] and the Commission approved a similar interpretation earlier this year to permit the NYSE to trade ordinary shares of UBS.[9]

The Commission notes that the Exchange states that it anticipates developing and filing generally applicable rules related to the trading of ordinary shares of non-U.S. companies, making this type of company-specific rule filing unnecessary. The Commission supports that goal, and concurs that general rules are preferable to a series of company-specific exemptions.

The Exchange has requested that the Commission approve the proposed rule change prior to the thirtieth day after its publication in the **Federal Register**. The Exchange notes that these interpretations are the same as those made in connection with the trading of ordinary shares of DaimlerChrysler, and the Exchange states that DaimlerChrysler shares have traded without difficulty on the Exchange since their first listing. The Exchange adds that in light of the significant trading interest in Celanese, these interpretations will help eliminate uncertainty on the part of market participants.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing in the **Federal Register**. These interpretations are substantially similar to the interpretations that permitted the trading of DaimlerChrysler, and the Commission finds that granting accelerated approval to these changes will eliminate uncertainty about the status of Celanese shares.[10]

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act [11] that the proposed rule change (SR–NYSE–00–25) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–18741 Filed 7–24–00; 8:45 am]

BILLING CODE 8010–01–M

[7] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[8] *See* note 3, *supra.*

[9] *See* Securities Exchange Act Release No. 42785 (May 15, 2000), 65 FR 33396 (May 23, 2000).

[10] The Commission notes, however, that the Exchange has been trading ordinary shares of Celanese since October 1999, but did not file this proposed rule change until June 2000. The Commission's approval of this proposed rule change is not retroactive.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43049; File No. SR–PCX–00–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Its Automatic Execution System

July 18, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] Rule 19b–4 thereunder,[2] notice is hereby given that on March 8, 2000, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On June 27, 2000, PCX submitted Amendment No. 1 to the proposed rule change.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Michael Pierson, Vice President, Regulatory Policy, PCX, to Gordon Fuller, Special Counsel, Division of Market Regulation, Commission, dated June 26, 2000 (''Amendment No. 1''). In Amendment No. 1, PCX revised some of the text of the proposed rule and submitted this revised text.

Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to allow broker-dealer orders to be eligible for automatic execution through the Exchange's Automatic Execution System (''Auto-Ex'') on an issue-by-issue basis. The Exchange also proposes to adopt new rules and procedures to establish means of assuring better compliance with rules pertaining to the use of Auto-Ex. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

¶5231 Automatic Execution System

Rule 6.87

(a). *Definitions. For purposes of Rule 6.87:*

(1) The term ''Auto-Ex'' means the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options.

(2) The term ''User'' means any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm.

(3) The term ''Order Entry Firm'' means a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex.

(b) Eligible Orders.

(1) [(a)] [Only] *Except as provided in Subsection (A) below, only* non-broker/dealer customer orders are eligible for execution on the Exchange's *Auto-Ex system* [Automatic Execution System (''Auto-Ex'')].

(A) The Options Floor Trading Committee (''OFTC'') may determine, on an issue-by-issue basis, to allow orders for the accounts of broker-dealers to be executed on Auto-Ex, except for orders for Market Makers or Specialists on an exchange who are exempt from the provisions of Regulation T of the Federal Reserve Board pursuant to Section 7(c)(2) of the Securities Exchange Act of 1934. For purposes of this Rule, the term ''broker/dealer'' includes foreign broker/dealers.

(2) [(b)] The Options Floor Trading Committee shall determine the size of orders that are eligible to be executed on Auto-Ex. Although the order size parameter may be changed on an issue-by-issue basis by the Options Floor Trading Committee, the maximum order size for execution through Auto-Ex is fifty contracts.

(3) [(c)] The Options Floor Trading Committee may increase the size of Auto-Ex eligible orders in one or more classes of multiply traded equity options to the extent that other exchanges permit such larger-size orders in multiply traded equity options of the same class or classes to be entered into their own automated execution systems. If the Options Floor Trading Committee intends to increase the Auto-Ex order size eligibility pursuant to this Rule, the Exchange will notify the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Exchange Act.

(c) Order Entry Firm Registration. Participation in Auto-Ex as an Order Entry Firm requires registration with the Exchange. Continued registration depends upon the Order Entry Firm's initial and continuing compliance with the following requirements:

(1) execution of an Auto-Ex Order Entry Firm Application Agreement with the Exchange;

(2) compliance with all applicable PCX options trading rules and procedures;

(3) written notice must be provided to all Users regarding the proper use of Auto-Ex; and

(4) maintenance of adequate procedures and controls that will permit the Order Entry Firm to effectively monitor and supervise the entry of electronic orders by all Users. Order Entry Firms must monitor and supervise the entry of orders by Users to prevent the prohibited practices set forth in subsection (d).

(d) Prohibited Practices. Prohibited practices include, but are not limited to, the following:

(1) Entering an order for an account that is ineligible for execution on Auto-Ex pursuant to subsection (b), above:

(2) Dividing an order involving a single investment decision into multiple smaller lots for the purpose of meeting the order size requirements for Auto-Ex eligibility. Multiple orders to trade the same series, multiple orders in the same call class, or multiple orders in the same put class entered within any 15-second period for the account of the same beneficial owner will be presumed to be based on a single investment decision. If multiple orders involving a single investment decision have been entered for automatic execution, only the first of such orders that equals or add up to less than the firm Auto-Ex size requirement will be entitled to an execution.

(3) Entering orders via Auto-Ex to perform a market making function. No member or person associated with a member may use Auto-Ex on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person associated with a member is using the Auto-Ex system to perform a market making function, the Exchange will consider the following factors: the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series.

(4) Effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a) and SEC Rule 10b–5.

[(d) Firms entering orders for execution on Auto Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex.**]**

(e)–(k)—**[**(d)–(j)**]**—No change.

* * * * *

¶ 5151 Contract Made on Acceptance of Bid or Offer

Rule 6.77

All bids or offers made and accepted in accordance with the Rules shall constitute binding contracts, subject to applicable requirements of the Constitution and Rules of the Exchange and the Rules of the Options Clearing Corporation.

Commentary:

.01 Two Options Floor Officials may nullify a transaction or adjust its terms if they determine the transaction to have been in violation of any of the following:

(a) Rule 6.73 (Manner of Bidding and Offering);

(b) Rule 6.75 (Priority of Bids and Offers);

(c) Rule 6.56 (Transactions Outside Order Book Official's Last Quoted Range);

(d) Rule 6.76 (Priority on Split Price Transactions);

(e) Rule 6.86 (Trading Crowd Firm Disseminated Market Quotes);

(f) Rule 6.66(c) (Order Identification: Broker-Dealer Orders: Failure to identify a broker-dealer order, provided that the transaction may be nullified or its terms may be adjusted only if the transaction is for 20 contracts or less);

(g) Rule 6.87 (Automatic Execution System).

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed

rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission approved the Exchange's Pacific Options Exchange Trading System (''POETS'') on a pilot program basis in 1990 and on a permanent basis in 1993.[4] POETS is comprised of an options order routing system (''ORS''), an automatic and semi-automatic execution system (''Auto-Ex''), an on-line book system (''Auto-Book''), and an automatic market quote update system (''Auto-Quote''). Currently, PCX Rule 6.87 allows only non-broker-dealer customer orders to be executed through the Exchange Auto-Ex system. The Exchange now proposes to permit broker-dealer orders to be eligible for automatic execution through Auto-Ex on an issue-by-issue basis and to establish means of assuring better compliance with rules pertaining to the use of Auto-Ex.

a. *Definitions.* The Exchange proposes several definitional changes to PCX Rule 6.87 pertaining to Auto-Ex. Specifically, the Exchange proposes to add new rule 6.87(a) to codify the terms ''Auto-Ex,'' ''User,'' and ''Order Entry Firm.'' First, the Exchange proposes to define the term ''Auto-Ex'' to mean the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options. Second, the Exchange proposes to define the term ''User'' to mean any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm. Third, the Exchange proposes to define the term ''Order Entry Firm'' to mean a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex. The Exchange proposes to codify these terms in order to provide users of Auto-Ex with clear and precise definitions for terms used in Rule 6.87.

b. *Eligible Orders.* The Exchange proposes to change its rules to allow broker-dealer orders to be executed, on an issue-by-issue basis, on the Exchange's Auto-Ex system, subject to the approval of the Options Floor Trading Committee. The Exchange also proposes to allow market and marketable limit orders for the accounts of certain broker-dealers to be executed via Auto-Ex, except for those orders for Marker Makers or Specialists on an exchange that are exempt from the provisions of Regulation T[5] pursuant to Section 7(c)(2) of the Act.[6] The Exchange proposes this rule change to remain competitive, and to improve the efficiency by which orders for broker-dealers are currently executed. Further, the Exchange proposes this change to reduce the burden on Floor Brokers for executing small market and marketable limit orders. In addition, the Exchange proposes to renumber Rule 6.87(a) as Rule 6.87(b)(1) and Rules 6.87(b) and (c) as rules 6.87(b)(2) and (3).

c. *Order Entry Firm Registration.* The Exchange proposes to add new Rule 6.87(c) to require Order Entry Firms, as defined in proposed Rule 6.87(a), to register with the Exchange as a condition of having access to Auto-Ex. Such registration will require that an Order Entry Firm execute an Order Entry Firm Application Agreement with the Exchange; comply with all applicable PCX options trading rules and procedures; provide written notice to all Users regarding proper use of Auto-Ex; and maintain adequate procedures and controls that will permit the Order Entry Firm to effectively monitor and supervise the entry of electronic orders by all Users. The Exchange proposes these rule changes to safeguard the use of Auto-Ex and to obligate Order Entry Firms to inform and supervise Users to ensure compliance with PCX Rules and procedures. The Exchange also proposes these changes to protect investors and the public from changes in options prices or markets caused by uses of Auto-Ex that the Exchange believes are prohibited.

d. *Prohibited Practices.* In addition, the Exchange proposes to add new Rule 6.87(d) to codify practices it believes are prohibited on Auto-Ex. Specifically, the Exchange proposes to codify the most common prohibited practices and abuses of Auto-Ex.[7] Proposed Rule 6.87(d) lists four prohibited uses of Auto-Ex: entering an order for an account that is ineligible for execution on Auto-Ex; dividing an order involving a single investment decision into multiple smaller lots for the purposes of meeting the order size requirements for Auto-Ex eligibility, which includes entering multiple orders in the same call class or put class for the account of the same beneficial owner within the same 15-second period; entering orders via Auto-Ex to perform a market making function; and effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a)[8] and Rule 10b–5[9] under the Act. A detailed explanation of each prohibited practice follows.

First, with regard to the type of orders eligible for execution on Auto-Ex, the Exchange proposes that all orders not eligible under subsection (b) or proposed Rule 6.87 be deemed ineligible orders. The Exchange proposes this rule change to clarify what orders are eligible for execution on Auto-Ex.

Second, the Exchange proposes to replace PCX Rule 6.87(d) with proposed Rule 6.87(d)(2). Specifically, the Exchange proposes to delete language that currently states that ''firms entering orders for execution on Auto-Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex.'' The Exchange proposes to replace Rule 6.87(d) with new Rule 6.87(d)(2), which prohibits dividing an order involving a single investment decision into multiple smaller lots for the purposes of meeting the order size requirements of Auto-Ex eligibility. The Exchange also proposes that multiple orders to trade the same series entered within any fifteen-second period for the account of the same beneficial owner will be presumed to be based on a single investment decision. The Exchange proposes this change to clarify its rules on unbundling.

