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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 99–052–1]

Brucellosis in Cattle; State and Area Classifications; Louisiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class A to Class Free. We have determined that Louisiana meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Louisiana.

DATES: This interim rule was effective July 27, 2000. We invite you to comment on this docket. We will consider all comments that we receive by October 2, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–052–1, 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. 99–052–1.

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: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Louisiana was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for Louisiana, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Louisiana from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Louisiana.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Louisiana.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The

document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Louisiana from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Louisiana, as well as buyers and importers of cattle from this State.

There are an estimated 15,500 cattle herds in Louisiana that will be affected by this rule. About 98 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately $4 per head.

Therefore, we believe that changing the brucellosis status of Louisiana will not have a significant economic effect on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 is revised to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7CFR 2.22, 2.80, and 371.4.

§ 78.41 [Amended]

2. Section 78.41 is amended as follows:

a. In paragraph (a), by adding ''Louisiana,'' in alphabetical order.

b. In paragraph (b), by removing ''Louisiana,''.

Done in Washington, DC, this 27th day of July 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–19608 Filed 8–2–00; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR CH. I

Medical Use of Byproduct Material; Policy Statement, Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Final policy statement; revision.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its 1979 policy statement on the medical use of byproduct material. These revisions are one component of the Commission's overall program for revising its regulatory framework for medical use, including its regulations that govern the medical use of byproduct material. The overall goals of this program are to focus NRC regulation of medical use on those medical procedures that pose the highest risk and to structure its regulations to be risk-informed and more performance-based, consistent with NRC's ''Strategic Plan for Fiscal Year 1997-Fiscal Year 2002.'' The policy informs NRC licensees, other Federal and State agencies, and the public of the Commission's general intentions in regulating the medical use of byproduct material.

EFFECTIVE DATE: August 3, 2000.

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SUPPLEMENTARY INFORMATION:

I. Background

In 1979, the NRC published a policy statement, ''Regulation of the Medical Uses of Radioisotopes,'' (44 FR 8242, February 9, 1979) in which it informed NRC licensees, other Federal and State agencies, and the public of the Commission's general intention in regulating the medical use of byproduct material. Specifically,

1. The NRC will continue to regulate the medical uses of radioisotopes as necessary to provide for the radiation safety of workers and the general public.

2. The NRC will regulate the radiation safety of patients where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate.

3. The NRC will minimize intrusion into medical judgments affecting patients and into other areas traditionally considered to be a part of the practice of medicine.

NRC activities in the medical area, such as promulgation of regulations and development of regulatory guidance, as well as cooperative relationships with other Federal agencies, have been guided by this policy.

On August 6, 1997 (62 FR 42219–42220), NRC published a document in the **Federal Register**, ''Medical Use of Byproduct Material: Issues and Request for Public Input,'' describing NRC's detailed, four-year examination of the issues surrounding its medical use program. This process started with a 1993 internal senior management review; continued with a 1996 independent external review by the National Academy of Sciences' (NAS) Institute of Medicine (IOM); and culminated in NRC's Strategic

Assessment and Rebaselining Project (SA). Since that **Federal Register** document was issued, NRC conducted an exhaustive and public review of the medical use program. Specifically, in 1997 and 1998, NRC's current and future role in regulating the medical use of byproduct material was discussed at meetings of the Advisory Committee on Medical Uses of Radioisotopes [1] (ACMUI) and the Organization of Agreement States (OAS), and with various professional societies and government agencies. During this period, the NRC staff also presented four alternative proposed revised versions of the 1979 Medical Policy Statement (MPS) to participants at NRC sponsored workshops and public meetings. These workshops and public meetings also included discussions on the major areas that were being considered for revision in 10 CFR Part 35, ''Medical Use of Byproduct Material.''

On August 13, 1998 (63 FR 43580), a proposed revision to the MPS was published in the **Federal Register** for a 90 day public comment period. This comment period was later extended 30 days, to December 16, 1998, (63 FR 64829; November 23, 1998) to allow additional time for public, stakeholder, and State comments. In addition, to allow for wide participation in the process, NRC discussed the proposed revision of the MPS with interested individuals and organizations at 3 public meetings during the comment period (San Francisco, California, on August 19 and 20, 1998; Kansas City, Missouri, on September 16 and 17, 1998; and Rockville, Maryland, on October 21 and 22, 1998).

NRC received 42 specific comments on the proposed MPS from various organizations and individuals. These comments were extracted from the transcripts of the 3 public meetings and the 10 written comment letters submitted in response to the **Federal Register** document. Additional details about the comments are provided in Section IV, ''Discussion of Public Comments.'' These comments were similar to the comments that were discussed in the August 13, 1998 (63 FR 43582–43583), **Federal Register**. Based on NRC's consideration of all the comments, no changes to the proposed MPS are being made. (See the final statements that appear in Section II, below.)

[1] The ACMUI advises the Commission on regulating and licensing uses of radionuclides in medicine.

II. Statement of General Policy

This NRC policy statement informs NRC licensees, other Federal and State agencies, and the public of the Commission's general intentions regarding the regulation of the medical use of byproduct material. The current revision of 10 CFR part 35 is based on this statement of NRC policy. The Commission expects that future NRC rulemaking activities in the medical area and future NRC involvement with other Federal and State agencies will follow this statement of policy. This NRC policy promotes a more risk-informed approach to regulation of byproduct material.

The following is the final Medical Use Policy Statement to guide NRC's future regulation of the medical use of byproduct material.

1. NRC will continue to regulate the uses of radionuclides in medicine as necessary to provide for the radiation safety of workers and the general public.

2. NRC will not intrude into medical judgments affecting patients, except as necessary to provide for the radiation safety of workers and the general public.

3. NRC will, when justified by the risk to patients, regulate the radiation safety of patients primarily to assure the use of radionuclides is in accordance with the physician's directions.

4. NRC, in developing a specific regulatory approach, will consider industry and professional standards that define acceptable approaches of achieving radiation safety.

III. Rationale

NRC's principal statutory authority for regulating medical use of byproduct material is at sections 81, 161, 182, and 183 of the Atomic Energy Act of 1954, as amended (AEA). *See* 42 U.S.C. 2111, 2201, 2232, and 2233. Section 81 of the Act prohibits, without NRC authorization, the manufacture, production, transfer, receipt in interstate commerce, acquisition, ownership, possession, import, and export of byproduct material (42 U.S.C. 2111). Specifically, section 81 of the AEA provides in pertinent part that:

> The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, who is not equipped to observe or who fails to observe such safety standards *to protect health* as may be established by the Commission or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission. *Id.* (emphasis added).

By virtue of section 161 of the Act, the Commission is authorized to undertake a variety of measures ''(in) the performance of its functions'' (42 U.S.C. 2201). As stated in subsection b, the Commission may ''establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable * * * *to protect health or to minimize danger to life* or property'' (42 U.S.C. 2201(b) (emphasis added)). Similarly, section 161.i. authorizes the Commission to ''prescribe such regulations or orders as it may deem necessary'' to ''(3) govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activities, in order *to protect health and minimize danger to life* or property'' (42 U.S.C. 2201(I) (emphasis added)).

The Commission is bound by statute to regulate byproduct material (as well as source and special nuclear material) to ''protect health and minimize danger to life.'' This statutory standard applies to the myriad of uses of byproduct material, including not only medical use, but also, for example, radiography and irradiators. However, the Commission is not bound by the limitation in section 104.a. of the AEA, which is often mistakenly cited for the proposition that, in regulating the medical use of byproduct material, the AEA requires that the Commission ''impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect health and safety of the public'' (42 U.S.C. 2134(a)). This ''minimum regulation'' limitation does not apply to the medical use of byproduct material which falls within NRC's broad standard-setting authority in sections 81 and 161. Section 104.a., on its face, applies only to medical therapy licenses for ''utilization facilities'' (e.g., reactors) and ''special nuclear material.'' This ''minimum regulation'' directive does not govern the Commission's regulation of the medical use of byproduct material.

For the most part, the regulations to carry out the broad statutory scheme for byproduct materials are set forth in 10 CFR parts 30 through 39. In addition, the public and occupational dose limits in 10 CFR Part 20, ''Standards for Protection Against Radiation,'' apply whether the use of byproduct material is for medical or other purposes. However, the scope of Part 20 as stated in

§ 20.1002 is that, ''[t]he limits in this part do not apply to doses due * * * to any medical administration the individual has received or due to voluntary participation in medical research programs.'' The Commission has clarified that ''the medical administration of radiation or radioactive materials to any individual, even an individual not supposed to receive a medical administration, is regulated by the NRC's provisions governing the medical use of byproduct material rather than by the dose limits in the NRC's regulations concerning standards for protection against radiation'' (''Medical Administration of Radiation and Radioactive Materials,'' 60 FR 48623; September 20, 1995). Thus, the Commission believes that ''an administration to any individual is and should be subject to the regulations in part 35'' (60 FR 48623).

The provisions of part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material'' ''are in addition to * * * other requirements in this chapter'' (§ 30.2). This section requires that ''any conflict between the general requirements in part 30 and the specific requirements in another part'' are governed by those specific requirements (§ 30.2). The regulations in part 35 are designed ''to provide for the protection of the public health and safety'' and reflect the broad statutory standard in the AEA, discussed above (§ 35.1). The Commission has determined that, as a matter of policy, ''the patient * * * as well as the general public * * * are all members of the public to be protected by NRC'' (44 FR 8242, at 8244).

IV. Discussion of Public Comments

As previously noted, NRC received 42 comments on the proposed revision to the MPS, taken from 10 letters that were submitted and from the transcripts of the 3 public meetings. NRC received verbal comments on the proposed MPS (63 FR 43580; August 13, 1998) from stakeholders (e.g., physicians, medical physicists, nuclear medicine technologists, and radiation safety professionals) during the public meetings that were held in August, September, and October 1998. Stakeholders also submitted written comments to NRC in response to that **Federal Register** document.

NRC has reviewed all comments, identified the issues raised by the commenters, and combined comments where appropriate. The following discussion includes these issues, the combined comments, and the NRC responses to these combined comments.

General Comments

Issue 1: Absent Harm, What Is the Purpose of NRC Regulation?

Comment. A commenter stated that only physicians can determine what is unnecessary radiation exposure to patients. This commenter cited the ''Rationale'' portion of the August 13, 1998 (63 FR 43584) document about the responsibility of NRC to regulate actual medical use of byproduct material from the standpoint of reducing unnecessary radiation exposures. According to the commenter, ''If the patient exposure is unnecessary and harm is done, then the physician may be guilty of malpractice (monetary awards, civil penalties, possible loss of medical license, etc.). NRC regulations won't prevent malpractice and NRC penalties are the least of the guilty physician's worries. If the patient exposure is unnecessary but no harm is done, then the physician may be still guilty of fraud (billing for unnecessary procedures). But if no harm is done, what is the purpose of NRC regulation?''

Response. The purpose of NRC regulation of the medical use of byproduct material is to reduce unnecessary radiation exposure to patients, workers, and the public. Protection of patient radiation safety is an overall goal in regulating the medical use of byproduct material. The focus of NRC regulation to protect the patient's health and safety is primarily to ensure that the authorized user physician's directions are followed as they pertain to the administration of the radiation or radionuclide, rather than to other, non-radiation related aspects of the administration. Although the Commission recognizes that physicians have primary responsibility for the protection of their patients, NRC also has a necessary role with respect to the radiation safety of patients. NRC regulations are predicated on the assumption that properly trained and adequately informed physicians will make decisions that are in the best interests of their patients. Moreover, there is nothing in the Commission's regulatory approach to medical use regulation that would in any way modify the legal rules governing malpractice suits arising out of the medical use of byproduct material.

Issue 2: Should the MPS Be Revised More Frequently?

Comment. A commenter noted that the proposed revision is an improvement over the 1979 MPS; however, the commenter recommended that the NRC review the MPS more frequently (e.g., every 10 years).

Response. How often the Commission reviews and/or revises the MPS depends on a variety of factors. These factors may be internal, such as the need for a change in the focus of NRC's regulations, or external, such as technological developments. NRC believes that a set interval to review the MPS would not provide the flexibility needed to respond to the many factors which may influence a decision to revise this policy. For example, this revision of the MPS coincides with the NRC's detailed examination of its medical use program which started in 1993 and includes issuance of the Commission's 1997 Strategic Plan (NUREG–1614, Vol. 1).

Issue 3: Is the MPS Being Revised To Justify the New Part 35?

Comment. Several commenters noted that the current MPS was adequate for effective regulation in safeguarding public health and safety in radiation protection and should not be revised, but simply understood and implemented as originally intended. Several other opinions were stated more strongly. Specifically, one commenter stated that NRC has never paid meaningful attention to the MPS because most existing provisions of Part 35 do not ''pass muster'' under the MPS, particularly as they apply to physicians conducting nuclear medicine procedures. Another commenter's opinion was that the proposed MPS was a step backward and the MPS is being revised to justify the proposed rule.

Response. The Commission agrees that the 1979 MPS was adequate. However, based on the Commission's recent review of its regulatory framework for medical use of byproduct material, these revisions are being made to emphasize a risk-informed regulatory approach. The Commission strongly disagrees with the commenters' opinions that the medical use regulations in part 35 were promulgated without considering the 1979 MPS. In point of fact, all part 35 rulemaking activities have been issued after ensuring compatibility with the 1979 MPS.

After the Commission initiated the review process in 1993, the policy and the rule were revised in parallel in order to achieve a consistent regulatory framework for medical use of byproduct material. As stated before in response to other comments and explanations of the background for this matter, the Commission's Strategic Assessment in 1997 included a decision to consider developing a more risk-informed, performance-based approach. In the process, the three-part 1979 MPS was

revised into a four-part MPS with re-arranged statements to clarify NRC's policy.

The revised MPS was published for public comment in the **Federal Register** (63 FR 43580–43586; August 13, 1998) and was discussed at meetings with stakeholders and Agreement States. Discussions with stakeholders were meaningful and beneficial, and addressed substantive issues from the medical community (e.g., patient safety, perceived NRC intrusion into the practice of medicine, and regulatory relief for diagnostic nuclear medicine). No new issues were identified during the public comment period and NRC has not revised the MPS any further.

Issue 4: Should NRC Regulation of the Medical Use of Byproduct Material Be Based on Section 104 of the Atomic Energy Act?

Comment. A commenter disagreed with NRC's interpretation that section 104 of the AEA applies only to special nuclear material. In the commenter's opinion, NRC's medical use regulations should be based on section 104 of the AEA.

Response. NRC's principal authority for regulating medical use of byproduct material is at Sections 81, 161, 182, and 183 of the AEA. As previously discussed under Section III, ''Rationale'', NRC regulation of byproduct material is not bound by the limitation in section 104.a. of the AEA, that refers to minimal regulation of reactor facilities or special nuclear material used for medical therapy.

Comments on Statements 1, 2, 3, and 4 of the MPS

Statement 1: NRC will continue to regulate the uses of radionuclides in medicine as necessary to provide for the radiation safety of workers and the general public.

Issue 1: Should the MPS Refer to ''Radionuclides'' or to ''Byproduct Materials?''

Comment. Several commenters noted that Statement 1 made reference to uses of radionuclides in medicine. They indicated that NRC only has the statutory authority to regulate byproduct material.

Response. The Commission believes that the general term ''radionuclide'' is appropriate for a general statement of policy such as the MPS. The latter is intended to inform the public, NRC licensees, and other Federal and State agencies of the Commission's general intentions regarding the regulation of medical use. The 1979 MPS referred to ''medical uses of radioisotopes'' and the term is now being changed to ''uses of radionuclides in medicine'' (see 63 FR 43584; August 13, 1998). As rephrased, the term ''radionuclide'' is a more accurate technical statement of the scope of NRC regulation in this area.

Issue 2: Is Statement 1 Needed if Individuals Handling Radioactive Material Are Properly Trained?

Comment. According to one commenter, the goal of this statement is adequately served by assuring qualification of professionals involved in nuclear medicine. In the commenter's opinion, NRC has no evidence that these individuals do not already adequately provide for the radiation safety of workers and the public, and nuclear medicine is of low risk to workers and members of the public.

Response. The Commission agrees that one way of meeting the goal is to ensure that individuals are adequately trained in radiation safety practices and are placed in key positions within a licensee's organization to maintain radiation exposures as low as are reasonably achievable. Statement 1 sets forth this position. As previously stated, the Commission is bound by statute to regulate byproduct material (and source and special nuclear materials) to ''protect health and minimize danger to life.'' Statement 1 of the MPS continues to provide a regulatory approach to maintain an adequate level of safety. The Commission expects all medical licensees to provide radiation safety for workers and the general public.

Statement 2: NRC will not intrude into medical judgments affecting patients, except as necessary to provide for the radiation safety of workers and the general public.

Issue 1: Does This Statement Provide Justification for NRC To Interfere in the Treatment of Patients?

Comment. One commenter was concerned that Statement 2 continues to justify NRC interference in the treatment of patients. According to the comment, there is no supporting data that clearly demonstrates that unsealed byproduct material, when used by qualified authorized users to treat patients, has harmed workers or the public.

Response. Statement 2 does not provide justification for NRC to ''interfere'' in the medical treatment of patients. The modifications to this statement express the Commission's policy not to intrude (rather than ''minimizing'' intrusion as set forth in the 1979 MPS) into judgments affecting patients except to provide for the radiation safety of workers and the general public. Providing for the radiation safety of the public and workers is essential for the Commission to carry out its statutory mandate. When this protection involves a degree of regulation of medical judgments affecting patients, the NRC may find it necessary to intrude, to a certain extent, into medical judgments affecting patients.

For example, the release from a hospital of a patient to whom radioactive materials have been administered has long been considered a matter of regulatory concern to protect members of the public, not just a matter of medical judgment (''Criteria for the Release of Individuals Administered Radioactive Material,'' 62 FR 4120; January 29, 1997). From a medical point of view, it may be appropriate for a physician to release from a hospital a patient to whom radioactive materials have been administered. However, the patient release criteria in NRC regulations may require hospital confinement of that patient if his or her release could result in a dose to other individuals that exceeds the dose-based limit stated in 10 CFR 35.75(a).

In recent years, the Commission has moved away from a more rigid scheme of medical use regulation, which at one time, for example, restricted the uses of therapeutic and certain diagnostic radioactive drugs to the indicated procedures that had been approved by the FDA (44 FR 8242; February 9, 1979). Commission regulations no longer prohibit authorized user physicians from using diagnostic or therapeutic radioactive drugs containing byproduct material for indications or methods of administration that are not listed in the FDA-approved package insert. In addition, Commission regulations now permit medical use licensees and commercial nuclear pharmacies to depart from the manufacturer's instructions for preparing radioactive drugs using radionuclide generators and reagent kits. The recent amendment of 10 CFR 35.75, cited above, substitutes a dose-based limit for patient release (rather than an activity-based limit) that may provide medical use licensees greater flexibility in determining when patients may be released from their control.

Finally, Statement 2 of the MPS is consistent with recent Federal legislation (specifically applicable to FDA), which is to be construed so as not to ''limit or interfere with the authority of a health care practitioner to prescribe or administer any legally marketed device to a patient for any condition or disease within a legitimate health care practitioner-patient relationship.'' (There are certain exceptions to this

mandate, which do not change any existing prohibition on the promotion of unapproved uses of legally marketed devices.) ''Food and Drug Administration Modernization Act of 1997,'' Public Law 105–115, sec. 906, 111 Stat. 2296 (1997).

Issue 2: Is the NRC the Appropriate Body To Be Involved in Medical Judgments Affecting Patients?

Comment. According to one commenter, the NRC is not the right body to intrude into medical judgments affecting patients because NRC's experience in this area is extremely limited.

Response. As discussed above and noted in Statement 2, the Commission's policy is not to intrude into medical judgments affecting patients, except as necessary to provide for the radiation safety of workers and the general public.

This comment does not account for the principle that ''[t]he substantive area in which an agency is deemed to be expert is determined by statute.'' *Massachusetts* v. *United States*, 856 F.2d 378, 382 (1st Cir. 1988). See also, *Commonwealth of Massachusetts* v. *NRC*, 924 F.2d 311, 324 (D.C. Cir.), cert. denied, 112 S. Ct. 275 (1991). The AEA commits to the NRC the duty of regulating the use of radioactive byproduct materials, including radiopharmaceuticals, to protect public health and safety.

Issue 3: Should This Statement Include Reference To Providing for the Radiation Safety of Workers and the General Public?

Comment. Several commenters requested that Statement 2 be revised to read, as follows, ''NRC will not intrude into medical judgments.'' They believed that the last phrase, ''* * * except as necessary to provide for the radiation safety of workers and the general public,'' should be deleted.

Response. The Commission does not agree that this statement should be revised as indicated by the commenters because providing for the radiation safety of the public and workers is essential for the Commission to carry out its statutory mandate. The final MPS explicitly states that the Commission's intention is not to intrude into medical judgments affecting patients except to provide for the radiation safety of workers and the general public. When this protection necessitates a degree of regulation of medical judgments affecting patients, the NRC may find it necessary, as previously explained, to intrude, to a certain extent, into medical judgments to protect the public and workers.

Statement 3: NRC will, when justified by the risk to patients, regulate the radiation safety of patients primarily to assure the use of radionuclides is in accordance with the physician's directions.

Issue 1: Does This Statement Conflict With Statement 2?

Comment. One commenter believed that, as written, Statement 3 conflicted with Statement 2, unless the word ''primarily'' was deleted from Statement 3. Without this change, the commenter believed NRC would intrude into medical judgments affecting patients.

Response. The Commission does not agree that, as written, Statement 3 conflicts with Statement 2. Statement 3 makes clear that the focus of NRC regulation to protect the patient's health and safety is primarily to ensure that the authorized user physician's directions are followed. Statement 2 emphasizes the intent of NRC to avoid intrusion into medical judgments affecting patients, except where necessary to provide for the radiation safety of workers and the public. NRC's goal in this aspect of medical use regulation is focused on the physician's directions as they pertain to the administration of radiation or a radionuclide, rather than to other, non-radiation-related aspects of the administration. Consistent with its statutory authority, if a situation should arise in the future that identifies an additional risk to a patient's health and safety, the Commission will consider adopting an additional limitation or control on a particular radiation or radionuclide modality, as necessary.

Issue 2: Does the Commission Have Any Useful Role in Assuring the Accurate Delivery of Byproduct Material to Patients? Should References to Patient Radiation Safety Be Deleted?

Comment. Several commenters indicated that NRC has no useful role in assuring the accurate delivery of byproduct material to patients. They believe that all references to patient radiation safety should be removed, and that NRC should simply state that it will make regulatory efforts to ensure the physician's orders are followed.

Response. The Commission has a role in assuring accurate delivery of radiation doses and dosages to patients and has rejected the notion that NRC should not regulate patient radiation safety (44 FR 8243, February 9, 1979). NRC will continue to regulate the radiation safety of patients when justified by the risk to patients, primarily to ensure that the authorized user physician's directions are followed. The Commission recognizes that physicians have primary responsibility for the protection of their patients. However, NRC's role is also necessary to ensure radiation safety of patients.

Issue 3: Does NRC Regulation of the Medical Use of Byproduct Material Duplicate FDA Regulation?

Comment. One commenter noted that any attempt by NRC to regulate the radiation safety of patients would duplicate the efforts of the FDA and state boards of pharmacy and medicine and, as such, would be an unwarranted intrusion into the practice of medicine.

Response. The Commission disagrees with this comment. NRC is responsible for regulating the actual medical use of byproduct material from the standpoint of reducing unnecessary radiation exposures to the public, patients, and occupational workers. In general, the FDA is responsible for assuring the safety, effectiveness, and proper labeling of medical products (i.e., drugs, devices, and biologics). NRC routinely relies on prior FDA approval of medical devices as an essential component of NRC's sealed source and device safety evaluations. In a ''Memorandum of Understanding'' (MOU), effective August 26, 1993, NRC and FDA coordinated existing NRC and FDA regulatory programs for these devices, drugs, and products (58 FR 47300, September 8, 1993).

NRC regulation of the medical use of byproduct material does not duplicate licensing by State boards of pharmacy and medicine of pharmacists and physicians, respectively, to practice pharmacy or medicine within their borders. NRC regulations rely on the licensure of these professionals by a State (or Territory of the U.S., the District of Columbia, or Puerto Rico) to practice their respective professions as a prerequisite to NRC authorizing them to use byproduct material in pharmacy or medicine.

Issue 4: Should NRC Regulation Be Risk-Based and, If So, Should NRC Share Such an Approach With the Medical Community?

Comment. A commenter insisted that NRC regulation should be ''risk-based'' (i.e., justified by risk analysis), and if NRC adopts such an approach, the risk analysis should be shared with the medical community.

Response. The Commission believes the regulations for use of byproduct material in medicine should be ''risk-informed'' rather than ''risk-based.'' In March 1997, the Commission directed the revision and restructuring of part 35 into a risk-informed and, where appropriate, more performance-based

regulation. The Commission is attempting to make its medical use regulatory framework more ''risk-informed'' and agreeable with its regulatory strategy of regulating ''material uses consistent with the level of risk involved, by decreasing oversight of those materials that pose the lowest radiological risk to the public and continuing emphasis on high-risk activities.[2]'' In addition, this portion of the MPS reflects the Commission's strategy of identifying those regulations and processes that are now or can be made risk-informed.[3]

The Commission's efforts to make the regulations more risk-informed are evidenced in its recent actions to revise part 35. Before initiating the rulemaking and the associated revision of the MPS, the Commission thoroughly reviewed several extensive assessments, as previously noted. In developing the overall revision of part 35 and the MPS, the Commission considered information on risk provided by members of the public and professional societies, professional medical standards of practice, and event databases maintained by NRC to determine where oversight of lower-risk activities could be decreased. The Commission also examined whether continuation, or even broadening, of the regulations governing higher-risk activities was needed. In addition, throughout the development of the proposed rule and associated MPS, NRC held public workshops with early opportunities for comment from potentially affected parties. These interactions included significant discussions on the risk associated with medical uses of byproduct material.

Although a formal risk assessment was not performed, the Commission believes that the risks associated with use of byproduct material in medicine have been adequately evaluated and considered. Based on these considerations, the revised regulatory approach is more risk-informed and more performance-based and significantly reduces regulatory burden in many areas. The Commission has retained prescriptive regulatory requirements (e.g., in part 35) only where it believes they are necessary to ensure adequate protection of workers, patients, and the public. However, there is nothing in the NRC's regulations that prohibits the medical community or other stakeholders from conducting an independent formal risk assessment of the medical use of byproduct material and forwarding its analysis and recommendations for Commission consideration.

Issue 5: Should NRC Be Involved With Prescriptions for the Medical Use of Byproduct Material?

Comment. A commenter pointed out that NRC should not be involved with prescriptions because the requirements for accurate delivery of prescriptions are covered under state medical and pharmacy law. The commenter believes that written directives are not necessary to ensure high confidence that the actual administration of radiation to the patient was intended by the authorized user.

Response. The Commission's statutory authority to regulate the medical use of byproduct material provides for NRC to have a role with respect to patient radiation safety. Statement 3 narrows the primary focus of NRC regulation of the radiation safety of patients to whether the physician's directions for the administration of byproduct material are followed. This regulatory role is in contrast to the broad regulation by a State board of pharmacy or medicine of the general practice of those disciplines within its borders.

The Commission is not using the term ''prescription'' because it might typically include aspects of the administration that are outside NRC's purview. Instead, the term ''written directive'' (as defined in part 35) is used to specify the physician's directions (i.e., the procedure to be performed and the dose or dosage). This regulatory objective is currently reflected in provisions of part 35 requiring ''high confidence'' that byproduct material will be administered as directed by an authorized user physician.

Statement 4: NRC, in developing a specific regulatory approach, will consider industry and professional standards that define acceptable approaches of achieving radiation safety.

Issue 1: How Should Industry Standards Be Used in Regulating the Medical Use of Byproduct Material?

Comment. According to several commenters, the NRC ignores professional standards and regulates as it pleases. In the commenters' opinions, NRC should accord industry and professional standards the respect they deserve. They believe that if NRC in fact endorses standards developed by private, consensus organizations, the revised MPS would be improved.

Response. The Commission believes that Statement 4 commits NRC to an approach for regulation of medical use that considers both industry and professional standards that define acceptable levels of achieving radiation safety. NRC reviewed industry and professional standards in developing and implementing part 35 and the guidance document (NUREG 1556, Volume 9). For example, some provisions in 10 CFR part 35 allow medical licensees the flexibility to use standards from nationally recognized organizations to meet the performance standards reflected in the rule.

Consideration of industry and professional standards as part of NRC's policy to achieve radiation safety in medical use of byproduct material conforms to the Commission's Strategic Plan[4] that encourages ''industry to develop codes, standards, and guides that can be endorsed by the NRC and carried out by industry.'' The NRC's intention is to consider industry and professional standards in developing regulations and guidance for the medical use program, consistent with the concepts in the ''National Technology Transfer and Advancement Act of 1995'' (the NTTAA), Public Law 104–113, 110 Stat. 775 (1995). Section 12(d) of the NTTAA requires ''all Federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus bodies * * * as a means to carry out policy objectives or activities, 'except when use of such standards,' is inconsistent with applicable law or otherwise impractical.''

Not all ''medical industry and professional standards'' would meet the definition of ''technical standards'' in Section 12(d)(4) of the NTTAA (''performance-based or design-specific technical specifications and related management systems practices''). Nevertheless, as indicated above, in regulating medical use of byproduct material, the Commission endorses the concept in section 12 (a) of the NTTAA, of ''emphasizing, where possible, the use of standards developed by private, consensus organizations.''

Issue 2: Should NRC Consider Task Group Reports of the American Association of Physicists in Medicine (AAPM) for Developing Approaches for Achieving Radiation Safety?

Comment. A commenter pointed out that, in defining acceptable approaches for achieving radiation safety, NRC should consider the task group reports of the AAPM, which are the latest

[2] Page 11, NUREG–1614, Vol. 1, ''Strategic Plan, Fiscal Year 1997–Fiscal Year 2002''.

[3] Id.; and SRM dated March 20, 1997, COMSECY–96–057, ''Materials/Medical Oversight (DSI 7) at 2.

[4] Page 10, NUREG–1614, Vol. 1, ''Strategic Plan, Fiscal Year 1997–Fiscal Year 2002''.

standards of practice for medical physicists.

Response. The Commission agrees that AAPM standards of practice for professionals involved in the use of certain byproduct material modalities and for radiation safety equipment should be considered as part of NRC's risk-informed and performance-based approaches to regulating the medical use of byproduct material. The Commission acknowledges that these and other standards of practice are often voluntary and, as such, medical professionals are not required to follow them. Therefore, where appropriate, the NRC focused part 35 on performance objectives to be achieved by licensees and is allowing licensees to select among the various performance standards to meet the objective of the regulation. This provides a licensee significant flexibility in designing its radiation protection program.

For example, in developing the final rule for the therapeutic uses of sealed sources, the NRC consulted several AAPM Radiation Therapy Committee Reports, including: Task Group 40 (Comprehensive QA for Radiation Oncology, 1994); Task Group 56 (Code of Practice for Brachytherapy Physics, 1998); Task Group 59 (HDR Treatment Delivery Safety, 1997 Draft); and AAPM Report No. 54 (Stereotactic Radiosurgery, 1995).

In addition to the AAPM, other groups and societies set professional radiation safety and practice standards for medical use. NRC plans to review such standards for possible use in developing regulatory positions (e.g., National Council on Radiation Protection and Measurements, Health Physics Society, and Society of Nuclear Medicine).

Issue 3: Does the Existence of Professional Standards Mean That NRC Regulation Is Unnecessary?

Comment. Several commenters expressed the opinion that NRC regulations were unnecessary. They believe that NRC should not make regulations or license conditions out of industry or professional standards, because that reduces flexibility (i.e., regulations cannot evolve as quickly and easily as professional standards). In their opinion, NRC should recognize that these standards are implemented by other appropriate oversight bodies and that the existence of professional standards should signal to the NRC that regulation is unnecessary. Finally, these commenters indicated that a mechanism is needed to require the NRC to justify why an implemented industry standard is not acceptable.

Response. The Commission disagrees with the comment about professional standards necessarily replacing NRC's radiation safety requirements. Many of the professional standards are voluntary in nature, do not have the force of law, and may not meet the definition of a consensus standard under the NTTAA. As such, not all professional standards are adequate to meet the Commission's objectives for the regulation of medical use of byproduct material.

The Commission must consider industry consensus standards before a ''government-unique standard'' is promulgated. The process is described in NRC Management Directive 6.5, ''NRC Participation in the Development and Use of Consensus Standards.'' Further information on this topic is available on the NRC's web site, *www.nrc.gov/reference__library/standards program/reference documents*, e.g., Public Law 104–113, ''National Technology Transfer Advancement Act of 1995'' (NTTAA), OMB Circular on implementation of the NTTAA, NRC Annual Standards Reports (listings of consensus standards endorsed by NRC).

For example, NRC reviewed the technical literature to identify consensus standards and protocols that could be used or referenced in the rule and guidance document, thereby avoiding promulgation of ''government-unique standards'' when revising the MPS, 10 CFR part 35, and NUREG 1556 (Volume 9). Part 35, subparts C, F, and H, describe various performance objectives to be achieved (e.g., calibration of survey instruments, calibration of radiation sources used for manual brachytherapy and used in radiation therapy devices, and acceptance testing of treatment planning computers). A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the AAPM. Alternatively, a licensee may select and implement an appropriate voluntary performance standard from a published protocol that was accepted by a nationally recognized body in order to meet the performance objectives of these regulations. This approach is consistent with the Commission's goal to develop regulations that are more performance-based. The Commission believes this approach provides significant flexibility for medical use licensees to design radiation protection programs that, when fully implemented, maintain radiation exposures to workers, patients, and the public to levels that are as low as are reasonably achievable.

Dated at Rockville, Maryland, this 27th day of July, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00–19573 Filed 8–2–00; 8:45 am]

BILLING CODE 7590–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–100–AD; Amendment 39–11843; AD 2000–15–11]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration. This amendment requires a revision to the Airplane Flight Manual Supplement to ensure that the main deck cargo door is closed, latched, and locked; inspection of the door wire bundle to detect discrepancies and repair or replacement of discrepant parts. This amendment also requires, among other actions, modification of the hydraulic and indication systems of the main deck cargo door, and modification of the existing means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. This amendment is prompted by the FAA's determination that certain main deck cargo door systems and the existing means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked, do not provide an adequate level of safety. The actions specified by this AD are intended to prevent opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of flight control or severe structural damage.

EFFECTIVE DATE: September 7, 2000.

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

Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration, was published in the **Federal Register** on May 16, 2000 (65 FR 31109). That action proposed to require a revision to the Airplane Flight Manual Supplement (AFMS) to ensure that the main deck cargo door is closed, latched, and locked; inspection of the door wire bundle to detect discrepancies and repair or replacement of discrepant parts. That action also proposed to require, among other actions, modification of the hydraulic and indication systems of the main deck cargo door, and modification of the existing means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked.