[4] *See* Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990) (approving POETS on a pilot basis); Securities Exchange Act Release No. 32703 (July 30, 1993), 58 FR 42117 (August 6, 1993) (approving POETS on a permanent basis). The Auto-Ex system permits eligible market or marketable limit orders sent from member firms to be executed automatically at the displayed bid or offering price. Participating market makers are designated as the contra side to each Auto-Ex order. Participating market makers are assigned by Auto-Ex on a rotating basis, with the first market maker selected at random from the list of signed-on market makers. Automatic executions through Auto-Ex are currently available for public customer orders of twenty contracts or less (or in certain issues, for fifty contracts or less) in all series of options traded on the Options Floor of the Exchange.

[5] 12 CFR 200 *et seq.*

[6] 15 U.S.C. 78g(c)(2).

[7] The codification of these prohibited practices is not meant to be all-inclusive.

[8] PCX Rule 4.6 states that ''[n]o member, member firm or any participant therein shall effect or induce the purchase or sale or otherwise effect transactions in any security for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security, or for the purpose of unduly or improperly influencing the market price of such security, or for the purpose of making a price which does not reflect the true state of the market in such security.''

[9] 17 CFR 240.10b–5.

Third, with regard to entering multiple orders in the same call class or put class for the account of the same beneficial owner within the same 15-second period, the Exchange proposes that only the first of such orders that equals or adds up to less than the firm Auto-Ex size requirement will be entitled to execution. The Exchange proposes this change in order to specifically prohibit conduct that is in conflict with the purpose of Auto-Ex and would otherwise circumvent the prohibitions against unbundling.

Fourth, the Exchange proposes to codify language to prohibit Users from using Auto-Ex to perform Market Maker functions. PCX Rule 6.32 defines a Market Maker as an individual who is registered with the Exchange for the purpose of making transactions as dealer-specialist on the Floor of the Exchange. With regard to entering orders via Auto-Ex to perform a market making function, the Exchange proposes that no member or associated person of a member may use Auto-Ex on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person is using the Auto-Ex system to perform a market making function, the Exchange will consider the following factors: the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series. The Exchange proposes this change to prohibit Users from acting as Market Makers through the use of Auto-Ex.[10]

Fifth, the Exchange proposes to codify, as a prohibited practice, effecting transactions that constitute manipulation as provided in Rule 4.6(a) and Rule 10b-5 under the Act. The Exchange proposes this change to prevent members or Users from using Auto-Ex to violate PCX and SEC rules and to protect investors and the public. Finally, the Exchange proposes to renumber rules 6.87(d) through (j) as Rules 6.87(e) through (k).

e. *Nullification of Orders.* The Exchange proposes to add subsection (g) to Rule 6.77, Commentary .01. Currently, Rule 6.77, Commentary .01 allows two Options Floor Officials to nullify a transaction or adjust its terms if they determine the transaction to have been in violation of certain PCX rules.[11] The Exchange proposes that if a transaction is in violation of Rule 6.87 regarding Automatic Execution, then two Floor Officials may nullify or adjust such transaction. The Exchange proposes this change to remain consistent in its applicaiton of PCX Rules and procedures.

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with Section 6(b)[12] of the Act, in general, and furthers the objectives of Section 6(b)(5),[13] in that it is designed to promote just and equitable principles of trade, to enhance competition and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–00–05 and should be submitted by August 15, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–18742 Filed 7–24–00; 8:45 am]

BILLING CODE 8010–01–M

[10] *See* PCX Rules 6.88 (b) and 6.89(d)(3). PCX Rule 6.88(b) states that ''[n]o Floor Broker may knowingly use a Floor Broker Hand-Held Terminal, on a regular and continuous basis, to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the account of such person or entity from being sent through the Exchange's member Firm Interface for such period of time as the Exchange deems appropriate.''

PCX Rule 6.89(d)(3) states that ''[t]erminals may be used to receive brokerage orders only. Terminals may not be used to perform a market making function. No Member may knowingly use a Terminal on a regular and continuous basis to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the account of such person or entity from being sent through the Exchange's Member Firm Interface for such period of time as the Exchange deems appropriate. Any system used by a Member to operate a Terminal must be separate and distinct from any system that may be used by a Member or any person associated with a Member in connection with market making functions.''

[11] PCX Rule 6.77, Commentary .01 states that ''[t]wo Options Floor Officials may nullify a transaction or adjust its terms if they determine the transaction to have been in violation of any of the following: (a) Rule 6.73 (Manner of Bidding and Offering); (b) Rule 6.75 (Priority of Bids and Offers); (c) Rule 6.56 (Transactions Outside Order Book Official's Last Quoted Range); (d) Rule 6.76 (Priority on Split Price Transactions); (e) Rule 6.86 (Trading Crowd Firm Disseminated Market Quotes); (f) Rule 6.66(c) (Order Identification: Broker-Dealer Orders: Failure to identify a broker-dealer order, provided that the transaction may be nullified or its terms may be adjusted only if the transaction is for 20 contracts or less).''

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(5).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board; Notice of Renewal of Charter

This notice is published in accordance with the provisions of the Federal Advisory Committee Act § 14(a), 5 U.S.C. App. 2 (1998) and advises of the renewal of the U.S. Small Business Administration National Small Business Development Center Advisory Board charter.

The Board will provide advice, counsel and confer with the Associate Administrator, Office of Small Business Development Centers in carrying out her/his programmatic duties. The scope of the Board covers the entire SBDC program.

For further information, please write or call Ellen Thrasher, U. S. Small Business Administration, 409 Third Street, SW., Fourth Floor, Washington, DC 20416. Telephone number (202) 205–6817.

Dated:

Bettie Baca,

Counselor to the Administrator.

[FR Doc. 00–18796 Filed 7–24–00; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3370]

Culturally Significant Objects Imported for Exhibition Determinations: ''Painting Revolution: Kandinsky, Malevich and the Russian Avant-Garde''

AGENCY: United States Department of State.

ACTION: Amendment.

SUMMARY: On January 12, 2000, Notice was published on page 1940 of the **Federal Register** (Volume 65, Number 8) by the Department of State pursuant to Pub. L 89–259 relating to the exhibit ''Painting Revolution: Kandinsky, Malevich and the Russian Avant-Garde.'' The referenced Notice is amended as follows. After ''March 31, 2001,'' insert the following additional venue: ''and at the Bass Museum in Miami Beach, Florida from on or about July 9, 2001, is in the national interest.''

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, DC 20547–0001.

Dated: July 18, 2000.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–18783 Filed 7–24–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3369]

Culturally Significant Objects Imported for Exhibition Determinations: ''Silver in Ancient Peru''

AGENCY: 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 No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition ''Silver in Ancient Peru,'' imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit object at the Metropolitan Museum of Art in New York from on or about November 3, 2000 to on or about April 22, 2001, is in the national interest. 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 the exhibit object, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, DC 20547-0001.

Dated: July 18, 2000.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–18782 Filed 7–24–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice No. 3346]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea and Associated Bodies Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on Monday, August 28, 2000, in Room 6319, at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001. This meeting will discuss the upcoming 43rd Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on September 11–15, 2000, at the IMO Headquarters in London, England.

Items of discussion will include the following:

a. Review of results from 42nd Session of the SLF,
b. Harmonization of damage stability provisions in the IMO instruments,
c. Revision of technical regulations of the 1966 International Load Line Convention,
d. Development of the damage consequence diagrams for inclusion in damage control plan guidelines, and
e. Revisions to the Fishing Vessel Safety Code and Voluntary Guidelines.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G–MSE–2), Room 1308, 2100 Second Street, SW, Washington, DC 20593–0001 or by calling (202) 267–2988.

Dated: July 12, 2000.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 00–18781 Filed 7–24–00; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 2000–7–23, Docket OST–00–7152]

Determination of Farwest Airlines, LLC

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding that Farwest Airlines, LLC, is fit, willing, and able to provide scheduled passenger operations as a commuter air carrier.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Department of Transportation Dockets, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than August 2, 2000.

FOR FURTHER INFORMATION CONTACT: Galvin Coımbre, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–5347.

Dated: July 19, 2000.

A. Bradley Mims,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 00–18777 Filed 7–24–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Electronic Drug Testing Information Roundtable

AGENCY: Office of the Secretary of Transportation (OST), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Department of Transportation (DOT), Department of Health and Human Services (HHS), and Office of Management and Budget (OMB) are holding a public meeting on August 4, 2000, to foster further discussion of the application of electronic transmission, storage, and signature of material concerned with the DOT and HHS drug testing programs.

FOR FURTHER INFORMATION CONTACT: Ron Matzner, Office of Information and Regulatory Affairs, New Executive Office Building, 750 17th Street, NW., Washington, DC, 20503; 202–395–4856; Rmatzner@omb.eop.gov : Don Shatinsky, Drug and Alcohol Policy Advisor, Office of Drug and Alcohol Policy and Compliance, DOT, 400 7th Street, SW., Room 10403, Washington, DC, 20590; 202–366–3784; don.shatinsky@ost.dot.gov : or Dr. Walter Vogl, Drug Testing Section, Division of Workplace Programs, HHS, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, MD 20857; 301–443–6014; *wvogl@samhsa.gov.*

SUPPLEMENTARY INFORMATION: On June 15, 2000, the OMB's Office of Information and Regulatory Affairs (OIRA) held a public meeting, attended by Federal agency and laboratory representatives and other interested persons, to discuss how best to apply electronic technology to the information collection, transmission, and storage of data connected with Federally-mandated drug testing programs. The meeting was titled ''The Paperless Laboratory,'' though the subject matter was not limited to laboratory matters, as such. OMB, DOT, and HHS are very interested in moving forward in this area, and for this purpose we are convening a second public meeting.

The meeting will take place in the Truman Room of the White House Conference Center on August 4, 2000, from 9 a.m. to approximately 5 p.m. The White House Conference Center is located at 726 Jackson Place, NW., Washington, DC 20503. Lunch will be on your own.

The following is the tentative agenda for this meeting:

I. Overview and summary of the June 15 meeting
II. Objectives of the August 4 meeting
III. Procedure
  a. Scope
  b. Discussion of the Federal Advisory Committee Act (FACA) and its application to this subject matter
  c. Discussion of organization of working groups
  d. Development of work plan and time line
IV. Legal issues (presentation by Department of Justice)
  a. Current status and future of laws related to electronic records
  b. Transmission of electronic records
  c. Admissibility in court
  d. Use in forensic programs
V. Policy issues
  a. What process changes should be made?
  b. What information should be collected?
  c. Who should collect the information (*e.g.,* should employer/collector initiate an electronic custody and control form?)
  d. To whom and in what form should reports be made?
VI. Technical issues
  a. Interoperable interfaces
  b. Portal technology
  c. Standards
VII. Security technical issues: encryption, PKI, firewalls, biometrics, token technologies, etc.
VIII. Next steps

One of the ideas the Federal agencies involved are considering is forming a formal advisory committee, under the Federal Advisory Committee Act (see item III(b) in agenda). This committee would consist of representatives of interested parties who would meet periodically with the Federal agencies concerned with drug testing and attempt to formulate consensus recommendations on electronic technology as it relates to the DOT and HHS drug testing procedures. One of the purposes of the meeting is to determine the interest of non-government parties in participating in such a committee.

The primary focus of this initiative has been drug testing. However, DOT also has a parallel alcohol testing program. Many of the issues we are discussing also have relevance to the alcohol testing program. DOT is interested in using this meeting as a forum to discuss electronic alcohol testing information matters as well.

If you are interested in attending, please fax or e-mail the following information to Lisa Jones, OIRA, at 202–395–7245 or Ljones@omb.eop.gov by August 1, 2000. If you have any questions concerning registration for the meeting, you may call 202–395–5898.

Full Name, Title, Organization, Telephone and fax numbers, E-mail address, Special needs.

Issued this 21st day of July, 2000, at Washington, DC.

Mary Bernstein,

Director, Office of Drug and Alcohol Policy and Compliance.

[FR Doc. 00–18905 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–62–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice permits employers regulated by the Department of Transportation (DOT) to begin using a new Federal Drug Testing Custody and Control Form (CCF) as of August 1, 2000, provided they follow the procedures specified in this notice. Employers may also continue to use the current seven-part CCF. The Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS) has revised the current CCF which has a July 31, 2000, expiration date. The Office of Management and Budget has approved the use of the new Federal CCF until July 31, 2003. Federal agencies are permitted to begin using the new Federal CCF on August 1, 2000, for their workplace drug testing programs.

EFFECTIVE DATE: August 1, 2000.

FOR FURTHER INFORMATION CONTACT: Don Shatinsky, Drug and Alcohol Policy Advisor, Office of Drug and Alcohol Policy and Compliance, Office of the Secretary, DOT, 400 7th Street, SW., Room 10403, Washington, DC 20590, telephone number (202) 366–3784.

SUPPLEMENTARY INFORMATION:

Background

All urine specimens collected under the DOT drug and alcohol testing rule (49 CFR Part 40) must be collected using chain of custody procedures to document the integrity and security of the specimen from the time of collection until receipt by the laboratory. To ensure uniformity of procedures among all Federal agencies and DOT regulated employers, the use of the Federal CCF is required. Based on the experiences of using the current Federal CCF for the past several years, DOT and HHS initiated a joint effort to develop a new Federal CCF that was easier to use and more accurately reflected both the collection process and how results were reported by the drug testing laboratories. This effort included scheduling two public meetings attended by over 35 industry representatives who recommended most of the changes to the current Federal CCF. As a result of these meetings, HHS published a proposed revised Federal CCF in the **Federal Register** (64 FR 61916) on November 15, 1999. Comments from the public were incorporated in a revised final form which was published in the **Federal Register** (65 FR 39155) on June 23, 2000, with an effective date of August 1, 2000.

Major changes included eliminating two copies of the form so that the new Federal CCF now has five instead of seven copies. The new form moves the specimen bottle seals from the right side of the form to the bottom, simplifies the chain of custody step by requiring the collector to sign the form only once, provides a wider choice of terms that a laboratory can use to report results, allows the use of Copy 1 to report results of the split specimen testing, and places the Medical Review Officer (MRO) steps for both the primary and split specimens on the MRO copy of the form.

To avoid inconsistencies with procedures established by HHS for the new CCF, the Department will parallel HHS guidance for the use of the new form. Issues dealing with transmission of alcohol information (DOT Breath Alcohol Testing Form) will be addressed in the final DOT drug and alcohol rule.

Implementation Guidance

DOT-regulated employers may start to use the new Federal CCF starting August 1, 2000. There are changes associated with the use of the new CCF (*e.g.*, Step 2, check box for Split, Single, or None Provided; check box for Observed) that must be followed even though they are not currently procedures required in 49 CFR Part 40. DOT-regulated employers who chose to use the new CCF must ensure that the form is filled out completely. However, the procedures used in the urine specimen collection process, other than the use of the form, must still conform to the current requirements as directed in 49 CFR Part 40. HHS published on their web site (www.health.org/workpl.htm) a new Urine Specimen Collection Handbook for Federal Workplace Drug Testing Programs and a new Medical Review Officer Manual for Federal Workplace Drug Testing Programs for use with the new CCF. This guidance and the MRO manual are only for Federal agency testing programs, not for DOT-regulated transportation industry programs.

The following are differences between the new HHS guidance and Part 40. DOT-regulated parties must continue to use the Part 40 requirements except where otherwise noted:

(1) The new HHS guidance directs the donor to empty his/her pockets. Current DOT guidelines permit the collector to make this request only if there is reason to believe that the donor has something in his/her pockets that may be used to adulterate a specimen (*e.g.*, a bulging pocket).

(2) The new HHS guidance tells the collector to initiate an immediate direct observation collection when a donor's conduct clearly indicates an attempt to substitute or adulterate a specimen. DOT rules require, in advance, the review and concurrence of a collection site supervisor or designated employer representative that the condition for a direct observation collection exists.

(3) The new HHS guidance tells the collector to immediately begin a direct observation collection if the temperature is outside the acceptable range. DOT rules direct the collector to first offer to take the donor's body temperature. Direct observation collection is triggered only if the donor declines to provide a measurement of his/her body temperature or the temperature varies by more than 1.8° F from the temperature of the specimen.

(4) The new HHS guidance permits Federal employees subject to drug testing to waive the split specimen requirement in a shy bladder situation. Under DOT rules, those individuals who are required to provide split specimens under modal administration rules, may not waive this requirement, but must provide a split specimen.

(5) The new HHS guidance permits the collector to initiate a Arefusal to test@ procedure if the donor refuses to drink fluids as directed. Under current DOT rules, this is not considered a refusal.

(6) Unlike the procedures in the new HHS guidance, DOT required collections conducted under direct observation are limited to current Part 40 requirements and to the September 28, 1998 MRO Guidance for Interpreting Specimen Validity Test Results memorandum signed by Mary Bernstein, Director, Office of Drug and Alcohol Policy and Compliance.

(7) The new five-part CCF does not contain a shipping container seal, as does the current seven-part form. Collection sites may use separate collection container seals with the new CCF or may use the current process described in 49 CFR Part 40.25(h), which states, in part, ''* * * (shipping) containers shall be securely sealed to eliminate the possibility of undetected tampering with the specimen and/or the form. On the tape sealing the shipping container, the collection site person shall sign and enter the date specimens were sealed in the shipping container for shipment.'' Collection sites may utilize any appropriate adhesive material or packing tape provided the collection site person's signature and date may be affixed to the material used. Users of current seven-part CCF should continue to use the shipping container seals provided with these forms.

Under the new HHS guidance, the laboratory may transmit all results (negative and non-negative) to the MRO by either faxing the completed Copy 1 of the CCF or transmitting a scanned image of the form via computer. Each method must be designed to ensure the confidentiality of the information, the security of the data transmission, and limit access to any data transmission, storage, and retrieval system. A laboratory may also continue to use the current method of sending a hard copy of the form. For all non-negative results, the laboratory must also send to the MRO a hard copy of the original Copy 1 of the CCF. Regulated parties in the DOT program may begin to follow this practice, though they are not required to do so. This practice is consistent with the Department's proposal in the Part 40 notice of proposed rulemaking, which most commenters favored.

The Department will permit employers and laboratories to also use

the same process of transmitting the current seven-part CCF from the laboratory to the MRO:

(1) A laboratory may send negative results by electronic (*e.g.*, facsimile, imaging) transmission of Copy 1 of the seven part CCF to the MRO. For negative results, a hard copy (Copy 2) does not have to be sent to the MRO.

(2) A laboratory may send non-negative results by electronic (*e.g.*, facsimile, imaging) transmission of Copy 1 or Copy 2 of the seven part CCF to the MRO. A hard copy of the CCF must subsequently be sent to the MRO.

Employers and service agents who provide DOT related drug and alcohol services must ensure that all current regulatory procedures related to drug testing, collection, record keeping, etc., are followed even if the option to use the new Federal CCF is initiated. Additionally, implementation of the new CCF and transmission of laboratory results of the new CCF or the current seven part CCF must have the concurrence of the employer and the employer's MRO. The Department is projecting the publication of a final drug and alcohol rule by the end of 2000 or the first part of 2001. At that time, the Department will address in more detail the various changes and options that will be implemented as a result of public input to the current NPRM.

Issued this 21st day of July, 2000, at Washington, DC.

Mary Bernstein,

Director, Office of Drug and Alcohol Policy and Compliance, Department of Transportation.

[FR Doc. 00–18904 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–62–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee to discuss rotorcraft issues.

DATES: The meeting will be held on August 8, 2000, 2:00 p.m. EST.

ADDRESSES: The meeting will be held at Helicopter Association International, 1635 Prince St, Alexandria VA, 22314, telephone (703) 682–4646.

FOR FURTHER INFORMATION CONTACT: Angela Anderson, Office of Rulemaking, ARM–200, FAA, 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267–9681.

SUPPLEMENTARY INFORMATION: The referenced meeting is announced pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II).

The agenda will include:

Presentation of work plans for the following:

a. Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structure.

b. Damage Tolerance and Fatigue Evaluation of Metallic Rotorcraft Structure.

Presentation and vote on the NPRM from the Performance and Handling Qualities working group.

Attendance is open to the public but will be limited to the space available. The public must make arrangements to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 16 copies to the Assistant Chair or by providing the copies at the meeting. If you are in need of assistance or require a reasonable accommodation for the meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on July 18, 2000.

Anthony F. Fazio,

Assistant Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 00–18686 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7363]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of petitions and intent to grant applications for exemption; request for comments.

SUMMARY: This notice announces the FMCSA's preliminary determination to grant the applications of 70 individuals for an exemption from the vision requirements in the Federal Motor Carrier Safety Regulations (FMCSRs). Granting the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: Comments must be received on or before August 24, 2000.

ADDRESSES: Your written, signed comments must refer to the docket number at the top of this document, and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987; for information about legal issues related to this notice, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366–2519, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

Seventy individuals have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Under 49 U.S.C. 31315 and 31136(e), the FMCSA (and

previously the FHWA) may grant an exemption for a renewable 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' Accordingly, the FMCSA has evaluated each of the 70 exemption requests on its merits, as required by 49 U.S.C. 31315 and 31136(e), and preliminarily determined that exempting these 70 applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption.

Qualifications of Applicants

1. Henry Wayne Adams

Mr. Henry Wayne Adams, 54, has been blind in his left eye since 1988 due to an accident. The best corrected visual acuity in his right eye is 20/20. He was examined in 1999 by an optometrist who stated, ''In summation, his condition is stable and he should have sufficient vision to perform the necessary driving tasks required to operate a commercial vehicle.''

Mr. Adams has driven straight trucks for 6 years, accumulating 360,000 miles and tractor-trailer combination vehicles for 3 years, accumulating 135,000 miles. He holds an Alabama Class D license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

2. Willie F. Adams

Mr. Willie F. Adams, 43, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/400 in the right eye. He was examined in 1999 by an optometrist who stated, ''In my opinion, Fred Adams is capable of operating a commercial vehicle.''

Mr. Adams has driven straight trucks for 20 years, accumulating 1.6 million miles and tractor-trailer combination vehicles for 2 years, accumulating 130,000 miles. He holds an Alabama Class DM license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

3. Fernando Aguilera

Mr. Fernando Aguilera, 38, has amblyopia in his left eye. His best corrected visual acuity is 20/20+2 in the right eye and 20/200 in the left eye. He was examined in 2000 by an optometrist who stated, ''It is my opinion that Mr. Aguilera has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.''