Comments

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

Explanation of Change Made to Final Rule

Since the issuance of the proposed rule, the FAA has reviewed and approved installation of National Aircraft Service Inc. (NASI) Vent Door System Supplemental Type Certificate (STC) ST01245CH as an approved means of compliance with the requirements of paragraph (c) of the final rule. A new note (Note 3) has been added to the final rule to give credit for this installation, and the remaining notes have been renumbered accordingly.

Conclusion

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

Cost Impact

There are approximately 5 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 4 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the general visual inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the general visual inspections required by this AD on U.S. operators is estimated to be $240, or $60 per airplane, per inspection cycle.

It will take approximately 1 work hour per airplane to accomplish the AFMS revision and installation of associated placards, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFMS revision and installation of associated placards required by this AD on U.S. operators is estimated to be $240, or $60 per airplane.

The FAA estimates that it will take approximately 210 work hours per airplane to accomplish the modification required by paragraph (c) of this AD, at an average labor rate of $60 per work hour. The FAA also estimates that required parts will cost approximately $45,000 per airplane. Based on these figures, the cost impact of this modification required by this AD on U.S. operators is estimated to be $230,400, or $57,600 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–15–11 McDonnell Douglas: Amendment 39–11843. Docket 2000–NM–100–AD.

Applicability: Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration in accordance with Supplemental Type Certificate (STC) SA1862SO; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

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

Actions Addressing the Main Deck Cargo Door

(a) Within 60 days after the effective date of this AD, accomplish a general visual inspection of the wire bundle of the main deck cargo door between the exit point of the cargo liner and the attachment point on the main deck cargo door to detect crimped, frayed, or chafed wires; and perform a general visual inspection for damaged, loose, or missing hardware mounting components. If any crimped, frayed, or chafed wire, or damaged, loose, or missing hardware mounting component is detected, prior to further flight, repair in accordance with FAA-approved maintenance procedures.

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

(b) Within 60 days after the effective date of this AD, revise the Limitations Section of the appropriate FAA-approved Airplane Flight Manual Supplement (AFMS) for STC SA1862SO by inserting therein procedures to ensure that the main deck cargo door is fully closed, latched, and locked prior to dispatch of the airplane, and install any associated placards. The AFMS revision procedures and installation of any associated placards shall be accomplished in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Actions Addressing the Main Deck Cargo Door Systems

(c) Within 18 months after the effective date of this AD, accomplish the actions specified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD in accordance with a method approved by the Manager, Los Angeles ACO.

(1) Modify the indication system of the main deck cargo door to indicate to the pilots whether the main deck cargo door is fully closed, latched, and locked;

(2) Modify the mechanical and hydraulic systems of the main deck cargo door to eliminate detrimental deformation of elements of the door latching and locking mechanism;

(3) Install a means to visually inspect the locking mechanism of the main deck cargo door;

(4) Install a means to remove power to the door while the airplane is in flight; and

(5) Install a means to prevent pressurization to an unsafe level if the main deck cargo door is not fully closed, latched, and locked.

Note 3: Installation of National Aircraft Service Inc. (NASI) Vent Door System STC ST01245CH, is an approved means of compliance with the requirements of paragraph (c) of this AD.

(d) Compliance with paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD, and the AFMS revision and placards may be removed.

Alternative Methods of Compliance

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

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

Special Flight Permit

(f) 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.

Effective Date

(g) This amendment becomes effective on September 7, 2000.

Appendix 1

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

''(1) Indication System:

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

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

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

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

(2) Means to Visually Inspect the Locking Mechanism:

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

(3) Means to Prevent Pressurization:

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

(4) Lock Strength:

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

(5) Power Availability:

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

(6) Powered Lock Systems:

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

Issued in Renton, Washington, on July 28, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–19667 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–13–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

RIN 2700–AC38

Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA published on January 19, 2000 an ''Interim rule with request for comments,'' titled ''Inspection of Persons and Personal Effects on NASA Property.'' NASA received and considered one letter in response to the request for comments on the interim rule. Consequently, the interim rule was further clarified as noted below. Accordingly, Subpart 10 of 14 CFR Part 1204 is retitled ''Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials.'' In addition, language is added to clarify that the updated regulation merely reflects current Federal policy and NASA practice of upgraded security measures; and a new introductory statement is provided before reciting the provision of 18 U.S.C. Section 799.

To avoid confusion and for ease of reference, Subpart 10 of 14 CFR Part 1204—''Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials''—is republished in its entirety as a Final rule.

DATES: Effective Date: This rule is effective August 3, 2000.

ADDRESSES: NASA Security Management Office, Code JS, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mark R.J. Borsi, 202–358–2457.

SUPPLEMENTARY INFORMATION: This action revises Subpart 10 of 14 CFR part 1204 to update the regulation consistent with current Federal policy and Agency practice.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12866.

List of Subjects in 14 CFR Part 1204

Conduct, Dangerous materials, Employees, Explosives, Facilities, Federal buildings, Firearms, Inspections, Installations, Persons, Property, Real estate, Security, Trespass, Weapons.

For reasons set out in the Preamble, 14 CFR part 1204 is amended as follows:

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

1. 14 CFR part 1204, Subpart 10 is revised to read as follows:

Subpart 10—Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials

Sec.:

1204.1000 Scope of subpart.
1204.1001 Policy.
1204.1002 Responsibility.
1204.1003 Procedures.
1204.1004 Trespass.
1204.1005 Unauthorized introduction of firearms or weapons, explosives, or other dangerous materials.
1204.1006 Violations.

Subpart 10—Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials

Authority: 42 U.S.C. 2455.

§ 1204.1000 Scope of subpart.

This subpart establishes NASA policy and prescribes minimum procedures concerning the inspection of persons and property in their possession while entering, or on, or exiting NASA real property or installations (including NASA Headquarters, Centers, or Component Facilities). In addition, it proscribes unauthorized entry or the unauthorized introduction of weapons or other dangerous instruments or materials at any NASA installation.

§ 1204.1001 Policy.

(a) In the interest of national security, NASA will provide appropriate and adequate protection or security for personnel, property, installations (including NASA Headquarters, Centers, and Component Facilities), and information in its possession or custody. In furtherance of this policy, NASA reserves the right to conduct an inspection of any person, including any property in the person's possession or control, as a condition of admission to, continued presence on, or exiting from, any NASA installation.

(b) It is determined that this policy is intended to comply with the heightened security measures for installations owned or occupied by Federal agencies (in this case NASA), to mitigate threats to such installations and to better protect the persons and property thereon.

§ 1204.1002 Responsibility.

The NASA Center Directors and the Associate Administrator for Headquarters Operations are responsible for implementing the provisions of this subpart. In implementing this subpart, these officials will coordinate their action with appropriate officials of other affected agencies.

§ 1204.1003 Procedures.

(a) All entrances to NASA real property or installations (including NASA Headquarters, Centers, or Component Facilities) will be conspicuously posted with the following notices:

(1) CONSENT TO INSPECTION: Your entry into, continued presence on, or exit from, this installation is contingent upon your consent to inspection of person and property.

(2) UNAUTHORIZED INTRODUCTION OF WEAPONS OR DANGEROUS MATERIALS IS PROHIBITED: Unless specifically authorized by NASA, you may not carry, transport, introduce, store, or use firearms or other dangerous weapons, explosives or other incendiary devices, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property.

(b) Only NASA security personnel or members of the installation's uniformed security force will conduct inspections pursuant to this subpart. Such inspections will be conducted in accordance with guidelines established by the Director, Security Management Office, NASA Headquarters.

(c) If an individual does not consent to an inspection, it will not be conducted, but the individual will be denied admission to, or be escorted off the installation.

(d) If, during an inspection, an individual is found to be in unauthorized possession of items believed to represent a threat to the safety or security of the installation, the individual will be denied admission to or be escorted off the installation, and appropriate law enforcement authorities will be notified immediately.

(e) If, during an inspection conducted pursuant to this subpart, an individual is in possession of U.S. Government property without proper authorization, that person will be required to

relinquish the property to the security representative pending proper authorization for the possession of the property or its removal from the installation. The individual relinquishing the property will be provided with a receipt for the property.

§ 1204.1004 Trespass.

Unauthorized entry upon any NASA real property or installation is prohibited.

§ 1204.1005 Unauthorized introduction of firearms or weapons, explosives, or other dangerous materials.

(a) The unauthorized carrying, transporting, or otherwise introducing or causing to be introduced, or using firearms or other dangerous weapons, explosives or other incendiary devices, or other dangerous instrument, substance, or material likely to produce substantial injury or damage to persons or property, into or upon NASA real property, facility, or installation, is prohibited.

(b) Paragraph (a) of this section shall not apply to:

(1) The lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, or NASA contractor, who is authorized to carry firearms or other material covered by paragraph (a) of this section.

(2) The lawful carrying of firearms or other dangerous weapons at or on a NASA installation after written prior approval has been obtained from the installation Security Office in connection with sanctioned hunting, range practice, or other lawful purpose.

§ 1204.1006 Violations.

Please take notice that anyone violating these regulations may be cited for violating Title 18 of the United States Code (U.S.C.) Section 799, which states that whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration [NASA], or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined under this title [Title 18], or imprisoned not more than one year, or both.

Daniel S. Goldin,

Administrator.

[FR Doc. 00–19622 Filed 8–2–00; 8:45 am]

BILLING CODE 7510–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 101

[Docket No. RM99–7–000; Order No. 618]

Depreciation Accounting

Issued July 27, 2000.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending the General Instructions of 18 CFR part 101 to establish, for those public utilities and licensees that are subject to part 101, standards for determining depreciation for accounting purposes. The Commission also explains how it intends to monitor depreciation practices. This action is necessary in order to fulfill the Commission's statutory obligation to ensure that electric utilities charge proper amounts of depreciation to expense in each financial reporting period. The effect of this action will be to ensure that utilities allocate in a systematic and rational manner the cost of utility property to the periods during which the property is used in utility operations.

DATES: This rule will be effective October 2, 2000.

FOR FURTHER INFORMATION CONTACT:

Wayne McDanal (Technical Information), Office of Finance, Accounting and Operations, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 219–2622

Joseph C. Lynch (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–2128

SUPPLEMENTARY INFORMATION:

Before Commissioners: James J. Hoecker, Chairman; William L. Massey, Linda Breathitt, and Curt Hebert, Jr.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending the General Instructions of 18 CFR Part 101 to establish, for those public utilities and licensees that are subject to Part 101, standards for determining depreciation for accounting purposes. The Commission also explains how it intends to monitor depreciation practices.

II. Background

On July 29, 1999, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to establish the principles that public utilities and licensees subject to Part 101 must follow in determining depreciation rates for accounting purposes.[1] In the NOPR the Commission noted that it has authority under Section 301 of the Federal Power Act (FPA)[2] over the accounting practices of public utilities and licensees and that, under this Section, it has prescribed a Uniform System of Accounts (USofA)[3] that these jurisdictional entities must follow.

The Commission further noted in the NOPR that it also has authority under Section 302 of the FPA[4] over the depreciation accounting practices of public utilities and licensees and that this authority includes the authority to determine and fix proper and adequate depreciation rates for accounting purposes.

The Commission stated that, in order to fulfill its statutory obligation to ensure that electric utilities charge proper amounts of depreciation to expense in each financial reporting period, it had required public utilities and licensees to obtain Commission approval before changing their depreciation rates for accounting purposes.[5] The Commission noted, however, that a decision of the U.S. Court of Appeals for the District of Columbia Circuit, *Alabama Power Company, et al.* v. *FERC,* 160 F.3d 7 (D.C. Cir. 1998) (*Alabama Power*), overturned the Commission's action in *MidAmerican* on procedural grounds.

The Commission began this rulemaking proceeding to respond to the court's concern that the Commission could not exercise its authority with respect to depreciation accounting matters without first establishing standards. The Commission thus proposed to require utilities[6] to use

[1] Depreciation Accounting, 64 FR 42304 (Aug. 4, 1999); FERC Stats. & Regs., Proposed Regulations ¶ 32,544 (July 29, 1999).

[2] 16 U.S.C. 825.

[3] *See* 18 CFR Part 101.

[4] 16 U.S.C. 825a.

[5] *See* MidAmerican Energy Company, 79 FERC ¶ 61,169 (1997), *reh'g denied,* 81 FERC ¶ 61,081 (1997) (*MidAmerican*).

[6] As in the NOPR, henceforth when we use the word ''utilities'' in this final rule, we intend to

depreciation rates for accounting purposes that were based on the straight-line method of depreciation and the assets' estimated useful lives, the predominant method traditionally used by utilities. The Commission proposed, also, to monitor utility depreciation rates for accounting purposes on a case-by-case basis, *e.g.,* as a result of or in conjunction with complaints or audits. The Commission's proposal to monitor depreciation practices and rates was in lieu of a requirement that utilities make individual filings and obtain prior Commission approval to change their depreciation rates for accounting purposes.

III. Comments Received

The Commission received 20 comments in response to the NOPR.[7] The overwhelming majority of those comments agreed with the Commission's proposal not to require individual utilities to file their accounting depreciation rates with us for our approval.[8] However, they strongly opposed the Commission's proposal to adopt the straight-line method of depreciation to the exclusion of other methods of depreciation that also result in systematically and rationally allocating the cost of utility property to the periods during which the utility uses the property in operations.

Only two Commenters, the Florida Public Service Commission and NARUC, supported the exclusive use of the straight-line method of depreciation,[9] and NARUC asked for clarification of the inconsistency between this proposal and the accelerated cost recovery provisions that we have agreed to consider with respect to new transmission investment.[10] All of the other Commenters opposed exclusive reliance upon the straight-line method of depreciation as the only permissible method of accounting for depreciation in the utility industry.

For example, the Edison Electric Institute (EEI) argued that the proposal is ''inconsistent with the Commission's adopted policies promoting greater competition in electric markets * * * [which require] a flexible approach to depreciation accounting * * *''[11] EEI notes that in an era of rapid technological change an asset's productivity may vary greatly over its service life. EEI suggests that, under such circumstances, accelerated depreciation will provide a better match of expenses to revenues than would straight-line depreciation. EEI notes that unregulated companies have the advantage of using accelerated depreciation to meet the changing needs of a free market economy; it asks that the Commission make the same advantages available to utilities as they enter the competitive era.[12]

EEI urges the Commission to allow utilities the flexibility to meet the constantly changing conditions of the marketplace by permitting utilities to change the estimated service lives of their capital equipment and to adopt methods of depreciation other than straight-line, if, in their judgment, circumstances warrant. EEI points out that generally accepted accounting principles (GAAP)[13] allows for methods of depreciation other than straight-line that are also systematic and rational ways of accounting for the depreciable life of assets.[14] According to EEI, this flexibility would permit companies to use depreciation schedules that incorporate service lives of varying lengths as well as varying rates of obsolescence. This would allow management to more carefully track costs and cost causation.

EEI submits that the proposed adoption of a straight-line depreciation method of accounting does not meet the reporting needs of a changing industry and runs counter to the Commission's efforts to promote efficient competition by reducing the regulatory and accounting burden on utilities.[15] EEI also observes that the NOPR's proposal for universal straight-line depreciation is inconsistent with the Commission's recent Order No. 2000, in which the Commission indicated that it would consider the application of accelerated depreciation for new transmission investment.[16]

Detroit Edison submits that the Commission ''is being far too prescriptive for an industry in transition and subject to competitive pressures.''[17] According to Detroit Edison, GAAP mandates only that companies determine depreciation in a systematic and rational manner and recognizes several different methods of accounting for depreciation that would accomplish this.[18] Detroit Edison also argues that straight-line depreciation necessarily defers the recognition of certain costs to future years, when, in a competitive environment, a company charging the higher prices necessary to recover these deferred costs could drive away customers. Detroit Edison submits that other methods of depreciation, such as double or 150-percent declining balance or sum-of-the-years digits depreciation, better match cost accrual with revenues and allow companies the flexibility to survive in a competitive world.[19]

Detroit Edison observes that the straight-line method of accounting for depreciation worked well when there was an obligation to serve and a guarantee of future income because technology changed little and customers had few options. Today, technology is changing rapidly, costs are becoming more differentiated, and choice is becoming the norm. As a result, the assumption that assets will produce a steady stream of revenue throughout their physical lives is no longer valid.

Rather, Detroit Edison submits, the assumption in today's world should be that each asset will produce a different, individual income stream, which will depend on its economic usefulness. Detroit Edison argues that ''accounting should reflect that reality[]''[20] and help the industry prepare for competition rather than re-enforce existing

encompass both public utilities and licensees; we will refer to ''utilities'' for ease of reading. *See* 18 CFR Part 101, Definition No. 39.

[7] A list of Commenters appears in the Appendix; we will refer to each Commenter by the short form listed there next to each name. The Mississippi Public Service Commission filed a notice of intervention, but did not comment.

[8] FERC Stats. & Regs. ¶ 32,544 at 33,808. *See, e.g.,* EEI at 2.

[9] Florida Public Service Commission at 3; NARUC at 5.

[10] NARUC at 4.

[11] EEI at 2.

[12] EEI at 16.

[13] GAAP encompasses the conventions, rules and procedures necessary to define accepted accounting practices. GAAP incorporates the accounting profession's consensus at a particular time as to which economic resources and obligations companies should record as assets and liabilities, which changes in assets and liabilities they should record, how they should measure assets and liabilities and changes in them, what information they should disclose, how they should disclose it, and what financial statements they should prepare.

[14] EEI at 18–19.

[15] EEI at 4–6.

[16] EEI at 21. In Order No. 2000, the Commission included as one of the innovative rate treatments offered to Regional Transmission Organization (RTO) participants non-traditional depreciation for ratemaking purposes for new transmission investments. RTOs would have to support their proposals with: (a) a detailed explanation of how the proposed rate treatment would help achieve the goals of Regional Transmission Organizations; (b) a cost-benefit analysis, including rate impacts; and (c) a detailed explanation of why the proposed rate treatment is appropriate for the RTO requesting it. *See* 18 CFR 35.34(e)(1), .34 (2)(iii); Regional Transmission Organizations, Order No. 2000, FERC Stats. & Regs. ¶31,089 at 31,194–95, *order on reh'g,* Order 2000–A, FERC Stats. & ❩Regs. ¶31,092 at 31,387–88.

[17] Detroit Edison at 2.

[18] *Id.* at 2, 8.

[19] *Id.*

[20] *Id.* at 10.

regulatory practices.[21] Most of the other Commenters expressed similar views.[22]

IV. Discussion

The Commission's Uniform System of Accounts for electric utilities defines depreciation as the loss of an asset's service value not restored by current maintenance.[23] Some of the causes for the loss in service value include wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand, and requirements of public authorities. The primary objective of recording depreciation expense is to allocate an asset's service value over its remaining useful life. To accomplish this objective the Commission has traditionally used a straight-line depreciation method to allocate an asset's service value over its remaining life.

We thus initially proposed to adopt for accounting purposes the straight-line method of depreciation as our standard. As we noted in the NOPR, straight-line depreciation was the method typically used by utilities.[24] While, in general, we expect that that is likely to continue to be the case for most utility property, commenters have persuaded us that requiring its universal use would be overly prescriptive. The primary objective of depreciation accounting is to allocate in a systematic and rational manner the cost of property to the periods during which the property is used in utility operations, *i.e.,* over its estimated useful service life. As Commenters correctly observe, there are methods of depreciation other than the straight-line method that also meet this objective.

Therefore, we will modify our proposed rule and simply require utilities to use for accounting purposes methods of depreciation that allocate the cost of utility property over its useful service life in a systematic and rational manner. Such methods include not only a straight-line method of depreciation, but other methods of depreciation. The broader systematic and rational standard will ensure that depreciation for accounting purposes is done properly while at the same time allowing flexibility in a changing business environment.

We are not unmindful that this additional flexibility could create a potential for abuse. However, we believe that our monitoring of utility depreciation practices will mitigate that potential. Consequently, as noted in the NOPR, we will not require utilities to make a separate filing to obtain Commission approval before implementing changes in depreciation rates for accounting purposes.[25] Instead, we will monitor utility depreciation practices on a case-by-case basis.[26]

V. Environmental Statement

The Commission excludes certain actions not having a significant effect on the human environment from the requirement to prepare an environmental assessment or an environmental impact statement.[27] The promulgation of a rule that is procedural or that does not substantially change the effect of legislation or regulations being amended raises no environmental considerations.[28] This final rule amends Part 101 of the Commission's regulations and does not substantially change the effect of the underlying legislation or the regulations being revised.

Further, approval of actions under Section 301 of the FPA, relating to accounting orders, also raises no environmental considerations.[29] The instant rule fundamentally involves accounting matters, establishing standardized depreciation accounting practices. Accordingly, no environmental consideration is necessary.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires rulemakings to contain either a description and analysis of the effect that the final rule will have on small entities or a certification that the rule will not have a significant economic impact on a substantial number of small entities.

In *Mid-Tex Elec. Coop.* v. *FERC,* 773 F.2d 327 (D.C. Cir. 1985), the court found that Congress, in passing the RFA, intended agencies to limit their consideration ''to small entities that would be directly regulated'' by proposed rules. *Id.* at 342. The court further concluded that ''the relevant 'economic impact' was the impact of compliance with the proposed rule on regulated small entities.'' *Id.* at 342.

Most public utilities to which this final rule would apply do not fall within

[21] Id. at 11.

[22] *See, e.g.,* American Institute of Certified Public Accountants at 1, 4; Commonwealth Edison at 1, 3–4, 7 (competition mandates various types of accounting for depreciation, including accelerated depreciation); Consumers Energy at 4–5 (Commission should allow all methods of accounting for depreciation, including accelerated depreciation, that result in a rational and systematic allocation of the cost of a utility's plant); PSE&G at 1 (under certain conditions methods of accounting for depreciation, other than straight-line, provide for a better matching of expenses with revenues); NRECA at 2 (changes in technology often require accelerated depreciation because of rapid obsolescence of assets); Cinergy at 1 (endorses comments of EEI); Allegheny Energy at 1 (the changing needs of the market place are affecting the useful lives of capital equipment and the rate at which equipment is becoming obsolete); Virginia Power at 6 (same); Old Dominion at 2 (GAAP recognizes other methods of accounting for depreciation that result in systematically and rationally recording depreciation expense over an asset's useful life.); AEP at 4 (proposed rule would impose more regulation and record keeping on the utility industry at the very time that it needs far less regulation in order to meet the demands of competition.); Arthur Anderson at 3 (depreciation accounting should be flexible to recognize the economic effects of regulation during the transition to a competitive business environment); Price Waterhouse at 1 (if the expected productivity or revenue-earning power or maintenance requirements vary greatly over the life of an asset, a depreciation method of accounting other than straight-line may more appropriately allocate costs to revenues); First Energy at 2 (the Commission should accept all methods of depreciation, including accelerated depreciation, that are consistent with GAAP); Deloitte & Touche at 2 (same); Southern at 13 (proposal runs counter to Commission's willingness to consider accelerated depreciation for new investment in transmission facilities).

[23] 18 CFR Part 101, Definition No. 12.

[24] *See* 64 FR 42304 (1999); FERC Stats. & Regs. ¶32,544 at 33,806. *See also, e.g.,* J. Suelflow, Public Utility Accounting: Theory and Application 96 (1973) (''Straight line is the predominant method used by utilities and sanctioned by most regulatory bodies.''); Deloitte Haskins & Sells, Public Utilities Manual 23 (1980) (''[T]he straight-line concept is applied almost universally for both accounting and rulemaking. * * *''); C. Phillips, The Regulation of Public Utilities: Theory and Practice 272 (3d ed. 1993) (The straight line method * * * is the simplest and most commonly used.''); L. Hyman, America's Electric Utilities: Past, Present and Future 292 (5th ed. 1994) (''The book depreciation rate is a straight line rate for most utility companies.''); *accord* Depreciation Subcommittee of the NARUC Committee on Engineering, Depreciation, and Valuation of the National Association of Regulatory Utility Commissioners, Public Utility Depreciation Practices 12 (1968) (''In the two decades, since the Report of the Committee on Depreciation of the NARUC was published in 1943, the use of the straight-line method for accounting and rate-making purposes has became almost universal for public utilities.'').

In addition, the FERC Annual Report Form No. 1's appeared to indicate the same.

[25] Our action today authorizes utilities to change their method of depreciation for accounting purposes *only*; it does not authorize any utility to change prices charged for power sales or transmission services (whether determined by stated rates or formula rates) to reflect a change in depreciation.

To change prices charged for power sales or transmission services (whether determined by stated rates or formula rates) to reflect a change in depreciation, a utility would first have to make a filing with us, pursuant to sections 205 or 206, 16 U.S.C. 824d, 824e, as appropriate, to that effect.

[26] As we noted in Midwest Power Systems Inc., 67 FERC ¶ 61,076 at 61,209 (1994), utilities ''most common[ly]'' change their depreciation rates in the context of a rate case. *Accord, id.* at 61,208, n.7.

We expect that utilities will continue to change their depreciation accounting predominantly in the context of rate cases, and that, in fact, changes in depreciation accounting will rarely occur outside of a rate case.

[27] 18 CFR 380.4.

[28] 18 CFR 380.4(a)(2)(ii).

[29] 18 CFR 380.4(a)(16).

the definition of small entity.[30] Consequently, the Commission certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

VII. Public Reporting Burden and Information Collection Statement

The Commission is amending 18 CFR part 101 to establish the principles for determining depreciation rates for accounting purposes. While we are adding an instruction to an information requirement, the instruction is not adding to the information reporting burden because the Commission is not requiring public utilities to do anything more or less than they are already doing to account for depreciation. Accordingly, this final rule does not impose any additional public reporting burden. We are forwarding a copy of this to the Office of Management and Budget for their information.

Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 [Attention: Michael Miller, Capital Planning and Policy Group, Phone: (202) 208–1415, Fax: (202) 208–2425, E-mail: mike.miller@ferc.fed.us].

To submit comments concerning collections of information and associated burden estimate(s), please send your comments to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, [Attention: Desk Officer for the Federal Energy Regulatory Commission, Phone: (202) 395–3087, Fax: (202) 395–7285].

VIII. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.fed.us*) and in the Commission's Public Reference Room during regular business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208–2222, or by E-Mail (to WebMaster@ferc.fed.us) or the Public Reference Room at (202) 208–1371 (E-Mail to public.referenceroom@ferc.fed.us).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

IX. Effective Date

This final rule will take effect October 2, 2000. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this rule is not a ''major rule'' within the meaning of Section 251 of the Small Business Regulatory Fairness Act of 1996.[31] The Commission will submit the Final Rule to both houses of Congress and to the General Accounting Office.[32]

List of Subjects in 18 CFR Part 101

Electric power, Electric utilities, Reporting and recordkeeping requirements, Uniform System of Accounts.

By the Commission.

David P. Boergers,

Secretary.

In consideration of the foregoing, the Commission amends Part 101, Title 18 of the Code of Federal Regulations, as follows.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

1. The authority citation for Part 101 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7102–7352, 7651–7651o.

2. In Part 101, General Instructions, paragraph 22 is added to read as follows:

General Instructions

* * * * *

22. *Depreciation Accounting.*

A. *Method.* Utilities must use a method of depreciation that allocates in a systematic and rational manner the service value of depreciable property over the service life of the property.

B. *Service lives.* Estimated useful service lives of depreciable property must be supported by engineering, economic, or other depreciation studies.

C. *Rate.* Utilities must use percentage rates of depreciation that are based on a method of depreciation that allocates in a systematic and rational manner the service value of depreciable property to the service life of the property. Where composite depreciation rates are used, they should be based on the weighted average estimated useful service lives of the depreciable property comprising the composite group.

Note: This appendix will not be published in the Code of Federal Regulations.

Appendix—Commenters

Name	As styled in order
Allegheny Energy, Inc	Allegheny Energy.
American Electric Power Service Corporation (filing on behalf of itself and on behalf of its operating public utility affiliates: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company).	AEP.

[30] *See* 5 U.S.C. 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632, which defines ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation.

[31] 5 U.S.C. 804(2).

[32] 5 U.S.C. 801(a)(1)(A).

Name	As styled in order
American Institute of Certified Public Accountants	American Institute of Certified Public Accountants.
Arthur Andersen, LLP	Arthur Andersen.
Cinergy Services, Inc.	Cinergy.
Cleco Corporation	Cleco.
Commonwealth Edison Company	Commonwealth Edison.
Consumers Energy Company	Consumers Energy.
Deloitte & Touche LLP	Deloitte & Touche.
Detroit Edison Company	Detroit Edison.
Edison Electric Institute	EEI.
FirstEnergy Corp	FirstEnergy.
Florida Public Service Commission	Florida Commission.
Mississippi Public Service Commission	Mississippi Commission.
National Association of Regulatory Utility Commissioners	NARUC.
National Rural Electric Cooperative Association	NRECA.
Old Dominion Electric Cooperative	Old Dominion.
PricewaterhouseCoopers, LLP	Price Waterhouse.
Public Service Electric & Gas Company of New Jersey	PSE&G.
Southern Company Services, Inc. (acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company Mississippi Power Company and Savannah Electric and Power Company (collectively, Southern Company).	Southern.
Virginia Electric and Power Company	Virginia Power.

[FR Doc. 00–19507 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 514

[Docket No. 99N–2151]

New Animal Drug Applications; Sheep as a Minor Species

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to reclassify sheep as a minor species for all data collection purposes. This reclassification will allow sponsors of new animal drug applications (NADA's) to extrapolate human food safety data from a major species such as cattle to sheep. In particular, this will enable the extrapolation of the tolerances for residues of new animal drugs in cattle to sheep.

DATES: This rule is effective September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Meg Oeller, Center For Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7581, e-mail: moeller@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 26, 1999 (64 FR 40321), FDA published a proposed rule to revise the definition of minor species in § 514.1(d)(1)(ii) (21 CFR 514.1(d)(1)(ii)) by deleting the following language: ''Sheep are a minor species with respect to effectiveness and animal safety data collection requirements; sheep are a major species with respect to human safety data collection requirements arising from the possible presence of drug residues in food.'' This change makes sheep a minor species for all data collection purposes in support of NADA's.

As stated in the preamble to the proposed rule (64 FR 40321), new data that have become available since publication of the minor species final rule (48 FR 1922, January 14, 1983) allow the agency to conclude that sheep should be a minor species with respect to all data requirements. The new data concern the similarity of drug metabolism between sheep and cattle rather than consumption levels. While consumption levels can be a factor in determining whether a species should be classified as major or minor, the agency believes that the body of evidence concerning drug metabolism is more significant in determining the major/minor status of sheep than consumption data because it demonstrates the reliability of data extrapolated from cattle, a major species, to sheep.

II. Comments

FDA received seven comments on the proposed rule, six comments from organizations, and one from an individual. All the comments supported the proposed rule. The following is a summary of the comments:

(Comment 1) Six comments expressed the opinion that this change would lower research and development costs for sponsors seeking approval of new animal drugs for sheep.

(Comment 2) Six comments noted that the sheep industry suffers from a lack of animal drug availability to the detriment of the industry and animal health.

(Comment 3) Four of the comments praised the agency for its science-based approach to this issue.

Thus, FDA is adopting the rule as proposed.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121)), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory

options that would minimize any significant impact of a rule on small entities. FDA estimates that the final rule will not impose any compliance costs on the animal drug industry, but rather expects it to provide a small cost savings for any company submitting an NADA for an animal drug to be used in sheep. Because this final rule makes no mandates on other government entities and will result in expenditures less than $100 million in any one year, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

IV. Discussion

The benefit of this final rule will be to lessen the preapproval study requirements of NADA's for animal drugs to be used in sheep. It is therefore expected to lower research expenses and provide an impetus for sponsors to submit NADA's for minor use species rather than rely on extra-label use of animal drugs on sheep. More specifically, it would eliminate the need for a radio-labeled total residue study that can be costly and prohibitive for sponsors of new animal drugs for small markets such as sheep. FDA believes this study is unnecessary in this instance due to the similarities in the metabolism of most drugs in cattle and sheep. A more flexible approach that allows for this interspecies data extrapolation, along with the continued residue depletion studies, would encourage NADA submissions by decreasing research costs while continuing to protect human food safety. Apart from these cost savings, FDA does not expect this final rule to impose any other compliance burdens on sponsors of new animal drugs.

FDA is amending the animal drug regulations to reclassify sheep as a minor species for all data collection purposes, thereby allowing extrapolation of data from closely related species such as cattle to sheep. Currently, FDA considers sheep as a minor species for the purpose of the data necessary to demonstrate animal safety and effectiveness only. It currently considers sheep as a major species for the purpose of human food safety requirements. Because new data have led FDA to believe there are not significant differences in the metabolism of most drugs between ruminant species, FDA is reclassifying sheep as a minor species for all data collection purposes. Thus, most data packages supporting an NADA for use in sheep will be able to rely on the required human food safety data collected for cattle.

V. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. In the proposed rule, the agency mistakenly made this determination under 21 CFR 25.33(d)(4), which applies to action on minor species NADA's.

VI. The Paperwork Reduction Act of 1995

The NADA's regulation, § 514.1, contains collections of information requirements previously approved under OMB Control No. 0910–0032. FDA is amending the new animal drug regulation to reclassify sheep as a minor species for all data collection purposes. This reclassification does not change the reporting or recordkeeping burden, thus clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 514 is amended as follows:

PART 514—NEW ANIMAL DRUG APPLICATIONS

1. The authority citation for 21 CFR part 514 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 360b, 371, 379e, 381.

2. Section 514.1 is amended by revising paragraph (d)(1)(ii) to read as follows:

§ 514.1 Applications.

* * * * *

(d) * * *

(1) * * *

(ii) *Minor species* means animals other than cattle, horses, swine, chickens, turkeys, dogs, and cats.

* * * * *

Dated: July 28, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–19627 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 868

[Docket No. 00P–1117]

Medical Devices; Anesthesiology Devices; Classification of Devices to Relieve Upper Airway Obstruction; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of June 23, 2000 (65 FR 39098). The document classified devices to relieve acute upper airway obstruction. These type devices were classified into class II. The preamble to the final rule correctly states that the devices were exempt from premarket notification, but this exemption was not reflected in the regulatory text. This document corrects that error.

DATES: This rule is effective August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Carroll O'Neill, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8262, ext. 170.

SUPPLEMENTARY INFORMATION: In FR Doc. 00–15864, appearing on page 39098 in the **Federal Register** of June 23, 2000, the following correction is made:

§ 868.5115 [Corrected]

On page 39099, in the third column, in § 868.5115 *Device to relieve acute upper airway obstruction*, in paragraph (b), insert at the end of the paragraph the sentence ''The device is exempt

from the premarket notification procedures in subpart E of part 807 of this chapter, subject to § 868.9.''

Dated: July 17, 2000.