Mr. Aguilera has driven straight trucks for 11 years, accumulating 990,000 miles and tractor-trailer combination vehicles for 1 year, accumulating 90,000 miles. He holds a California Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

4. Louis Edward Aldridge

Mr. Aldridge, 57, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/200 in the right eye. He was examined in 1999 by an optometrist who stated, ''There is no visual reason to keep Mr. Aldridge from safely driving a commercial vehicle.''

Mr. Aldridge has driven straight trucks for 20 years, accumulating 500,000 miles. He holds a Maryland Class CM license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

5. Larry Neal Arrington

Mr. Larry Neal Arrington, 54, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/200 in the left eye. He was examined in 1999 by an optometrist who stated, ''Vision of OD [right] is sufficient to perform the driving tasks required to operate a commercial vehicle.''

Mr. Arrington has driven straight trucks for 26.5 years, accumulating 795,000 miles. He holds a North Carolina Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

6. David W. Ball

Mr. David W. Ball, 47, has had decreased vision in his right eye since an injury in 1966. His best corrected visual acuity is 20/20 in the left eye and 20/60 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''Your examination is essentially unchanged from approximately one year ago and I see no reason that you cannot continue to perform your driving tasks as a commercial driver.''

Mr. Ball has driven straight trucks for 29 years, accumulating over 2.1 million miles. He holds a Missouri Class E commercial license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

7. Delbert Ronnie Bays

Mr. Delbert Ronnie Bays, 43, wears a prosthesis in his right eye as the result of an injury in 1971. The visual acuity in his left eye is 20/20, uncorrected. He was examined in 1999 by an ophthalmologist who stated, ''In summary, the vision in his left eye is sufficient to perform the driving tasks required to operate a commercial vehicle.''

Mr. Bays has driven both straight trucks and tractor-trailer combination vehicles for 22 years, accumulating a total of 682,000 miles. He holds a Kentucky Class DMA CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

8. Rosa C. Beaumont

Ms. Rosa C. Beaumont, 53, has amblyopia in her right eye. Her best corrected visual acuity is 20/20 in the left eye and 20/400 in the right eye. She was examined in 1999 by an ophthalmologist who stated, ''It is the examiner's opinion that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Ms. Beaumont has driven buses for 8 years, accumulating 800,000 miles. She holds a Washington Class B CDL. Her official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

9. Jerry A. Bechtold

Mr. Jerry A. Bechtold, 47, is blind in his right eye due to trauma and wears a prosthesis. His best corrected visual acuity is 20/20 in the left eye. He was examined in 1999 by an optometrist who stated, ''Because of his successful history he should be able to perform the driving tasks required to operate a commercial vehicle.''

Mr. Bechtold has driven straight trucks for 25 years, accumulating over 1.2 million miles. He holds an Illinois Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

10. Robert F. Berry

Mr. Robert F. Berry, 55, has amblyopia in his right eye. His best corrected visual acuity is 20/15 in the left eye and 20/200 in the right eye. He was examined in 1999 by an optometrist who stated, ''It is my medical opinion that Robert F. Berry has sufficient vision to perform the tasks needed to operate a commercial vehicle.''

Mr. Berry has driven straight trucks for 23 years, accumulating over 620,000 miles. He holds a Maine Class B CDL. His official driving record shows one accident and no convictions of moving violations in a CMV. No citations were issued in the accident. Mr. Berry

swerved to avoid a head-on collision with an oncoming vehicle in his lane.

11. James A. Bright

Mr. James A. Bright, 51, has amblyopia in his left eye. His best corrected visual acuity is 20/25 − in the right eye and 20/60 in the left eye. He was examined in 2000 by an ophthalmologist who stated, ''Due to the results of his exam, I believe he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Bright has driven straight trucks for 4 years, accumulating 20,000 miles and tractor-trailer combination vehicles for 27 years, accumulating over 890,000 miles. He holds a Texas Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

12. Robert R. Buis

Mr. Robert R. Buis, 59, has had no functional vision in his left eye since childhood. His best corrected visual acuity is 20/25 − in the right eye and no light perception in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''He has sufficient vision to perform driving tasks required to operate a commercial vehicle.''

Mr. Buis has driven straight trucks for 3 years, accumulating 3,000 miles. He has driven tractor-trailer combination vehicles for 40 years, accumulating over 2 million miles. He holds a Kentucky Class DA Operator/CDL license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

13. David Dominick Bungori

Mr. David Dominick Bungori, 45, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in his right eye and 20/200 in his left eye. He was examined in 1999 by an optometrist who stated, ''Medically Mr. Bungori may perform all driving tasks required for commercial vehicle operation.''

Mr. Bungori has driven tractor-trailer combination vehicles for 24 years, accumulating 792,000 miles. He holds a Maryland Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

14. Ronzie L. Carroll

Mr. Ronzie L. Carroll, 57, has a macular scar in his left eye. His visual acuity is 20/20 in the right eye and 20/100 in the left eye. He was examined in 1999 by an optometrist who stated, ''I believe the patient has adequate vision to operate a commercial vehicle.''

Mr. Carroll has driven tractor-trailer combination vehicles for 28 years, accumulating over 2 million miles. He holds a Georgia Class AM CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

15. Richard S. Carter

Mr. Richard S. Carter, 55, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/100 in the left eye. He was examined in 1999 by an optometrist who stated, ''It is my opinion that Mr. Carter has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Carter has driven both straight trucks and tractor-trailer combination vehicles for 30 years, accumulating a total of more than 2.7 million miles. He holds a Florida Class A CDL. His official driving record for the past 3 years shows no accidents and one conviction for ''Load dropping/shifting/escaping'' in a CMV.

16. Lynn A. Childress

Mr. Lynn A. Childress, 52, has a retinal scar in his right eye as the result of a childhood injury. His best corrected visual acuity is 20/15–2 in the right eye and light perception in the left eye. He was examined in 1999 by an optometrist who stated, ''Mr. Childress is certainly well adapted to his visual situation by now, and has been driving commercial vehicles safely within the Commonwealth of Virginia. With this in mind, I feel his vision is sufficient to perform the driving tasks required to operate a commercial vehicle.''

Mr. Childress has driven straight trucks for 20 years, accumulating over 1.4 million miles and tractor-trailer combination vehicles for 4 years, accumulating 400,000 miles. He holds a Virginia Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

17. Kevin L. Cole

Mr. Kevin L. Cole, 48, is blind in his right eye as the result of trauma. The visual acuity is 20/15+2 in his left eye. He was examined in 1999 by an ophthalmologist who stated, ''In my medical opinion I do not see any medical indications that would prohibit him from continuing to drive a commercial vehicle in the future.''

Mr. Cole has driven straight trucks for 30 years, accumulating 600,000 miles and tractor-trailer combination vehicles for 26 years, accumulating 390,000 miles. He holds a Missouri Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

18. David R. Cox

Mr. David R. Cox, 42, has visual acuity of hand motion in his right eye due to ocular trauma. The visual acuity in his left eye is correctable to 20/20. He was examined in 1998 by an ophthalmologist who stated, ''I certify that in my opinion he is capable of performing the driving tasks required to operate a commercial motor vehicle.''

Mr. Cox has driven tractor-trailer combination vehicles for 20 years, accumulating 2 million miles. He holds an Oregon Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

19. Gerald Wade Cox

Mr. Gerald Wade Cox, 42, lost his left eye due to trauma when he was 12 years old. The best corrected visual acuity in his right eye is 20/15. He was examined in 1999 by an opthalmologist who stated, ''Mr. Cox's vision is sufficient to perform commercial driving.''

Mr. Cox has driven straight trucks for 22 years, accumulating 77,000 miles and tractor-trailer combination vehicles for 11 years, accumulating 825,000 miles. He holds an Alabama Class AM license. His official driving record shows no accidents and one moving conviction for ''Failure to obey traffic signal/light'' in a CMV, for the last 3 years.

20. Dempsey Leroy Crawhorn, Jr.

Mr. Dempsey Leroy Crawhorn, Jr., 48, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/50–2 in the left eye. He was examined in 2000 by an optometrist who stated, ''In my opinion Mr. Crawhorn does have sufficient vision to operate a commercial vehicle.''

Mr. Crawhorn has driven tractor-trailer combination vehicles for 5 years, accumulating over 490,000 miles. He holds an Indiana operator's license. His official driving record shows no accidents or convictions of moving violations in a CMV for the past 3 years.

21. Thomas P. Cummings

Mr. Thomas P. Cummings, 56, has been blind in his right eye due to trauma for at least 8 years. The best corrected visual acuity is 20/20 in his left eye. He was examined in 1999 by an optometrist who stated, ''I feel he has sufficient vision for a commercial vehicle.''

Mr. Cummings has driven tractor-trailer combination vehicles for 21 years, accumulating more than 1.8 million miles. He holds a Wisconsin

Class ABCD CDL. His official driving record shows no accidents and one citation for operating while disqualified.

22. Cedric E. Foster

Mr. Cedric E. Foster, 50, has only light perception in his right eye due to injury. His best corrected visual acuity in the left eye is 20/20. He was examined in 1999 by an optometrist who stated, ''In my medical opinion, Mr. Foster has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Foster has driven straight trucks for 5 years, accumulating 100,000 miles and buses for 14 years, accumulating 224,000 miles. He holds an Illinois Class B CDL. His official driving history shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

23. Rosalie A. Gifford

Ms. Rosalie A. Gifford, 62, has had central vision loss in her left eye since at least 1964. The cause is unknown. Her best corrected visual acuity is 20/20 in the right eye and 20/50 in the left eye. She was examined in 1999 by an optometrist who stated, ''It is my opinion that this small central defect in Rosalie's left eye in no way affects her ability to operate a commercial vehicle.''

Ms. Gifford has driven buses for 13 years, accumulating 234,000 miles. She holds an Arizona Class B license. Her official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

24. Eugene Anthony Gitzen

Mr. Eugene Anthony Gitzen, 37, is blind in his right eye as the result of an injury over 18 years ago. The best corrected visual acuity in his left eye is 20/20. He was examined in 1999 by an optometrist who stated, ''In my professional medical opinion, Mr. Gitzen has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.''

Mr. Gitzen has driven both straight trucks and tractor-trailer combination vehicles for 17 years, accumulating a total of more than 850,000 miles. He holds a Minnesota Class A CDL. His official driving record shows no accidents and no convictions for moving violations in a CMV for the past 3 years.

25. Donald Grogan

Mr. Donald Grogan, 58, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/400 in the left eye. Mr. Grogan was examined in 1999 by an ophthalmologist who stated, ''Donald Grogan's vision is sufficient for driving a commercial vehicle.''

Mr. Grogan has driven tractor-trailer combination vehicles for 32 years, accumulating over 3.5 million miles. He holds an Alabama Class D license. His official driving record shows one accident and no convictions of moving violations in a CMV for the past 3 years. According to the accident report, the other vehicle involved failed to yield the right of way, causing Mr. Grogan to collide with it. Neither driver was charged in the accident.

26. Elmer Harper

Mr. Elmer Harper, 49, has been blind in his left eye since childhood due to injury. His visual acuity is 20/20 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my opinion that as far as Mr. Harper's vision goes, he should be able to operate a commercial vehicle.''

Mr. Harper has driven straight trucks for 30 years, accumulating 780,000 miles. He holds a Tennessee Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

27. Peter L. Haubruck

Mr. Peter L. Haubruck, 53, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/50 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my opinion that his vision is sufficient to operate a commercial vehicle.''