Linda S. Kahan,

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

[FR Doc. 00–19593 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

SELECTIVE SERVICE SYSTEM

32 CFR Part 1615

Change of Agency Address To Request a Verification Notice

AGENCY: Selective Service System.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment to the rule on administration of registration changes the Selective Service System (SSS) address for registrants to contact if they do not receive a verification notice from SSS within 90 days after completing and submitting a Registration Card. The present address in the Code of Federal Regulations is outdated due to a change of location for the Agency's headquarters and its Data Management Center.

DATES: Effective September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Rudy Sanchez, Office of the General Counsel, Selective Service System, 1515 Wilson Boulevard, Arlington, VA 22209–2425. (703–605–4071).

SUPPLEMENTARY INFORMATION: The SSS considers this rule (32 CFR part 1615) to be a procedural rule which is exempt from the notice-and-comment under 5 U.S.C. 533(b)(3)(A). This rule is not a significant rule for the purpose of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, SSS certifies that these regulatory amendments will not have a significant impact on small business entities.

Lists of Subjects in 32 CFR Part 1615

Selective Service System.

For the reason set forth in the preamble, amend part 1615 of title 32 of the Code of Federal Regulations as follows:

PART 1615—ADMINISTRATION OF REGISTRATION

1. The authority citation for part 1615 continues to read as follows:

Authority: Military Selective Service Act, 50 U.S.C. 451 *et seq.* and E.O. 11623.

§ 1615.1 [Amended]

2. In § 1615.1(b), revise ''600 E Street, NW., Washington, DC 20435'' to read ''P.O. Box 94638, Palatine, IL 60094–4638''.

Dated: July 28, 2000.

Gil Coronado,

Director.

[FR Doc. 00–19514 Filed 8–2–00; 8:45 am]

BILLING CODE 8015–01–U

SELECTIVE SERVICE SYSTEM

32 CFR Part 1698

Change of Agency Address To Request an Advisory Opinion

AGENCY: Selective Service System.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment to the rule on advisory opinions changes the Selective Service System (SSS) address for persons to request an advisory opinion regarding the liability or obligation to register under the Military Selective Service Act. The present address listed in the Code of Federal Regulations to request advisory opinions is outdated due to a change of location for the Agency's headquarters and its Data Management Center.

DATES: Effective September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Rudy Sanchez, Office of the General Counsel, Selective Service System, 1515 Wilson Boulevard, Arlington, VA 22209–2425. (703–605–4071).

SUPPLEMENTARY INFORMATION: The SSS considers this rule (32 CFR part 1698) to be a procedural rule which is exempt from the notice-and-comment under 5 U.S.C. 533(b)(3)(A). This rule is not a significant rule for the purpose of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, SSS certifies that these regulatory amendments will not have a significant impact on small business entities.

Lists of Subjects in 32 CFR Part 1698

Administrative practice and procedure, Selective Service System.

For the reason set forth in the preamble, amend part 1698 of title 32 of the Code of Federal Regulations as follows:

PART 1698—ADVISORY OPINIONS

1. The authority citation for part 1698 continues to read as follows:

Authority: Military Selective Service Act, 50 U.S.C. 451 *et seq.*; E.O. 11623.

§ 1698.2 [Amended]

2. In § 1698.2(b), revise ''ATTN: GCAO, Washington, DC 20435'' to read ''ATTN: SIL, P.O. Box 94638, Palatine, IL 60094–4638''.

Dated: July 28, 2000.

Gil Coronado,

Director.

[FR Doc. 00–19515 Filed 8–2–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 413 and 419

[HCFA–1005–IFC]

RIN 0938–AI56

Medicare Program; Prospective Payment System for Hospital Outpatient Services: Revisions to Criteria to Define New or Innovative Medical Devices, Drugs, and Biologicals Eligible for Pass-Through Payments and Corrections to the Criteria for the Grandfather Provision for Certain Federally Qualified Health Centers

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

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period changes one criterion and postpones the effective date for two other criteria that a new device, drug, or biological must meet in order for its cost to be considered ''not insignificant'' for purposes of determining its eligibility for transitional pass-through payments. It also changes the transitional pass-through payment policy to include new single use medical devices that come in contact with human tissue and that are surgically implanted or inserted in a patient whether or not the devices remain with the patient after the patient is released from the hospital outpatient department. These policies represent a departure from those presented in the April 7, 2000 **Federal Register** final rule with comment period entitled, ''Prospective Payment System for Hospital Outpatient Services''.

This interim final rule with comment period also corrects a trigger date for grandfathering of provider-based Federally Qualified Health Centers (FQHCs) to conform with the intent not to disrupt existing FQHCs with longstanding provider-based treatment that we discussed in the April 2000

final rule. Under the criteria in the April 2000 final rule with comment period, FQHCs are treated as departments of a provider without regard to the criteria for provider-based status in that document if they meet other criteria and were designated as FQHCs before 1995. Under this correction, facilities that meet those other criteria and were designated as FQHCs or ''look-alikes'' on or before April 7, 2000 would continue to be treated as provider-based. In addition, we are clarifying how the requirement for prior notice to beneficiaries is to be applied in emergency situations. Also, we are clarifying the protocols for off-campus departments in emergency situations.

DATES: *Effective date:* This interim final rule is effective August 1, 2000, except the amendments to § 413.65(m) that are effective October 10, 2000.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on September 5, 2000.

ADDRESSES: Mail an original and 3 copies of written comments to the following address only: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1005–IFC, P.O. Box 8013, Baltimore, MD 21244–8013.

Since comments must be received by the date specified above, please allow sufficient time for mailed comments to be received timely in the event of delivery delays.

If you prefer, you may deliver your written comments by courier (1 original and 3 copies) to one of the following addresses:

Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201 or

Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244.

Comments mailed to the two above addresses may be delayed and received too late to be considered.

Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1005–IFC.

Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 445–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Vivian Braxton, (410) 786–4571 (for information related to transitional payment policy changes). George Morey, (410) 786–4653 (for information related to the grandfathering of Federally Qualified Health Centers and ''look-alikes'', the requirement for notice to beneficiaries of cost-sharing liability, and the protocols for off-campus departments).

SUPPLEMENTARY INFORMATION: This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. The Website address is: http://www.access.gpo.gov/nara/index.html.

I. Background

On April 7, 2000, we published in the **Federal Register** (65 FR 18434) a final rule with comment for implementation of a new prospective payment system (PPS) for hospital outpatient services. The new system establishes payment rates for each PPS covered service using ambulatory payment classification (APC) groups. On June 30, 2000, we published a notice in the **Federal Register** (65 FR 40535) announcing our decision to delay the effective date of the outpatient PPS from July 1, 2000 as set forth in the April 7, 2000 final rule until August 1, 2000. We stated in the June 30, 2000 notice that we are delaying the effective date because we have to make a major change to the current claims processing system to implement the new PPS. We further stated that the 1 month postponement would give us additional time to test and refine the complex software programs needed to operate the PPS and would give hospitals the additional time they require to prepare and train for the new system. Therefore, the PPS provisions incorporated in the April 7, 2000 final rule are effective August 1, 2000 and the provider-based provisions included in that rule are effective October 10, 2000.

Among the provisions of the April 7, 2000 final rule are those implementing section 1833(t)(6) of the Social Security Act (the Act), which was added by section 201(b) of the Balanced Budget Refinement Act of 1999 (BBRA 1999). This section provides for temporary additional payments, termed ''transitional pass-through payments,'' for certain drugs, biologicals, and devices. The provision requires the Secretary to make additional payments to hospitals for at least 2 but no more than 3 years for specific items. The items designated by the law are the following: Current orphan drugs, as designated under section 526 of the Federal Food, Drug, and Cosmetic Act; current drugs, biologic agents, and brachytherapy devices used for the treatment of cancer; current radiopharmaceutical drugs and biological products; and new medical devices, drugs, and biologic agents, in instances in which the item was not being paid for as a hospital outpatient service as of December 31, 1996, and when the cost of the item is ''not insignificant'' in relation to the hospital outpatient PPS payment amount. For those drugs, biologicals, and devices referred to as ''current,'' the transitional payment begins on the first date the new PPS is implemented, as required by section 1833(t)(6)(B)(i) of the Act.

In the April final rule, we established three criteria that a new device, drug, or biological must meet to determine whether its cost are not insignificant relative to the APC payment with which the item is associated. We stated that all of the following cost criteria must be satisfied in order for a new device, drug, or biological to be eligible for transitional pass-through payments:

(1) Its expected reasonable cost exceeds 25 percent of the applicable fee schedule amount for the associated service.

(2) The expected reasonable cost of the new drug, biological, or device must exceed the portion of the fee schedule amount determined to be associated with the drug, biological, or device by 25 percent.

(3) The difference between the expected, reasonable cost of the item and the portion of the hospital outpatient department fee schedule amount determined to be associated with the item exceed 10 percent of the applicable hospital outpatient department fee schedule amount.

In this interim final rule, we are revising the first criterion and delaying the effective date of the other two criteria.

Our plans for implementation of section 1833(t)(6) of the Act are discussed in the April 2000 final rule (65 FR 18478). This section, along with other sections implementing BBRA 1999 provisions that were included in the April 2000 final rule have not previously been subject to public comment were subject to comment until June 6, 2000. We explained in the April 2000 final rule that we found good cause to waive the customary procedure for prior notice and comment with respect to these BBRA 1999 provisions and the final rule provides a 60-day period for the public to comment on these provisions. (For a full discussion of the waiver of proposed rulemaking, refer to Section XI of the April 2000 final rule (65 FR 18535).)

The transitional pass-through payments provide a way for ensuring appropriate payment for new items for which the use and costs are not adequately represented in the 1996 base year claims data on which the hospital outpatient prospective payment system is based. Although individual items will receive transitional pass-through payments for 2 to 3 years from either the first date the PPS is implemented or on the first date payment is initiated for the specific item, the underlying provision is permanent and provides an on-going mechanism for new items to qualify for 2 to 3 years pass-through payments in the future.

Another provision of the April 2000 final rule (65 FR 18477) describes the payment approach for new technology services by defining a special category of APCs referred to as ''new technology APCs.'' Services, such as new surgical techniques (for example, transurethral microwave thermotherapy) or items not eligible for transitional pass-through payments can be paid as a part of these new technology APCs. At a later stage, once data about the actual hospital costs incurred to furnish a new technology service are available, we expect to move payment for these services or items to other, APCs with services that are comparable clinically and with respect to resources. As explained in the April 2000 final rule, if we cannot move the new technology service to an existing APC because it is dissimilar clinically and, with respect to resource costs, from all other APCs, we will create a separate APC for the service. As stated in our April 2000 final rule, the timeframe for treating a service or item as new technology will be consistent with that for pass-through payments; that is at least 2 but no more than 3 years.

In the April 2000 final rule (65 FR 18480), we established eight specific criteria that new or innovative medical devices must meet to be considered eligible for pass-through payments under section 1833(t)(6) of the Act. We stated in the final rule that new or innovative medical devices must meet all of the following criteria to be considered eligible for transitional pass-through payments:

a. They were not recognized for payment as a hospital outpatient service prior to 1997.

b. They have been approved/cleared for use by the Food and Drug Administration.

c. They are determined to be reasonable and necessary for the diagnosis or treatment of an illness or injury or to improve the functioning of a malformed body part, as required by section 1862(a)(1)(A) of the Act. We recognize that some investigational devices are refinements of existing technologies or replications of existing technologies and may be considered reasonable and necessary. We will consider devices for coverage under the outpatient PPS if they have received an FDA investigational device exemption (IDE) and are classified by the FDA as Category B devices. (See §§ 405.203 (FDA categorization of investigational devices) to 405.215 (Confidential commercial and trade secret information).) However, in accordance with § 405.209 (Payment for a non-experimental/investigational (Category B) device), payment for a nonexperimental investigational device is based on, and may not exceed, the amount that would have been paid for a currently used device serving the same medical purpose that has been approved or cleared for marketing by the FDA.

d. They are an integral and subordinate part of the procedure performed, are used for one patient only, are surgically implanted or inserted, and remain with that patient after the patient is released from the hospital outpatient department.

e. The associated cost is not insignificant in relation to the APC payment for the service in which the innovative medical equipment is packaged. (For the definition of ''not insignificant,'' see the April 2000 final rule (65 FR 18480).)

f. They are not equipment, instruments, apparatuses, implements, or such items for which depreciation and financing expenses are recovered as depreciable assets as defined in Chapter 1 of the Medicare Provider Reimbursement Manual (HCFA Pub. 15–1). (As discussed in the April 2000 final rule, these costs are considered overhead expenses that are and will continue to be factored into the APC payment.)

g. They are not materials and supplies such as sutures, clips, or customized surgical kits furnished incident to a service or procedure.

h. They are not materials such as biologicals or synthetics that may be used to replace human skin.

Note that devices that meet criteria ''b'' and ''c'' but not one of the others, though they are not eligible for transitional pass-through payments under section 1833(t)(6) of the Act, are paid through the usual payments for the associated APC. These payment levels will be updated over time to reflect the use of new items and services.

Three of the criteria, ''c'', ''d'', and ''g,'' are the focus of the transitional pass-through payment changes contained in this interim final rule. In criterion ''c'', we stated that devices cleared by the FDA with IDE Category B status would be considered for transitional pass-through payment. We further stated that we would limit such payment to the amount that would be paid for a currently used device serving the same medical purpose that has been approved or cleared for marketing by the FDA. In criterion ''d,'' we stated our intent to interpret the new device transitional pass-through payment provision in a way that would limit these payments to those devices that are implantable in the sense that they are surgically inserted in a patient and remain with that patient after the patient is released from the hospital outpatient department. In criterion ''g'' we expressed our intent to treat all ''clips'' equally as though they function solely as tools and supplies that are necessary for the surgeon to perform a surgical procedure without considering other functions that may qualify some as candidates for pass-through consideration.

In Addendum K of the April 2000 final rule, we published a preliminary list of those particular items and services for which we expect to make payment based on either the pass-through or new technology provision effective August 1, 2000. A slightly different version of this list was posted on our web site, www.hcfa.gov, on March 9, 2000. (A separate notice published elsewhere in the April 7, 2000 **Federal Register** (65 FR 18341) specifically identified this web site posting.) The April 2000 final rule and the web site posting contain instructions about how interested parties may apply for transitional pass-through or new technology payment status for items or services. On May 12, 2000, we updated our web site posting to reflect additional items approved for pass-through and new technology payments on implementation of the new system; that is, August 1, 2000. In addition, on June 22, 2000 we posted updated instructions and announced the application deadline of July 14, 2000 for transitional pass-through and new technology payments effective October 1, 2000.

The April 2000 final rule also specified a number of criteria that facilities or organizations must meet to be considered, for purposes of Medicare payment, to be ''provider-based.'' We adopted these criteria in an attempt to ensure that only appropriately qualified facilities and organizations receive the higher payment levels typically associated with this status. The criteria for provider-based status are set forth in § 413.65 (Requirements for a determination that a facility or an

organization has provider-based status) of the April 2000 final rule (65 FR 18538).

In the April 2000 final rule, we included a special grandfathering provision applicable to FQHCs and ''look-alikes'' (facilities that are structured like FQHCs and meet all the requirements for grant funding but have not actually received these grants). The provision stated that a facility or entity would be treated as provider-based, without regard to compliance with the provider-based criteria if it has, since April 7, 1995, furnished only services that were billed as if they had been furnished by a department of a provider and received a grant before 1995 under section 330 of the Public Health Service Act, or is receiving funding from such a grant under a contract with the recipient of such a grant and meets the requirements to receive a grant under section 330 of the Public Health Service Act, or based on the recommendation of the Public Health Service (PHS), was determined by HCFA before 1995 to meet the requirements for receiving such a grant. We included this provision in response to comments suggesting that application of provider-based criteria to FQHCs and ''look-alikes'' could interfere with the continuity of care to patients served by these health centers. We also were concerned that application of the criteria could adversely affect access to care for the patients served by these facilities. Therefore, we indicated that we were accepting the comments and had crafted the criteria to give effect to these concerns.

The April 2000 final rule (65 FR 18540) also contained a requirement, in new § 413.65(g)(7) (Obligations of hospital outpatient departments and hospital-based entities), that when a Medicare beneficiary is treated in a hospital outpatient department or hospital-based entity (other than a rural health clinic) that is not located on the main provider's campus, the hospital has a duty to furnish written notice to the beneficiary, before the delivery of services, of the amount of the beneficiary's potential financial liability (that is, of the fact that the beneficiary will incur a coinsurance liability for an outpatient visit to the hospital as well as for the physician service and of the amount of that liability). The notice must be one that the beneficiary can read and understand. If the beneficiary is unconscious, under great duress, or for any other reason unable to read a written notice and understand and act on his or her own rights, the notice must be furnished, before the delivery of services, to the beneficiary's authorized representative.

In addition, the April 2000 final rule amended § 489.24 (Special responsibilities of Medicare hospitals in emergency cases), sometimes referred to the Emergency Medical Treatment and Active Labor Act (EMTALA) regulation. In new § 489.24(i)(2), we required that hospitals establish protocols for handling individuals with potential emergency conditions at off-campus departments. In new § 489.24(i)(2)(ii), we further required that if the off-campus department is a physical therapy, radiology, or other facility not routinely staffed with physicians, RNs, or LPNs, the department personnel must be given protocols that direct them to contact emergency personnel at the main hospital campus.

II. Provisions of the Interim Final Rule

A. New Medical Devices, Drugs, and Biologicals

We are revising § 419.43 (e)(1)(iv) to change one criterion and to postpone the effective date for two other criteria that a new device, drug, or biological must meet in order for its cost to be considered ''not insignificant''. In the April 2000 final rule, (65 FR 18434), the expected reasonable cost of a device had to exceed 25 percent of the applicable fee schedule amount for the associated service in order for the cost of the device to meet the ''not insignificant'' test. Based on the experience that we gained by reviewing the applications submitted for approval of new devices, drugs and biologicals as pass-through items, we concluded that the 25 percent-limitation was too restrictive and could result in limiting Medicare beneficiaries' access to new products. In order to ensure that Medicare beneficiaries will continue to have access to the latest technologies, we are changing that criterion. We will now require that the expected reasonable cost of a new device must exceed 10 percent of the applicable fee schedule amount for the associated service.

The additional two criteria, proposed in the April 2000 rule, for determining whether a new device, drug, or biological cost is ''not insignificant'' will be postponed and will apply to devices, drugs, and biologicals for which a transitional pass-through payment is first made on or after January 1, 2003. The delay in effective date for these criteria is necessary so that we will have sufficient time to gather and analyze data needed to determine the current portion of the fee schedule amounts associated with a device, drug, or biological, which is an essential factor in applying these criteria.

B. Revision to Criteria to Define New or Innovative Medical Devices Eligible for Pass-through Payments

In criterion ''c'', we stated that devices cleared by the FDA with IDE Category B status would be considered for transitional pass-through payment. We further stated that we would limit pass-through payment for the eligible IDE Category B device to the amount that would be paid for a currently used device serving the same medical purpose that has been approved or cleared for marketing by the FDA. This approach was taken based on the regulations requirement set forth in § 405.209 that limits payment for the IDE Category B device in the manner described. Since publishing our April 2000 final rule, we have reviewed this policy and now believe that it would be more appropriate to provide that the payment amount for IDE Category B items that qualify for transitional pass-through payments be determined in the same manner as other pass-through items (that is, no cap). Since IDE Category B devices are subjected to the same eligibility requirements as any other device applying for pass-through status and since pass-through payments for a specific device are temporary, we believe that, for purposes of making outpatient PPS pass-through payments, it is more appropriate to not impose a payment cap on eligible IDE Category B devices. Therefore, we are revising criterion ''c'' by removing the cost limitation provision for IDE Category B devices that qualify for transitional pass-through payments.

In addition, since publication of the April 2000 final rule, we have been processing a large number of applications for transitional pass-through payment status for new medical devices. It has become apparent that our attempt to distinguish implantable devices using the procedure we had outlined in the April 2000 final rule had practical limitations. For example, a significant number of applications received were for devices that consist of more than one component in which one component would be implantable according to the new medical device definition stated in the April 2000 final rule (65 FR 18480) while other components, such as catheters, guidewires, or certain clips would not meet this definition.

Distinguishing these components of a single product and pricing them separately appears unnecessarily cumbersome. In some instances, a particularly expensive catheter that is

surgically inserted, removed, and disposed of in the course of a procedure may be used in one of a number of procedures. In this instance the new medical device is implanted temporarily rather than permanently as indicated in our original policy published in the April 2000 final rule. However, we did not intend for our policy to exclude new medical devices that are implanted or inserted during a procedure but also may be removed during that procedure so that the patient leaves the hospital without the device. Rather, we believe that these devices should be considered for pass-through payments because they also are implantables.

In other instances, it became apparent that some clips are expensive and function other than as tools or supplies necessary for a surgeon to perform a surgical procedure. Some clips are radiological site or tissue markers that are implanted and may be used months after implantation to locate an area for imaging and later removed. We did not intend to exclude such clips from consideration for pass-through payments.

Separating components of a single product and pricing them separately could require the establishment of a number of new payment groups consisting of just one product as a result of introduction of a single, high-priced item. Industry representatives also indicated significant concerns about our way of proceeding.

Therefore, we are modifying our interpretation of which devices are eligible for transitional pass-through payments to include new medical devices that are used for one patient only, are single use, come in contact with human tissue, and are surgically implanted or inserted in a patient during a procedure but may also be removed during that procedure so that the patient leaves the hospital without the device. Our revised interpretation also includes clips that are used as radiological site or tissue markers.

In addition, we are clarifying our interpretation of criterion ''g'' to include as supplies pharmacological imaging and stressing agents other than radiopharmaceuticals (for which payment under the transitional pass-through provision is established by section 1833(t)(6)(A) of the Act). Also, in criterion ''g'' we have become aware of the need, based on our review of pass-through applications, to clarify that supplies include contrast media and stressing agents, excluding radiopharmaceuticals, that are used in imaging procedures. We are revising criteria ''c'', ''d'' and ''g'' of the eight criteria for defining new medical devices for pass-through payments that were discussed in the preamble of the April 2000 final rule to reflect this change. These three revised criteria are as follows:

- Criterion—c. They are determined to be reasonable and necessary for the diagnosis or treatment of an illness or injury or to improve the functioning of a malformed body part, as required by section 1862(a)(1)(A) of the Act. Some investigational devices are refinements of existing technologies or replications of existing technologies and may be considered reasonable and necessary. If such devices have received an FDA investigational device exemption (IDE) and are classified by the FDA as Category B devices in accordance with §§ 405.203 to 405.215 of this chapter, excluding § 405.209, they will be considered for coverage under the hospital outpatient prospective payment system.
- Criterion—d. They are an integral and subordinate part of the procedure performed, are used for one patient only, are single use, come in contact with human tissue, and are surgically implanted or inserted, whether or not they remain with the patient when the patient is released from the hospital outpatient department.
- Criterion—g. They are not materials and supplies such as sutures, customized surgical kits, clips (other than radiological site or tissue markers), or furnished incident to a service or procedure. Supplies include pharmacological imaging and stressing agents other than radiopharmaceuticals (for which transitional pass-through payment is authorized under section 1833(t)(6)(A) of the Act).

Also, we are revising § 419.43(e)(4) (Transitional pass-through for additional costs of innovative medical devices, drugs, and biologicals) to include all eight criteria to define new or innovative medical devices eligible for pass-through payments.

The policies discussed above represent a change from the policies stated in the April 2000, final rule. This interim final rule with comment, thus, supersedes the relevant aspects of the previous rule. Comments on our revised policy will be considered if received by September 5, 2000.

C. Revision to Grandfather Provision for Certain FQHCs and Look-Alikes

Since publication of the April 2000 final rule, we have become aware that, as currently worded, the rule would not fulfill its intended purpose in that the continuity of care and access to care for patients of some health centers could be jeopardized. This is because those centers meet other criteria for grandfathering but were not designated as FQHCs or ''look-alikes'' before 1995. To meet our original policy intent of helping to ensure that the new criteria do not disrupt the delivery of services to patients of these facilities, we are correcting § 413.65(m) to state that a facility or entity would be treated as provider-based, without regard to compliance with the provider-based criteria, if it has since April 7, 1995 furnished only services that were billed as if they had been furnished by a department of a provider and received a grant on or before April 7, 2000 under section 330 of the Public Health Service Act and continues to receive funding under such a grant, or is receiving funding from a grant made on or before April 7, 2000 under section 330 of the Public Health Service Act; or based on the recommendation of the PHS, was determined by HCFA on or before April 7, 2000 to meet the requirements for receiving a grant under section 330 of the Public Health Service Act, and continues to meet such requirements. We are making this change to clarify that grandfathering under § 413.65 is based on continued status as a section 330 of the Public Health Service Act grantee or a ''look-alike'' facility.

III. Clarification Issues

A. Clarification of Transitional Pass-Through/New Technology Codes

We wish to clarify that the ''C'' codes assigned to many items shown in the May 12, 2000 web site posting are temporary HCFA Common Procedure Coding System (HCPCS) codes that are to be used exclusively to bill pass-through and new technology items paid under the hospital outpatient PPS. These codes cannot be used to bill other Medicare payment systems, for example, the durable medical equipment fee schedule. Assignment of the ''C'' category of HCPCS codes for use in the hospital outpatient PPS is intended to expedite the processing of requests for pass-through and new technology status and to ensure beneficiaries timely access to new and appropriate technologies. Therefore, applicants may submit a single application as detailed in the April 2000 final rule (65 FR 18481) for such items that do not have an established HCPCS code to ATTN: PPS New Tech/Pass-Throughs, Division of Practitioner and Ambulatory Care, Mailstop C4–03–06, Health Care Financing Administration, 7500 Security Boulevard, Baltimore, MD 21244–1850. HCPCS applications unrelated to the pass-through and new technology provisions should continue

to follow the regular HCPCS application process found on the Internet at http://www.hcfa.gov/medicare/hcpcs.htm.

As stated in the April 2000 final rule, if the item for which pass-through or new technology status is requested requires approval/clearance by the Food and Drug Administration (FDA), submit a copy of the FDA approval/clearance letter. Products may be considered for pass-through status as soon as they are approved/cleared by the FDA without a specified period of marketing experience. This approach reflects our policy on assigning ''C'' codes since the creation of these codes under the HCPCS.

B. Clarification of Notice of Beneficiary Cost-Sharing Liability

Following publication of the April 2000 final rule, some hospitals and their representatives have asked whether it is our intent that the beneficiary notice requirement in new § 413.65(g)(7) be followed in cases when the prohibition on patient dumping requirements in § 489.24, sometimes referred to as the Emergency Medical Treatment and Active Labor Act (EMTALA) requirements, apply. The concern expressed is that, in such cases, it would not be appropriate to delay mandated screening and stabilization services to deliver a notice of patient financial liability. Questions also have arisen as to whether hospitals can reasonably be expected to furnish an exact statement of the patient's financial liability, since the exact scope of services needed may not be known at the time notice must be given.

We understand this concern and wish to confirm that in EMTALA cases the requirements of § 489.24 continue to apply, so that hospitals are not required to deliver the notices before screening and stabilizing a patient with an emergency medical condition. We further understand the concerns that have been expressed regarding estimates of financial liability. We are clarifying that when the exact type and extent of care needed is not known, the hospital may furnish a written notice to the patient that explains the fact that the beneficiary will incur a coinsurance liability to the hospital that they would not incur if the facility were not provider-based. The hospital may furnish an estimate based on typical or average charges for visits to the facility or organization, while stating that the patients actual liability will depend upon the actual services furnished by the hospital. We are developing a separate proposed rule that will further revise and clarify the notice requirements and will issue that proposed rule for public comment as soon as possible.

C. Clarification of Protocols for Off-Campus Departments

Following publication of the April 2000 final rule, some hospitals and their representatives have asked whether it is our intent that the staff of off-campus departments described in new § 489.24(i)(2)(ii)), such as physical therapy, radiology, or other facilities not routinely staffed with physicians, RNs, or LPNs, be required to contact emergency personnel at the main hospital campus (as described in new § 489.24(i)(3)(ii) before arranging an appropriate transfer to a medical facility other than the main hospital. This question refers to cases in which an appropriate transfer is necessary either because the main hospital campus does not have the specialized capability or facilities required by the individual or because the individual's condition is deteriorating so rapidly that the time needed to move the individual to the main hospital campus would significantly jeopardize the individual's life or health.

We understand this concern and do not intend that new § 489.24(i)(2)(ii) be interpreted in a way that could delay an appropriate transfer. Therefore, we are clarifying that in any case arising in an off-campus department, of the kind described in new § 489.24(i)(2)(ii), the contact with emergency personnel at the main hospital campus should be made either after or concurrently with, the actions needed to arrange an appropriate transfer under new § 489.24(i)(3)(ii) if doing otherwise would significantly jeopardize the individual's life or health. We note that this clarification does not relieve the off-site department of the responsibility for making this contact, but only clarifies that the contact may be delayed in specific cases when doing otherwise would endanger a patient subject to EMTALA protection.

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

V. Regulatory Impact Statement

We have examined the impacts of this rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually). This interim final rule is not a major rule because we have determined that the economic impact will be negligible for the revisions related to the transitional pass-through payments for new or innovative medical devices and the grandfathering of FQHCs and ''look-alikes.''

In addition, the budget impact related to the transitional pass-through provision has already been addressed in the April 2000 final rule (65 FR 18530). As stated in that rule, the pass-through provision is budget neutral as required by section 1833(t)(2)(E) of the Act as amended by section 201(c) of the BBRA. Section 1833(t)(6)(D) of the Act caps the projected additional payments annually at 2.5 percent of the total projected payments for hospital outpatient services each year before calendar year 2004 and no more than 2.0 percent in year 2004 and in subsequent years. Under this provision, we have the authority to reduce pro rata the amount of the additional payments, if before the beginning of a year, we estimate that these payments would otherwise exceed the caps. We advised, in the April 2000 final rule, that it is extremely difficult for us to estimate projected pass-through expenditures as required by law because we do not have claims data available for most items that would be eligible for pass-through payments and because many eligible items would be added after the new system is implemented. For these reasons, in the April 2000 final rule, we stated that there would be no uniform reduction applied to the pass-through payments for calendar years 2000 and 2001. The pass-through change incorporated in this interim final rule does not alter these circumstances.

Also, the budgetary impact related to the grandfathering provision was already calculated in the April 2000 final rule (65 FR 18530) as if these providers were designated before April 7, 2000.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit

status or by having revenues of $5 million or less annually. For purposes of the RFA, all FQHCs and ''look-alikes'' are considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any final rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with not more than 100 beds that is located outside of a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA). Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent NECMA. Thus, for purposes of the prospective payment system, we classify these hospitals as urban hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. This interim final rule will not have a significant economic effect on these governments or the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. This interim final rule will not have a substantial effect on States or local governments.

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

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

VI. Response to Comments

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

VII. Waiver of Proposed Rulemaking and Waiver of the 30-Day Delay in the Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substances of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. For the reasons set forth below, we find good cause to waive the requirement for notice and comment procedures for the refinement of rules concerning provider based status for FQHCs (including ''look-alike'' facilities).

We believe that implementing the provider-based provisions contained in the April 2000 final rule without the refinements incorporated in this document could jeopardize continuity of care at certain facilities currently treated as provider-based FQHCs, and consequently disrupt care for Medicare beneficiaries served in those facilities. It would have been impracticable to complete notice-and-comment procedures by August 1, 2000. Given the limited timeframe and the time required to complete notice-and-comment procedures (to develop proposed policies, draft the proposed rule, provide a 60-day public comment period, consider public comments, develop final policies, and draft a final rule), it would not have been possible to issue this document as a proposed rule and issue a final rule by August 1, 2000. Therefore we find that notice and comment procedures on this issue would be impracticable and contrary to the public interest.

With respect to outpatient PPS, this rule revises a policy reflected in the April 7 final rule with comment period. The April 7 rule provided a waiver of notice and comment procedures for, among other things, the outpatient PPS policy revised herein.

We find the circumstances surrounding this interim final rule make it impracticable and contrary to the public interest to allow a 30-day delay in its effective date with respect to outpatient PPS. This interim final rule refines policies set forth in the April 2000 final rule including the definition of new medical devices, drugs, and biologicals eligible for pass-through payments. The provisions contained in the April 2000 final rule regarding the transitional pass-through payments will be implemented on August 1, 2000, while the provider-based provisions will be implemented on October 10, 2000. We do not believe that it would be feasible or desirable to implement pass-through provisions contained in the April 2000 final rule without the refinements incorporated in this document. We believe that it would be impracticable and contrary to the public interest to have an effective date for the policy revisions in this document relating to devices that differs from the effective date for the rest of outpatient PPS. If we allow a 30-day delay in the effective date of this rule, hospitals and fiscal intermediaries will be placed at greater risks to make additional changes soon after implementing major systems changes; will find it cumbersome; and will consider it an inefficient use of resources.

Therefore, we find good cause to waive the 30-day delay in the effective date.

List of Subjects

42 CFR Part 413

Health facilities, Kidney diseases, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

42 CFR Part 419

Health facilities, Hospitals, Medicare.

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

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES

A. Part 413 is amended as set forth below:

1. The authority citation for part 413 continues ro read as follows:

Authority: Secs. 1102, 1812(d), 1814(b), 1815, 1833(a), (i), and (n), 1871, 1881, 1883, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395f(b), 1395g, 1395l, 1395l(a), (i), and (n), 1395x(v), 1395hh, 1395rr, 1395tt, and 1395ww).

Subpart E—Payments to Providers

2. In § 413.65, paragraph (m) is revised to read as follows:

§ 413.65 Requirements for a determination that a facility or an organization has provider-based status.

* * * * *

(m) *FOHCs and ''look-alikes''.* A facility that has, since April 7, 1995, furnished only services that were billed as if they had been furnished by a department of a provider will continue to be treated, for purposes of this section, as a department of the provider without regard to whether it complies with the criteria for provider-based status in this section, if the facility—

(1) Received a grant on or before April 7, 2000 under section 330 of the Public Health Service Act and continues to receive funding under such a grant, or is receiving funding from a grant made on or before April 7, 2000 under section 330 of the Public Health Service Act under a contract with the recipient of such a grant, and continues to meet the requirements to receive a grant under section 330 of the Public Health Service Act; or

(2) Based on the recommendation of the Public Health Service, was determined by HCFA on or before April 7, 2000 to meet the requirements for receiving a grant under section 330 of the Public Health Service Act, and continues to meet such requirements.

* * * * *

PART 419—PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES

B. Part 419 is amended as set forth below:

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1833(t), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(t), and 1395hh).

Subpart D—Payments to Hospitals

2. Section 419.43 is amended by:

A. Revising paragraph (e)(1)(iv).

B. Redesignating paragraph (e)(4) as paragraph (e)(5).

C. Adding new paragraph (e)(4).

The revision and addition reads as follows:

§ 419.43 Adjustments to national program payment and beneficiary coinsurance amounts.

* * * * *

(e) *Transitional pass-through for additional costs of innovative medical devices, drugs, and biologicals*— * * *

(1) * * *

(iv) *New medical devices, drugs, and biologicals.* A medical device, drug, or biological not described in paragraph (e)(1)(i), (e)(1)(ii), or (e)(1)(iii) of this section if—

(A) Payment for the device, drug, or biological as an outpatient hospital service under this part was not being made as of December 31, 1996; and

(B) The cost of the device, drug, or biological is not insignificant (as defined in paragraph (e)(1)(iv)(C) and (D) of this section) in relation to the hospital outpatient fee schedule amount (as calculated under § 419.32(c)) payable for the service (or group of services) involved.

(C) In the case of a new device, drug, or biological for which a transitional pass-through payment is first made before January 1, 2003, the cost of the device, drug, or biological is considered not insignificant if its expected reasonable cost exceeds 10 percent of the applicable fee schedule amount for the associated service.

(D) In the case of a new device, drug, or biological for which a transitional pass-through payment is first made on or after January 1, 2003, the cost of the device, drug, or biological is considered not insignificant if it meets all of the following thresholds:

(*1*) Its expected reasonable cost exceeds 10 percent of the applicable fee schedule amount for the associated service.

(*2*) The expected reasonable cost of the new drug, biological, or device must exceed the current portion of the fee schedule amount determined to be associated with the drug, biological, or device by 25 percent.

(*3*) The difference between the expected reasonable cost of the item and the portion of the hospital outpatient fee schedule amount determined to be associated with the item exceeds 10 percent of the applicable hospital outpatient fee schedule amount.

* * * * *

(4) *Criteria to define new or innovative medical devices eligible for pass-through payments.* HCFA makes pass-through payment for new or innovative medical devices that meet all of the following criteria:

(i) They were not recognized for payment as a hospital outpatient service prior to 1997.

(ii) They have been approved/cleared for use by the FDA.

(iii) They are determined to be reasonable and necessary for the diagnosis or treatment of an illness or injury or to improve the functioning of a malformed body part, as required by section 1862(a)(1)(A) of the Act. Some investigational devices are refinements of existing technologies or replications of existing technologies and may be considered reasonable and necessary. If such devices have received an FDA investigational device exemption (IDE) and are classified by the FDA as Category B devices in accordance with sections §§ 405.203 to 405.215 of this chapter, excluding § 405.209, they will be considered for coverage under the hospital outpatient prospective payment system.

(iv) They are an integral and subordinate part of the procedure performed, are used for one patient only, are single use, come in contact with human tissue, and are surgically implanted or inserted whether or not they remain with the patient when the patient is released from the hospital outpatient department.

(v) The associated cost is not insignificant, as determined under paragraph (e)(1)(iv) of this section, in relation to the APC payment for the service in which the related medical device is packaged.

(vi) They are not equipment, instruments, apparatuses, implements, or such items for which depreciation and financing expenses are recovered as depreciable assets as defined in Chapter 1 of the Medicare Provider Reimbursement Manual (HCFA Pub. 15–1).

(vii) They are not materials and supplies such as sutures, customized surgical kits, or clips, other than radiological site markers, furnished incident to a service or procedure. Supplies include pharmacological imaging and stressing agents other than radiopharmaceutical (for which transitional pass-through payment is authorized under section 1833(t)(6)(A) of the Act).

(viii) They are not materials such as biologicals or synthetics that may be used to replace human skin.

* * * * *

(Catalog of Federal Domestic Assistance 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 27, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: July 27, 2000.

Donna E. Shalala,

Secretary.

[FR Doc. 00–19668 Filed 7–31–00; 2:48 pm]

BILLING CODE 4120–01–U

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 307

[Docket No. MARAD–2000–7706]

AMVER Bulletin Availability; Technical Amendment

AGENCY: Maritime Administration, Transportation.

ACTION: Technical amendment.

SUMMARY: The Maritime Administration (MARAD) is updating information regarding an address change for the availability of the ''AMVER Bulletin''. The intended effect of this technical amendment is to provide accurate information for the availability of the ''AMVER Bulletin''. This technical amendment updates an address and is effective without delay because it is nonsubstantive.

DATES: Effective on August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Walter Lockland, Chief, Division of Operations Support, (202) 366–2629, Maritime Administration MAR–613, Room 2123, 400 7th St., SW., Washington, DC, 20590–0001, or you may send e-mail to: *walter.lockland@marad.dot.gov*.

ADDRESSES: This technical amendment is available for inspection with the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0001, between 10 a.m. and 5 p.m. E.T. Monday through Friday, except federal holidays. You may also view this document via the Internet at http://dms.dot.gov by using the search function and entering the docket number [MARAD–2000–7706].

SUPPLEMENTARY INFORMATION:

Background

Operators of U.S.-flag oceangoing vessels in U.S. foreign trade and certain foreign-flag vessels must report on their locations pursuant to 46 CFR part 307 to enhance the safety of vessel operations at sea and provide a contingency for events of national emergency. AMVER means Automated Mutual-Assistance Vessel Rescue System operated by the U.S. Coast Guard. The ''AMVER Bulletin'' is available from the U.S. Coast Guard, AMVER Maritime Relations Office, Battery Park Building, New York, NY 10004.

Previously, the ''AMVER Bulletin'' was available from the U.S. Coast Guard at AMVER Center, Governors Island, New York, NY 10004. However, the U.S. Coast Guard base on Governors Island is closed. Therefore, we are updating the address to reflect the Coast Guard's change of location.

List of Subjects in 46 CFR Part 307

Marine safety, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

Accordingly, 46 CFR part 307 is amended as follows:

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

1. The authority citation for part 307 continues to read as follows:

Authority: Secs. 204(b), 212(A), 1203(a), Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1114(b), 1122(a), 1283); Pub. L. 97–31; 46 CFR 1.66.

2. In § 307.13, revise the third sentence to read as follows:

§ 307.13 Where to report.

* * * The ''AMVER Bulletin'' is available from AMVER Maritime Relations Office, U.S. Coast Guard, Battery Park Building, New York, NY 10004. * * *

Dated: July 27, 2000.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 00–19368 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 64

[CC Docket No. 94–129; FCC 00–135]

Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends certain liability rules, grants in part petitions for reconsideration of our Slamming proceeding. We believe these modifications will strengthen the ability to deter slamming, while addressing concerns raised with respect to our previous administrative procedures.

DATES: Effective September 5, 2000, except for §§ 1.719(a) through (d), 64.1110(a) and (b), 64.1140(a) and (b), §§ 64.1150(a) through (d), 64.1160(b) through (f), and 64.1170(b) through (f), which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

FOR FURTHER INFORMATION CONTACT: Michele Walters, Associate Division Chief, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of a Commission's Order in CC Docket No. 94–129 released on May 3, 2000. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554.

I. Introduction

1. In our Second Report and Order and Further Notice of Proposed Rulemaking (Section 258 Order), 64 FR 7763 (February 16, 1999) we adopted rules to implement section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act). The goal of section 258 is to eliminate the practice of ''slamming,'' which is the unauthorized change of a subscriber's preferred carrier. In the Section 258 Order, we adopted various rules addressing verification of preferred carrier changes and preferred carrier freezes. We also adopted liability rules designed to take the profit out of slamming. In this First Order on Reconsideration (Order), we amend certain of our liability rules, granting in part petitions for reconsideration of our Section 258 Order. Specifically, the revised rules provide for slamming disputes between consumers and carriers to be brought before appropriate state commissions, or this Commission in cases where the state has not opted to administer our rules, rather than to authorized carriers. In light of this decision, we deny a petition filed by several long distance carriers seeking waiver of the slamming liability rules and proposing an industry-sponsored slamming liability administrator. In this order, we also modify the liability rules that apply when a consumer has paid charges to a slamming carrier. In such instances, our new rules require slamming carriers to pay out 150% of the collected charges to the authorized carrier, which, in turn, will pay to the consumer 50% of his or her original payment. Finally, the order sets forth certain notification requirements to

facilitate carriers' compliance with the liability rules. We believe these modifications will strengthen the ability of our rules to deter slamming, while addressing concerns raised with respect to our previous administrative procedures.

II. Discussion

A. Absolution

1. Retaining Limited Absolution

2. We restate our conviction that the limited absolution of consumer charges ordered by our slamming rules is essential to deterring slamming. By depriving unauthorized carriers of slamming revenues in the first instance, absolution takes the profit out of this illegal practice. Several petitioners and commenters, including all of the groups representing consumer and state interests, agree that absolution is ''a reasonable and practical extension of the statutory intent reflected in section 258 that the slamming carrier not be allowed to keep any of its ill-gotten gains.'' The only commenters who oppose absolution are carriers that would be subject to the more stringent liability created by these rules.

3. As detailed in the Section 258 Order, we concluded that more aggressive slamming liability rules are essential because our previous rules had failed to stem the growth of slamming. As we summarized in that order:

> * * * our experience in this area leads us to the inescapable conclusion that slamming has become a profitable business for many carriers. For this reason, the rules we adopt in this *Order* not only seek to strengthen the existing verification rules, but are more broadly designed to prevent carriers from making any profits when they slam consumers * * * the strongest incentive for such carriers to implement strictly our verification rules is to know that failure to comply may mean that they will not get paid or any services rendered after such an unauthorized switch.

4. Accordingly, we reject the arguments of those long distance carriers that assert we failed to explain our departure from the slamming liability policies adopted in the 1995 Order, 60 FR 35846 (July 12, 1995). Under those previous rules, consumers remained obligated to pay charges to their slamming carriers in the amount they would have paid their authorized carriers absent the unauthorized change. Several commenters quote piecemeal from the 1995 Order to support their argument that our current approach to slamming liability is inexplicably inconsistent. We note, however, that those commenters fail to include in their filings the cautionary language in that order. In particular, the Commission there specifically warned that absolution might be an appropriate rule if the prior rules failed to abate the growth of slamming:

> Despite the compelling arguments of those favoring total absolution of all toll charges from unauthorized IXCs, we are not convinced that we should, as a policy matter, adopt that option at this time * * * We recognize, however, that [liability limited to re-rating] may not be the best deterrent against slamming. Some IXCs engaging in slamming may not be deterred unless all revenue gained through slamming is denied them. At this time, we believe that the equities tend to favor the ''make whole'' remedy and therefore support the policy of allowing unauthorized IXCs to collect from the consumer the amount of toll charges the consumer would have paid if the PIC had never been changed * * * However, we recognize that if ''slamming'' continues unabated—perhaps through abuses in areas other than the use of the LOA—we may have to revisit this question at a later date.

5. As noted, the number of slamming complaints processed by this Commission have more than doubled since adoption of the 1995 Order. The state commissions, which cumulatively receive a larger share of slamming complaints than this Commission, have seen a similar growth. Thus, consistent with our previous warning, and in light of the need for stronger and more effective deterrents to slamming, we are convinced that absolving consumers of liability for charges incurred over a limited time-period is now the appropriate policy. We point out that consumer groups and states support absolution from slamming charges as an effective method of deterring slamming. Indeed, many states have adopted absolution as a remedy for their own consumers.

6. As we stated in the Section 258 Order, absolution minimizes slamming carriers' physical control over slamming revenues, and thereby minimizes the incentive to slam consumers. The Commission has seen several cases in which slamming carriers went out of business or declared bankruptcy after the Commission or state enforcement agencies detected their illegal activities. Such evasion has made it difficult to provide restitution to injured consumers. Accordingly, it is important to deprive a slamming carrier of slamming revenues in the first instance.

7. Our absolution rules also place appropriate incentives on both consumers and carriers. They encourage consumers to scrutinize their telephone bills immediately and carefully. In doing so, absolution engages the general public in detecting slamming. Absolution also provides carriers with the incentive to verify all carrier changes properly, in order to protect themselves against any possible inappropriate consumer claims of slamming. The rules will motivate carriers not only to comply strictly with our verification procedures, but also to use methods that provide convincing proof of a subscriber's authorization.

8. Finally, limited absolution compensates a slammed subscriber, at least in part, for the inconvenience and frustration that results from an unauthorized change. In our extensive experience handling slamming complaints since the 1995 Order, it has become evident that consumers often experience a high level of confusion upon being slammed. After discovering the unauthorized change, consumers frequently have great difficulty in returning to their authorized carriers and in getting their telephone bills adjusted correctly. Indeed, as long as slamming carriers continue to receive payment, they have little incentive to be responsive to consumer complaints. Therefore, absolution also furthers Congress' desire to ''provide that consumers are made whole.''

9. As stated previously, the only parties that oppose the concept of absolution are the carriers themselves. States and consumer groups overwhelmingly support absolution as the best method to deter slamming. We are unpersuaded by the arguments of TRA and others that our absolution rule is inconsistent with the provisions of section 258 requiring slamming carriers to reimburse authorized carriers for forgone revenue. As we explained in the Section 258 Order, we believe that our absolution remedies are complementary to the congressional scheme and not inconsistent. The language of section 258 does not mandate that slammed consumers pay either the authorized or the unauthorized carrier. Rather, by its terms, section 258(b) applies only when a consumer in fact has made a payment. Furthermore, section 258 specifically states that its remedies are ''in addition to any other remedies available by law.'' We emphasized in the Section 258 Order that the authorized carrier is free to seek compensation for lost profits or other damages in proceedings against the slamming carrier before the Commission or in a state or federal court. Furthermore, our rules do not deprive the authorized carrier of all charges incurred by the subscriber. The subscriber only receives absolution for service provided during the first 30 days after being slammed. The authorized carrier is entitled to collect charges for service provided after the first 30 days,

even though that service was provided by the slamming carrier.

2. Time Period for Absolution

10. We decline to extend the absolution period beyond the 30-day limit, as suggested by several petitioners, because we find that the 30-day limit strikes a reasonable balance between the interests of consumers and carriers. We find that the period of absolution should be limited in order to give consumers the incentive to look at their bills promptly and not to delay reporting slams. We also find that the time limitation should be tied to an event that is verifiable and easily tracked, such as the date a slam occurs, rather than an event that is not verifiable, such as the date the consumer notices an unauthorized change. Accordingly, we retain the limitation that absolution is only available for charges incurred within the first 30 days after the unauthorized change.

11. Furthermore, as explained in the Section 258 Order, we will grant waivers where special circumstances warrant a longer period of absolution, such as where the subscriber's telephone bill does not provide reasonable notice of a carrier change. We disagree with NTCA's contention that we should extend the time period for absolution because the waiver process is not a practical solution for consumers. NTCA's viewpoint appears to be based on the assumption that large numbers of consumers will be unable to detect carrier changes on their telephone bills. We acknowledged in the Truth-In-Billing proceeding that unclear telephone bills can prevent customers from recognizing that their carrier of choice has been switched. The principles adopted in that order address these concerns by requiring telephone bills to highlight when a consumer's preferred interLATA or intraLATA carrier has been changed. Our Truth-In-Billing Order also requires that telephone bills contain clear and conspicuous disclosure of consumer inquiry information, enabling consumers to report slamming and begin the process of returning to their authorized carrier. Accordingly, in the future, consumers should be better-equipped to detect and respond to unauthorized carrier changes. We also note that deliberate efforts by a carrier to conceal an unauthorized carrier switch may be the basis for extending the 30-day limit, and may also warrant additional enforcement action by the Commission.

B. Liability Where Consumer Has Paid Unauthorized Carrier

12. Frontier has requested reconsideration of the requirement in the Section 258 Order that an authorized carrier that collects slamming proceeds from an unauthorized carrier remit to the subscriber the difference between what the subscriber paid the unauthorized carrier and what he would have paid the authorized carrier absent a slam. Frontier asserts that this ''re-rating'' requirement is inconsistent with the specific statutory language of section 258, which mandates that the unauthorized carrier ''shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation.''

13. In the Section 258 Order, we concluded that requiring authorized carriers to remit to the subscriber amounts in excess of what they would have received but for the slam was consistent with the statute and the Congressional intent underlying section 258. Pointing to the language of the legislative history specifically directing that the Commission's rules implementing section 258 ''should also provide that consumers be made whole,'' we concluded that Congress intended that subscribers who pay for slamming charges should pay no more than they would have paid their authorized carrier for the same service had they not been slammed. We also noted in the Section 258 Order that such a rule was consistent with existing Commission policy requiring slamming carriers to refund to subscribers amounts in excess of what the subscriber would have paid its preferred carrier; while the interpretation proffered by Frontier on reconsideration would leave consumers worse off than before passage of the legislation.

14. On reconsideration of this issue, we have considered comments filed in response to the Further Notice of Proposed Rulemaking (FNPRM) in this proceeding. Among the issues raised in the FNPRM, we asked whether we had authority under section 258 or other provisions of the Act to require the unauthorized carrier to pay to the authorized carrier double the amount of charges paid by the subscriber during the first 30 days after a slam, with the authorized carrier then remitting one-half that amount back to the subscriber. The modified liability approach we adopt here is a variation on that proposal in that it requires unauthorized carriers to disgorge more than the amount collected from the subscriber in order to compensate both the subscriber and the authorized carrier. In light of the comments received on the FNPRM and petitions for reconsideration, we now adopt a different liability scheme, for cases where the subscriber has paid charges to the unauthorized carrier, that we conclude more fully implements the congressional intent underlying section 258. Specifically, we now establish a remedy that both allows the authorized carrier to retain an amount of money equal to ''all charges paid by the subscriber'' to the unauthorized carrier, and also ensures that subscribers are ''made whole'' by reimbursing them the amount they paid in excess of what they would have paid their preferred carrier absent the slam (or a proxy for such amount). Thus, once a state commission or the FCC has made a finding that a slam has occurred, the unauthorized carrier will be required to disgorge to the authorized carrier an amount adequate to satisfy both of these obligations. As discussed, we find that an appropriate proxy for this harm is 150% of the amounts collected by the unauthorized carrier from the subscriber following a slam. Upon receipt of this money, the authorized carrier will then be required to remit one-third of this amount (*i.e.,* 50% of what the subscriber paid to the unauthorized carrier) to the injured subscriber.

15. We specifically reject Frontier's petition to the extent it asserts that any re-rating of the consumers' bill would be inconsistent with the statute. To the contrary, Frontier's interpretation would completely ignore the congressional intent that consumers be ''made whole,'' by leaving consumers that pay money to an unauthorized carrier having paid more than they would have paid absent the slam. Even setting aside any time and expense incurred by the consumer in remedying the slam, such an approach cannot be considered making the subscriber ''whole'' in any meaningful sense. We note, in particular, that many of the long distance carriers favoring reconsideration of the absolution requirement apparently agree that the dual Congressional intent of section 258 mandates that slammed consumers should pay no more than they would have paid absent the slam.

16. We conclude that the approach we adopt here is both authorized by section 258, and is the most appropriate method for satisfying the dual congressional purposes reflected in the legislative history. The specific language of section 258 provides that the unauthorized carrier shall be liable to the authorized carrier for all amounts collected from the subscriber. As Frontier asserts, a

reasonable interpretation of this language is that Congress intended for the authorized carrier to retain all such amounts, even though they likely will be more than the authorized carrier would have received from the subscriber absent a slam. Such a bonus may serve as additional incentive for the authorized carrier to go after the unauthorized carrier to collect these amounts, thereby acting as an additional disincentive to slamming. Section 258 also specifically provides that this remedy is ''in addition to any other remedies available at law.'' One such remedy that assuredly is available is the ability of consumers to bring a claim to the Commission or in federal court, or where allowed under state law to the state commissions, for damages due to slamming. For example, pursuant to sections 206–208 of the Act, a consumer bringing a complaint is entitled to actual and consequential damages following a finding of a slam. Indeed, prior to the Section 258 Order, Commission orders compensated slammed consumers by requiring slamming carriers, pursuant to sections 201(b) and 208 of the Act, to refund to the subscriber any amounts paid to the slamming carrier in excess of what he would have paid his preferred carrier absent the slam. Our modified liability requirements thus satisfy the congressional mandate of making consumers ''whole,'' by retaining the availability of other existing remedies to ensure that subscribers pay no more for service than they would have but for being slammed. Accordingly, we find that the modifications to our liability rules adopted here most fully satisfy the dual congressional mandate of section 258. Thus, our decision to require the slamming carrier to disgorge 150% of the amount paid to it by the subscriber relies on our section 258 authority only with respect to that provision's express permission for the Commission to use ''any other remedies available by law.''

17. We note that, in response to the FNPRM, some carriers assert that we do not have jurisdiction to require the unauthorized carrier to disgorge more than it collected from the subscriber because this would result in punitive damages not authorized by the Act. We disagree. Even if such damages can be considered punitive, rather than purely compensatory, any punitive aspect arises from the specific statutory provision providing that the authorized carrier is entitled to amounts over and above what it would have collected if the slam had not occurred. The amount going to the subscriber, on the other hand, is no more than compensatory, and well within the range of relief authorized in other statutory provisions. As the statute specifically authorizes this additional liability to the authorized carrier, we find that it is clearly within our jurisdiction.

18. Finally, as noted, we find that 50% of the amount collected from the subscriber by the unauthorized carrier is an appropriate proxy for re-rating that also responds to concerns raised by the carriers that actual re-rating is administratively difficult and expensive. Frontier, for example, argues that obtaining the necessary call detail from the offending carrier, collecting the revenues from the offending carrier, re-rating calls, and remitting the difference to affected customers is a time-consuming, manual and expensive process. Other long-distance carriers similarly argue that administrative systems (such as electronic interfaces between carriers) would have to be developed to allow for accurate re-rating, imposing costs on the authorized carrier that has not been accused of slamming. In response to this perceived difficulty, the long-distance carriers themselves (including Frontier and MCI) have argued in conjunction with the Joint Waiver Petition that the Commission should provide carriers the option of refunding 50% to the subscriber, rather than requiring them to engage in an actual calculation of the amount paid by the subscriber in excess what he would have paid his preferred carrier. These carriers assert that such a proxy fully compensates the subscriber while not requiring the carriers to engage in a difficult and expensive comparison of rates of other carriers. As discussed more thoroughly, we agree that this is an appropriate remedy for these purposes and will significantly simplify the flow of money from the unauthorized carrier to the authorized carrier and subscriber.

C. Administration of the Slamming Liability Rules

1. Forum for Administration of Slamming Liability Rules

19. In the Section 258 Order, we set forth rules that imposed on authorized carriers certain responsibilities for resolving disputes between subscribers and allegedly unauthorized carriers. Recognizing that other alternatives might better serve consumer interests under our slamming liability scheme, however, we agreed to entertain requests for waiver of our rules if carriers implemented an independent third party administrator to discharge carrier obligations for resolving slamming disputes. We specified that such a proposal should give consumers a single point of contact to resolve slamming problems and provide consumers with a neutral forum for resolving disputes regarding slamming liability. On March 30, 1999, a coalition of interexchange carriers filed a Waiver Petition proposing a plan for an industry-funded third party to administer our slamming liability rules. On April 20, 1999, state commissions, through the National Association of Regulatory Utilities Commissions (NARUC), filed a letter asserting that they are well-equipped to handle slamming complaints and requesting that the Commission consider allowing them to be the primary adjudicators of slamming disputes. NARUC argues that the state commissions are more appropriate than the industry's proposed third-party administrator to execute our slamming liability provisions because the states have existing, neutral, and comprehensive mechanisms to handle slamming disputes.

20. We conclude that it is in the public interest to have state commissions, rather than a third party designated by carriers, perform the primary administrative functions of our slamming liability rules. In fact, it appears to be both appropriate and effective to establish this type of alliance with the states. The language of Section 258 itself contemplates a state and federal partnership to deter slamming. In addition, the states and the Commission have been working together for some time to share information and develop new and creative solutions to combat slamming. For example, the State and National Action Plan (SNAP), comprising staff from NARUC, the FCC, and the National Regulatory Research Institute, regularly meet to develop joint public information strategies to increase awareness of telecommunications issues affecting consumers, coordinate enforcement actions to protect consumers against abuses in the telecommunications marketplace, and coordinate regulatory initiatives. Joint state-federal activities have been very effective in protecting consumers against various types of telecommunications fraud. It is imperative that the states and the FCC continue to cooperate, and expand their interaction, in order to eradicate slamming.

21. We also find that the state commissions are, for several reasons, more appropriate for resolving slamming disputes than the administrator proposed by the long distance carriers. We agree with NARUC that the states are particularly well-

equipped to handle complaints because they are close to the consumers and familiar with carrier trends in their region. As NARUC describes, establishing the state commissions as the primary administrators of slamming liability issues will ensure that ''consumers have realistic access to the full panoply of relief options available under both state and federal law. . . .'' Moreover, state commissions have extensive experience in handling and resolving consumer complaints against carriers, particularly those involving slamming. In fact, the General Accounting Office (GAO) has reported that all state commissions have procedures in place for handling slamming complaints, and that those procedures have been effective in resolving such complaints. We specifically note that at present more than 35 states have committed to provide the resources necessary to resolve slamming disputes in a timely and fair manner.

22. Based upon these representations and the proven track record of customer satisfaction, we conclude that state commissions have the ability and desire to provide prompt and appropriate resolution of slamming disputes between consumers and carriers in a manner consistent with the rules adopted by this Commission. In most situations, state commissions will be able to provide consumers with a single point of contact for each state, thereby enabling slammed consumers to rectify their situations, receive refunds, and get appropriate relief with one phone call. State commissions also will be able to provide consumers and carriers with timely processing of slamming disputes. Finally, but of critical importance, states will provide a neutral forum for the resolution of slamming disputes. As noted, this was one of the essential criteria we set forth for the approval of a slamming liability administrator. We do not conclude here that an industry-sponsored administrator could not act as a ''neutral'' adjudicator of disputes between carriers and consumers. Nonetheless, we are troubled by the concerns raised by several consumer groups that such an entity would be perceived by consumers as biased in favor of carriers. The slamming liability rules are intended to protect consumers, and the effectiveness of any administrative mechanism we select will be dependent upon consumers having confidence in the fairness and impartiality of the process. We agree with the arguments of NARUC that state commissions will be perceived by consumers as more ''neutral'' adjudicators of disputes than the third-party administrator proposed by the interexchange carriers.

23. We recognize, however, that not all states have the resources to resolve these slamming complaints, or may choose not to take on this primary responsibility. Consumers in these states accordingly may seek resolution of their slamming disputes by filing a complaint with this Commission. To provide consumers who opt to file complaints with this Commission the full complement of rights and remedies contemplated by this order, we are amending our own rules for the adjudication of slamming complaints.

24. Our conclusion that states should have primary responsibility for administering our slamming liability rules shall not preclude a consumer from electing to file a slamming complaint with this Commission. In cases where the state has indicated it will administer our rules, however, this Commission will refer informal complaints to the appropriate state commission for resolution, unless the complainant expressly indicates it wishes to have the matter resolved by this Commission. This Commission will not adjudicate a complaint based on an allegation of slamming while the complainant has a complaint arising from the same set of facts pending before a state commission that has opted to administer our slamming rules. Additionally, these rules do not preclude the filing of a petition for declaratory ruling alleging that a state has improperly implemented our verification or liability rules. Finally, nothing in these procedures is intended to abrogate any party's right to pursue relief for a slamming violation in state or federal court.

3. Administrative Procedures

a. State Notification of Participation in Adjudication of Complaints.

25. To ensure full and seamless administration of complaints among this Commission and the states, each state commission that chooses to take on the primary responsibility for resolving consumer slamming complaints must notify this Commission of the procedures it will use to adjudicate individual slamming complaints on the effective date of these revised rules. Each state commission's notification should explain how consumers may file complaints (including where the complaint is to be filed, what if any filing fees a consumer must pay, and what documentation a consumer must provide in its complaint), any and all deadlines parties must adhere to that are shorter than those explicitly stated in these rules, what safeguards exist to ensure procedural fairness to consumers and carriers, and what rights parties have to appeal an initial decision.

26. If, after the effective date of these rules, additional states opt to administer complaints under the rules, they may do so by filing such notification in the captioned docket and sending a copy to the Chief of the FCC Consumer Information Bureau. In addition, state notification of an intention to discontinue administering complaints under the rules shall be filed in the captioned docket, with a copy of such notification provided to the Chief of the FCC Consumer Information Bureau.

b. Preliminary Consumer Relief is Granted upon Slamming Allegation.

27. We retain the requirement that an alleged unauthorized carrier must remove all charges assessed for the first 30 days of services from a subscriber's bill upon the subscriber's allegation that he or she was slammed. Several carriers state that the allegation of a slam should not trigger preliminary relief because many slamming complaints will turn out to be invalid or fraudulent. As we explained in the Section 258 Order, the fact that a subscriber can only be absolved of liability if he or she has in fact been slammed minimizes our concerns about fraud by consumers. In accordance with the revised rules described, if a carrier is able to produce proof of verification, it is entitled to receive full payment from the subscriber for all services provided. Our rules will motivate carriers to comply strictly with our verification procedures to protect themselves from inappropriate claims of slamming. We also explained in the Section 258 Order that the absolution remedy we adopted provides an easily administered remedy for consumers who have been slammed. The absolution remedy would not be as effective if the consumer had to pay for slamming charges in the first instance; we have emphasized repeatedly how essential it is to minimize the opportunity for unauthorized carriers to physically take control of slamming profits for any period of time. Accordingly, our rules will continue to require that, upon an allegation of a slam, the alleged unauthorized carrier must remove all charges assessed for the first 30 days of service immediately from the subscriber's bill.

28. Our retention of the requirement that an alleged unauthorized carrier must remove all charges assessed for the first 30 days of service from a subscriber's bill upon the subscriber's allegation that he or she was slammed, along with our modification of the administration procedures, creates the

need for an additional administrative rule. Specifically, because the subscriber receives preliminary relief pending a final determination of whether or not a slam occurred, our rules need to ensure that the subscriber benefiting from the relief promptly files a complaint with the state commission (or the FCC), thus giving the alleged unauthorized carrier an opportunity to provide proof of verification. Therefore, we modify our rules to require that the allegedly unauthorized carrier notify the subscriber that it must file a complaint with the appropriate state commission (or the FCC) within 30 days of the date it notifies the allegedly unauthorized carrier that a slam occurred, or be subject to re-billing for charges incurred. The allowance of such re-billing does not, however, prohibit the subscriber from subsequently filing a complaint alleging that a slam occurred with the state commission (or the FCC) and proceeding in accordance with the Commission's rules.

c. General procedures.

29. As discussed, when an allegedly unauthorized carrier is informed by a subscriber of an alleged slam, that carrier is required to remove charges for the first 30 days of service from the subscriber's bill. The subscriber must then file a complaint with a state commission (or the FCC) seeking a factual determination that a slam occurred. We recognize that some carriers may choose to make it their practice not to challenge allegations of slamming and to provide subscribers who allege a slam has occurred with all the relief to which they would be entitled under our rules. We do not intend for these rules to discourage carriers from providing subscribers with the most expedient relief possible. Accordingly, where an allegedly unauthorized carrier chooses to not challenge the allegation of a slam and provides the subscriber alleging that a slam occurred with all the relief to which the subscriber would be entitled pursuant to our rules, had the subscriber prevailed on a slamming complaint, the allegedly unauthorized carrier shall inform the subscriber of the remedies our rules provide and that the subscriber has the option of filing a complaint with the appropriate state commission (or the FCC) if the subscriber is not satisfied with the resolution of its dispute with the carrier.

30. We require any carrier that is informed by a subscriber of a slam to direct each unsatisfied subscriber to the proper state commission (or the FCC) for resolution of the slamming problem and inform such unsatisfied subscriber of all the relevant filing requirements. We conclude that this will achieve one of our objectives for a slamming liability administrator set forth in the Section 258 Order—minimizing the effort consumers must expend to resolve slamming disputes. We also expect that the states that have sufficient resources will launch public information campaigns to inform consumers of their rights and responsibilities with regard to slamming liability. We anticipate a productive state and federal partnership in this effort. Additionally, in order to fulfill our responsibilities under section 258 of the Act and to assist our enforcement efforts, we will require states that choose to administer the Commission's rules to regularly file information with the Commission that details slamming activity in their regions. Such filings should identify the number of slamming complaints handled, including data on the number of valid complaints per carrier; the identity of top slamming carriers; slamming trends; and other relevant information. Such reports will help the Commission to identify appropriate targets for slamming enforcement actions, such as forfeiture or section 214 revocation proceedings.

31. We also revise our rules to add a notification requirement to facilitate the administration of long distance slamming complaints. SBC, AT&T, and Sprint state that, because our rules lack a notification requirement that would enable carriers to learn each others' identity, the carriers involved in a slamming incident might not be able to take appropriate action against each other. Furthermore, this notification issue was also raised in the MCI WorldCom Motion for Stay filed with the D.C. Circuit. We will require an executing carrier who is informed of a slam by the subscriber to immediately notify both the authorized and alleged unauthorized carriers of the incident, including the identity of each carrier involved. We note that the industry has already taken steps to facilitate the transfer of this information between carriers. We agree that a notification requirement is important to the correct functioning of the liability mechanism. Requiring the LEC to notify both the authorized and the alleged unauthorized carriers of the other's identity in a slamming incident will enable the unauthorized carrier to forward appropriate amounts collected from the subscriber if it is determined that a slam occurred. This will also enable the authorized carrier to bring appropriate actions, such as a complaint before a state commission (or the FCC), against the unauthorized carrier should the unauthorized carrier fail to fulfill its responsibilities to the authorized carrier.

32. Upon receipt of a slamming complaint, the state commission (or this Commission if the complainant is from a non-participating state or has expressly indicated that it wants this Commission to resolve its complaint) will notify the allegedly unauthorized carrier of the slamming complaint and ensure that the carrier removes immediately all unpaid charges from the subscriber's bill, if it has not done so already. Within 30 days after notification of the slamming complaint, or such lesser time as required by the state commission, the alleged unauthorized carrier shall provide to the state commission (or the FCC) a copy of the valid proof of verification of the carrier change. This proof of verification should contain clear and convincing evidence that the subscriber knowingly authorized the carrier change, such as a written Letter of Agency (LOA) or an audiotape of an independent third party verification. The state commission (or the FCC) will make a determination on whether a slam occurred using proof supplied by the allegedly unauthorized carrier and any evidence supplied by the subscriber.

33. The following review procedures apply when a state commission has resolved a slamming complaint. Challenges to the factual determinations made by a state commission applying our rules shall be made in accordance with the relevant review provisions that are applicable to each state commission. Challenges to whether a state commission's process for resolving slamming complaints are consistent with this order must be brought to the FCC in the form of a petition for declaratory ruling. The following review procedures apply when the staff of this Commission has resolved a slamming complaint. A subscriber seeking to challenge the FCC staff's determination of whether a slam occurred may file a formal complaint against the allegedly unauthorized carrier in accordance with our formal complaint rules. An allegedly unauthorized carrier seeking to challenge the FCC staff's determination of whether a slam occurred may file a petition for declaratory ruling with this Commission.

d. Where the subscriber has not paid charges.

34. The following procedures shall apply when the subscriber has not paid charges to the allegedly unauthorized carrier. If the state commission (or the FCC) determines that the carrier change was authorized, the carrier may re-bill the subscriber for

charges incurred. If the state commission (or the FCC) determines that the subscriber was slammed, then the subscriber is entitled to absolution from the charges incurred during the first 30 days after the slam occurred, and the carrier may not pursue any collection actions against the subscriber to recover these charges.