Mr. Haubruck has driven straight trucks for 28 years, accumulating more than 420,000 miles and tractor-trailer combination vehicles for 15 years, accumulating more than 75,000 miles. He holds a New Jersey Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

28. Joe Marvin Hill

Mr. Joe Marvin Hill, 52, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/200 in the right eye. He was examined in 1999 by an optometrist who stated, ''It is my opinion that Mr. Hill has adequate central and peripheral vision to operate a commercial vehicle.''

Mr. Hill has driven tractor-trailer combination vehicles for 32 years, accumulating 3.8 million miles. He holds a Texas Class A CDL. His official driving record shows no accidents and one conviction for a serious speeding violation in a CMV for the past 3 years.

29. Brian L. Houle

Mr. Brian L. Houle, 27, has a macular hole in his left eye due to trauma. His best corrected visual acuity is 20/10 in the right eye and 20/200 in the left eye. He was examined in 1999 by an optometrist who stated, ''Brian Houle has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Houle has driven straight trucks for over 5 years, accumulating over 125,000 miles. He holds a New York Class A CDL. His official driving record for the past 3 years shows no accidents and one conviction for ''Unauthorized towing'' in a CMV.

30. Christopher L. Humphries

Mr. Christopher L. Humphries, 38, suffered an injury in his left eye as a child, causing a traumatic cataract. He underwent cataract extraction and lens implantation six years ago. Mr. Humphries' best corrected visual acuity is 20/20 in the right eye and 20/60 in the left eye. He was examined in 1999 by an optometrist who stated, ''Although his left monocular vision is reduced to below standard, his binocular vision should be deemed safe for commercial drivers licensure.''

Mr. Humphries has driven straight trucks for 4.5 years, accumulating 162,000 miles. He holds a Texas Class B CDL. His official driving record shows no accidents or convictions of moving violations in a CMV for the past 3 years.

31. Craig C. Irish

Mr. Craig C. Irish, 42, has reduced visual acuity in his left eye as the result of trauma. His best corrected visual acuity is 20/20 in the right eye and 20/60 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''I believe his current visual acuity and function is sufficient to safely operate commercially.''

Mr. Irish has driven straight trucks for 9 years, accumulating over 315,000 miles and tractor-trailer combination vehicles for 12 years, accumulating over 420,000 miles. He holds a Maine Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

32. Donald R. Jackson

Mr. Donald R. Jackson, 50, has amblyopia in his right eye secondary to congenital corneal scarring. His best corrected visual acuity is 20/20 in his left eye and 20/400 in his right eye. He was examined by an optometrist in 1999 who stated, ''It is my understanding that Mr. Jackson has maintained a commercial license for the last fifteen

years without an accident. This would certainly imply to my professional judgment that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Jackson has driven tractor-trailer combination vehicles for 15 years, accumulating over 1.4 million miles. He holds an Ohio Class A CDL. His official driving history shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

33. Nelson V. Jaramillo

Mr. Nelson V. Jaramillo, 31, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/200 in left eye. He was examined in 1999 by an ophthalmologist who stated, ''In my opinion this patient is able to perform driving tasks required to operate commercial vehicles.''

Mr. Jaramillo has driven straight trucks for 9 years, accumulating 58,500 miles. He holds a Massachusetts Class D license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

34. Daryl A. Jester

Mr. Daryl A. Jester, 42, has been blind in his left eye since childhood and wears a prosthesis. His best corrected visual acuity is 20/20 in the right eye. He was examined in 2000 by an optometrist who stated, ''I certify that patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Jester has driven straight trucks for 22 years, accumulating 330,000 miles. He holds a Utah Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

35. Joseph Vernon Johns

Mr. Joseph Vernon Johns, 37, has been blind in his right eye since 1992 as the result of an automobile accident. His visual acuity is 20/20 in the left eye, uncorrected. He was examined in 1999 by an optometrist who stated, ''Based on my examination and the visual field performed on Mr. Johns, I certify that his vision is stable and my medical opinion is that he has sufficient vision to operate a commercial vehicle under normal conditions as per your requirements.''

Mr. Johns has driven straight trucks for 3 years, accumulating 45,000 miles and tractor-trailer combination vehicles for 11 years, accumulating 1.2 million miles. He holds a Louisiana Class A CDL. His official driving record shows one accident and no convictions for moving violations in a CMV for the past 3 years. Mr. Johns was not cited for the accident. He was struck from behind by the other vehicle involved. That driver was cited for following too closely.

36. Jimmie W. Judkins

Mr. Jimmie W. Judkins, 53, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/60+ in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''He should have sufficient vision to perform the driving test required to operate a commercial vehicle.''

Mr. Judkins has driven straight trucks for 27 years, accumulating more than 1.3 million miles. He holds an Alabama Class AMV CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years. 9

37. Kurth A. Kapke

Mr. Kurth A. Kapke, 41, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/100 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my opinion that Mr. Kapke's visual acuity should not change from his present level and that he is able to operate a commercial vehicle with his spectacles.''

Mr. Kapke has driven straight trucks for 6 years, accumulating 312,000 miles. He holds a Wisconsin Class BCD CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

38. Johnny M. Kruprzak

Mr. Johnny M. Kruprzak, 34, has decreased vision in his right eye due to injury. His best corrected visual acuity is 20/20 in the left eye and light perception in the right eye. He was examined in 2000 by an optometrist who stated, ''In our opinion he is capable of driving a commercial vehicle without problems.''

Mr. Kruprzak has driven both straight trucks and tractor-trailer combination vehicles for 16 years, accumulating a total of more than 1.1 million miles. He holds an Ohio Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

39. Charles R. Kuderer

Mr. Charles R. Kuderer, 50, has visual acuity of light perception in his right eye as the result of a childhood accident. His visual acuity is 20/20 in the left eye. He was examined in 1999 by an optometrist who stated, ''With additional head movement to compensate for decreased right eye central vision Mr. Kuderer has sufficient vision to safely operate a commercial vehicle.''

Mr. Kuderer has driven straight trucks for 30 years, accumulating over 3.7 millions miles and tractor-trailer combination vehicles for 7 years, accumulating 350,000 miles. He holds a Wisconsin Class ABCD CDL. His official driving record shows one accident and no convictions for moving violations in a CMV for the past 3 years. There were no injuries and no citations given as a result of the accident. Mr. Kuderer was stopped in the left center lane waiting to make a left turn. The other vehicle involved stopped to the back left of Mr. Kuderer, assuming he was proceeding straight. The other vehicle hit Mr. Kuderer when he turned left.

40. Thomas D. Laws

Mr. Thomas D. Laws, 42, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/50 in the right eye. He was examined in 1999 and his optometrist stated, ''The patient is perfectly normal and capable of operating a commercial vehicle as far as the eyes are concerned.''

Thomas Laws has driven straight trucks for 11 years, accumulating over 220,000 miles and tractor-trailer combination vehicles for 15 years, accumulating more than 22,500 miles. He holds an Indiana Class A–XT CDL. His official driving record shows no accidents or convictions of moving violations in a CMV for the past 3 years.

41. Demetrio Lozano

Mr. Demetrio Lozano, 52, is blind in his right eye due to trauma. His visual acuity is 20/20 in the left eye. He was examined in 1999 by an optometrist who stated, ''In my medical opinion Mr. Lozano has sufficient vision to perform the driving tasks required of him to operate a commercial vehicle.''

Mr. Lozano has driven straight trucks for 34 years, accumulating 1.7 millions miles and tractor-trailer combination vehicles for 24 years, accumulating 600,000 miles. He holds a Texas Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

42. Wayne Mantela

Mr. Wayne Mantela, 31, has been blind in his left eye since birth due to a congenital cataract. His visual acuity in his right eye is 20/20 uncorrected. He was examined in 1999 by an ophthalmologist who stated, ''Mr.

Mantela should have no trouble operating a commercial vehicle.''

Mr. Mantela has driven straight trucks for 3.5 years, accumulating over 157,000 miles. He holds a Kentucky Class D license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

43. Kenneth D. May

Mr. Kenneth D. May, 51, has reduced central acuity in his left eye which has resulted from scarring in the center of the left eye as the result of a hemorrhage. His visual acuity is 20/20 in the right eye and 20/200 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''He continues to have sufficient vision to perform the driving tasks required to operate commercial vehicles and he has been doing this safely and successfully since 1994.''

Mr. May has driven tractor-trailer combination vehicles for 31 years, accumulating over 3 million miles. He holds an Alabama Class AM CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

44. Jimmy R. Millage

Mr. Jimmy R. Millage, 55, has had a central vision defect in his left eye since childhood due to trauma. His visual acuity is 20/20 in the right eye and 20/100 in the left eye. He was examined in 2000 by an ophthalmologist who stated, ''In my medical opinion and based upon the fact that the patient has had the same vision for almost 50 years and an excellent driving record since he began in 1988, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Millage has driven tractor-trailer combination vehicles for 11 years, accumulating 924,000 miles. He holds a Texas Class A CDL. His official driving record shows no accidents and no convictions for moving violations in a CMV for the past 3 years.

45. Harold J. Mitchell

Mr. Harold J. Mitchell, 50, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/100 in the left eye. He was examined in 1999 by an optometrist who stated, ''It is my opinion that Mr. Harold Mitchell has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Mitchell has driven straight trucks for 30 years, accumulating 1,500,000 miles and tractor-trailer combination vehicles for 24 years, accumulating 1,440,000 miles. He holds a Nevada Class AM license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

46. Gordon L. Nathan

Mr. Gordon L. Nathan, 56, has amblyopia in his left eye. His best corrected visual acuity is 20/15 in the right eye and 20/100 in the left eye. He was examined by an optometrist in 1999 who stated, ''Mr. Nathan has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Nathan has driven straight trucks for 42 years, accumulating 630,000 miles and tractor-trailer combination vehicles for 3.75 years, accumulating 37,500 miles. He holds a California Class AM1 CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

47. Jerry L. New

Mr. Jerry L. New, 52, has a corneal scar in his right eye. His best corrected visual acuity is 20/20 in his left eye and 20/200 in his right eye. He was examined in 2000 by an optometrist who stated, ''It is my opinion that Mr. Jerry New has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. New has driven tractor-trailer combination vehicles for 5 years, accumulating 300,000 miles. He holds a Mississippi Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

48. Bernice Ray Parnell

Mr. Bernice Ray Parnell, 65, has choroidal melanoma in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/400 in the left eye. He was examined by an optometrist in 1999 who stated, ''In my opinion, Mr. Parnell has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Parnell has driven tractor-trailer combination vehicles for 42 years, accumulating over 5 million miles. He holds a North Carolina Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

49. Aaron Pennington

Mr. Aaron Pennington, 73, is blind in his left eye and wears a prosthesis. His best corrected visual acuity is 20/25 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''In my medical opinion, Mr. Pennington does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Pennington has driven straight trucks for 59 years, accumulating 885,000 miles and tractor-trailer combination vehicles for over 25 years, accumulating over 2.4 million miles. He holds a California Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

50. Clifford C. Priesmeyer

Mr. Clifford C. Priesmeyer, 51, suffered trauma to his left eye in 1964 leaving visual acuity in that eye of 20/400. His best corrected visual acuity in the right eye is 20/20–1. He was examined in 1999 by an optometrist who stated, ''Although Mr. Priesmeyer's central vision is decreased in his left eye, his 20/20 vision in his right eye and unobstructed field of vision in both eyes, should allow him to operate a commercial vehicle without any difficulties.''