35. If the subscriber has incurred charges for more than 30 days after the slam occurred, then the unauthorized carrier shall forward to the authorized carrier the billing information for service provided from the 31st day after the slam occurred through the date the unauthorized carrier stopped providing service. The authorized carrier has the option of billing the subscriber for calls made after the first 30 days after the slam at the rates the subscriber would have paid the authorized carrier absent the slam. After receiving billing information from the unauthorized carrier, the authorized carrier may re-rate such service according to its own rates and then bill the subscriber for such service. If the authorized carrier so chooses, rather than actually re-rating the service provided by the unauthorized carrier, it may bill the subscriber in accordance with a 50% proxy rate. In other words, it may bill the subscriber for 50% of the rate the unauthorized carrier would have charged. If the subscriber believes, however, that paying 50% results in a greater charge than re-rating to the authorized carrier's rates, at the request of the subscriber, the authorized carrier shall perform actual re-rating.

36. We note that we do not necessarily agree with the carriers' assessment of the administrative difficulty of re-rating. Although the carriers admit that the only information needed for re-rating is the length and time of the call, they fail to explain why the re-rating process, as described in the Section 258 Order, would require ''electronic systems that interconnect with other carrier's billing and usage systems, so that they can exchange relevant price and call data electronically.'' Indeed, the carriers admit that manual re-rating can be easily accomplished for any particular complainant. Nevertheless, we permit authorized carriers to have the option of using a 50% proxy because the carriers assert that re-rating is an administrative burden, and because we are persuaded that a 50% proxy will generally yield a reasonable and fair result for the subscriber. Giving carriers this option will ensure that, in most cases, the authorized carrier is able to collect charges without having to perform re-rating and that the subscriber will receive adequate compensation.

e. Where the subscriber has paid charges.

37. The following procedures shall apply when the subscriber does not discover a slam until after he or she has already paid charges to the alleged unauthorized carrier. As explained in the Section 258 Order, section 258 requires the unauthorized carrier to pay the authorized carrier any charges collected following an unauthorized switch. We concluded in that order that this provision of the statute prevents us from providing absolution to slammed subscribers who have already paid charges to their unauthorized carriers.

38. As explained, however, we have herein modified the liability rules applicable in cases where the consumer has paid charges to the unauthorized carrier in order to more fully implement the dual goals of section 258 of compensating both the subscriber and the authorized carrier. Pursuant to this modified liability scheme, a carrier found to have slammed will be required to disgorge to the authorized carrier 150% of the amounts collected by that slamming carrier from the subscriber. Accordingly, when the state commission (or the FCC) determines that the alleged unauthorized carrier did slam the consumer, then it shall direct such carrier to forward to the authorized carrier 150% of (or one and one-half times) all amounts collected from the subscriber, as well as a copy of the customer's bill for the amounts paid. Upon receipt of these charges from the unauthorized carrier, the authorized carrier shall remit (either directly or through bill credits) one-third of this amount to the subscriber. As explained, this amount, which equals 50% of the charges paid by the subscriber to the unauthorized carrier, constitutes a reasonable proxy for the damages sustained by the subscriber, while not requiring the authorized carrier to engage in the arguably difficult and expensive task of actually re-rating the subscriber's bill. The authorized carrier shall also notify the state commission (or the FCC) that it has paid this amount to the subscriber. If the subscriber is failed to be made whole by the 50% proxy, the subscriber may ask the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier.

39. Finally, we note that if the authorized carrier does not collect any amounts from the unauthorized carrier, the authorized carrier is not responsible for providing refunds or credits to the subscriber. As explained in the Section 258 Order, the authorized carrier should not be, in effect, penalized for the wrongdoing of another carrier by having to pay a refund out of its own pocket. In such cases, of course, both the subscriber and the authorized carrier retain any other existing avenues to obtain relief from the unauthorized carrier.

D. Waiver Petition

40. As explained, petitioners filed a Waiver Petition setting forth a proposal for a third-party administrator to administer the liability aspects of the slamming rules. Petitioners seek a waiver of the following liability rules for those carriers electing to participate in the proposed third-party administrator plan: §§ 64.1100(c); 64.1100(d); 64.1170; and 64.1180. On April 8, 1999, the Commission issued a public notice seeking comment on the third-party administrator proposal. Because we believe that it is in the public interest for state commissions to undertake the responsibilities envisioned for the third-party administrator, we deny the waiver request.

41. Waiver of the Commission's rules is appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. A waiver of the Commission's general rules may only be granted if such waiver would not undermine the policy underlying that general rule. Petitioners have failed to demonstrate that the third party administrator proposal is in the public interest. In evaluating whether a waiver of these rules is in the public interest, our overriding criterion is whether a waiver would further the policy goals of section 258 and our implementing rules: to protect the rights of consumers who are slammed and, ultimately, to eliminate this type of fraud.

42. We find that adopting the third-party administrator proposal would not be in the public interest because, as described, we have revised our rules to address many of the concerns that prompted the filing of the waiver petition. The Waiver Petition sets forth an alternative administration scheme that would place a neutral, industry-endorsed entity in the role of resolving disputes between alleged slamming carriers and subscribers.

43. In addition to the fact that the state commissions (or the FCC) will better serve the public interest in administering the slamming liability rules, the record demonstrates that

segments of the industry have failed to reach consensus on the operation and administration of a third-party administrator. The local exchange and long distance carriers disagree strongly on many important aspects of the third-party administrator proposal. In inviting the industry to submit proposals for a third-party administrator, the Commission did not anticipate that the third-party administrator would be a mandatory requirement for all carriers. We did contemplate, however, that a workable third-party slamming liability administrator would have broad acceptance among different segments of the industry as well as the states and consumer interest groups. As reflected in the comments, the proposal put forth by the petitioning long distance carriers has not engendered such broad support, particularly among state and consumer interest representatives. We find this discord troubling. Despite many months of discussion between the local exchange and long distance carriers, and despite input from consumer groups and the states, the Commission has seen these various groups settle more firmly into their disparate positions rather than moving closer to resolution.

44. This lack of comprehensive industry participation and consumer group support undermines several important potential benefits of the third-party administrator proposal. We find that the lack of consensus will prevent the third-party administrator from being the single point of contact for the consumer. Without local exchange carrier participation and support of the third-party administrator mechanism, we are concerned that local exchange carriers will have no incentive to refer consumers to the third-party administrator. Accordingly, consumers may continue to call several entities in order to resolve their slamming disputes, undermining one of the primary benefits of a third-party administrator identified in the Section 258 Order—providing a single point of contact for slammed subscribers. We have additional concerns that, if a substantial portion of the industry does not participate in the third party administrator process, the non-participants may be able to derail the time limits and other procedures set by the third-party administrator, resulting in the delayed resolution of slamming complaints.

45. We believe that our revised rules address the concerns raised in the Waiver Petition in a manner that more fully satisfies the criteria set forth in the Section 258 Order. Our revised rules provide for state commissions (or the FCC) to handle administration of our slamming liability rules, rather than imposing burdens on authorized carriers, as originally provided in the Section 258 Order. Furthermore, authorized carriers now have the option of using a 50 % proxy to calculate refunds and subscriber charges, rather than performing actual re-rating, as was prescribed in the Section 258 Order.

46. In sum, we conclude that our revised rules will protect consumers more effectively than the third-party administrator proposed by the long distance industry. Consumer interest groups disagree with many aspects of the third-party administrator proposal, contending that the administrator will not be neutral towards consumers. Accordingly, the revised rules provide that state commissions (or the FCC) will resolve slamming disputes, thereby alleviating any neutrality concerns. Based on the states' representations discussed, we find that the majority of states have the resources and knowledge to provide prompt and effective resolution of slamming disputes. For these reasons, the public interest favors adoption of the revised rules, which utilize appropriate state commissions as reliable, timely, and neutral dispute-resolution forums, rather than the proposed industry-sponsored third-party administrator.

III. Procedural Issues

A. Supplemental Regulatory Flexibility Analysis

47. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the First Further Notice of Proposed Rulemaking and Memorandum Opinion and Order and Order on Reconsideration. The Commission sought written public comment on the proposals in the Further Notice and Order, including comment on the IRFA. Based on comments received in the Further Notice and Order, a Final Regulatory Flexibility Analysis (FRFA) was incorporated in the Second Report and Order and Further Notice of Proposed Rulemaking. Petitions for Reconsideration and a Joint Petition for waiver of certain rules were filed in response to the rules adopted in the Section 258 Order. This present Supplemental Final Regulatory Flexibility Analysis (SFRFA) conforms to the RFA.

1. Need for and Objectives of this Order and the Rules Adopted Herein

48. The goal of Section 258 of the Act is to eliminate the illegal practice of slamming—the unauthorized change of a subscriber's preferred carrier. Faced with over 20,000 slamming complaints a year from individuals and small businesses, the Commission created a comprehensive framework for combating slamming in the Section 258 Order by adopting rules to implement section 258 and strengthening existing anti-slamming rules. The cornerstone of that framework was a set of aggressive liability rules designed to take the profit out of slamming. In this Order, we make certain modifications to our liability rules, granting in part petitions for reconsideration of the Section 258 Order. The modifications are intended to resolve concerns raised in this proceeding and in the petitions for stay filed both with this Commission and with the D.C. Circuit.

2. Summary of Significant Issues Raised by Public Comments

49. We received no petitions for reconsideration directly addressing issues in the previous FRFA.

50. *Re-Rating Rules.* Commenters contend that requiring each authorized carrier to perform a re-rating to determine the size of the refund to each slammed subscriber would place a complex and costly administrative burden on them. Although we do not necessarily agree with carriers about the dimensions of this burden, we believe that the 50% proxy that authorized carriers propose to give to their slammed subscribers will benefit consumers in most cases. In those instances where a subscriber does not believe that it will benefit from the 50% proxy, the subscriber may request an actual re-rating. In most circumstances, however, authorized carriers will be able to avoid the alleged burden.

51. *Creation of an industry-sponsored third-party administrator.* As discussed in this *Order,* some commenters proposed that slamming complaints be adjudicated by an industry-funded third-party administrator. These commenters aver that the third-party administrator would benefit consumers and industry alike by creating a single point of contact to resolve slamming complaints and simplifying the complaint process. We reject this proposal, and instead conclude that state commissions should perform the primary function in administering our slamming liability rules.

52. The benefit claimed by proponents of the third-party administrator was belied by the fact that no workable proposal was offered. Various industry segments disagreed on the form and workings of the proposed third-party administrator, and states and consumer groups expressed their

disapproval of, and lack of confidence in, the idea. The absence of consensus, and the accompanying possibility that a substantial portion of the industry would not participate in the third-party administrator, could result in greater confusion for consumers and authorized carriers. The system we adopt, which requires all carriers to forward complaints they receive to the appropriate governmental agency (in most cases, the state commission) will provide a more efficient and comprehensive mechanism for all parties, including small entities. Moreover, the experience, neutrality, and resources of state commissions make them well-equipped forums for resolving slamming complaints.

3. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

53. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' ''small governmental jurisdiction,'' and ''small business concern'' under Section 3 of the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96 percent) are small entities. According to SBA reporting data, there were 4.44 million small business firms nationwide in 1992. We further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

54. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its Trends in Telephone Service report. In a recent news release, the Commission indicated that there are 4,144 interstate carriers. These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

55. The SBA has defined establishments engaged in providing ''Radiotelephone Communications'' and ''Telephone Communications, Except Radiotelephone'' to be small businesses when they have no more than 1,500 employees. We discuss the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and we then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

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

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

58. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small ILECs. We do not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small ILECs that may be affected by the new rules.

59. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services (LECs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 1,348 incumbent carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small

business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,348 providers of local exchange service are small entities or small ILECs that may be affected by the new rules.

60. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 171 carriers reported that they were engaged in the provision of interexchange services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 171 small entity IXCs that may be affected by the new rules.

61. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 212 CAP/CLECs carriers and 10 other LECs reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 212 small entity CAPs and 10 other LECs that may be affected by the new rules.

62. *Operator Service Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 24 carriers reported that they were engaged in the provision of operator services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 24 small entity operator service providers that may be affected by the new rules.

63. *Pay Telephone Operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 615 carriers reported that they were engaged in the provision of pay telephone services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 615 small entity pay telephone operators that may be affected by the new rules.

64. *Resellers (including debit card providers).* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 388 toll and 54 local entities reported that they were engaged in the resale of telephone service. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 388 small toll entity resellers and 54 small local entity resellers that may be affected by the new rules.

65. *Toll-Free 800 and 800–Like Service Subscribers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to 800 and 800–like service (''toll free'') subscribers. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, and 877 numbers in use. According to our most recent data, at the end of January 1999, the number of 800 numbers assigned was 7,692,955; the number of 888 numbers that had been assigned was 7,706,393; and the number of 877 numbers assigned was 1,946,538. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 7,692,955 small entity 800 subscribers, fewer than 7,706,393 small entity 888 subscribers, and fewer than 1,946,538 small entity 877 subscribers may be affected by the new rules.

66. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Census Bureau, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent Telecommunications Industry Revenue data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 808 small cellular service carriers that may be affected by the new rules.

4. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements

67. We analyze the projected reporting, recordkeeping, and other compliance requirements that may affect small entities.

68. *Liability Rules That Apply When a Subscriber Has Not Paid Charges.* Our liability rules retain the requirement that, upon allegation of a slam, the unauthorized carrier must absolve the subscriber of charges for up to thirty days following the slam, where the subscriber has not paid the unauthorized carrier. If the relevant governmental agency ultimately determines that the carrier change was authorized, and the limited absolution granted to the subscriber was therefore unwarranted, the carrier may re-bill the subscriber for charges incurred. The carrier has the option of re-rating the subscriber's calls from the unauthorized carrier's rates to the authorized carrier's rates using a 50% proxy, that is, reducing what the subscriber would have been billed by the unauthorized carrier by 50%. If, however, the subscriber would prefer an actual re-rating of the calls to the authorized carrier's rates, it can require that of the authorized carrier.

69. *Liability Rules That Apply When a Subscriber Has Paid Charges.* The revised liability rules require that, where the subscriber has paid the unauthorized carrier, the unauthorized carrier must forward 150% of the charges it collected from the subscriber to the authorized carrier. The authorized carrier will pay the subscriber one-third of that amount (50% of the original payment) and retain the remainder of the money received from the unauthorized carrier. Use of this proxy will reduce administrative burdens on carriers and, we believe, will adequately compensate most subscribers. When a subscriber believes that the 50% proxy refund or credit of the charges it paid is too low, it may request an actual re-rating from the authorized carrier and the authorized carrier may seek any additional money owed as a result of this actual re-rating from the unauthorized carrier.

70. *State Resolution of Most Slamming Complaints.* Designating appropriate state commissions, or this Commission, as the primary administrators of the slamming liability rules, rather than authorized carriers, is likely to reduce significantly the administrative burdens on carriers associated with these rules. Under this scheme, carriers must comply with certain notification requirements, listed. In addition, a carrier that is the subject of a slamming complaint must respond to the complaints filed with the relevant governmental agency, either the appropriate state commission or this Commission. If the carrier denies the alleged slam, it must provide the relevant governmental agency with evidence to refute the allegation, such as a valid carrier change authorization from the subscriber.

71. *Notification Requirements.* We revise our rules in this Order to add certain notification requirements to facilitate the resolution of slamming complaints. These include a requirement that, when an executing carrier (typically, the LEC that effects a carrier change) learns about an alleged slam, it must immediately notify both the authorized and alleged unauthorized carriers of the slamming allegation and the identities of the carriers involved. Requiring the LECS to notify the authorized and alleged unauthorized carriers of each others' identities will enable the unauthorized carrier to forward to the authorized carrier all amounts needed to satisfy the remedies this Order requires.

72. The revised rules also add a requirement that an allegedly unauthorized carrier that chooses not to challenge the allegation of a slam and provides the subscriber with all the relief to which the subscriber would be entitled pursuant to our rules, had the subscriber prevailed on a slamming complaint, must inform the subscriber of the remedies our rules provide. In addition, that carrier must inform the subscriber that it has the option to file a complaint with the appropriate state commission, or this Commission, if the subscriber is not satisfied with the resolution of its dispute with the carrier.

73. Under the revised rules, any carrier that is informed by a subscriber of a slam must direct each unsatisfied subscriber to the proper state commission, or this Commission, for resolution of the slamming problem and inform such unsatisfied subscriber of all the relevant filing requirements. To execute this notification requirement, carriers will be obligated to periodically request from this Commission a list of states that have opted to administer federal slamming rules. This modest notification requirement will help achieve an important objective: minimizing the effort consumers must expend to resolve slamming disputes.

5. Steps Taken to Minimize the Significant Economic Impact of This Order on Small Entities, Including the Significant Alternatives Considered

74. *Liability Rules That Apply When a Subscriber Has Not Paid Charges.* Our liability rules retain the requirement that, upon allegation of a slam, the unauthorized carrier must absolve the subscriber of charges for up to thirty days following the slam, where the subscriber has not paid the unauthorized carrier. If the relevant governmental agency ultimately determines that the carrier change was authorized, and the limited absolution granted to the subscriber was therefore unwarranted, the carrier may re-bill the subscriber for charges incurred. The carrier has the option of re-rating the subscriber's calls from the unauthorized carrier's rates to the authorized carrier's rates using a 50% proxy, that is, reducing what the subscriber would have been billed by the unauthorized carrier by 50%. If, however, the subscriber would prefer an actual re-rating of the calls to the authorized carrier's rates, it can require that of the authorized carrier.

75. *Liability Rules that Apply When a Subscriber Has Paid Charges.* The new requirement, under the revised liability rules, that an unauthorized carrier forward 150% of the charges collected from the subscriber to the authorized carrier is more advantageous to authorized carriers than the remedy provided under the old rules. The authorized carrier generally will pay the subscriber one-third of that amount (50% of the original payment) and retain the remainder of the money received from the unauthorized carrier. When a subscriber believes that the 50% proxy refund or credit of the charges it paid is too low, it may request an actual re-rating from the authorized carrier and the authorized carrier may seek any additional money owed as a result of this actual re-rating from the unauthorized carrier. This modification of the Commission's liability scheme will alleviate some problems of lost revenues that authorized carriers, including small carriers, face when slammed and will make slamming even more unprofitable for unauthorized carriers.

76. *Re-rating.* Several authorized carriers raised concerns about the administrative burden that re-rating may place on them. Although we do not necessarily agree with carriers about the dimensions of this burden, we revise our rules to address these concerns. The revision allows the authorized carrier to provide a refund or credit to the

subscriber of one-third of the payment the unauthorized carrier must make to the authorized carrier, which is prescribed to be 150% of the charges collected from the subscriber. Only when a subscriber believes that the 50% proxy refund or credit of the charges it paid is too low, and requests an actual re-rating, must the authorized carrier provide such re-rating.

77. *State Resolution of Most Slamming Complaints.* The modifications we adopt in this Order provide that disputes between alleged slamming carriers and subscribers now will be brought before an appropriate state commission, or this Commission in cases where the state has not elected to administer these rules, rather than to the authorized carriers, as provided in the Section 258 Order. Although we considered the third-party administrator alternative proposed by certain carriers, the lack of a consensus among industry, state regulators, and consumer groups left the Commission with concerns about the efficacy of such a plan. Designating states as the primary adjudicators of slamming complaints, rather than authorized carriers, lessens the administrative burden on authorized carriers, including small carriers. By placing these disputes before a neutral arbiter with experience in resolving slamming complaints and resources to do so expeditiously, the new administrative scheme will benefit carriers and subscribers, both groups that include small businesses.

78. *Notification Requirements.* We believe that the modest notification requirements we have adopted in this Order are necessary to ensure the seamless administration of slamming complaints under this scheme and will not impose an undue burden on carriers who are small businesses. These include a requirement that, when an executing carrier (typically, the LEC that effects a carrier change) learns about an alleged slam, it must immediately notify both the authorized and alleged unauthorized carriers of the slamming allegation and the identities of the carriers involved. This requirement, as pointed out in comments and in the petition for stay filed in the D.C. Circuit, is important to the functioning of the liability mechanism. With this information, the unauthorized carrier will be able to forward to the authorized carrier all amounts needed to satisfy the remedies this Order requires, and the authorized carrier will be able to bring appropriate action against the unauthorized carrier, if necessary. The industry has already taken steps to facilitate the transfer of this information between carriers.

79. The revised rules also add a requirement that an allegedly unauthorized carrier that chooses not to challenge the allegation of a slam and provides the subscriber with all the relief to which the subscriber would be entitled pursuant to our rules, had the subscriber prevailed on a slamming complaint, must inform the subscriber of the remedies our rules provide. This requirement will ensure that the rules do not discourage carriers from providing subscribers with the most expedient relief possible. In addition, the unauthorized carrier in this situation must inform the subscriber of the subscriber's ability to file a complaint with the appropriate state commission, or this Commission, if it is unsatisfied with the resolution of its dispute with the carrier.

80. Under the revised rules, any carrier that is informed by a subscriber of a slam must direct each unsatisfied subscriber to the proper state commission, or this Commission, for resolution of the slamming problem and inform such unsatisfied subscriber of all the relevant filing requirements. To execute this modest notification requirement, carriers will be obligated to periodically request from this Commission a list of states that have opted to administer federal slamming rules. This notification requirement will achieve an important objective: minimizing the effort consumers must expend to resolve slamming disputes.

6. Report to Congress

81. The Commission will send a copy of the Order, including this SFRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the Order, including the SFRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Order and SFRFA (or summaries thereof) will also be published in the **Federal Register**.

B. Final Paperwork Reduction Act Analysis

82. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new or modified reporting and recordkeeping requirements or burdens on the public. Implementation of these new or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the Act, and will go into effect upon announcement in the **Federal Register** of OMB approval.

IV. Ordering Clauses

83. Accordingly, it is ordered, pursuant to sections 1, 4(i), 4(j), 206, 207, 208, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 206, 207, 208, 258 and § 1.429 of the Commission's rules, that the petitions for reconsideration or clarification filed by AT&T Corp., Excel Telecommunications, Inc., Frontier Corp., GTE Service Corp., MediaOne Group, National Association of State Utility Consumer Advocates, National Telephone Cooperative Association, New York State Consumer Protection Board Petition for Reconsideration, RCN Telecom Services, Inc., Rural LECs, SBC Communications, Inc., and Sprint Corp. are granted in part and denied in part to the extent discussed.

84. The provisions of § 0.141, 64.1100, 64.1150, 64.1160, 64.1170, and 64.1180 are amended in accordance with our discussion and as described, and that such rules shall be effective September 5, 2000. The collections of information contained in §§ 64.1150 (a) through (d), 64.1160 (b) through (g), and 64.1170 (b) through (f) are contingent upon approval by the Office of Management and Budget. The procedures and relief described in these sections shall only be available to complainants who allege that the unauthorized carrier change occurred on or after the effective date of these sections.

85. Sections 1.719, 64.1110, 64.1120, 64.1140, and 64.1160 are enacted in accordance with our discussion, and that these rules are effective September 5, 2000. The collections of information contained in §§ 1.719 (a) through (d), 64.1110 (a) and (b), 64.1140 (a) and (b), are contingent upon approval by the Office of Management and Budget. The procedures and relief described in § 1.719 shall only be available to complainants who allege that the unauthorized carrier change occurred on or after the effective date of this section.

86. Pursuant to authority contained in sections 1, 4, and 258, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 258, that the waiver request filed by AT&T Corp., MCI WorldCom, Inc., Sprint Corp., Competitive Telecommunications Assn., Telecommunications Resellers Assn., Excel Telecommunications, Inc., Qwest Communications Corp., and Frontier Corp. on March 30, 1999 is denied.

87. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Order, including the Supplemental Final Regulatory Flexibility Analysis, to

the Chief Counsel for Advocacy of the Small Business Administration.

88. The Joint Parties' Motion for Extension of the Effective Date of the Rules or, In the Alternative, For a Stay, is denied.

List of Subjects

47 CFR Part 0

Classified information, Freedom of information, Reporting and recordkeeping.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Telecommunications.

47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Deputy Secretary,

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47

CFR Parts 0, 1, 64 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 5, 48 Stat. 1068, as amended; 47 U.C.S. 155, 225, unless otherwise noted.

2. In § 0.141 add paragraph (b)(1)(iii) to read as follows:

§ 0.141 Functions of the bureau.

* * * * *

(b) * * *

(1) * * *

(iii) Resolve certain classes of informal complaints, as specified by the Commission, through findings of fact and issuance of orders.

* * * * *

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 unless otherwise noted.

4. Add § 1.719 to subpart E to read as follows:

§ 1.719 Informal complaints filed pursuant to section 258.

(a) Notwithstanding the requirements of §§ 1.716 through 1.718, the following procedures shall apply to complaints alleging that a carrier has violated section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, by making an unauthorized change of a subscriber's preferred carrier, as defined by § 64.1100(e) of this chapter.

(b) *Form.* The complaint shall be in writing, and should contain: The complainant's name, address, telephone number and e-mail address (if the complainant has one); the name of both the allegedly unauthorized carrier, as defined by § 64.1100(d) of this chapter, and authorized carrier, as defined by § 64.1100(c) of this chapter; a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of the subscriber's preferred carrier; a statement of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier; and the specific relief sought.

(c) *Procedure.* The Commission will resolve slamming complaints under the definitions and procedures established in §§ 64.1100 through 64.1190 of this chapter. The Commission will issue a written (or electronic) order informing the complainant, the unauthorized carrier, and the authorized carrier of its finding, and ordering the appropriate remedy, if any, as defined by §§ 64.1160 through 64.1170 of this chapter.

(d) Unsatisfied Informal Complaints Involving Unauthorized Changes of a Subscriber's Preferred Carrier; Formal Complaints Relating Back to the Filing Dates of Informal Complaints. If the complainant is unsatisfied with the resolution of a complaint under this section, the complainant may file a formal complaint with the Commission in the form specified in § 1.721. Such filing will be deemed to relate back to the filing date of the informal complaint filed under this section, so long as the informal complaint complied with the requirements of paragraph (b) of this section and provided that: The formal complaint is filed within 45 days from the date an order resolving the informal complaint filed under this section is mailed or delivered electronically to the complainant; makes reference to both the informal complaint number assigned to and the initial date of filing the informal complaint filed under this section; and is based on the same cause of action as the informal complaint filed under this section. If no formal complaint is filed within the 45–day period, the complainant will be deemed to have abandoned its right to bring a formal complaint regarding the cause of action at issue.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

5. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

6. Revise § 64.1100 to read as follows:

§ 64.1100 Definitions.

(a) The term *submitting carrier* is generally any telecommunications carrier that requests on the behalf of a subscriber that the subscriber's telecommunications carrier be changed, and seeks to provide retail services to the end user subscriber. A carrier may be treated as a submitting carrier, however, if it is responsible for any unreasonable delays in the submission of carrier change requests or for the submission of unauthorized carrier change requests, including fraudulent authorizations.

(b) The term *executing carrier* is generally any telecommunications carrier that effects a request that a subscriber's telecommunications carrier be changed. A carrier may be treated as an executing carrier, however, if it is responsible for any unreasonable delays in the execution of carrier changes or for the execution of unauthorized carrier changes, including fraudulent authorizations.

(c) The term *authorized carrier* is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service with the subscriber's authorization verified in accordance with the procedures specified in this part.

(d) The term *unauthorized carrier* is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service but fails to obtain the subscriber's authorization verified in accordance with the procedures specified in this part.

(e) The term *unauthorized change* is a change in a subscriber's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures specified in this part.

(f) The term *state commission* shall include any state entity with the state-designated authority to resolve the complaints of such state's residents

arising out of an allegation that an unauthorized change of a telecommunication service provider has occurred that has elected, in accordance with the requirements of § 64.1110(a), to administer the Federal Communications Commission's slamming rules and remedies, as enumerated in §§ 64.1100 through 64.1190.

(g) The term *relevant governmental agency* shall be the state commission if the complainant files a complaint with the state commission or if the complaint is forwarded to the state commission by the Federal Communications Commission, and the Federal Communications Commission if the complainant files a complaint with the Federal Communications Commission, and the complaint is not forwarded to a state commission.

7. Add § 64.1110 to subpart K to read as follows:

§ 64.1110 State notification of election to administer FCC rules.

(a) *Initial Notification.* State notification of an intention to administer the Federal Communication Commission's unauthorized carrier change rules and remedies, as enumerated in §§ 64.1100 through 64.1190, shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such notification provided to the Consumer Information Bureau Chief. Such notification shall contain, at a minimum, information on where consumers should file complaints, the type of documentation, if any, that must accompany a complaint, and the procedures the state will use to adjudicate complaints.

(b) *Withdrawal of Notification.* State notification of an intention to discontinue administering the Federal Communication Commission's unauthorized carrier change rules and remedies, as enumerated in §§ 64.1100 through 64.1190, shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such amended notification provided to the Consumer Information Bureau Chief. Such discontinuance shall become effective 60 days after the Commission's receipt of the state's letter.

8. Add § 64.1120 to subpart K to read as follows:

§ 64.1120 Verification of orders for telecommunications service.

(a) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in this subpart. Nothing in this section shall preclude any State commission from enforcing these procedures with respect to intrastate services.

(1) No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining:

(i) Authorization from the subscriber, and

(ii) Verification of that authorization in accordance with the procedures prescribed in this section. The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of two years after obtaining such verification.

(2) An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures described in this part shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

(3) Commercial mobile radio services (CMRS) providers shall be excluded from the verification requirements of this part as long as they are not required to provide equal access to common carriers for the provision of telephone toll services, in accordance with 47 U.S.C. 332(c)(8).

(b) Where a telecommunications carrier is selling more than one type of telecommunications service (*e.g.,* local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in this part.

(c) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has been confirmed in accordance with one of the following procedures:

(1) The telecommunications carrier has obtained the subscriber's written authorization in a form that meets the requirements of § 64.1130; or

(2) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information in paragraph (a)(1) of this section. Telecommunications carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism, that records the required information regarding the preferred carrier change, including automatically recording the originating automatic number identification; or

(3) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (*e.g.* the subscriber's date of birth or social security number). The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier change; or

(4) Any State-enacted verification procedures applicable to intrastate preferred carrier change orders only.

9. Add § 64.1140 to subpart K to read as follows:

§ 64.1140 Carrier liability for slamming.

(a) *Carrier Liability for Charges.* Any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170. The remedies provided in this part are in addition to any other remedies available by law.

(b) *Subscriber Liability for Charges.* Any subscriber whose selection of telecommunications services provider is changed without authorization verified in accordance with the procedures set for in this part is liable for charges as follows:

(1) If the subscriber has not already paid charges to the unauthorized carrier, the subscriber is absolved of liability for charges imposed by the unauthorized carrier for service provided during the first 30 days after the unauthorized change. Upon being informed by a

subscriber that an unauthorized change has occurred, the authorized carrier, the unauthorized carrier, or the executing carrier shall inform the subscriber of this 30-day absolution period. Any charges imposed by the unauthorized carrier on the subscriber for service provided after this 30–day period shall be paid by the subscriber to the authorized carrier at the rates the subscriber was paying to the authorized carrier at the time of the unauthorized change in accordance with the provisions of § 64.1160(e).

(2) If the subscriber has already paid charges to the unauthorized carrier, and the authorized carrier receives payment from the unauthorized carrier as provided for in paragraph (a) of this section, the authorized carrier shall refund or credit to the subscriber any amounts determined in accordance with the provisions of § 64.1170(c).

(3) If the subscriber has been absolved of liability as prescribed by this section, the unauthorized carrier shall also be liable to the subscriber for any charge required to return the subscriber to his or her properly authorized carrier, if applicable.

10. Revise § 64.1150 to read as follows:

§ 64.1150 Procedures for resolution of unauthorized changes in preferred carrier.

(a) *Notification of Alleged Unauthorized Carrier Change.* Executing carriers who are informed of an unauthorized carrier change by a subscriber must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers.

(b) *Referral of Complaint.* Any carrier, executing, authorized, or allegedly unauthorized, that is informed by a subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state commission or, where the state commission has not opted to administer these rules, to the Federal Communications Commission's Consumer Information Bureau, for resolution of the complaint.

(c) *Notification of Receipt of Complaint.* Upon receipt of an unauthorized carrier change complaint, the relevant governmental agency will notify the allegedly unauthorized carrier of the complaint and order that the carrier remove all unpaid charges for the first 30 days after the slam from the subscriber's bill pending a determination of whether an unauthorized change, as defined by § 64.1100(e), has occurred, if it has not already done so.

(d) *Proof of Verification.* Not more than 30 days after notification of the complaint, or such lesser time as is required by the state commission if a matter is brought before a state commission, the alleged unauthorized carrier shall provide to the relevant government agency a copy of any valid proof of verification of the carrier change. This proof of verification must contain clear and convincing evidence of a valid authorized carrier change, as that term is defined in §§ 64.1150 through 64.1160. The relevant governmental agency will determine whether an unauthorized change, as defined by § 64.1100(e), has occurred using such proof and any evidence supplied by the subscriber. Failure by the carrier to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation.

(e) *Election of Forum.* The Federal Communications Commission will not adjudicate a complaint filed pursuant to § 1.719 or §§ 1.720 through 1.736 of this chapter, involving an alleged unauthorized change, as defined by § 64.1100(e), while a complaint based on the same set of facts is pending with a state commission.

11. Redesignate § 64.1160 as § 64.1130 and add a new § 64.1160 to read as follows.

§ 64.1160 Absolution procedures where the subscriber has not paid charges.

(a) This section shall only apply after a subscriber has determined that an unauthorized change, as defined by § 64.1100(e), has occurred and the subscriber has not paid charges to the allegedly unauthorized carrier for service provided for 30 days, or a portion thereof, after the unauthorized change occurred.

(b) An allegedly unauthorized carrier shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred, as defined by § 64.1100(e), from a subscriber's bill upon notification that such unauthorized change is alleged to have occurred.

(c) An allegedly unauthorized carrier may challenge a subscriber's allegation that an unauthorized change, as defined by § 64.1100(e), occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining subscriber that: the complaining subscriber must file a complaint with a state commission that has opted to administer the FCC's rules, pursuant to § 64.1110, or the FCC within 30 days of either; the date of removal of charges from the complaining subscriber's bill in accordance with paragraph (b) of this section or; the date the allegedly unauthorized carrier notifies the complaining subscriber of the requirements of this paragraph, whichever is later; and a failure to file such a complaint within this 30-day time period will result in the charges removed pursuant to paragraph (b) of this section being reinstated on the subscriber's bill and, consequently, the complaining subscriber's will only be entitled to remedies for the alleged unauthorized change other than those provided for in § 64.1140(b)(1). No allegedly unauthorized carrier shall reinstate charges to a subscriber's bill pursuant to the provisions of this paragraph without first providing such subscriber with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this paragraph.

(d) If the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e), has occurred, an order shall be issued providing that the subscriber is entitled to absolution from the charges incurred during the first 30 days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the subscriber for those charges.

(e) If the subscriber has incurred charges for more than 30 days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier, which may bill the subscriber for such services using either of the following means:

(1) The amount of the charge may be determined by a re-rating of the services provided based on what the authorized carrier would have charged the subscriber for the same services had an unauthorized change, as described in § 64.1100(e), not occurred; or

(2) The amount of the charge may be determined using a 50% Proxy Rate as follows: Upon receipt of billing information from the unauthorized carrier, the authorized carrier may bill the subscriber for 50% of the rate the unauthorized carrier would have charged the subscriber for the services provided. However, the subscriber shall have the right to reject use of this 50% proxy method and require that the authorized carrier perform a re-rating of the services provided, as described in paragraph (e)(1) of this section.

(f) If the unauthorized carrier received payment from the subscriber for services provided after the first 30 days after the

unauthorized change occurred, the obligations for payments and refunds provided for in § 64.1170 shall apply to those payments. If the relevant governmental agency determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the subscriber for charges incurred.

12. Revise § 64.1170 to read as follows:

§ 64.1170 Reimbursement procedures where the subscriber has paid charges.

(a) The procedures in this section shall only apply after a subscriber has determined that an unauthorized change, as defined by § 64.1100(e), has occurred and the subscriber has paid charges to an allegedly unauthorized carrier.

(b) If the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e), has occurred, it shall issue an order directing the unauthorized carrier to forward to the authorized carrier the following, in addition to any appropriate state remedies:

(1) An amount equal to 150% of all charges paid by the subscriber to the unauthorized carrier; and

(2) Copies of any telephone bills issued from the unauthorized carrier to the subscriber. This order shall be sent to the subscriber, the unauthorized carrier, and the authorized carrier.

(c) Within ten days of receipt of the amount provided for in paragraph (b)(1) of this section, the authorized carrier shall provide a refund or credit to the subscriber in the amount of 50% of all charges paid by the subscriber to the unauthorized carrier. The subscriber has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier. The authorized carrier shall also send notice to the relevant governmental agency that it has given a refund or credit to the subscriber.

(d) If an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses.

(e) If the authorized carrier has not received payment from the unauthorized carrier as required by paragraph (c) of this section, the authorized carrier is not required to provide any refund or credit to the subscriber. The authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

(f) Where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber.

§ 64.1180 [Removed and reserve].

13. Remove and reserve § 64.1180.

[FR Doc. 00–17981 Filed 8–2–00; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 072800A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for Processing by the Inshore Component in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by ''open access'' vessels (*i.e.,* those vessels that are not fishing in cooperatives), which are catching pollock for processing by the inshore component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the amount of the C/D season allocation of pollock total allowable catch (TAC) specified for ''open access'' vessels in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 29, 2000, until 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 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.

In accordance with § 679.20(a)(5)(i)(D)(*3*) and the revised interim 2000 TAC amounts for pollock in the Bering Sea subarea (65 FR 39107, June 23, 2000), the C/D season allocation of pollock TAC specified to the ''open access'' vessels in the Bering Sea subarea is 17,953 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the C/D season allocation of pollock TAC specified for the ''open access'' vessels, which are catching pollock for processing by the inshore component in the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing the C/D season allocation of pollock TAC as the directed fishing allowance (§ 679.20(a)(5)(i)(D)(*2*)). In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by ''open access'' vessels, which are catching pollock for processing by the inshore component in the Bering Sea subarea.

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 in order to prevent exceeding the C/D season allocation of pollock TAC specified for the vessels not participating in cooperatives catching pollock for processing by the inshore component in the Bering Sea subarea. 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 can 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 § 679.22 and is exempt from review under E.O. 12866.

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

Dated: July 28, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–19586 Filed 7–28–00; 4:39 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 150
Thursday, August 3, 2000

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

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1940

RIN 0570–AA30

Methodology and Formulas for Allocation of Loan and Grant Program Funds

AGENCY: Rural Business-Cooperative Service; Rural Housing Service; Rural Utilities Service; Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Business-Cooperative Service (RBS) is proposing to amend the regulations for allocating program funds to its State Offices. This action is needed to add the Rural Business Opportunity Grant (RBOG) Program and update the formulas used for the Rural Business Enterprise Grant (RBEG) and Business and Industry (B&I) Guaranteed and Direct Loan programs. The intended effect of this action is to update the formula used for allocating B&I and RBEG funds among State Offices and provide a regulatory formula for allocating RBOG funds.

DATES: Written or E-mail comments must be received on or before October 2, 2000 to be assured of consideration.

ADDRESSES: Submit written comments in duplicate to the Branch Chief, Regulations And Paperwork Management Branch, Rural Development, U.S. Department of Agriculture, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250–0742. Comments may be submitted via the Internet by addressing them to ''Comments@rus.usda.gov'' and must contain the word ''opportunity'' in the subject. All written comments made pursuant to this notice will be available for public inspection at 300 E Street, SW., Washington, DC 20546, during normal working hours.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Specialist, Specialty Lenders Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3225, Room 6868, 1400 Independence Ave. SW., Washington, DC 20250, Telephone (202) 720–6819.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not-significant and has not been reviewed by the Office of Management and Budget.

Programs Affected

The Catalog of Federal Domestic Assistance numbers for the programs impacted by this action are 10.773, Rural Business Opportunity Grants; 10.769, Rural Business Enterprise Grants; and 10.768, Business and Industry loans.

Paperwork Reduction Act

There are no reporting and recordkeeping requirements associated with this proposed rule.

Intergovernmental Consultation

This action is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given this rule; and (3) administrative proceedings in accordance with the regulations of the Agency at 7 CFR part 11 must be exhausted before bringing suit in court challenging action taken under this rule, unless those regulations specifically allow bringing suit at an earlier time.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' RBS has determined that this proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to state, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of the UMRA generally requires RBS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for state, local, and tribal governments or the private sector. Thus this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, RBS has determined that this action would not have a significant economic impact on a substantial number of small entities, because the action will not affect a significant number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). RBS made this determination based on the fact that this action only impacts internal Agency procedures for determining how much of available program funds are allocated to each state. Small entities will not be impacted to a greater extent than large entities.

Background and Discussion

RBS proposes to amend its regulations for allocating program funds among its State Offices. This action is necessary to provide a regulatory basis for allocating funds for a new program, RBOG. Also, adjustments need to be made in the

formulas for allocating RBEG and B&I funds to reflect current policies and to add that one of the factors used for RBEG is the State percentage of national rural population with income below the poverty level.

List of Subjects in 7 CFR Part 1940

Administrative practice and procedure, Agriculture, Allocations, Grant programs—Housing and community development, Loan programs—Agriculture, Rural areas.

Therefore, chapter XVIII, title 7, Code of Federal Regulations, is proposed to be amended as follows:

PART 1940—GENERAL

1. The authority citation for part 1940 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, 42 U.S.C. 1480.

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

2. Amend section 1940.588 by removing paragraph (k) and revising the heading and paragraphs (d), (g), (h), and (j) to read as follows:

§ 1940.588 Business and Industry Guaranteed and Direct Loans.

* * * * *

(d) *Transition formula.* The transition formula is not used for B&I Guaranteed and Direct Loans.

* * * * *

(g) *Reserve.* See § 1940.552(g). States may request reserve funds from the B&I reserve when all of the state allocation has been obligated or will be obligated to the project for which the request is made.

(h) *Pooling of funds.* See § 1940.552(h). Funds are pooled near fiscal year-end. Pooled funds will be placed in a reserve and made available on a priority basis to all States.

* * * * *

(j) *Suballocation by the State Director.* Suballocation by the State Director is authorized for this program.

* * * * *

3. Amend section 1940.589 by removing paragraph (k) and revising paragraphs (b)(1)(ii), (g), and (h) to read as follows:

§ 1940.589 Rural Business Enterprise Grants.

* * * * *

(b) * * *

(1) * * *

(ii) State's percentage of national rural population with incomes below the poverty level—25 percent.

* * * * *

(g) *Reserve.* See § 1940.552(g).

(h) *Pooling of funds.* See § 1940.552(h). Funds are pooled near fiscal year-end. Pooled funds will be placed in the National Office reserve and will be made available administratively.

* * * * *

4. Add section 1940.593 to read as follows:

§ 1940.593 Rural Business Opportunity Grants.

(a) *Amount available for allocations.* See § 1949.552(a).

(b) *Basic formula criteria, data source, and weight.* See § 1940.552(b).

(1) The criteria used in the basic formula are:

(i) State's percentage of national rural population—50 percent.

(ii) State's percentage of national rural population with incomes below the poverty level—25 percent.

(iii) State's percentage of national nonmetropolitan unemployment—25 percent.

(2) Data source for each of these criterion is based on the latest census data available. Each criterion is assigned a specific weight according to its relevance in determining need. The percentage representing each criterion is multiplied by the weight factor and summed to arrive at a State Factor (SF). The SF cannot exceed .05.

SF = (criterion (b)(1)(i) × 50 percent) + (criterion (b)(1)(ii) × 25 percent) + (criterion (b)(1)(iii) × 25 percent)

(c) *Basic formula allocation.* See § 1940.552(c).

(d) *Transition formula.* The transition formula is not used for Rural Business Opportunity Grants (RBOG).

(e) *Base allocation.* See § 1940.552(e).

(f) *Administrative allocation.* The administrative allocation is not used for RBOG.

(g) *Reserve.* See § 1940.552(g).

(h) *Pooling of funds.* See § 1940.552(h). Funds are pooled near fiscal year-end. Pooled funds will be placed in the National Office reserve and will be made available administratively.

(i) *Availability of the allocation.* See § 1940.552(i). The allocation of funds is made available to States on an annual basis.

(j) *Suballocation by the State Director.* Suballocation by the State Director is authorized for this program.

* * * * *

Dated: July 19, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–19698 Filed 8–2–00; 8:45 am]

BILLING CODE 3410–XY–U

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket No. R–1078]

Bank Holding Companies and Change in Bank Control

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule with request for public comments.

SUMMARY: The Board of Governors of the Federal Reserve System, after consultation with the Secretary of the Treasury, proposes to determine by rule that acting as a finder is an activity that is financial in nature or incidental to a financial activity and therefore permissible for financial holding companies. The proposed rule would authorize financial holding companies to act as a ''finder,'' which is an activity defined as bringing together buyers and sellers of products or services for transactions that the buyers and sellers themselves negotiate and consummate. The proposal would amend Subpart I of Regulation Y to add finder activities to the list of activities permissible for financial holding companies. The proposed rule provides examples of services that financial holding companies may perform as a finder, and examples of actions that are outside the scope of permissible finder activities. In addition, the proposed rule would require financial holding companies that act as a finder to distinguish the products and services offered by third parties through the company's finder service from any products or services offered by the financial holding company or its subsidiaries.

The Board solicits comments on all aspects of the proposed rule and will amend the rule as appropriate in response to comments received.

DATES: Comments must be received by September 5, 2000.

ADDRESSES: Comments should refer to docket number R–1078 and should be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551 or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson also may be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m. and, outside those hours, to the Board's security control room. Both the mailroom and the security control room are accessible from the Eccles Building courtyard entrance, located on 20th Street between Constitution Avenue and

C Street, NW. Members of the public may inspect comments in room MP–500 of the Martin Building between 9 a.m. and 5 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel (202/452–3583), Kieran J. Fallon, Senior Counsel (202/452–5270), or Adrianne G. Threatt, Attorney (202/452–3554), Legal Division; Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. For users of Telecommunications Device for the Deaf (''TDD'') *only*, contact Janice Simms at 202/872–4984.

SUPPLEMENTARY INFORMATION:

Background

The Gramm-Leach-Bliley Act (Pub. L. No. 106–102, 113 Stat. 1338 (1999)) (''GLB Act'') amended the Bank Holding Company Act (''BHC Act'') (12 U.S.C. 1841 *et seq.*) to allow a bank holding company or foreign bank that qualifies as a financial holding company to engage in a broad range of activities that are defined by the GLB Act to be financial in nature or incidental to a financial activity. The GLB Act also permits financial holding companies to engage in other activities that the Board determines, by regulation or order and in consultation with the Secretary of the Treasury (''Secretary''), to be financial in nature or incidental to a financial activity.

In considering whether an activity is financial in nature or incidental to a financial activity, the GLB Act requires the Board to consider: (1) The purposes of the GLB Act and BHC Act; (2) the changes or reasonably expected changes in the marketplace in which financial holding companies compete; (3) the changes or reasonably expected changes in technology for delivering financial services; and (4) whether the proposed activity is necessary or appropriate to allow a financial holding company to compete effectively with companies seeking to provide financial services in the United States, efficiently deliver financial information and services through technological means, and offer customers any available or emerging technological means for using financial services or for the document imaging of data. The Board also may consider other factors and information that it considers relevant to its determination.

After considering the factors listed above and other relevant information, the Board, after consultation with the Secretary of the Treasury, proposes to determine by rule that acting as a finder is an activity that is incidental to a financial activity. The proposed rule would amend § 225.86 of the Board's Regulation Y to add a new activity, which, as explained below is denominated ''acting as a finder,'' to the list of activities permissible for financial holding companies.[1] Bank holding companies and foreign banks that qualify as financial holding companies would be permitted to engage in finder activities by using the post-commencement notice procedure described in § 225.87 of Regulation Y. Bank holding companies and foreign banks that do not qualify as financial holding companies may engage only in those nonbanking activities that were permissible for bank holding companies prior to the enactment of the GLB Act and, thus, could not act as a finder under the proposed rule.

The Board has consulted with the Secretary of the Treasury concerning the proposed rule, and the Secretary supports the Board's determination to seek public comment on the proposed rule. Under the GLB Act, the Board may not determine that an activity is financial in nature or incidental to a financial activity if the Secretary notifies the Board in writing that the Secretary believes the activity is not financial in nature, incidental to a financial activity, or otherwise permissible under section 4 of the BHC Act. The Secretary must notify the Board of the Secretary's determination within 30 days of receiving notice from the Board of a request, proposal or application for a determination that an activity is financial in nature or incidental to a financial activity, or within such longer period as the Board may allow under the circumstances.

Proposed Rule

Definition of a Finder

The Board proposes to allow financial holding companies to act as an intermediary in bringing together buyers and sellers for transactions that the buyers and sellers themselves negotiate and consummate. This activity is referred to as ''acting as a finder.'' Although the exact services provided by a finder in a particular transaction may vary, a finder essentially performs two functions. First, a finder locates and matches third parties that are interested in engaging in a business transaction between themselves. For example, a finder may locate buyers for a company's products or services, or locate sellers of a particular product or service for a consumer. Similarly, a finder may assist a company locate third parties interested in engaging in other types of business arrangements, such as a merger, acquisition, or joint venture. Once a finder locates a potential buyer, seller, or business partner, the finder may arrange a meeting between the parties or refer one party to the other so that they may negotiate and complete the transaction.

Second, a finder serves as a conduit of transaction-related information between third parties that are interested in conducting a business transaction. For example, a finder may provide potential buyers with information concerning a seller's products and services, or convey information about a potential buyer's preferences to a seller. In addition, a finder may receive bids, offers, expressions of interests or purchase orders from one party and convey them to the other party.

Although a finder may introduce a buyer and seller and act as a conduit for the exchange of transaction-related information between the parties, it is the parties themselves—and not the finder—that are responsible for negotiating, executing and consummating the transaction. A finder lacks the authority to negotiate on behalf of either party concerning the transaction or to bind a party to the terms of the transaction. Accordingly, the role of a finder is more limited than that of an agent or broker.[2] In addition, because a finder acts as an intermediary and not as a principal, a company acting as a finder also does not have an ownership interest in the products or services being offered and sold by third parties through the company's finder services.

Role of Financial Holding Companies as Finders

The activity of acting as a finder has taken on increased significance as technological developments in communications, computing, and the Internet have spurred innovations in the way buyers and sellers of products and services, including financial products

[1] Subpart I of the Board's Regulation Y includes the criteria that a bank holding company or foreign bank must meet to become a financial holding company, a list of the activities permissible for financial holding companies, and the procedures for persons to request a determination that an activity is financial in nature or incidental or complementary to a financial activity. *See* 65 FR 3785 (Jan. 25, 2000); 65 FR 14433 (March 17, 2000); 65 FR 15053 (March 21, 2000).

[2] An agent generally has the power to enter into or alter business or legal relationships on behalf of another person (the principal). 3 Am. Jur. 2d Agency § 2 (1986). A broker is defined generally as an agent that carries on negotiations on behalf of its principal with the purpose of bringing the parties together on the terms established by the principal. 12 Am. Jur. 2d Brokers § 1 (1997). A finder, on the other hand, finds, interests, introduces and brings parties together for a transaction that they themselves negotiate, enter into, and consummate.

and services, come together. These technological developments have encouraged the development of intermediaries who are able electronically to find and connect buyers and sellers in transactions that are negotiated and consummated by the buyers and sellers themselves.

While technological developments have made the intermediary function more common and important, the demands of buyers and sellers simultaneously have encouraged the combination of previously uncombined products and services as a means of attracting buyers through the added convenience of one-stop shopping tailored to the needs of specific consumers. Thus, finders increasingly are attempting to attract buyers by combining access to sellers of commercial or consumer products as well as providers of financial products, such as investment products and advice, loans, and various payment services.

Banking organizations, including banks and bank holding companies, have long facilitated the connection of buyers and sellers of nonfinancial products and services to a limited degree through the placement of commercial advertisements in customer mailings and through referrals that arise in connection with the banking organization's role as financial advisor or intermediary. More recently, the developments in electronic commerce over the Internet have allowed banking organizations to establish electronic sites that offer financial products and services in a manner comparable to the manner in which nonfinancial firms offer products and services. The electronic sites often include connections to and advertisements by sellers of nonfinancial products and services that may be of interest to consumers of financial products and services. The expertise gained in conducting these activities is operationally identical to the expertise needed to act more broadly as a finder.

The Office of the Comptroller of the Currency (''OCC'') also has determined that acting as a finder is part of or incidental to the business of banking and therefore a permissible activity for national banks.[3] The OCC has permitted national banks to act as a finder for nonfinancial products and services within parameters that closely parallel the limitations discussed below. Many state-chartered banks also are permitted to act as finders.[4]

Financial Holding Companies Permitted To Act as a Finder

The Board's proposed rule would authorize financial holding companies to act as a finder, which is defined as acting as an intermediary in bringing together one or more buyers and sellers of financial or nonfinancial products or services for transactions that the parties themselves negotiate and consummate. Under the proposed rule, a financial holding company acting as a finder could provide any or all of the following services'

(1) Identifying third parties that may be interested in engaging in a transaction between themselves;

(2) Making inquiries of third parties as to their interest in engaging in a transaction with another party;

(3) Introducing and referring potential parties to each other;

(4) Arranging contacts and meetings between interested parties;

(5) Conveying expressions of interests, bids, offers, orders, and confirmations relating to a transaction between third parties; and

(6) Transmitting information concerning products and services to potential parties in connection with the activities described in paragraphs (1) through (5) above, such as transmitting to a buyer information concerning the products and services offered by a seller or transmitting to a seller the product preferences of a buyer.

The rule includes specific examples of services that a financial holding company could provide as a finder and the technological means through which such services could be provided. These examples are intended to illustrate some activities that constitute acting as a finder and do not attempt to define fully the ways in which a financial holding company may act as finder. These examples are included in the rule in order to remove ambiguity about the permissibility of certain activities specifically mentioned by various financial holding companies in their requests regarding finder activities. Accordingly, the rule illustrates that a financial holding company acting as a finder may—

- Host an ''Internet marketplace'' that consists of hypertext links to the web sites of third party buyers and sellers;
- Host on the company's computer servers an Internet web site that allows various buyers and sellers to post information about the products and services they are willing to purchase and sell, locate potential counterparties for transactions, aggregate their orders for goods and services with those of other parties, and negotiate and enter into transactions between themselves;
- Host on its computer servers the Internet web site of a merchant that provides information about the merchant and its products and services and allows customers to place orders with the merchant; and
- Operate a telephone call center that provides consumers with information about the services or benefits provided by a government or government agency and clerical assistance in completing applications to receive those services or benefits.

The Board invites comment on whether the rule should include additional examples of how a financial holding company could act as a finder.

The authority to act as finder does not restrict the manner in which a financial holding company may conduct activities that otherwise are permissible for a financial holding company to conduct. For example, financial holding companies have broad authority to act as a broker and advisor in the sale of securities. These activities, permissible under other provisions of Regulation Y, may be conducted without regard to the restrictions that apply to the financial holding company when it acts as a finder with regard to nonfinancial products or services.

Moreover, a financial holding company may conduct activities that otherwise are permissible for a financial holding company in conjunction with acting as a finder for other products and services so long as these other permissible activities are conducted within any limits applicable to those activities and the company's finder activities are conducted within the limitations applicable to finder activities under this proposed rule. For example, a financial holding company acting as a finder for a merchant under the proposed rule also could make, acquire, broker or service loans or other extensions of credit to the merchant or the merchant's customers; provide the merchant with check verification, check guaranty, collection agency and credit bureau services; provide financial or investment advice to the merchant or the merchant's customers; act as a

[3] *See* 12 CFR 7.1002; OCC Interpretive Ltr. No. 875 (Oct. 31, 1999); OCC Interpretive Ltr. No. 856 (March 5, 1999).

[4] *See* Tex. Admin. Code § 11.83(d) (''A state bank, pursuant to request, may act as a finder in bringing together a buyer and seller, where the bank's activity is limited to the introduction and it takes no further part in the negotiations.''). Several states also have ''wild card'' statutes that allow their state-chartered banks to engage in any activity that is permissible for national banks, which would include acting as a finder. *See, e.g.,* 202 Ill. Comp. Stat. 5/5(11).

certification authority for digital signatures and thereby authenticate the identity of persons conducting business with the merchant over electronic networks; and process and transmit financial, economic, and banking data on behalf of the merchant, such as by processing the merchant's accounts receivables and debit and credit card transactions, providing the merchant with bill payment and billing services, and processing order, distribution, accounting, settlement, collection and payment information for the merchant's transactions.[5] Furthermore, under the proposal a financial holding company may market and provide its own financial products and services in conjunction with acting as a finder for buyers and sellers of nonfinancial products and services.

The Board expects that financial holding companies likely would engage in finder activities through electronic means, such as over the Internet or other electronic networks. The proposed rule, however, would allow a financial holding company to act as a finder through any technological means available.

Parameters Defining Finder Authority

As noted above, a finder's role is limited to acting as an intermediary in bringing third parties together for a transaction that the parties themselves negotiate and consummate. Paragraph (d)(1)(iii) of the proposed rule incorporates this restriction and includes several specific parameters designed to ensure that, when acting as a finder, a financial holding company does not exceed the limited role of a finder or otherwise become involved in any nonfinancial activity or transaction.

In particular, paragraph (d)(1)(iii) provides that a financial holding company acting as a finder may not bind any buyer or seller to a specific transaction or the terms of a specific transaction, or negotiate on behalf of a buyer or seller concerning a specific transaction. As noted above, these activities are outside the limited scope of a finder's role.

These restrictions, however, would not prohibit a financial holding company from conveying bids, offers, and orders between buyers and sellers, so long as the bids, offers and orders were negotiated and accepted by the buyers and sellers and not by the financial holding company. The proposed rule also would not prohibit a financial holding company from arranging for a seller to offer its goods or services on preferred terms to buyers generally or broad categories of buyers, if the financial holding company did not negotiate the terms of the arrangement as part of any individual transaction and the preferred terms were made available by the seller (and not the financial holding company). One of the permissible functions of a finder is to make inquiries as to the interest of a seller in entering into transactions with buyers, which includes determining the terms the seller is willing to offer buyers. Where the finder arranges for a seller to offer preferred terms to broad categories of buyers, and such negotiations are conducted outside the context of any individual transaction, the finder would not become involved in the negotiations between the buyer and seller concerning a specific transaction.

Under the proposed rule, a financial holding company may not take title to, acquire, or hold an interest in any product or service. A finder may act only as an intermediary between a buyer and seller in the sale of products and services, and may not have an ownership or principal interest in the products or services being offered or sold. Similarly, a financial holding company may not, under the auspices of acting as a finder, own or operate any real property that is used for the purpose of manufacturing, storing, or assembling products offered or sold through the company's finder services or provide distribution services for physical products or services offered or sold through the company's finder services. The Board requests comment on whether the rule should specify other activities that are outside the scope of finder activities.

Finally, paragraph (d)(1)(iii) clarifies that the proposed rule does not authorize a financial holding company to engage in any activity that would require the company to register or obtain a license as a real estate agent or broker under applicable law. The Board has made no determination to date regarding whether real estate agency, brokerage, investment or development activities are financial activities permissible for financial holding companies, and nothing in the proposed rule is intended to authorize a financial holding company to engage in these activities by, for example, owning or operating real property that serves as a shopping mall, a retail store, a manufacturing plant, or a product distribution center. The Board expects to monitor the finder activities of financial holding companies to ensure that companies engaged in finder activities comply with the restrictions contained in the rule and do not become impermissibly involved real estate activities or commercial transactions entered into by third parties through the company's finder services.

The limitations in paragraph (d)(1)(iii) are restrictions on the activities that a financial holding company may conduct as a finder under the proposed rule. They do not apply to or restrict the authority of financial holding companies to engage in other activities that are permissible for financial holding companies under section 4 of the BHC Act and the Board's Regulation Y, even if the financial holding company engages in such activities in conjunction with its finder activities. For example, since insurance agency and insurance underwriting activities are permissible for financial holding companies, a financial holding company acting as a finder for an insurance company could also accept and negotiate insurance contracts on behalf of the insurance company and have a principal interest in the insurance products being sold, if the financial holding company had appropriately notified the Board of the company's intent to engage in insurance agency and underwriting activities under section 4(k)(4)(B) of the BHC Act.

Disclosure of Role

To reduce the likelihood that customers using a financial holding company's finder services may be confused about the company's role in the underlying transactions, paragraph (d)(1)(iv) of the proposed rule provides that a financial holding company acting as a finder must distinguish the products and services it offers from those offered by a third party through the financial holding company's finder service.

Request for Comments

The Board invites comment on all aspects of the proposed rule. In particular, the Board invites comments on whether the examples included in paragraph (d)(1)(ii) of the proposed rule are useful and whether additional examples of permissible finder activities should be included in the rule. The Board also requests comments on whether the restrictions contained in paragraph (d)(1)(iii) of the proposed rule

[5] *See* 12 CFR 225.28(b)(1) (extending credit and servicing extensions of credit); (b)(2)(iii), (iv) and (v) (credit bureau, check guaranty, check verification, collection agency and credit bureau services); (b)(6) (financial and investment advice); 12 CFR 225.86(a)(2) (certification authority for digital signatures) and (b)(1) (management consulting services); and 12 CFR 225.28(b)(14), *Banc One Corporation, Inc.*, 83 Federal Reserve Bulletin 602 (1997); *Royal Bank of Canada*, 83 Federal Reserve Bulletin 135 (1997); *Compagnie Financiere de Paribas*, 82 Federal Reserve Bulletin 348 (1996) (financial data processing and data transmission services).

should be modified, expanded, or restricted in any way.

Section 722 of the GLB Act requires the Board to use ''plain language'' in all proposed and final rules published after January 1, 2000. In light of this requirement, the Board has sought to present the proposed rule in a simple and straightforward manner and has included in the rule examples of activities that would be permissible under the proposed rule. The Board invites comments on whether there are additional steps the Board could take to make the proposed rule easier to understand.

Regulatory Flexibility Act

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a)), the Board must publish an initial regulatory flexibility analysis with this proposed rulemaking. The proposed rule would determine that acting as a finder, as defined in the proposed rule, is an activity that is incidental to a financial activity and, consequently, permissible for financial holding companies. A description of the reasons why action by the Board is being considered and a statement of the objectives of, and legal basis for, the proposed rule are contained in the supplementary material provided above.

The proposed rule would allow bank holding companies and foreign banks that qualify as financial holding companies to engage in a new activity—acting as a finder. The proposed rule would apply to all financial holding companies, regardless of their size. The proposed rule should enhance the ability of financial holding companies, including small financial holding companies, to compete with other providers of financial services in the United States and to respond to technological and other changes in the marketplace in which financial holding companies compete. The Board specifically seeks comment on the likely burden the proposed rule would have on financial holding companies.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the proposed rule.

List of Subjects in 12 CFR Part 225

Administrative practice and procedures, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, Title 12, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

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

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1843(k), 1844(b), 1972(*l*), 3106, 3108, 3310, 3331–3351, 3907, and 3909.

2. Section 225.86 is amended by adding a new paragraph (d) to read as follows:

§ 225.86 What activities are permissible for financial holding companies?

* * * * *

(d) *Activities determined to be financial in nature or incidental to financial activities by the Board*—(1) *Acting as a finder*—(i) *What is a finder?* A financial holding company may act as a finder in bringing together one or more buyers and sellers of products or services for transactions that the parties themselves negotiate and consummate. Acting as a finder includes providing any or all of the following services—

(A) Identifying potential parties, making inquiries as to interest, introducing and referring potential parties to each other, and arranging contacts between and meetings of interested parties;

(B) Conveying between interested parties expressions of interest, bids, offers, orders and confirmations relating to a transaction; and

(C) Transmitting information concerning products and services to potential parties in connection with the activities described in paragraphs (d)(1)(i)(B) and (C) of this section.

(ii) *What are examples of finder services?* The following are examples of services that a financial holding company may provide as a finder when done in accordance with paragraph (d)(1)(iii) of this section—

(A) Hosting an Internet marketplace on the financial holding company's Internet web site by providing hypertext links to the web sites of third party buyers or sellers;

(B) Hosting on the financial holding company's servers the Internet web site of a seller that provides information concerning the seller and its products or services and allows buyers to submit orders for such products or services;

(C) Operating an Internet web site that allows multiple buyers and sellers to post information concerning the products or services that they are willing to purchase or sell, locate potential counterparties for transactions, aggregate their orders for goods or services with those made by other parties, and enter into transactions between themselves;

(D) Operating a telephone call center that provides consumers with information concerning the services or benefits provided by a government or government agency and clerical assistance in completing applications to receive services or benefits from the government or agency.

(iii) *What limitations are applicable to a financial holding company acting as a finder?* In acting as a finder, a financial holding company may act only as an intermediary between a buyer and a seller and may not—

(A) Bind any buyer or seller to a specific transaction or the terms of a specific transaction;

(B) Negotiate on behalf of a buyer or seller concerning a specific transaction, except that a financial holding company may arrange for buyers to receive preferred terms from sellers so long as the terms are not negotiated as part of any individual transaction, are provided generally to customers or broad categories of customers, and are made available by the seller (and not by the company);

(C) Engage in any activity that would require the financial holding company to register or obtain a license as a real estate agent or broker under applicable law;

(D) Take title to or acquire or hold an ownership interest in any product or service offered or sold through the financial holding company's finder services or provide distribution services for physical products or services offered or sold through the company's finder services; or

(E) Own or operate any real property that—

(*1*) Is used for the purpose of manufacturing, storing or assembling products offered or sold by third parties; or

(*2*) Serves as a physical location for the physical purchase, sale or distribution of products or services offered or sold by third parties.

(iv) *What disclosures are required?* A financial holding company acting as a finder must distinguish the products and services offered by the financial holding company from those offered by a third party through the company's finder service.

(2) [Reserved]

By order of the Board of Governors of the Federal Reserve System, July 31, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–19647 Filed 8–2–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–28–AD]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Fairchild Aircraft SA226 and SA227 series airplanes. The proposed AD would require you to replace the brake shuttle valves with parts of improved design; and would require you to install a shield over the hydraulic lines. The proposed AD is the result of the wheel brake system malfunction caused by a faulty parking brake shuttle valve. The actions specified by the proposed AD are intended to correct potential brake shuttle valve problems, which could cause the brake assembly to drag and overheat. Hydraulic or fuel line damage could then occur if the overheated brake assembly is retracted into the main wheel well, with a consequent fire if the hydraulic or fuel lines ruptured.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this rule on or before September 22, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–28–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490; telephone: (210) 824–9421; facsimile: (210) 820–8609. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Werner Koch, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5133; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on the proposed AD?

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**. The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of the AD I should pay attention to?

The FAA is re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at http://www.plainlanguage.gov.

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of the proposed AD.

How can I be sure FAA receives my comment?

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2000–CE–28–AD.'' We will date stamp and mail the postcard back to you.

Discussion

What events have caused this AD?

The FAA received a report of an accident involving a Fairchild Model SA226–TC airplane where the flight crew lost control of the airplane at low altitude during the final approach for landing. Prior to the accident, the flight crew reported a loss of hydraulic pressure and a fire on the left side of the airplane.

Investigation of this accident indicates the following:

—the flight crew applied right rudder power during the takeoff roll to compensate for a dragging and overheated left wheel brake and then raised the landing gear into the left wheel well;

—the overheated wheel brake ignited the tires and the hydraulic fluid; and

—the hydraulic fluid burned the rubber fuel crossover hose and resulted in fuel leakage with a consequent fire.

The accident investigation shows that the parking brake shuttle valve may have caused the left wheel brake to drag and overheat.

What are the consequences if the condition is not corrected?

Original design parking brake shuttle valves, if not replaced with improved design valves, could cause the wheel brakes to drag and overheat. This could result in hydraulic or fuel line damage if the overheated brake assembly is retracted into the main wheel wells. A consequent fire could occur if the hydraulic or fuel lines ruptured.

Relevant Service Information

Is there service information that applies to this subject?

Fairchild has issued the following service bulletins:

—Service Bulletin No. 226–26–003, which applies to certain SA226 series airplanes and incorporates the following pages:

Pages	Date
1, 2, 4, 6, 8, 9, 10, 11, 14, and 15.	Issued: March 1, 2000.
3, 5, 7, 12, and 13.	Issued: March 1, 2000, Revised: June 27, 2000.

—Service Bulletin No. 227–26–002, which applies to certain SA227 series airplanes and incorporates the following pages:

Pages	Date
1, 2, 6, and 9	Issued: March 1, 2000.
3, 4, 5, 7, and 8.	Issued: March 1, 2000, Revised: June 27, 2000.

What are the provisions of this service bulletin?

The service bulletin includes procedures for:

—replacing each brake shuttle valve with a part number (P/N) MS28767–4 brake shuttle valve;

—replacing the rubber fuel hose with a metal device; and

—installing a shield over the hydraulic lines.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided?

After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document exists or could develop on other Fairchild Aircraft SA226 and SA227 series airplanes of the same type design;

—The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and

—AD action should be taken in order to prevent the possibility of hydraulic or fuel line damage should an overheated brake assembly be retracted in the main wheel well.

What does the proposed AD require?