Mr. Priesmeyer has driven straight trucks for 5 years, accumulating 50,000 miles and tractor-trailer combination vehicles for 34 years, accumulating 1.7 million miles. He holds a Texas Class AM CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

51. George S. Rayson

Mr. George S. Rayson, 36, has macular degeneration in the left eye with retinal scarring. His visual acuity is 20/20 in the right eye and 20/400 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''This young man has been a driver for this company for which he works for a number of years and has proven to be a competent, careful driver with no history of any prior accidents. He is a valuable employee of this company and needs to continue in the capacity of a driver and it is my opinion that he has adequate vision for driving safely.''

Mr. Rayson has driven straight trucks for 20 years, accumulating 104,000 miles and tractor-trailer combination vehicles for 18 years, accumulating 630,000 miles. He holds an Ohio Class A CDL. His official driving record shows no accidents and 1 conviction of a violation in a CMV for the past 3 years. The conviction was for ''Expiration/no drivers license.''

52. Kevin D. Reece

Mr. Kevin D. Reece, 29, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/100 in the right eye. He was examined in 1999 by an optometrist

who stated, ''Due to Mr. Reece's long standing amblyopia; I feel that he would have no trouble driving a commercial vehicle or any other vehicle for that matter since this is the only vision he has ever known and he should get along quite nicely.''

Mr. Reece has driven straight trucks for 8 years, accumulating over 140,000 miles and tractor-trailer combination vehicles for 6 months, accumulating 500 miles. He holds a Tennessee Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

53. Franklin Reed

Mr. Franklin Reed, 58, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/80 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my medical opinion that Mr. Reed has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Reed has driven straight trucks for 2.5 years, accumulating 125,000 miles and tractor-trailer combination vehicles for 35 years, accumulating 350,000 miles. He holds a North Carolina Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

54. Arthur A. Sappington

Mr. Arthur A. Sappington, 57, has amblyopia in his left eye. The best corrected visual acuity is 20/20 in his right eye and 20/800 in his left eye. He was examined by an optometrist in 1999 who stated, ''It is my opinion that Mr. Sappington can operate a commercial vehicle safely, as he has safely done for the past 30 years.''

Mr. Sappington has driven straight trucks for 39 years, accumulating over 1.1 million miles. He holds an Indiana Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

55. James L. Schneider

Mr. James L. Schneider, 58, has a history of extremely poor vision in the right eye from neovascular glaucoma from Sturge-Weber syndrome. His best corrected visual acuity is 20/20 in the left eye and light perception in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''Based on the patient's history of having driven a commercial vehicle for many years with, reportedly, no accidents all while having essentially no vision in the right eye, it appears evident, in my medical opinion, that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Schneider has driven tractor-trailer combination vehicles for 12 years, accumulating 1.2 million miles. He holds a New Mexico Class A CDL. His official driving record shows no accidents and one non-serious speeding violation in a CMV for the past 3 years.

56. Patrick W. Shea

Mr. Patrick W. Shea, 47, is blind in his left eye due to a childhood injury. His visual acuity is 20/20 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my medical opinion that Mr. Shea has sufficient vision to perform the driving tasks required to operate a commercial vehicle and currently has no medical conditions related to the eyes.''

Mr. Shea has driven straight trucks for 20 years, accumulating 600,000 miles. He holds a Massachusetts Class D license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

57. Carl B. Simonye

Mr. Carl B. Simonye, 48, has amblyopia in his left eye, as well as an old injury which caused scar tissue to form in the macular area. His best corrected visual acuity is 20/20 in the right eye and count fingers at 3 feet in the left eye. He was examined by an ophthalmologist in 1999 who stated, ''In my medical opinion, patient has sufficient vision to operate a commercial vehicle.''

Mr. Simonye has driven both straight trucks and tractor-trailer combination vehicles for 30 years, accumulating a total of 105,000 miles. He holds a New Jersey Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

58. Ernie Sims

Mr. Ernie Sims, 46, has been blind in his right eye since birth. His best corrected visual acuity is 20/20 in the left eye and light perception in the right eye. He was examined in 1999 by an optometrist who stated, ''This patient has sufficient vision to drive a commercial vehicle.''

Mr. Sims has driven both straight trucks and tractor-trailer combination vehicles for 10 years, accumulating a total of 50,000 miles. He holds a South Carolina Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

59. William H. Smith

Mr. William H. Smith, 42, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/400 in the left eye. He was examined by an ophthalmologist in 1999 who stated, ''It is my medical opinion that Mr. Smith has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Smith has driven straight trucks for 3 years, accumulating more than 75,000 miles. He holds an Alabama Class DM license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

60. Paul D. Spalding

Mr. Paul D. Spalding, 49, has amblyopia in the left eye due to trauma at age 3. His best corrected visual acuity is 20/20 in the right eye and light perception only in the left eye. He was examined in 1999 by an optometrist who stated, ''As he has operated a commercial vehicle safely for his entire working life I feel he has sufficient vision to operate a commercial vehicle.''

Mr. Spalding has driven tractor-trailer combination vehicles for 27 years, accumulating over 2.3 million miles. He holds a Texas Class A CDL. His official driving record for the last 3 years shows no accidents and one conviction for a non-serious speeding violation in a CMV.

61. Richard Allen Strange

Mr. Richard Allen Strange, 47, has amblyopia in his right eye. His best corrected visual acuity is 20/15 in the left eye and 20/50–1 in the right eye. He was examined in 1999 by an ophthalmologist who stated, ''It is my opinion that Richard Strange is capable of operating a commercial vehicle.''

Mr. Strange has operated straight trucks for 1 year, accumulating 10,000 miles and tractor-trailer combination vehicles for 8 years, accumulating 400,000 miles. He holds a Texas Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

62. Steven Carter Thomas

Mr. Steven Carter Thomas, 39, has a chorioretinal scar in his right eye due to an accident in 1991. While his vision is affected in one area, his best corrected visual acuity is 20/20 in the left eye and 20/25 in the right eye. He was examined by an ophthalmologist in 1998 who stated, ''He has no disability that should prevent him from operating any type of vehicle.''

Mr. Thomas has driven tractor-trailer combination vehicles for over 13 years, accumulating more than 1.5 million miles. He holds an Arkansas Class A CDL. His official driving record shows no accidents and the conviction of one speeding violation in a CMV for the past 3 years.

63. George Walter Thornhill

Mr. George Walter Thornhill, 48, has a congenital coloboma of the retina in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/70 in the left eye. He was examined by an optometrist in 1999 who stated, ''In my professional opinion, I feel Mr. Thornhill has sufficient vision to perform the driving tasks required to operate a commercial vehicle including tractor trailers.''

Mr. Thornhill has driven straight trucks for 31 years, accumulating more than 1.5 million miles. He holds an Alabama Class BM CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

64. Rick N. Ulrich

Mr. Rick N. Ulrich, 45, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/400 in the right eye. He was examined in 1999 by an optometrist who stated, ''I believe he has sufficient vision to perform the tasks required to operate a commercial vehicle.''

Mr. Ulrich has driven both straight trucks and tractor-trailer combination vehicles for 4.5 years, accumulating a total of 90,000 miles. He holds a Kentucky Class A CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV for the last 3 years.

65. Roy F. Varnado

Mr. Roy F. Varnado, 43, has a macular scar in his left eye. His visual acuity is 20/20 in the right eye and 20/400 in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''Patient has small central field defect (~3°) affects central vision only, left eye; is stable; has sufficient vision to perform driving tasks for a commercial vehicle.''

Mr. Varnado has been driving both straight trucks and tractor-trailer combination vehicles for 25 years, accumulating a total of more than 625,000 miles. He holds a Louisiana Class D Chauffeur's License. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

66. Henry Lee Walker

Mr. Henry Lee Walker, 48, has glaucoma in both eyes that is controlled by medication. His visual acuity is 20/25 in his right eye and counting fingers in the left eye. He was examined in 1999 by an ophthalmologist who stated, ''I certify that in my medical opinion Mr. Walker has sufficient vision to perform the driving tasks required to operate a commercial vehicle as required by law.''

Mr. Walker has driven straight trucks for 9 years, accumulating over 540,000 miles and tractor-trailer combination vehicles for 14 years, accumulating over 840,000 miles. He currently holds a Louisiana personal driver's license. His official driving record shows no accidents and one speeding conviction in a CMV for the past 3 years. The speeding conviction was a non-serious violation.

67. Larry D. Wedekind

Mr. Larry D. Wedekind, 55, has amblyopia in his left eye. His best corrected visual acuity is 20/20 in the right eye and 20/200 in the left eye. He was examined by an optometrist in 1999 who stated, ''Patient has sufficient vision to perform driving tasks to operate commercial vehicle.''

Mr. Wedekind has driven straight trucks for 2 years, accumulating 100,000 miles and tractor-trailer combination vehicles for 22 years, accumulating over 1.9 million miles. He holds a Texas Class A CDL. His official driving record shows no accidents and one conviction of a violation (Speed Less than Minimum) in a CMV for the last 3 years.

68. Daniel Wilson

Mr. Daniel Wilson, 39, has amblyopia in his right eye. His best corrected visual acuity is 20/20 in the left eye and 20/400 in the right eye. He was examined by an ophthalmologist in 1999 who stated, ''He has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Wilson has driven straight trucks for 15 years, accumulating 735,000 miles. He holds an Illinois Class B CDL. His official driving record shows no accidents and no convictions of moving violations in a CMV in the last 3 years.

69. Emmett E. Windhorst

Mr. Emmett E. Windhorst, 54, has amblyopia in his left eye. His best corrected visual acuity is 20/20–1 in the right eye and 20/400 in the left eye. He was examined in 1999 by an optometrist who stated, ''Because the vision in his other eye is so good, and because his job for the past few years has consisted of mostly driving, I believe that Mr. Windhorst has sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Windhorst has driven straight trucks for 6 years, accumulating 240,000 miles. He holds a Missouri Class E license. His official driving record shows no accidents and no convictions of moving violations in a CMV for the past 3 years.

70. Wonda Lue Wooten

Ms. Wonda Lue Wooten, 57, has open angle glaucoma in her left eye. Her best corrected visual acuity is 20/20 in the right eye and no light perception in the left eye. She was examined in 1999 by an ophthalmologist who stated, ''Her vision is stable and she has sufficient vision in her right eye to perform the driving tasks required to operate a commercial vehicle.''

Ms. Wooten has driven tractor-trailer combination vehicles for 8 years, accumulating 800,000 miles. She holds a Texas Class A CDL. Her official driving record shows no accidents and one conviction in a CMV for ''Failure to yield right of way to an emergency vehicle'' for the past 3 years.

Basis for Preliminary Determination To Grant Exemptions

Independent studies support the principle that past driving performance is a reliable indicator of an individual's future safety record. The studies are filed in FHWA Docket No. FHWA–97–2625 and discussed at 63 FR 1524, 1525 (January 9, 1998). We believe we can properly apply the principle to monocular drivers because data from the vision waiver program clearly demonstrate the driving performance of monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, March 26, 1996.) That monocular drivers in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, with qualifications similar to those required by the waiver program, can also adapt to their vision deficiency and operate safely.

The 70 applicants have qualifications similar to those possessed by drivers in the waiver program. Their experience and safe driving record operating CMVs demonstrate that they have adapted their driving skills to accommodate their vision deficiency. Since past driving records are reliable precursors of the future, there is no reason to expect these individuals to drive less safely after receiving their exemptions. Indeed, there is every reason to expect at least the same level of safety, if not a greater level, because the applicants can have

their exemptions revoked if they compile an unsafe driving record.