This proposed AD would require you to accomplish the following in accordance with Fairchild Service Bulletin No. 226–26-003, Issued: March 1, 2000, Revised: June 27, 2000, or Fairchild Service Bulletin No. 227–26–002, Issued: March 1, 2000, Revised: June 27, 2000, as applicable:

—Replace each brake shuttle valve with a part number (P/N) MS28767–4 brake shuttle valve; and

—Install a shield over the hydraulic lines.

We will address replacement of the rubber fuel hose with a metal device in another AD action when parts to accomplish this replacement are available. This proposed AD would not apply to any airplane with an anti-skid/power brake system installed.

Cost Impact

How many airplanes does the proposed AD impact?

We estimate that the proposed AD affects 250 airplanes in the U.S. registry.

What is the cost impact of the proposed AD on owners/operators of the affected airplanes?

We estimate the following costs to accomplish the proposed AD:

SA226 SERIES AIRPLANES

Labor cost for shuttle valve replacement	Labor cost for shield installation	Parts cost per airplane	Total cost per airplane
40 workhours × $60 per hour = $2,400	15 workhours × 60 per hour = $900	$532	$2,400 + $900 + $532 = $3,832

SA227 SERIES AIRPLANES

Labor cost for shuttle value replacement	Labor cost for shield installation	Parts costs per airplane	Total cost per airplane
50 workhours × $60 per hour = $3,000	15 workhours × 60 per hour = $900	$532	$3,000 + $900 + $532 = $4,432

Compliance Time of the Proposed AD

What is the compliance time of the proposed AD?

The compliance time of this proposed AD is at whichever of the following that occurs later:

—Within 500 hours time-in-service (TIS) after the effective date of this AD; or

—Within 6 months after the effective date of this AD.

Why is the compliance time of the proposed AD presented in both hours TIS and calendar time?

The affected airplanes are used in both general aviation and commuter operations. Those commuter operators may accumulate 500 hours TIS on the airplane in less than 2 months and many owners have numerous affected airplanes in their fleets. We have determined that the dual compliance time:

—Gives all owners/operators of the affected airplanes adequate time to schedule and accomplish the actions in this proposed AD; and

—Assures that the unsafe condition referenced in this AD will be corrected within a reasonable time period without inadvertently grounding any of the affected airplanes.

Regulatory Impact

How does this AD impact various entities?

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

How does this AD involve a significant rule or regulatory action?

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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends Section 39.13 by adding a new airworthiness directive (AD) to read as follows:

Fairchild Aircraft, Inc.: Docket No. 2000-CE–28–AD

(a) *What airplanes are affected by this AD?* The following airplane models and serial numbers that:

(1) are certificated in any category; and

(2) do not have an anti-skid/power brake system installed:

Model	Serial Numbers
SA226–T	T201 through T248
SA226–T(A)	T(A)249 through T(A)–291
SA226–T(B)	T(B) 276 and T(B) 292 through T(B) 417
SA226–AT	AT001 through AT074
SA226–TC	TC201 through TC419
SA227–TT	TT421 through TT555
SA227–TT(300).	TT447, TT465, TT471, TT483, TT512, TT518, TT521, TT527, TT529, and 536
SA227–AT	AT421, AT423 through AT631, and AT695
SA227–AC (Shuttle Valve Replacement Only; paragraph (d)(1) of this AD).	AC406, AC415, AC416, and AC420 through AC534
SA227–AC (Hydraulic Line Shield Installation Only; paragraph (d)(2) of this AD).	AC406, AC415, AC416, and AC420 through AC788

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD. The AD does not apply to any airplane with an anti-skid/power brake system installed.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct potential brake shuttle valve problems, which could cause the brake assembly to drag and overheat. Hydraulic or fuel line damage could then occur if the overheated brake assembly is retracted into the main wheel well, with a consequent fire if the hydraulic or fuel lines ruptured.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
(1) Accomplish the following modifications: (i) Replace each brake shuttle valve with a part number (P/N) MS28767–4 brake shuttle valve (or FAA-approved equivalent part number). (ii) Install a shield over the hydraulic lines.	All actions within 500 hours time-in-service (TIS) after the effective date of this AD or within 6 months after the effective date of this AD, whichever occurs later.	Perform all actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of whichever of the following is applicable: (A) Fairchild Aircraft Service Bulletin No. 226–26–003, which incorporates the following pages: Pages—1, 2, 4, 6, 8, 9, 10, 11, 14, and 15. Date—Issued: March 1, 2000. Pages—3, 4, 5, 7, and 8. Date—Issued: March 1, 2000. Revised: June 27, 2000. (B) Fairchild Aircraft Service Bulletin No. 227–26–002, which incorporates the following pages: Pages—1, 2, 6, and 9. Date—Issued: March 1, 2000. Pages—3, 5, 7, 12, and 13. Issued: March 1, 2000. Revised: June 27, 2000.
(2) Do not install any brake shuttle valve that is not a P/N MS28767–4 brake shuttle valve (or FAA-approved equivalent part number).	As of the effective date of this AD	Not applicable.

Note: The service information in this document also specifies replacement of the rubber fuel hose with a metal device. We will address this replacement in another AD action when parts are available.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Fort Worth Airplane Certification Office, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact the Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5133; facsimile: (817) 222–5960.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 24, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–19268 Filed 8–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 142

RIN 1076–AE04

Alaska Resupply Operation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Interior, Bureau of Indian Affairs (BIA), proposes to revise its regulations in the area of its administration of the Alaska Resupply Operation. The USMS *North Star* was decommissioned in 1984. However, the need for a resupply operation in Alaska continues. The Alaska Regional Office administers the Alaska Resupply Operation through the Seattle Support Center. All accounts receivable and payable are handled by the Seattle Support Center, which also rates and publishes a tariff. The proposed revisions to the regulations regarding this operation are to the large extent technical in nature; however, a section regarding preference in hiring under the Indian Reorganization Act of 1934 has been added. The technical revisions remove the terms ''Areas Director' and ''Manager'' and, in their places, add the terms ''Regional Director'' and ''Traffic Manager'' to reflect the current administration within the BIA and the terms now in common usage.

DATES: Comments must be submitted to the place noted under the heading **ADDRESSES** no later than October 2, 2000.

ADDRESSES: Comments should be addressed to: Regional Director, Alaska Regional Office, Bureau of Indian Affairs, Department of the Interior, 709 West 9th Street, Juneau, AK 99802. Comments may be hand-delivered to the same address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Warren Heisler, Deputy Regional Director, Alaska Regional Offices, Bureau of Indian Affairs, telephone 907/586–7179.

SUPPLEMENTARY INFORMATION:

A. Background

The USMS *North Star* was decommissioned in 1984. However, the need for a resupply operation in Alaska continues. The Alaska Regional Office administers the Alaska Resupply Operation through the Seattle Support Center. All accounts receivable and payable are handled by the Seattle Support center, which also rates and publishes a tariff. The proposed revisions to part 142 of 25 CFR make technical changes to references to the ''Regional Director,'' rather than to an ''Area Director,'' as this position no longer exists. Also, the term ''Traffic Manager'' is added to the term ''Manager'' to connote common usage of the person who oversees the traffic of supply routes through Alaska via the Seattle Support Center. Due to continued inquiry from the Alaska Native community, provisions regarding Indian preference in hiring have been added to part 142. No other significant changes have been made to part 142 through rulemaking.

B. Public Comments

Comments should be submitted to the address indicated in the **ADDRESSES** section of this notice, where they will be available for public inspection. All written comments received by the date indicated in the **DATES** section of this notice and all other relevant information in the record will be carefully assessed and fully considered prior to publication of the final rule.

C. Review Under Executive Order 12866

In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action. This rule will not have an annual economic effect of $100 million or adversely effect an economic sector, productivity, jobs, the environment or other units of government. A cost-benefit and economic analysis is not required. This rule is administrative and technical in nature and makes minor modifications to the existing Alaska Resupply Operation.

D. Regulatory Flexibility Act

The Department of the Interior, BIA, certifies that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 USC 601 *et seq.*). An initial Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

E. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 USC 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of $100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

F. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million a year. In accordance with the Unfunded Mandates Reform Act (2 USC 1501, *et seq.*), this rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. This rule will not produce a Federal mandate of $100 million or greater in any year, i.e., it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

G. Federalism

This rule does not have significant Federalism effects to warrant the preparation of a Federalism Assessment under Executive Order 13132. This rule will not have substantial direct effects on the States, in their relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

H. Paperwork Reduction Act

This regulation does not contain any information collection requirements.

List of Subjects in CFR Part 142

Indians, Maritime carriers, Shipping.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, proposes to amend 25 CFR part 142 as follows:

PART 142—ALASKA RESUPPLY OPERATION

1. The authority citation for part 142 continues to read as follows:

Authority: 5 U.S.C. 301; R.S. 463; 25 U.S.C. 2; R.S. 465; 25 U.S.C. 9; 42 Stat. 208; 25 U.S.C. 13; 38 Stat. 486.

2. Section 142.1 is amended by removing the definitions ''Area

Director,'' and ''Manager,'' and adding the definitions ''Regional Director,'' and ''Traffic Manager'' in their respective alphabetical order to read as follows:

§ 142.1 Definitions.

* * * * *

Regional Director means the Regional Director, Alaska Regional Offices, Bureau of Indian Affairs.

Traffic Manager means Traffic Manager of the Seattle Support Center.

3. Section 142.3 is amended by revising the first sentence of paragraph (c) and paragraph (d) to read as follows:

§ 142.3 Who is responsible for the Alaska Resupply Operation?

* * * * *

(c) The Traffic Manager must make itineraries for each voyage in conjunction with contracted carriers.

* * *

(d) The Regional Director is authorized to direct the Seattle Support Center to perform special services which may arise and to act in any emergency.

§ 142.4 [Amended]

4. Section 142.4 is amended by adding the word ''Traffic'' before the word ''Manager'' in paragraph (d).

5. Section 142.5 is amended by revising the introductory text, paragraph (a) introductory text, and paragraph (a)(1) to read as follows:

§ 142.5 Who determines the rates and conditions of service of the Alaska Resupply Operation?

The general authority of the Assistant Secretary—Indian Affairs to establish rates and conditions for users of the Alaska Resupply Operation is delegated to the Regional Director.

(a) The Traffic Manager must develop a tariff that establishes rates and conditions for charging users.

(1) The tariff must be approved by the Regional Director.

* * * * *

6. Section 142.6 is amended by revising paragraphs (a) and (c) to read as follows:

§ 142.6 How are the rates and conditions for the Alaska Resupply Operation established?

* * * * *

(a) The Regional Director's approval of the tariff constitutes a final action for the Department for the purpose of establishing billing rates.

* * * * *

(c) If the income from the tariff substantially exceeds actual costs, a prorated [reimbursement] payment will be issued to the shipper.

§ 142.7 [Amended]

7. Section 142.7 is amended adding the word ''Traffic'' before the word ''Manager'' in the first sentence of paragraph (a).

§ 142.8 [Amended]

8. Section 142.8 is amended by adding the word ''Traffic'' before the word ''Manager'' in the second sentence.

§ 142.9 [Amended]

9. Section 142.9 is amended by adding the word ''Traffic'' before the word ''Manager'' in paragraph (a).

§ 142.10 [Amended]

10. Section 142.10 is amended by adding the word ''Traffic'' before the word ''Manager.''

§ 142.12 [Amended]

11. Section 142.12 is amended by adding the words ''or booker'' after the word ''shipper'' in paragraph (b).

12. Section 142.13 is revised to read as follows:

§ 142.13 Does the Seattle Support Center apply preference in hiring?

Yes. In accordance with the Indian Reorganization Act of 1934 (25 USC 479), Congress extended preference in employment in the Bureau to qualified Indians. To that end, the Seattle Support Center will apply those principles as outline in 25 CFR part 5 which states in pertinent part: ''Preference is extended to persons of Indian descent who are:

(a) Members of any recognized Indian tribe now under Federal jurisdiction.

(b) Descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation.

(c) All others of one-half or more Indian blood of tribes indigenous to the U.S.

(d) Eskimos and other aboriginal people of Alaska.

Dated: July 25, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–19461 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–02–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL196–2; MO 109–1109; FRL–6844–5]

Approval and Promulgation of Implementation Plans: Illinois and Missouri: Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the public comment period.

SUMMARY: EPA is reopening the public comment period for a proposed rule published on April 17, 2000 (65 FR 20404). In the April 17, 2000 proposed rule, EPA proposed to approve the Illinois and Missouri 1-hour ozone attainment demonstration State Implementation Plans for the St. Louis moderate ozone nonattainment area. In the alternative, EPA proposed to disapprove the attainment demonstration if: Illinois and Missouri did not revise the attainment demonstration modeling and analyses to incorporate corrections to the 1999 base year emissions inventory and successfully demonstrate attainment of the 1-hour standard based on the revised modeling; Illinois or Missouri did not submit proposed regional oxides of nitrogen (NO_X) emission control regulations for electric generating units (EGUs) by June 2000 and final adopted regional NO_X emission control regulations for EGUs by December 2000; and, Missouri did not submit a proposed motor vehicle emissions budget by June 30, 2000. In the April 17, 2000 proposed rule, EPA also proposed to approve an exemption from NO_X emission control requirements for reasonably available control technology (RACT) for the Illinois portion of the St. Louis ozone nonattainment area, to extend the ozone attainment date for the entire St. Louis ozone nonattainment area to November 15, 2003, and, to approve the transportation conformity motor vehicle emissions budget submitted by Illinois for the Illinois portion of the St. Louis ozone nonattainment area. Final approval of the extension of the ozone attainment date and the motor vehicle emission budgets are contingent on the final approval of the ozone attainment demonstration. Final approval of the attainment demonstration is contingent on the final approval of the regional NO_X emission control regulations and on the submittal of adequate motor vehicle emissions budgets. Final approval of the NO_X RACT exemption for Illinois is contingent on final approval of an attainment demonstration that does not rely on NO_X emission reductions resulting from NO_X RACT implementation in the Illinois portion the St. Louis ozone nonattainment area. In the April 17, 2000 proposed rule, EPA proposed to disapprove Illinois' request for an exemption from NO_X requirements for New Source Review and general conformity. EPA received a request to extend the public comment period.

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

ADDRESSES: Written comments should be addressed to:

J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; or,

Wayne Leidwanger, Chief, Air Planning and Development Branch, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas, 66101.

Copies of the States' submittals and EPA's Technical Support Document, and other relevant materials, are available for public inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604 (please telephone Edward Doty at (312) 886–6057 before visiting the Region 5 office);

United States Protection Agency, Region 7, Air, Radiation, and Toxics Division, 901 North 5th Street, Kansas City, Kansas, 66101 (please telephone Aaron Worstell at (913) 551–7787 before visiting the Region 7 office).

FOR FURTHER INFORMATION CONTACT: Edward Doty, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–6057, E-Mail Address: doty.edward@epamail.epa.gov; or, Aaron Worstell, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City, Kansas 66101, Telephone Number (913) 551–7787, E-Mail Address: worstell.aaron@epa.gov.

Dated: July 24, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–19681 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 69, 80, and 86

[AMS–FRL–6845–4]

RIN 2060–AL69

Control of Air Pollution from New Motor Vehicles: Proposed Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; document availability.

SUMMARY: On June 2, 2000, the U.S. Environmental Protection Agency (EPA or Agency) published a Notice of Proposed Rulemaking (NPRM) (see 65 FR 35430) proposing changes to standards for heavy-duty engines and sulfur fuel controls for highway diesel fuel. In the preamble of the June 2, 2000, NPRM we proposed to apply to heavy-duty highway engines and vehicles ''not to exceed'' (NTE) and supplemental steady state test provisions which were published as a proposed rule on October 29, 1999 (64 FR 58472) ''Control of Emissions of Air Pollution from 2004 and Later Model Year Heavy-Duty Highway Engines and Vehicles; Revision of Light-Duty On-Board Diagnostics Requirements'' (2004 Rule).

The 2004 Rule was recently signed on July 31, 2000 but has not yet been submitted for publication in the **Federal Register**. To allow commenters as much time as possible to comment on the June 2, 2000, NPRM before the end of the comment period, the Agency is making the signed version of the 2004 Rule available on an EPA website listed in **ADDRESSES.** The end of the comment period for the June 2, 2000, NPRM is August 14, 2000.

DATES: The comment period for the June 2, 2000, NPRM remains open until August 14, 2000, for any parties wishing to comment.

ADDRESSES: Comments must be submitted to Margaret Borushko, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, 2000 Traverwood, Ann Arbor, MI 48105. Telephone (734) 214–4334, FAX (734) 214–4816, E-mail borushko.margaret@epa.gov.

The 2004 Rule is located in the EPA Office of Transportation and Air Quality (OTAQ) Website: *http://www.epa.gov/otaq/* (Look in ''What's New'' or under the ''Heavy Trucks/Buses'' topic.) and in the Air Docket, A–99–06.

Materials relevant to this rulemaking are contained in Docket No. A–99–06. The docket is located at The Air Docket (6102), Room M–1500, 401 M. St, SW., Washington, DC 20460, and may be viewed between 8 a.m. and 5:30 p.m., Monday through Friday except on government holidays. You can reach the Air Docket by telephone number at (202) 260–7548 and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket material as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Margaret Borushko, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, 2000 Traverwood, Ann Arbor, MI 48105. Telephone (734) 214–4334, FAX (734) 214–4816, E-mail *borushko.margaret@epa.gov.*

Dated: July 31, 2000.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 00–19784 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 413

[HCFA–1143–P]

RIN 0938–AK25

Medicare Program; Prospective Payment System for Hospital Outpatient Services: Revision of the Provider-Based Location Criteria for Certain PPS-Exempt Facilities

AGENCY: Health Care Financing Administration (HCFA), HHS

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the criteria related to provider-based status requirements for hospitals excluded from the hospital inpatient prospective payment system (PPS) under section 4417 of the Balanced Budget Act of 1997 (BBA). We are proposing to require that satellites of a hospital that qualifies for a PPS exclusion under section 4417 of BBA must be located within the same Metropolitan Statistical Area as the hospital, instead of requiring that these satellites meet the existing requirement of location within the immediate vicinity of the hospital. The satellites of these excluded hospitals would still be required to comply with the other provider-based status criteria.

DATES: We will consider comments if we receive them at the appropriate

address, as provided below, no later than 5 p.m. on October 2, 2000.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1143–P, P.O. Box 8013, Baltimore, MD 21244–8013.

To ensure that mailed comments are received in time for us to consider them, please allow for possible delays in delivering them.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–8013.

Comments mailed to the above addresses may be delayed and received too late to be considered.

Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1143–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 445–G of the Department's office at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 to 5 p.m. (phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Miechal Lefkowitz, (410) 786–5316.

SUPPLEMENTARY INFORMATION:

I. Background

A. Provider-Based Status

On April 7, 2000, we published a final rule specifying the criteria that must be met for a determination regarding provider-based status (65 FR 18504). Since the beginning of the Medicare program, some providers, which we refer to as ''main providers,'' have owned and operated other facilities that were administered by the main provider. The subordinate facilities may or may not be located on the main provider's campus. To accommodate for the financial integration of the two facilities without creating an administrative burden, we have permitted the subordinate facility to be considered a provider-based facility. Furthermore, a portion of the costs incurred by the main provider may be allocated to a provider-based facility. This allocation can result in additional Medicare payments to the provider-based facility.

The regulations at § 413.65, effective October 10, 2000, define provider-based status as, ''the relationship between a main provider and a provider-based entity or a department of a provider, remote location of a hospital, or satellite facility, that complies with the provisions of this section.'' Before a main provider may bill for services of a facility as if the facility were provider-based, or before it includes costs of those services on its cost report, the facility must meet the criteria listed in the regulations at § 413.65(d). Among these criteria are the requirements that the main provider and the facility must have common licensure (when appropriate), the facility must operate under the ownership and control of the main provider, and the facility must be located in the immediate vicinity of the main provider.

B. Satellite Facilities

A satellite facility is defined at § 412.22(h)(1) as, ''a part of a hospital that provides inpatient services in a building also used by another hospital, or in one or more entire buildings located on the same campus as buildings used by another hospital.'' A satellite facility is a type of facility that may be considered provider-based if it meets the criteria under § 413.65(d). In some cases, a hospital may have several satellite locations.

C. Long Term Care Hospitals and Satellite Facilities

Satellite facilities are common among long term care hospitals (LTHs). A LTH, as defined under section 1886(d) of the Social Security Act (the Act), is a hospital with an average length of stay of greater than 25 days. These hospitals are excluded from the prospective payment system (PPS) and are paid on a reasonable cost basis subject to a per-discharge cost limit for inpatient hospital services. A LTH that has a satellite facility must comply with the regulations at § 412.22(h)(2). Section 412.22(h)(2)(i) requires that if the hospital (other than a children's hospital) was excluded from the PPS for the most recent cost reporting period beginning before October 1, 1997, the hospital's number of State-licensed and Medicare-certified beds, including those at the satellite facilities, must not exceed the hospital's number of State-licensed and Medicare-certified beds on the last day of the hospital's last cost reporting period beginning before October 1, 1997.

D. Exception for Certain LTHs

Although section 1886(d) of the Act defines a LTH as a hospital with an average length of stay of greater than 25 days, under section 4417 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33), as implemented in the regulations at § 412.23(e)(2), the Congress extended the LTH exclusion to any hospital that first received payment under section 1886(d)(1)(B)(iv) of the Act in 1986, has an average length of stay of greater than 20 days, and had 80 percent or more of its annual Medicare inpatient discharges with a principal diagnosis of neoplastic disease in the 12-month cost reporting period ending in fiscal year 1997. On July 30, 1999, we published a final rule (64 FR 41490) at § 412.22(h)(2) specifying the criteria that a PPS exempt hospital with a remote inpatient satellite facility located within a PPS hospital must meet to qualify for payment as a PPS exempt hospital for services furnished at that satellite. We also stated in that final rule that, in view of the special status accorded to hospitals that qualify for LTH status under section 4417 of the BBA, we believed those hospitals should also be exempt from the requirements at § 412.22(h)(2), which are applicable to satellite facilities of PPS-excluded hospitals. Accordingly, at § 412.22(h)(3)(ii), we specified that the criteria at § 412.22(h)(2) do not apply to a hospital excluded from the PPS under § 412.23(e)(2).

II. Provisions of This Proposed Rule

Since the publication of the provider-based regulations on April 7, 2000, it has come to our attention that hospitals that qualify as LTHs under section 4417 of the BBA could be precluded from having a satellite facility under the revised provider-based regulations. Although those hospitals' satellites might meet all other criteria under § 413.65(d) for achieving provider-based status, they might not meet the requirement at § 413.65(d)(7) of being located in the immediate vicinity of the main provider. Under § 413.65(d)(7), to meet the provider-based criteria, the main provider must show that the satellite is located within its immediate vicinity by demonstrating that, either (A) at least 75 percent of the patients served by the satellite reside in the same zip code areas as at least 75 percent of the patients served by the main provider; or (B) at least 75 percent of the patients served by the facility or organization that required the type of care furnished by the main provider received that care from that provider (for example, at least 75 percent of the patients of a rural health clinic (RHC) seeking provider-based status received inpatient hospital services from the hospital that is the main provider); or

(C) if the facility or organization is unable to meet the criteria in § 413.65(d)(7)(i)(A) or § 413.65(d)(7)(i)(B) of this section because it was not in operation during all of the 12-month period described in the previous sentence, the facility or organization must be located in a zip code area included among those that, during all of the 12-month period described in the previous sentence, accounted for at least 75 percent of the patients served by the main provider.

In view of this concern, and in consideration of the special status accorded to hospitals under section 4417 of the BBA, and consistent with our earlier regulatory provision allowing for satellites for these hospitals, we believe it is also appropriate to revise the criteria in § 413.65(d)(7)(i) for hospitals excluded from the inpatient hospital PPS under section 4417 of the BBA. Specifically, we are proposing to require that satellites of a hospital that qualify for a PPS exclusion under § 412.23(e)(2) must be located within the same Metropolitan Statistical Area (MSA) as the hospital, instead of requiring that these satellites meet the existing requirement of determining that the satellite is located within the immediate vicinity of the hospital. Therefore, we are proposing to amend the regulations by adding subparagraph (iv) to existing § 413.65(d)(7) to allow for this revision to the provider-based rules. The satellites of these hospitals would still be required to comply with the other criteria in § 413.65.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

IV. Response to Comments

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

V. Regulatory Impact

We have examined the impacts of this rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually). This proposed rule is not a major rule because we have determined that the economic impact will be negligible since we know of only one hospital that may qualify for the revisions related to provider-based satellite facilities (of hospitals that qualify for LTH status under § 412.23(e)(2)) that are located within the same MSA as the main provider.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $5 million or less annually. For purposes of the RFA, hospitals with provider-based satellite facilities are considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any final rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with not more than 100 beds that is located outside of a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA). Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent NECMA. Thus, for purposes of the prospective payment system, we classify these hospitals as urban hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. This proposed rule will not have a significant economic effect on these governments or the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. This proposed rule will not have a substantial effect on States or local governments.

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

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

List of Subjects in 42 CFR Part 413

Health facilities, Kidney diseases, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, HCFA proposes to amend 42 CFR chapter IV as follows:

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES

1. The authority citation for part 413 continues ro read as follows:

Authority: Secs. 1102, 1812(d), 1814(b), 1815, 1833(a), (i), and (n), 1871, 1881, 1883, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395f(b), 1395g, 1395l, 1395l(a), (i), and (n), 1395x(v), 1395hh, 1395rr, 1395tt, and 1395ww).

Subpart E—Payments to Providers

2. In § 413.65, paragraph (d)(7)(iv) is added to read as follows:

§ 413.65 Requirements for a determination that a facility or an organization has provider-based status.

* * * * *

(d) *Requirements.* * * *

(7) *Location in immediate vicinity.* * * *

(iv) A satellite facility that otherwise qualifies as a provider-based satellite of a main provider that is excluded from the prospective payment systems under § 412.23(e)(2) of this chapter, is considered to be located in the immediate vicinity of that main provider if it is located within the same Metropolitan Statistical Area as the main provider.

* * * * *

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

Dated: July 18, 2000.

Approved: July 27, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Donna E. Shalala,

Secretary.

[FR Doc. 00–19669 Filed 7–31–00; 2:48 pm]

BILLING CODE 4120–01–P

Notices

Federal Register

Vol. 65, No. 150

Thursday, August 3, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–069–1]

Availability of a Draft Environmental Assessment for Field Testing Salmonella Typhimurium Vaccine, Live Culture

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed live *Salmonella typhimurium* vaccine for use in poultry. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a veterinary biological product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensure.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by September 5, 2000.

ADDRESSES: Please send your comments and three copies to: Docket No. 00–069–1, 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. 00–069–1.

Copies of the draft environmental assessment may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the docket number, date, and complete title of this notice when requesting copies. A copy of the draft environmental assessment (as well as the risk analysis with confidential business information removed) and any comments that we receive on this docket are available for public inspection in our reading room. The reading room is located in room 1141 of the South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, USDA, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared a draft environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Biomune Company.

Product: Salmonella Typhimurium Vaccine, Live Culture.

Field test locations: Texas, Georgia, and Delaware.

The above-mentioned vaccine is for use in chickens as an aid in the reduction of colonization of the internal organs by *Salmonella typhimurium*. Genetic alterations limit the ability of the vaccine bacteria to replicate in vertebrate tissues.

The draft EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial environmental issues are raised in response to this notice, APHIS intends to issue a final EA and finding of no significant impact (FONSI) and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license

for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensure.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 24th day of July 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–19609 Filed 8–2–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Management Direction for the John Muir, Ansel Adams, and Dinkey Lakes Wildernesses; Inyo and Sierra National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a Revised Draft Environmental Impact Statement.

SUMMARY: Notice is hereby given that the USDA, Forest Service will prepare a revised draft environmental impact statement (DEIS) to establish management direction for the John Muir, Ansel Adams, and Dinkey Lakes Wilderness areas. Notices of Intent published in the August 12, 1992 issue of the **Federal Register** (57 FR 36061) and the June 2, 2000 issue of the **Federal Register** (65 FR 35317–35318) listed the Monarch Wilderness area on the Sequoia National Forest as included in the management direction to be established. The Monarch Wilderness is no longer included. All other information remains the same as published in the earlier Notices of Intent.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding the proposed action and revised DEIS to Mary Beth Hennessy, Wilderness Specialist, Inyo National Forests (760) 873–2400; or Teri Drivas, Recreation and Lands Officer, Sierra National Forest (559) 297–0706.

Bill Bramlette,

Acting Forest Supervisor, Inyo National Forest.

Alan M. Quan,

Acting Forest Supervisor, Sierra National Forest.

Arthur L. Gaffrey,

Acting Forest Supervisor, Sequoia National Forest.

[FR Doc. 00–19613 Filed 8–2–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–918–00–1610–DE–UCRB]

Interior Columbia Basin Ecosystem Management Project, Northern,Intermountain, and Pacific Northwest Regions; States of Oregon, Washington, Idaho, Montana

AGENCIES: Forest Service, USDA; Bureau of Land Management, USDI.

ACTION: Corrected notice of availability of a Congressionally-required report on the Interior Columbia Basin Ecosystem Management Project (ICBEMP).

SUMMARY: The Forest Service and Bureau of Land Management published a notice of availability of a Congressionally-required report in the April 25, 2000, **Federal Register** (Volume 65, Number 80, page 24174). The notice specified a 120-day period for public review of, and comment on, the report. Recalculation of the final day of the comment period reveals that the date given in the April 25 notice is incorrect.

DATES: Written comments on the report will be accepted through August 26, 2000 (rather than August 23, as stated in the earlier notice). The ICBEMP interdisciplinary team will then analyze the comments and respond to them in the final EIS. The final EIS is expected to be available in late fall, 2000.

ADDRESSES: Copies of the report may be obtained from ICBEMP, 304 N. 8th Street, Room 250, Boise, ID 83702 or by calling (208) 334–1770, ext. 120. The report is also available via the internet (http://www.icbemp.gov). Comments on the report should be submitted in writing to SDEIS, P.O. Box 420, Boise, Idaho, 83701–0420. Comments may be submitted electronically at the ICBEMP's home page (http://www.icbemp.gov), where a comment form is available. Comments, including names and street addresses of respondents, will be available for public review at the Boise office during regular business hours (8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays), and may be published as part of the final environmental impact statement. Individual respondents may request confidentiality. If you wish to withhold 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 businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the decision under 36 CFR 217 (Forest Service) or standing to protest the proposed decision under 43 CFR 1610.5–2 (Bureau of Land Management).

FOR FURTHER INFORMATION CONTACT: Susan Giannettino, Project Manager, 304 North 8th St., Room 250, Boise, Idaho 83702, phone (208) 334–1770; or Geoff Middaugh, Deputy Project Manager, P.O. Box 2295, Walla Walla, Washington 99362, phone (509) 522–4033.

Dated: July 27, 2000.

Susan Giannettino,

Project Manager, U.S. Forest Service.

Geoff Middaugh,

Deputy Project Manager, Bureau of Land Management.

[FR Doc. 00–19616 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–GG–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Finding of No Significant Impact for the Williamson River Delta Restoration Project

AGENCY: Natural Resources Conservation Service (NRCS).

ACTION: Notice of availability of a Finding of No Significant Impact for the Williamson River Delta Restoration Project in Oregon for review and comment.

SUMMARY: It is the intention of NRCS in Oregon to issue a Finding of No Significant Impact for the Williamson River Delta Restoration Project in Oregon. An Environmental Assessment (EA) was previously prepared with the required public involvement and comment period.

DATES: Comments must be received on or before September 5, 2000.

ADDRESSES: Copies of this Finding of No Significant Impact will be made available upon written request. Address all requests and comments to C. R. Vigil, Jr., Acting State Conservationist, Natural Resources Conservation Service (NRCS),

101 SW Main Street, Suite 1300, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: C.R. Vigil, Jr., 503–414–3200.

SUPPLEMENTARY INFORMATION: Section 1506.6 of the Code of Federal Regulations states that there will be public involvement on actions proposed by Federal Agencies. For the next 30 days, the NRCS in Oregon will receive comments relative to the Finding of No Significant Impact. Following that period, a determination will be made by the NRCS in Oregon regarding disposition of those comments and a final determination of the Finding of No Significant Impact will be made.

Dated: July 28, 2000.

C.R. Vigil, Jr.,

Acting State Conservationist, Portland, Oregon.

[FR Doc. 00–19696 Filed 8–2–00; 8:45 am]

BILLING CODE 3410–16–U

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Louisiana Advisory Committee to the Commission will convene at 9 a.m and adjourn at 9 p.m. on Tuesday, September 12, 2000 and Wednesday, September 13, 2000, at the Best Western-Richmond Suites, 2600 Moelling, Lake Charles, Louisiana 70609. The purpose of the factfinding meeting is to collect data on environmental equity issues in Louisiana.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 27, 2000.

Lisa M. Kelly,

Special Assistant to the Staff Director, Regional Programs Coordination Unit.

[FR Doc. 00–19657 Filed 8–2–00; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45–2000]

Foreign-Trade Zone 73—BWI Airport, Maryland, Expansion of Manufacturing Authority—Subzone 73A, Rotorex Company, Inc. (Air Cleaners); Walkersville, MD

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Maryland Department of Transportation, grantee of FTZ 73, requesting authority on behalf of the Rotorex Company, Inc. (Rotorex) and Trion, Inc. (Trion), to expand the scope of manufacturing activity conducted under zone procedures within Subzone 73A at the Rotorex facility in Walkersville, Maryland. 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 27, 2000.

Subzone 73A was approved by the Board in 1995 (Board Order 767, 60 FR 47149, 9/11/95). The Rotorex plant (210,000 sq. ft. on 18 acres) is located at 8301–B Retreat Road in Walkersville (Frederick County), Maryland, about 55 miles northwest of Washington, DC. Approval was originally granted for the manufacture of rolling piston rotary pumps and compressors for R–22 unitary heat pumps and air conditioners. The applicant is now seeking authority to manufacture residential air cleaners at the facility (HTS 8421.39, duty free). Components and materials sourced from abroad (representing about 28% of all parts consumed in manufacturing) include: motors and power supplies (HTS 8501.10 and 8501.40, duty rate ranges from 1.5% to 4.0%).

FTZ procedures would exempt Rotorex and Trion from Customs duty payments on the foreign components used in export production. Some 10 percent of the plant's shipments are exported. On its domestic sales, Rotorex and Trion would be able to choose the duty rates during Customs entry procedures that apply to finished air cleaners (duty-free) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 2, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 17, 2000).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, World Trade Center, 401 East Pratt Street, Suite 2432, Baltimore, MD 21202

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: July 28, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–19692 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 44–2000]

Foreign-Trade Zone 46—Cincinnati, OH, Area Application for Zone Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Cincinnati Foreign Trade Zone, Inc., grantee of FTZ 46, requesting authority to expand its zone in the Cincinnati, Ohio, area, adjacent to the Cincinnati Customs port of entry. 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 27, 2000.