For these reasons, the FMCSA believes exempting the individuals from 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as vision in their better eye continues to meet the standard specified in 391.41(b)(10). As a condition of the exemption, therefore, the FMCSA proposes to impose requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are as follows: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to his or her employer for retention in its driver qualification file or keep a copy in his or her driver qualification file if he or she becomes self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), the proposed exemption for each person will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA is requesting public comment from all interested persons on the exemption petitions and the matters discussed in this notice. All comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable, but the FMCSA may issue exemptions from the vision requirement to the 70 applicants and publish in the **Federal Register** a notice of final determination at any time after the close of the comment period. In addition to late comments, the FMCSA will also continue to file in the docket relevant information which becomes available after the closing date. Interested persons should continue to examine the docket for new material.

Authority: 49 U.S.C. 322, 31136 and 31315; 49 CFR 1.73.

Issued on: July 17, 2000.

Julie Anna Cirillo,

Acting Assistant Administrator, Federal Motor Carrier Safety Administration.

[FR Doc. 00–18775 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking approval of the following information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than September 25, 2000.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 17, Washington, D.C. 20590, or Ms. Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 35, Washington, D.C. 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–New. Alternatively, comments may be transmitted via facsimile to (202) 493–6265 or (202) 493–6170, or E-mail to Mr. Brogan at robert.brogan@fra.dot.gov, or to Ms. Deal at dian.deal@fra.dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 17, Washington, D.C. 20590 (telephone: (202) 493–6292) or Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 35, Washington, D.C. 20590 (telephone: (202) 493–6133). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 C.F.R. Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval by OMB. 44 U.S.C. 3506(c)(2)(A); 5 C.F.R. 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 C.F.R. 1320.8(d)(1)(i)-(iv). FRA believes that

soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of proposed new information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Regional Inspection Point Listing Forms.

OMB Control Number: 2130–New.

Abstract: Through a direct comparison of inspection data with accident/incident data, the collection of information proposes to develop a profile county-by-county of what there is to inspect, and how much inspection activity was done by Federal and State railroad inspectors each year nationwide. The information collected will produce ''snapshots'' which will allow FRA to determine where the gaps are in inspection territories so that it can focus inspection resources where they will do the most good. As a result of the proposed information collection, FRA will be better able to equalize inspector workloads, and will be better able to make informed hiring decisions regarding the most effective placement of new inspectors. More targeted inspections will permit FRA to maximize its limited resources, and will serve to enhance overall safety on the nation's rail system.

Form Number(s): FRA F 6180.106(a)-(e).

Affected Public: Businesses.

Respondent Universe: 430 Federal and State Railroad Inspectors.

Frequency of Submission: On occasion.

Estimated Annual Burden: 3,960 hours.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 C.F.R. 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Margaret B. Reid,

Acting Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 00–18780 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (*e.g.*, to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before August 9, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 19, 2000.

R. Ryan Posten,

Exemptions Program Officer, Officer of Hazardous Materials; Exemptions and Approvals.

Application number	Docket number	Applicant	Modification of exemption
3187–M		PPG Industries, Inc., Pittsburgh, PA (See Footnote 1)	3187
11506–M		OEA Inc., Denver, CO (See Footnote 2)	11506
12301–M	RSPA–1999–5903	Steptoe & Johnson LLP, Washington, DC (See Footnote 3)	12301

(1) To authorize alternative packaging and the use of common carriers in exclusive use for the transportation of Division 5.2 materials.

(2) To modify the exemption to authorize a design change using a welded flange and laser etching on the exterior of non-DOT specification pressure vessels for use as components of automobile vehicle safety systems.

(3) To modify the exemption to waive the marking requirements so that shipping papers and cylinders do not have to bear the DOT exemption number.

[FR Doc. 00–18778 Filed 7–24–00; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 24, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at http://dms.dot.gov.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 19, 2000.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials, Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12481–N	RSPA–00–7594	Trac Regulator Co., Inc., Mt. Vernon, NY.	49 CFR 173.306	To authorize the transportation in commerce of a specially designed device consisting of non-specification outer packaging for use in transporting various hazardous materials. (modes 1, 2)
12491–N	RSPA–00–7595	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 171.12(b)(5), SP T17.	To authorize the transportation in commerce of dichlorophenyl isocyanate, Division 6.1 in IM 101 portable tanks. (modes 1, 3)
12492–N	RSPA–00–7593	Honeywell International Inc., Morristown, NJ.	49 CFR 173.304	To authorize the transportation in commerce of liquefied gas, n.o.s., Division 2.2 in DOT–3AL 1800 cylinders. (modes 1, 2, 3)
12493–N	RSPA–00–7579	Caroline Power & Light Co, Southport, NC.	49 CFR 174.67(i) & (j)	To authorize rail cars to remain attached to unloading devices during intermittent unloading of chlorine, Division 2.3 without the physical presence of an unloader. (mode 2)
12495–N	RSPA–00–7603	South Carolina Electric & Gas Co., Jenkinsville, SC.	49 CFR 171, 172, 173	To authorize the transportation in commerce of radioactive material packages, Class 7, from one facility to another using state road that would be transported as essentially unregulated. (mode 1)
12497–N	RSPA–00–7604	Henderson International Technologies, Inc., Richardson, TX.	49 CFR 173.302(a)(1), 173.314(c).	To authorize the frame mounting and manifolding to a motor vehicle of seamless steel tank cars tanks made in conformance with DOT Specification 107A for the transportation in commerce of certain Division 2.2 gases. (mode 1)

[FR Doc. 00–18779 Filed 7–24–00; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33904]

Thomas Z. Mars—Continuance in Control Exemption—Sunflour Railroad, Inc.

Thomas Z. Mars (Mars), an individual, has filed a notice of exemption to continue in control of the Sunflour Railroad, Inc. (SFR), upon SFR's becoming a Class III railroad.

The transaction is scheduled to be consummated on July 31, 2000.

This transaction is related to STB Finance Docket No. 33903, *Sunflour Railroad, Inc.—Acquisition and Operation Exemption—Soo Line Railroad Company,* wherein SFR seeks to acquire from Soo Line Railroad Company and operate an approximately 26.3-mile rail line extending from Rosholt to Veblen, SD.

Mars currently controls one existing Class III railroad: Denver Rock Island Railroad (DRI), operating in the State of Colorado.

Mars states that: (i) The rail lines to be operated by SFR and DRI do not connect; (ii) the transaction is not part of a series of anticipated transactions that would result in such a connection; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory

obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions 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. 33904, 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 William C. Sippel, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: July 19, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–18798 Filed 7–24–00; 8:45 am]

BILLING CODE 4910–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33903]

Sunflour Railroad, Inc.—Acquisition and Operation Exemption—Soo Line Railroad Company

Sunflour Railroad, Inc. (SFR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Soo Line Railroad Company (Soo) and operate approximately 26.3 miles of rail line extending from a connection with Soo at milepost 210.0, near Rosholt, to the end of track at milepost 236.3, in Veblen, in Marshall and Roberts Counties, SD (Rosholt-Veblen line).[1]

The transaction is scheduled to be consummated on July 31, 2000.

This transaction is related to STB Finance Docket No. 33904, *Thomas Z. Mars—Continuance in Control Exemption—Sunflour Railroad, Inc.,* wherein Thomas Z. Mars has concurrently filed a verified notice to continue in control of SFR upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* 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. 33903, 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 William C. Sippel, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: July 19, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–18797 Filed 7–24–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94–409, that a meeting of the Rehabilitation Research and Development Service Scientific Merit Review Board will be held at the Crowne Plaza Hotel, 1001 14th Street, NW, Washington, DC on August 1, 2000 through August 2, 2000.

The sessions on August 1 and August 2, 2000, are scheduled to begin at 8:30 a.m. and end at 6:30 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public for the August 1 session from 8:30 a.m. to 9 a.m. for the discussion of administrative matters, the general status of the program, and the administrative details of the review process. On August 1 from 9 a.m. through August 2, 2000, the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway, which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 552b(c)(6), and (c)(9)(B) and the determination of the Secretary of the Department of Veterans Affairs under Section 10(d) of Public Law 92–463 as amended by Section 5(c) of Public Law 94–409.

Those who plan to attend the open sessions should write to Ms. Victoria Mongiardo, Program Analyst, Rehabilitation Research and Development Service (122P), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (Phone: 202–408–3684) at least five days before the meeting.

Dated: July 17, 2000.

By direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–18687 Filed 7–24–00; 8:45 am]

BILLING CODE 8320–01–M

[1] According to the verified notice of exemption, Soo will withdraw its abandonment application for the eastern portion of the Rosholt-Veblen line, from Rosholt to west of Claire City, SD, now pending before the Board in STB Docket No. AB–57 (Sub-No. 51), *Soo Line Railroad Company—Abandonment—in Roberts County, SD.* The abandonment of the western portion of the Rosholt-Veblen line from Claire City to Veblen was previously exempted by the Board in *Soo Line Railroad Company—Abandonment Exemption—in Marshall and Roberts Counties, SD,* STB Docket No. AB–57 (Sub-No. 50X) (STB served Jan. 11, 2000). The verified notice of exemption further indicates that Soo has not consummated that abandonment. Thus, Soo is now proposing to sell the Rosholt-Veblen line instead of abandoning it.

Corrections

Federal Register

Vol. 65, No. 143

Tuesday, July 25, 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 81

[FRL-6733-3]

RIN 2060-ZA08

Rescinding Findings That the 1-Hour Ozone Standard No Longer Applies in Certain Areas

Correction

In rule document 00–17472 beginning on page 45182 in the issue of Thursday, July 20, 2000, make the following correction:

§81.329 [Corrected]

On page 45244, in §81.329, in footnote 2 ''January 16, 2000'' should read ''January 16, 2001''.

[FR Doc. C0–17472 Filed 7–24–00; 8:45 am]

BILLING CODE 1505–01–DCORRECTIONS

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301 and 1307

[DEA-143F]

RIN 1117-AA36

Establishment of Freight Forwarding Facilities for DEA Distributing Registrants

Correction

In rule document 00–18147 beginning on page 44674 in the issue of Wednesday, July 19, 2000, make the following corrections:

§1301.12 [Corrected]

1. On page 44678, in the third column, in §1301.12(b)(4), thirteen lines from the bottom, ''with thirty'' should read ''within thirty''.

§1301.77 [Corrected]

2. On page 44679, in the first column, in §1301.77, in paragraph (c), in the first line ''substance'' should read ''substances''.

3. On the same page, in the same column, in the same section, in the same paragraph, in the third line ''must packed'' should read ''must be packed''.

§1307.12 [Corrected]

4. On page 44679, in the second column, in §1307.12(a), ''957(b)(1)'' should read ''957(b)(1))''.

[FR Doc. C0–18147 Filed 7–24–00; 8:45 am]

BILLING CODE 1505–01–D

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Federal Register

Vol. 65, No. 143

Tuesday, July 25, 2000

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FEDERAL REGISTER PAGES AND DATE, JULY

40967–41320 3
41321–41550 5
41551–41864 6
41865–42272 7
42273–42596 10
42597–42854 11
42855–43212 12
43213–43676 13
43677–43960 14
43961–44402 17
44403–44640 18
44641–44944 19
44945–45274 20
45275–45510 21
45511–45700 24
45701–45830 25

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7325 41313
7326 41547
7327 41865
7328 42595
7329 43673
7330 44641
7731 45701

Executive Orders:
13129 (See Notice of June 30, 2000) 41549
13161 41543
13162 43211

Administrative Orders:
Memorandums:
July 5, 2000 43213
July 17, 2000 45511
Notices:
June 30, 2000 41549
Presidential Determinations:
No. 2000-25 of June 29, 2000 42273
No. 2000-26 of July 7, 2000 44403

5 CFR

3 41867
177 44945
178 40967
213 41867
315 41867
532 ..... 42597, 43215
550 ..... 41868, 44643
591 ..... 44099, 44100
890 44644
892 44644

7 CFR

272 ..... 41321, 41752
273 ..... 41321, 41752
274 41321
723 41551
929 42598
931 41557
947 42275
958 40967
982 40970
985 40973
989 ..... 40975, 44405
1140 44408
1218 43961
1230 43498
1464 41551
1735 42615

Proposed Rules:
205 43259
215 45725
225 45725
226 45725
245 45725
905 ..... 41608, 42642
927 41018
4280 45319

8 CFR

103 43528
214 43528
236 43677
274a 43677
299 43677

Proposed Rules:
3 44476
103 43527
212 44477
214 43527
248 43527
264 43527

9 CFR

74 45275
94 ..... 43680, 43682
130 44947
590 44948

Proposed Rules:
1 42304
2 42304
391 45545
590 45545

10 CFR

2 44649
50 44649
170 44574
171 44574

Proposed Rules:
54 42305
55 41021
71 44360
72 42647
490 44988

11 CFR

104 42619

12 CFR

5 41559
563b 43088
575 43088
700 44950
701 44974
702 44950
900 ..... 43969, 44414
915 41560
917 44414
925 40979
926 44414
940 43969
944 44414
950 ..... 40979, 43969, 44414
952 44414
955 43969
956 43969

961.....44414
966.....43969
980.....44414
Proposed Rules:
205.....44481
226.....42092, 45547
563b.....43092
575.....43088
917.....43408
925.....43408
930.....43408
931.....43408
932.....43408
933.....43408
956.....43408
960.....43408

13 CFR

120.....42624
121.....44574, 45143
Proposed Rules:
123.....43261

14 CFR

35.....42278
39 .....40981, 40983, 40985, 40988, 41326, 41869, 41871, 42281, 42855, 43215, 43217, 43219, 43221, 43223, 43228, 43406, 44432, 44661, 44662, 44663, 44667, 44670, 44672, 44977, 45277, 45513, 45515, 45517, 45703, 45705
71 .....40990, 40991, 41328, 41329, 41330, 41576, 42856, 42858, 42859, 42860, 43406, 43683, 43684, 43686, 44435, 45425, 45519, 45520, 45521, 45707, 45708
95.....41578
97.....43230, 43232
Proposed Rules:
Ch. 1.....43265
13.....41528
21.....42796
36.....42796
39 .....41381, 41385, 41884, 42306, 43265, 43720, 44013, 44991, 44994, 44995, 44997, 45319, 45323
71 .....41387, 41388, 43406, 43722
255.....45551

15 CFR

30.....42556
732.....42556
740.....42556, 43130
743.....42556
748.....42556
750.....42556
752.....42556
758.....42556
762.....42556
772.....42556, 43130
774 .....42556, 43130, 43406
902.....43687

16 CFR

Proposed Rules:
436.....44484
1500.....44703

17 CFR

143.....45709
211.....40992
Proposed Rules:
210.....43148
240.....43148

18 CFR

284 .....41581, 41873, 43688
Proposed Rules:
284.....41885

19 CFR

Ch. I.....42634
4.....44432
132.....43689
163.....43689
Proposed Rules:
4.....42893
19.....42893
122.....42893
123.....42893
127.....42893
141.....42893
142.....42893

20 CFR

404.....42283, 42772
416.....42283, 42772
655.....43539
Proposed Rules:
655.....43547

21 CFR

73.....41581, 41584
173.....45522
178.....41874
179.....45280
314.....43233
524.....41587, 45282
556.....41588
558 .....41589, 41876, 45522, 45711
801.....44432
821.....43690
884.....41330
895.....43690
900.....43690
1300.....44673
1301.....44673, 45829
1304.....44673
1306.....45712
1307.....44673, 45829
1308.....43690
Proposed Rules:
20.....43269
58.....43269
101.....41029
170.....43269
171.....43269
174.....43269
179.....43269
1271.....44485

22 CFR

124.....45282
125.....45282
126.....45282, 45286

23 CFR

1325.....45713
1327.....45713
Proposed Rules:
172.....44486
450.....41891
771.....41892
1410.....41891
1420.....41892
1430.....41892

24 CFR

960.....42518
964.....42512
982.....42508
Proposed Rules:
15.....42578
27.....41538
290.....41538
990.....42488

25 CFR

Proposed Rules:
15.....43874
84.....43874
114.....43874
115.....43874
162.....43874
166.....43874
580.....45558

26 CFR

1 .....40993, 41332, 44436, 44437, 44574, 44679
31.....44679
602.....44437
Proposed Rules:
1 .....41610, 42900, 43723, 44491, 44709

27 CFR

275.....45523
Proposed Rules:
9.....45739

28 CFR

0.....44682
Proposed Rules:
540.....44400
544.....44400

29 CFR

4022.....43694
4044.....43694
Proposed Rules:
4022.....41610
4044.....41610

30 CFR

3.....42769
250.....41000
Proposed Rules:
70.....42122, 45742
72.....42068, 45743
75.....42122, 45742
90.....42122, 45742
250.....41892
934.....44015
946.....43723

31 CFR

501.....41334
598.....41334

32 CFR

199 .....41002, 45288, 45425

33 CFR

100.....41003
117.....45523, 45716
165 .....41004, 41005, 41007, 41009, 41010, 41342, 41590, 42287, 42289, 43236, 43244, 43695, 43697, 45289, 45290, 45292, 45293, 45525
Proposed Rules:
100.....45326
165.....45328

34 CFR

99.....41852

36 CFR

Proposed Rules:
800.....42834
1191.....45331

37 CFR

Proposed Rules:
1.....42309
102.....41903
201.....41612

38 CFR

3.....43699
21.....44979
Proposed Rules:
1.....45332
9.....44999
39.....45333

39 CFR

20.....44438
111.....41877
775.....41011

40 CFR

9.....43586, 43840
50.....45182
51.....45526
52 .....41344, 41346, 41350, 41352, 41355, 41592, 42290, 42861, 43700, 43986, 43994, 44683, 44685, 44981, 45294, 45297, 45718
60.....42292
62.....43702
63.....41594, 42292
81.....45182, 45829
112.....43840
122.....43586, 43840
123.....43586, 43840
124.....43586, 43840
130.....43586, 43840
180 .....41365, 41594, 41601, 42863, 43704, 44448, 44454, 44470, 44473, 44689, 44693, 44696
261.....42291
270.....42292
271.....42871, 43246
300.....41369
712.....41371, 45535
Proposed Rules:
52 .....41389, 41390, 41391, 42312, 42649, 42900, 42907, 42913, 42919, 43726, 43727, 44709, 44710, 45002, 45003, 45335, 45566, 45743
62.....43730
63.....43730, 44616
80.....42920
81.....42312
82.....42653
125.....42936
131.....41216, 45569
136.....41391
141.....41031

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JULY 25, 2000

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Northeastern United States fisheries—

Black sea bass; published 7-24-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:

Halofuginone and roxarsone; published 7-25-00

JUSTICE DEPARTMENT

Drug Enforcement Administration

Prescriptions:

Facsimile transmission for patients enrolled in hospice programs; published 7-25-00

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

Arkansas River, TN; published 7-10-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Ayres Corp.; published 6-7-00

Boeing; published 7-20-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cherries (tart) grown in—

Michigan et al.; comments due by 8-1-00; published 6-2-00

Peanut promotion, research, and information order:

National Peanut Board; membership; comments due by 8-1-00; published 6-2-00

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Plum pox disease; interstate movement of articles from Adams County, PA restricted; comments due by 8-1-00; published 6-2-00

COMMERCE DEPARTMENT

Census Bureau

Decennial population information:

State and local tabulations reports pursuant to 13 U.S.C. 141(c); comments due by 8-4-00; published 6-20-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Western Alaska Community Development Quota Program; comments due by 7-31-00; published 5-30-00

Caribbean, Gulf of Mexico, and South Atlantic fisheries

South Atlantic snapper-grouper; comments due by 8-2-00; published 7-3-00

Caribbean, Gulf, and South Atlantic fisheries—

Caribbean Fishery Management Council; meetings; comments due by 7-31-00; published 6-30-00

West Coast State and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 8-3-00; published 7-5-00

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 8-2-00; published 7-21-00

Ocean and coastal resource management:

Marine sanctuaries—

Florida Keys National Marine Sanctuary; boundary expansion; comments due by 7-31-00; published 5-18-00

Florida Keys National Marine Sanctuary; boundary expansion; correction; comments due by 7-31-00; published 6-6-00

DEFENSE DEPARTMENT

Civilian health and medical program of uniformed services (CHAMPUS):

National Institutes of Health-sponsored clinical trials; coverage methodology; comments due by 7-31-00; published 5-31-00

TRICARE program—

Professional services in low-access locations; payments; comments due by 7-31-00; published 5-30-00

Federal Acquisition Regulation (FAR):

Contract action and contracting action definitions; comments due by 7-31-00; published 5-31-00

Transactions other than contracts, grants, or cooperative agreements for prototype projects; comments due by 8-4-00; published 6-5-00

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Commercial and industrial equipment; energy conservation program:

Commercial heating, air conditioning, and water heating equipment; workshop; comments due by 7-31-00; published 5-15-00

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Connecticut; comments due by 7-31-00; published 6-30-00

Florida; comments due by 8-4-00; published 6-20-00

Indiana; comments due by 8-4-00; published 7-5-00

Massachusetts; comments due by 8-4-00; published 7-5-00

Oregon; comments due by 8-4-00; published 7-5-00

Hazardous waste program authorizations:

Hawaii; comments due by 8-4-00; published 6-22-00

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Methyl parathion; comments due by 8-1-00; published 6-2-00

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 8-4-00; published 7-5-00

National oil and hazardous substances contingency plan-

National priorities list update; comments due by 8-4-00; published 7-5-00

Water pollution; effluent guidelines for point source categories:

Centralized waste treatment and landfills; comments due by 8-4-00; published 7-5-00

FARM CREDIT ADMINISTRATION

Farm credit system:

Standards of conduct and loan policies; comments due by 7-31-00; published 6-30-00

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:

Oklahoma; comments due by 7-31-00; published 6-16-00

Texas; comments due by 7-31-00; published 6-16-00

Radio stations; table of assignments:

Arizona; comments due by 7-31-00; published 7-3-00

Missouri; comments due by 8-4-00; published 7-3-00

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

Insurance coverage and rates—

Standard Flood Insurance Policy; changes; comments due by 7-31-00; published 5-31-00

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Contract action and contracting action definitions; comments due by 7-31-00; published 5-31-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare Program:

State health insurance assistance program; terms

LIST OF PUBLIC LAWS

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 4425/P.L. 106–246

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. (July 13, 2000; 114 Stat. 511)

Last List July 12, 2000

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