FTZ 46 was approved in 1979 (Board Order 141, 44 FR 4003, 1–19–79) and relocated in 1994 (Board Order 720, 59 FR 66891, 12–28–94). In 1997 the zone was expanded to include a second, non-contiguous site (Board Order 943, 62 FR 67044, 12–23–97), and it was recently expanded with the addition of three sites in Clermont County and Brown County, some 25 miles east of Cincinnati (Board Order 1070, 64 FR 72643, 12–28–99). The zone currently consists of five sites in the greater Cincinnati area:

Site 1: (35 acres)—175 Progress Place, Springdale (Hamilton County), Ohio;

Site 2: (122 acres)—Cincinnati Machine-UNOVA facilities, 4701 Marburg Avenue, Cincinnati;

Site 3: (460 acres)—Milacron, Inc., facilities within the Clermont County Industrial Park, 4165 Half Acre Road, Batavia (Clermont County), Ohio;

Site 4: (490 acres)—Milacron, Inc., facilities within the Brown County Industrial Park, 418 West Main Street, Mt. Orab (Brown County), Ohio; and,

Site 5: (160 acres)—West Hamco Industrial Park, 4160 Half Acre Road, Batavia, Ohio.

The applicant is now requesting authority to expand Site 3 by adding additional industrial space (406 acres) located at 1981 Front Wheel Drive, Afton Industrial Area in Batavia, immediately adjacent to the western boundary of the existing site. The proposed expansion area (4 parcels) is owned by: A—Flannery Developers (89 acres); B—Central Trust (53 acres); C—Ronald E. Clark (33 acres); and D—ZF Batavia (231 acres).

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 on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 2, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 17, 2000).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Suite 2650, 36 East 7th Street, Cincinnati, OH 45202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: July 27, 2000.

Dennis Puccinelli,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 00–19691 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–810]

Notice of Postponement of Final Antidumping Duty Determination and Extension of Provisional Measures: Certain Expandable Polystyrene Resins From Indonesia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Valerie Ellis at (202) 482–2336 or Charles Riggle at (202) 482–0650, AD/CVD Enforcement, Office V, DAS Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.

Postponement of Final Determinations

The Department of Commerce (the Department) is postponing the final determination in the antidumping duty investigation of certain expandable polystyrene resins from Indonesia.

On June 26, 2000, the Department published its preliminary determination in this investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Expandable Polystyrene Resins From Indonesia,* 65 FR 39349. The notice stated that the Department would issue its final determination no later than 75 days after the date of issuance of the notice.

Pursuant to section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), on July 11, 2000, PT Risjad Brasali Styrindo (RBS), the sole respondent in the investigation, requested that the Department postpone its final determination. Further to this request, RBS requested that the Department extend to not more than six months the application of the provisional measures prescribed under paragraphs (1) and (2) of section 733(d) of the Act. In accordance with section 735(a) of the Act and 19 CFR 351.210(b), because the preliminary determination in this case is affirmative and the request for postponement was submitted in writing by an exporter who accounts for a significant proportion of exports of the subject merchandise in this investigation, we are postponing the final determination until no later than 135 days after the publication of the preliminary determination in the **Federal Register** (*i.e.,* until no later than November 8, 2000). Suspension of liquidation will be extended accordingly.

This extension is in accordance with section 735(a)(2)(A) of the Act, and 19 CFR 351.210(b)(2).

Dated: July 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–19690 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China; Final Results of Antidumping Duty Sunset Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty sunset review; Pure magnesium from the People's Republic of China.

SUMMARY: On April 3, 2000, the Department of Commerce (''the Department'') published the notice of initiation of sunset review of the antidumping duty order on pure magnesium from the People's Republic of China (''China'') (65 FR 17484) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of domestic interested parties, and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. As a result of this review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels listed below in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, Washington, D.C. 20230; telephone: (202) 482–5050.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the

effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (*Sunset Policy Bulletin*).

Background

On April 3, 2000, the Department initiated a sunset review of the antidumping duty order on pure magnesium from China (65 FR 17484), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On April 18, 2000, the Department received a notice of intent to participate on behalf of Magnesium Corporation of America (''Magcorp''), within the applicable deadline in accordance with 19 CFR 351.218(d)(1)(i). On May 3, 2000, the Department received a complete substantive response from Magcorp within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). In its substantive response, Magcorp claimed interested party status under section 771(9)(C) of the Act, as a U.S. manufacturer of the domestic like product. Magcorp states that it was the petitioner in the original antidumping duty investigation that led to the order and has been diligent in maintaining the order. *See* Magcorp's, May 3, 2000, Substantive Response at 4. On June 7, 2000, we informed the International Trade Commission (''Commission'') that, on the basis of inadequate responses from respondent interested parties, we were conducting an expedited sunset review of this order consistent with 19 CFR 351.218(e)(1)(ii)(C)(2). *See* Letter to Lynn Featherstone, Director, Office of Investigations from Jeffrey A. May, Director, Office of Policy.

Scope of Review

The product covered by this review is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of this order. Primary magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure primary magnesium is used as an input in producing magnesium alloy. Pure primary magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents. Since the antidumping duty order was issued, we have clarified that the scope of the original order includes, but is not limited to, butt ends, stubs, crowns and crystals. *See* May 22, 1997, instructions in U.S. customs and November 14, 1997, Final Scope Rule of Antidumping Duty Order on Pure Magnesium from China: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as ''ultra-pure'' magnesium); (2) Products that contain less than 99.95 percent but not less than 99.8 percent primary magnesium, by weight (generally referred to as ''pure'' magnesium); and (3) Products (generally referred to as ''off-specification pure'' magnesium) that contain 50 percent or greater, but less than 99.8 percent primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium. ''Off-specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8 percent by weight. It generally does not contain, individually or in combination, 1.5 percent or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of this order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder), having a maximum physical dimension (*i.e.,* length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50 percent by weight), and remelted magnesium whose pure primary magnesium content is less than 50 percent by weight. Pure magnesium products covered by this order are currently classifiable under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Analysis of Comments Received

All issues raised in the case by the domestic interested party to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H.V. Cribb, Acting Assistant Secretary for Import Administration, dated August 1, 2000, which is adopted by this notice. The issues discussed in the Department's Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in Central Records Unit, room B–099, of the Department's main building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading (''China''). The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporter	Margin (percent)
Country Wide rate	108.26

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections section 751(c), 752, and 771(i) of the Act.

Dated: July 28, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–19693 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072100B]

Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit (1259)

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

ACTION: Notice of availability and request for comment.

SUMMARY: This notice advises the public that the North Carolina Division of Marine Fisheries (NCDMF) has submitted an application to NMFS for an incidental take permit (Permit) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, NCDMF's application includes a draft conservation plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of listed adult and juvenile sea turtles associated with otherwise lawful commercial fall gillnet fisheries for flounder in the southeastern portion of Pamlico Sound in the state of North Carolina. The duration of the proposed Permit is for 1 year. NMFS also announces the availability of a draft Environmental Assessment (EA) for the Permit application. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. NMFS has not made a determination on the adequacy of the application and seeks comments particularly in regard to the details of the application and Plan, the level of incidental take, the description of management measures and the relationship of those measures to the trigger conditions identified in the application, the monitoring requirements (including observer provisions, and funding of the Plan), and the linkage of the Plan to current and future program management. All comments received will become part of the public record and will be available for review pursuant to the ESA.

DATES: Written comments from interested parties on the Permit application, Plan, and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Eastern daylight time on September 5, 2000.

ADDRESSES: Written comments on this action and requests for copies of the Permit application, Plan, and draft EA (these documents are also posted on the internet at (http://www.nmfs.noaa.gov/prot_res/permits/esapermit.html) should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301–713–0376. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz (ph. 727–570–5312, fax 727–570–5517), or Barbara A. Schroeder (ph. 301–713–1401, fax 301–713–0376). The Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301–713–1401.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. The term ''harm'' includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, feeding, and sheltering. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Species Covered in This Notice

The following species are included in the Plan and Permit application: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) turtles.

Background

On June 21, 2000, NCDMF submitted an application to NMFS for a section 10(a)(1)(B) permit for the incidental take of listed sea turtles associated with commercial fall gillnet fisheries for flounder in the southeastern portion of Pamlico Sound. NCDMF's application is for the incidental take of endangered Kemp's ridley, leatherback, and hawksbill turtles and the threatened green and loggerhead turtles. The commercial fall gillnet fishery targets southern flounder. Implementation of the Plan will allow for the continued commercial harvest of this species which is estimated to have a value of over one million dollars per year and supports fishermen and the local economy.

Conservation Plan

The draft Plan prepared by NCDMF describes measures designed to monitor, minimize, and mitigate the incidental takes of listed turtles, focusing on the following fishery:

Fall Gillnet Flounder Fishery

The fishery is scheduled to occur from September 15 through December 15, 2000 in Pamlico Sound predominantly in an area lying south of a line running westerly from a point on Hatteras Island, Dare County (35° 23' 00'' N.—75° 30' 00'' W.) through the Avon Channel Entrance Beacon No. 1 (35° 23' 00'' N.—75° 33' 38'' W.) thence westerly to Bensons Point (35° 23' 00'' N.—76° 03' 42'' W.) at Wysocking Bay, Hyde County and east of a line running southerly from Bensons Point along the eastern edge of Bluff Shoal to the west side of Ocracoke Inlet, Carteret County (35° 03' 42'' N.—76° 02' 12'' W.) thence running easterly and northerly along the shoreline of the Pamlico Sound back to the point beginning at Hatteras Island. This area is referred to in the application as the Gillnet Restricted Area (GRA) and would be the affected area for the Plan and Permit. Flounder gillnets are set in the GRA from mid-September through mid-December in waters ranging between 10 and 20 feet (3 and 6.1 m) deep to target flounder migrating from the estuaries to offshore spawning grounds. Pamlico Sound flounder gillnets are normally hung with 5 and one-half to 6 and one-half inch (14 to 16.5 cm) stretch mesh monofilament webbing, and fisherman routinely set from 2,000 to 10,000 yards (1,800 to 9,700 m) of net at a time. Telephone (n=31) interviews by NCDMF staff with flounder gillnet fishermen indicate that in 1999 the average amount of 5 inch (12.7 cm) stretch mesh and larger mesh gillnet set per fishing operation was 4,750 yards (4,340 m). Many of the flounder gillnet fishermen use net reels to set and retrieve their gear. The nets are approximately 10 feet (3 m) deep, however many fishermen use tiedowns which restrict the nets to the bottom 3 to 4 feet (1 to 1.2 m) of the water column. The nets are constructed of small diameter (.40mm to .60mm) webbing that is hung loosely to create excess bag in the net which improves the catch of flounder. Flounder gillnets are normally fished every day or every other day depending on recent catches and weather conditions. Soak times generally range between 12 and 48

hours. It is estimated that in the fall of 1999, between 90 and 95 vessels participated in the large mesh and small mesh gillnet fisheries in the Pamlico Sound. Approximately one-half of these vessels are believed to have fished large mesh (i.e. greater than 5 inch (12.7 cm) stretch mesh) gillnets. NCDMF Trip Ticket Program information for 1999 indicates that 45 vessels greater than 25 feet (7.6 m) and 9 vessels less than 25 feet (7.6 m) in length landed more than 1,000 pounds (454 kg) of flounder per month from September through December.

Incidental mortalities of listed turtles associated with the commercial fall gillnet fishery for flounder in Pamlico Sound, NC, are requested by NCDMF at levels specified in the Permit application. NCDMF is proposing to limit the commercial fall gillnet fishery for flounder such that the incidental impacts on listed turtles will be minimized. NCDMF would use a variety of adaptive fishery management measures and restrictions through their state proclamation authority to reduce sea turtle mortality in the fall gillnet fishery by 50 percent, relative to mortality levels indicated by strandings in 1999. Implementation of the monitoring requirements of the Plan–an observer program with 5 percent coverage–is contingent upon NCDMF receiving a funding grant, for which a final funding decision is expected in early August. NCDMF considered and rejected one other alternative, not applying for a permit and closing the fishery, when developing their Plan.

Summary of NMFS Concerns and Recommendations

NMFS has reviewed the NCDMF's Plan and has identified several concerns with the adequacy of the minimization and mitigation measures, monitoring, and the associated level of incidental take of listed turtles. The NCDMF's draft Plan could be strengthened by providing information on the abundance and distribution of the five listed species of turtles in North Carolina waters (including the Pamlico Sound), information on current fishing levels within North Carolina waters (including the Pamlico Sound) and more detailed information on the effect of implementing the proposed minimization measures, mitigation measures, commitments to monitoring, and alternatives to the proposed Plan.

NMFS specifically invites the public to provide comments on the measures proposed in the Plan, including the description of management measures, the relationship of the management measures to the trigger conditions identified in the application, the monitoring requirements (including observer provisions and funding), and the linkage of the Plan to current and future program management (This permit application and Plan are for 1 year only, so any future incidental take authorization in this fishery would require a new application and plan, incorporating any new information developed this year.). NMFS is also seeking comment on the incidental take level proposed in the Plan. The Plan could potentially reduce strandings within Pamlico Sound by up to 50 percent of the levels observed during the fall in 1999. NMFS solicits comment on the adequacy of this reduction to avoid appreciably reducing the numbers and distribution of listed turtles in the wild and the potential need for further reductions in the take level requested.

NMFS also invites comments on potential alternative options and practical measures that could reduce the adverse effects to turtles in Pamlico Sound. Variations on the alternatives provided in the Plan may also exist which could avoid and/or significantly reduce potential for conflict with ongoing fishing activities in North Carolina waters outside of Pamlico Sound, while minimizing and mitigating the incidental take of turtles. Specifically, NMFS wishes to receive comment on options that would minimize the use of gillnets in Pamlico Sound during times of turtle abundance, while still providing fishing opportunities to fishers. Additionally, we seek comments on the management of commercial and recreational fishing activities by the applicant in areas outside of Pamlico Sound that would provide the basis for the development of a multi-year Conservation Plan to minimize and mitigate strandings of listed turtles within all North Carolina waters. Comments on alternatives should include discussions of length of gillnets deployed, soak times, and seasonal closures to avoid, minimize, and mitigate incidental take. This information will assist NMFS and NCDMF in developing long-term Plans with appropriate adaptive management measures for future fishing activities.

This notice is provided pursuant to section 10(c) of the Act. NMFS will evaluate the permit application, Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the ESA. If it is determined that the requirements are met, a permit will be issued for the incidental take of loggerhead, leatherback, green, hawksbill, and Kemp's ridley turtles, for the 2000 fall season only. Management of this fishery beyond 1 year of the issuance of the Permit, will require a new incidental take permit. The final permit decision will not be made prior to ensuring compliance with NEPA and not until after the end of the 30-day comment period in order to fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

The EA package includes a draft EA. A final determination of a Finding of No Significant Impact (which concludes that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment, within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended) will be made after the public comment period and prior to issuance of a Permit. Two Federal action alternatives have been analyzed in the EA, including: (1) the no action alternative (deny the permit); and (2) issue a permit.

Dated: July 28, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–19588 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071200A]

ICCAT Advisory Committee; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) in conjunction with the Highly Migratory Species (HMS) Management Division of NMFS announces the schedule of regional public meetings to be held this fall.

DATES: The meetings are scheduled in September and October 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the meetings.

ADDRESSES: The meetings will be held in Texas, Florida, New Jersey, and Massachusetts. See **SUPPLEMENTARY INFORMATION** for specific addresses of the meetings.

FOR FURTHER INFORMATION CONTACT: Patrick E. Moran (international issues) at 301–713-2276 or Rachel Husted (domestic issues) at 301–713–2347.

SUPPLEMENTARY INFORMATION: The meetings are scheduled as follows:

Thursday, September 7, 2000, 7 p.m. to 9:30 p.m.—Sandcastle Condominiums, 800 Sand Castle Drive, Port Aransas, Texas 78373;

Thursday, September 14, 2000, 7 p.m. to 9:30 p.m.—Sheraton Biscayne Bay Hotel, Brickell Point/Miami, 495 Brickell Avenue, Miami, Florida 33131;

Sunday, October 1, 2000, 7 p.m. to 9:30 p.m.—Four Points Hotels Sheraton, Route 132 and Bearse's Way, Hyannis, Massachusetts 02601;

Thursday, October 5, 2000, 7 p.m. to 9:30 p.m.—The Inn of Cape May, 7 Ocean Street, Cape May, New Jersey 08204.

The following topics may be presented to the public for discussion at the regional meetings:

International Issues

(1) Background on ICCAT

(2) Information on the Advisory Committee and Commissioners

(3) Status of Highly Migratory Species Managed by ICCAT

(4) Topics for the 2000 ICCAT Annual Meeting

Domestic Issues

(1) Implementation of ICCAT Recommendations

(2) Other HMS management actions

Representatives from the Advisory Committee to the U.S. Section to ICCAT and NMFS will be in attendance at the regional meetings. There will be an opportunity for public comment on each issue. The length of the meetings may be adjusted based on the progress of the discussions.

Additionally, the annual fall meeting of the Advisory Committee will be held on October 29–31, 2000, at the NOAA Silver Spring Metro Center complex, 1315 East-West Highway, Silver Spring, Maryland 20910. There will be opportunity for public comment on international issues on the first day (October 29) of this meeting. This session is scheduled from 1 to 6 p.m. Domestic issues will not be discussed at this meeting. Additional information on the annual fall Committee meeting will be provided at a later date.

The public is reminded that NMFS expects members of the public to conduct themselves appropriately for the duration of Advisory Committee meetings. At the beginning of the meetings, an appropriate representative will explain the ground rules (e.g., alcohol in the meeting room is prohibited, attendees will be called to give their comments in the order in which they registered to speak, each attendee will have an equal amount of time to speak, and attendees should not interrupt one another). The appropriate representative will attempt to structure the session so that all attending members of the public are able to comment, if they so choose, regardless of the degree of controversy of the subject(s). Attendees are expected to respect the ground rules, and if they do not, they will be asked to leave the meeting.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Patrick E. Moran at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: July 28, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–19651 Filed 8–2–00; 8:45 am]

BILLING CODE 3510–22–F

UNITED STATES PATENT AND TRADEMARK OFFICE

Deposit of Biological Materials

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 2, 2000.

ADDRESSES: Direct all written comments to Thao P. Nguyen, Acting Records Officer, Office of Data Management, Data Administration Division, (703) 308–7397, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Robert J. Spar, United States Patent and Trademark Office (USPTO), Washington, DC 20231, by telephone at (703)305–9285.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection is required by 35 USC 2(b) and 37 CFR Ch. 1, Subpart G, 1.801–809. Every patent must contain a description of the invention sufficient to enable a person (knowledgeable in the relevant science) to make and use the invention as required by 35 USC 112, first paragraph. When the invention involves a biological material, sometimes words alone cannot sufficiently describe how to make and use the invention in a reproducible or repeatable manner. In such cases, the required biological material must either be known and readily (and continually) available, or be deposited in a suitable depository to meet the enablement and written description requirements of 35 USC 112, first paragraph. When a deposit is necessary, the USPTO collects information to determine whether the depositor is in compliance with the patent statute. This includes a statement proving notification to the interested public on where to obtain samples of the deposits. A viability statement showing that the biological material was tested by the depository, and is a viable or acceptable deposit, must also be submitted to the USPTO.

II. Method of Collection

By mail, facsimile, or hand carry when the applicant or agent files a patent application with the United States Patent and Trademark Office (USPTO) or submits subsequent papers during the prosecution of the application to the USPTO.

III. Data

OMB Number: 0651–0022.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households, Business or Other Non-Profit, Not-For-Profit Institutions, and the Federal Government.

Estimated Number of Respondents: 3,300 per year for deposited materials and 0.25 per year for depository approval.

Estimated Time Per Response: One hour per application for deposited materials and five hours per application for depository approval.

Estimated Total Annual Respondent Burden Hours: 3,301 hours per year.

Estimated Total Annual Respondent Cost Burden: $99,218.75 per year to submit the information to the USPTO. Additionally, depositories charge fees to depositors; all depositories charge about the same rates for their services. For example, the American Type Culture Collection (ATCC), one of the

recognized patent depositories, charges $1,100 for storage and informing, and $150 for viability testing of microorganisms.

Item	Estimated time for response in hours	Estimated annual burden hours	Estimated annual responses
Deposited Materials	1	3,300	3,300
Depository Approval	5	1.25	0.25
Total		3,301	3,301

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, *e.g.*, the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 28, 2000.

Thao P. Nguyen,

Acting Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 00–19589, Filed 8–2–00; 8:45 am]

BILLING CODE: 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Invention for Licensing; Government-Owned Invention

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy.

U.S. Patent Application Serial No. 09/195,159 entitled ''Desalination Through Methane Hydrate'' Navy Case No. 79,584.

ADDRESSES: Requests for copies of the patent application cited should be directed to the Naval Research Laboratory, Code 1008.2, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, Ph.D., Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–7230.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: July 26, 2000.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–19628 Filed 8–2–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Intent To Grant Exclusive Patent License; Marine Desalination Systems, LLC

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Marine Desalination Systems, LLC, a revocable, nonassignable, exclusive license in the United States to practice the Government-Owned invention described in U.S. Patent Application Serial No. 09/195,159 (Navy Case No. 79,584) entitled ''Desalination Through Methane Hydrate'' filed November 18, 1998.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than October 2, 2000.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320; telephone (202) 767–7230.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: July 25, 2000.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–19629 Filed 8–2–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 2, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: July 31, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New.

Title: Evaluation of the Public Charter Schools Program, Data Collection Clearance Package: Year 2 and Year 3 Submission.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden: Responses: 3,590; Burden Hours: 2,390.

Abstract: The evaluation of the Public Charter Schools Program (PCSP) is the first national study of federal support for charter schools. The contractor, SRI International, will gather data on charter school policies and practices at the state, charter school authorizer, and charter school levels. The study examines the use of PCSP funds at these levels, assesses the impact of flexibility provisions in states' charter school legislation, and assesses the effect of charter schools on student performance. Respondents include federal PCSP staff, state charter school coordinators, representatives of charter school authorizing agencies, charter schools, and parents.

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, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to 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. 00–19695 Filed 8–2–00; 8:45 am]

BILLING CODE 4000–01–U

FEDERAL ENERGY REGULATORY COMMISSION

[EL00–94–000]

Citizens Power Inc. v. FirstEnergy and FirstEnergy Operating Companies; Notice of Complaint

July 28, 2000.

Take notice that on July 26, 2000, Citizen Power Inc. filed a complaint under Section 306 of the Federal Power Act alleging that FirstEnergy System and FirstEnergy Operating Companies had failed to file a Section 203 application for the transfer of generating facilities to FirstEnergy's marketing affiliate.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before August 15, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before August 15, 2000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19597 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–408–000

Columbia Gas Transmission Corporation; Notice of Application

July 28, 2000.

Take notice that on July 19, 2000, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed a request with the Commission in Docket No. CP00–408–000 pursuant to Section 7(c) of the Natural Gas Act (NGA) for authorization to construct, install, and operate a 4,000 horsepower (HP) compressor unit at Columbia's existing Kenova Compressor Station in Wayne County, West Virginia, all as more fully set forth in the application which is open to the public for inspection. This application may be viewed on the web at http:www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Columbia proposes to construct, install, and operate a 4,000 HP compressor unit at the Kenova Compressor Station to accommodate increasing receipts of natural gas from local producers upstream of the compressor station. Columbia states that Columbia Natural Resources Inc. (CNR), the operator of gathering lines upstream of the Kenova Compressor Station, would make a contribution in aid of construction to Columbia of 100 percent of the construction cost, estimated at $3,227,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Any questions regarding the application should be directed to Fredric J. George, Attorney, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325–1273, (304) 357–2359.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19604 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–330–001]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

July 28, 2000.

Take notice that on July 20, 2000, Dauphin Island Gathering Partners (DIGP) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute First Revised Sheet No. 221, with an effective date of March 27, 2000.

DIGP states that the tariff sheet corrected an error in the definition of long-term transactions and is proposed to become effective on March 27, 2000.

DIGP states that on June 15, 2000, it filed tariff sheets to comply with the Federal Energy Regulatory Commission final rule regarding the regulation of short-term interstate natural gas transportation services in Docket Nos. RM98–10 and RM98–12 (Order No. 637). In the instant filing, DIGP is filing to implement provisions of Order No. 637 regarding the waiver of the rate ceiling for short-term capacity release transactions. By Letter Order issued on July 13, 2000, these tariff sheets were accepted subject to the condition of correcting the above referenced language.

DIGP states that copies of the filing are being served contemporaneously on all participants listed on the service list in this proceeding and on all persons who are required by the Commission's regulations to be served with the application initiating these proceedings.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.214 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19598 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–84–001]

Kansas Pipeline Company; Notice of Refund Report

July 28, 2000.

Take notice that on April 27, 2000, Kansas Pipeline Company (KPC) tendered for filing an Excess Interruptible Revenue Refund Report.

KPC states that the refund report is being filed pursuant to the Commission's April 3, 2000 order directing KPC to refile its refund report within 30 days of the April 3 date to include a delineation of interest calculations on the subject refund and complete refund calculations and allocations.

KPC states that pursuant to the Commission's directives, KPC is submitting a delineation of interest calculations on the subject refund, and a Refund Report covering the period from May 11, 1998 to September 30, 1998.

KPC requests waiver of Section 24.5 of the General Terms and Conditions of KPC's tariff, that requires excess revenues to be credited against reservation charges, so that KPC can issue a lump-sum payment to its firm shipper Kansas Gas Service Company.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before August 6, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19600 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–300–003]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

July 28, 2000.

Take notice that on July 24, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with an effective date of June 23, 2000.

Seventh Revised Sheet No. 405
Substitute Original Sheet No. 405A.01
Substitute Tenth Revised Sheet No. 405C
Substitute Original Sheet No. 405E

Tennessee states that the filing is being made in compliance with the Commission's Order issued June 23, 2000 in Docket No. RP00–300, 91 FERC ¶ 61,292 (2000).

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19599 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10942–001]

Skykomish River Hydro, Inc.; Notice of Intent To Prepare an Environmental Impact Statement and Soliciting Comments

July 28, 2000.

On March 8, 1994, the Federal Energy Regulatory Commission (FERC or Commission) received an application for the construction and operation of the Martin Creek Project located on Martin Creek and Kelley Creek in King County, Washington. The project would be located on about 17 acres of the Mt. Baker-Snoqualmie National Forest and would have an installed capacity of 10.2 megawatts.

A Notice of Intent to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) was issued July 29, 1994. Public scoping meetings were held on August 24 and 25, 1994, in Skykomish, Washington and Bellevue, Washington, respectively. Following scoping and based on preliminary environmental analysis of the Martin Creek Project, the FERC staff has determined that licensing of the Martin Creek Project could constitute a major federal action significantly affecting the quality of the human environment. Therefore, the staff intends to prepare an Environmental Impact Statement (EIS) for the Martin Creek Project in accordance with the NEPA.

A draft EIS will be issued and circulated for review by all interested parties. All comments filed on the draft EIS will be analyzed by the staff and considered in the final EIS. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decision.

This notice informs all interested individuals, organizations, and agencies with environmental expertise and concerns, that: (1) The Commission staff has decided to prepare an EIS; (2) the scoping conducted on the Martin Creek Project for the EA and comments filed with the Commission still apply; (3) additional comments for the Martin Creek Project that may result from the change from an Environmental Assessment to an EIS may be filed with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, within 60 days from the date of this notice.

All written correspondence should clearly show the following caption on the first page:

Martin Creek Hydroelectric Project, (FERC Project No. 10942–001)

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission, to serve a copy of the document on each person whose name appears on the official service list. Further, if a party or interceder 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.

Any questions regarding this notice may be directed to David Turner at (202) 219–2844.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19602 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Surrender of Exemption and Soliciting Comments, Motions To Intervene, and Protests

July 28, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No.:* 9902–005.

c. *Date Filed:* June 19, 2000.

d. *Applicant:* Carlsbad Municipal Water District.

e. *Name of Project:* Fred Maerkle Hydroelectric Project.

f. *Location:* On the Applicant's domestic water supply conduit which delivers water from the San Diego County Water Authority connection No. 3 on the Tri-Agencies Pipeline to the Fred Maerkle Reservoir, near Carlsbad, in San Diego County, California.

g. *Filed pursuant to:* 18 CFR 4.102.

h. *Applicant Contact:* Mr. William Plummer, District Engineer/Deputy City Engineer, 1635 Faraday Avenue, Carlsbad, CA 92008–7314, (760) 602–2720.

i. *FERC Contact:* Any questions related to this notice should be addressed to Rafael Montag at (202) 208–0985, or e-mail address: *rafael.montag@ferc.fed.us.*

j. *Deadline for filing comments and/or motions:* August 30, 2000.

All documents (original and eight copies) should be filed with David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

Please include the project number (9902–005) on any comments or motions filed.

k. *Description of Project:* The project consisted of a powerhouse containing a single turbine-generator unit with a rated capacity of 60 kilowatts under a head of 325 feet. A 200-volt, 300-foot-long transmission line connected the project to a radio transmitter.

Carlsbad Municipal Water District requests to surrender the exemption for this constructed project because the project facilities have been removed and there are no plans to install new equipment, or in any way use the site for energy generation in conjunction with the existing exemption.

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, D.C. 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, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19603 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communication; Public Notice

July 28, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (Call 202–208–2222 for assistance).

Exempt:

1. CP00–14–000, 5–26–00, Todd Potas
2. CP00–14–000, 6–16–00, Todd Potas
3. CP00–14–000, 7–12–00, Todd Mattson
4. Project No. 3090, 7–18–00, Maureen Winters
5. Project No. 2035–006, 7–17–00, Dianne Rodman, FERC
6. CP00–6–000, 7–13–00, James. J. Slack
7. CP00–114–000, 6–19–00, Fannie May Henley Nichols
8. CP00–114–000, 6–19–00, Mae Campbell Armstrong
9. CP00–114–000, 6–20–00, James Rutland Moore
10. CP00–114–000, 7–12–00, Judy O'Neal
11. CP00–114–000, 6–20–00, Roy D. Pesson
12. CP00–114–000, 6–19–00, Ralph Litterst
13. CP00–114–000, 7–5–00, James H. Massey

Prohibited:

1. CP97–315–000, 7–20–00, Larry Janchar

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–19601 Filed 8–2–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6845–1]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Cover Sheet for TSCA Submissions

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: Voluntary Cover Sheet for TSCA Submissions; EPA ICR No. 1780.02; OMB Control No. 2070–0156. The ICR is abstracted below and describes the nature of the information collection and its estimated cost and burden.

DATES: Additional comments may be submitted on or before September 5, 2000.

ADDRESSES: Send comments, referencing EPA ICR No. 1780.02 and OMB Control No. 2070–0156, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code: 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone on (202) 260–2740, by e-mail: ''farmer.sandy@epamail.epa.gov,'' or download off the Internet at http://www.epa.gov/icr/icr.htm and refer to EPA ICR No. 1780.02.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Cover Sheet for TSCA Submissions (OMB Control No. 2070–0156; EPA ICR No. 1780.02) expiring 09/30/2000. This is a request for extension of a currently approved collection.

Abstract: The Toxic Substances Control Act (TSCA) requires industry to submit information and studies for existing chemical substances under sections 4, 6, and 8. Under normal reporting conditions, EPA receives approximately 1,700 submissions each year; each submission represents on average three studies. In addition, specific data call-ins can be imposed on industry.

The Agency, in cooperation with industry stakeholders, is pursuing the electronic transfer of TSCA summary data and of full submissions to EPA. The Chemical Manufacturers Association developed a standardized cover sheet for voluntary use by industry to begin familiarizing companies with standard requirements and concepts of electronic transfer. This form was designed for voluntary use as

a cover sheet for submissions of information under TSCA sections 4, 8(d) and 8(e). The cover sheet facilitates submission of information by displaying certain basic data elements, permitting EPA more easily to identify, log, track, distribute, review and index submissions, and to make information publicly available more rapidly and at reduced cost, to the mutual benefit of both the respondents and EPA. The information collection request referenced in this notice applies to the use of this form/cover sheet.

Responses to the collection of information are voluntary. Respondents may claim all or part of a document confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2. 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 October 1, 1999 (64 FR 53377). EPA received no comments on this ICR during the comment period.

Burden Statement: The annual public reporting burden for this collection of information is estimated to average 0.5 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: Companies that manufacture, process, use or import chemical substances and that are subject to reporting requirements under TSCA sections 4, 8(d) or 8(e).

Frequency of Collection: On occasion.

Estimated No. of Respondents: 1,830.

Estimated Total Annual Burden on Respondents: 915 hours.

Estimated Total Annual Non-Labor Costs: $0.

Changes in Burden Estimates: The total burden associated with this ICR has decreased from 1,348 hours in the previous ICR to 915 for this ICR. This decrease in burden represents an adjustment resulting from a net decrease in the number of submissions expected.

According to the procedures prescribed in 5 CFR 1320.12, EPA has submitted this ICR to OMB for review and approval. Any comments related to the renewal of this ICR should be submitted within 30 days of this notice, as described above.

Dated: July 20, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–19684 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6844–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Information Collection Request: The SunWise School Program

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: The SunWise School Program EPA ICR Number 1904.01. 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 September 5, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1904.01. For technical questions about the ICR contact Kristin Kenausis at (202) 564–2289.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request: The SunWise School Program EPA ICR No. 1904.01, This is a new collection.

Abstract: The goal of the SunWise School Program is to teach children and their care givers how to protect themselves from overexposure to the sun. The SunWise School Program recognizes the challenge of measuring the progress and evaluating the effectiveness of an environmental and public health education program where the ultimate goal is to reduce risk and improve public health. Therefore, the continual and careful evaluation of program effectiveness through surveying is necessary to monitor progress and refine the program. Surveys to be developed and administered include: (1) Student survey to identify current sun safety knowledge and behaviors among students; (2) Parent survey to compare findings with those of their children as well as to draw comparisons with the benchmarks established in other national surveys; (3) Teacher questionnaire for measuring their receptivity to the educational component of the Program; and (4) School administrator questionnaire to show receptivity to the SunWise School Program and its standards. The data will be analyzed and results will indicate the Program's effect on participants' sun-protection attitudes and behaviors. Responses to the collection of information are voluntary. All responses to the collection of information remain anonymous and confidential. 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 12/21/99; Two positive comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average .33 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: Elementary and middle school students, parents, teachers, and school administrators.

Estimated Number of Respondents: 6,000.

Frequency of Response: Students, 2 times per year; Parents, teachers, and school administrators, once a year.

Estimated Total Annual Hour Burden: 2,000 hours.

Estimated Total Annualized Capital and Operating & Maintenance Cost Burden: $0.

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. 1904.01.

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 20, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–19685 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6844–8]

Agency Information Collection Activities; Submission of EPA ICR No. 0922.06 to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) entitled: Data Call-Ins for the Special Review and Registration Review Programs (EPA ICR No. 0922.06, OMB No. 2070–0057) has been forwarded to the Office of Management and Budget (OMB) for review and approval pursuant to 5 CFR 1320.12. The ICR, which is abstracted below, describes the nature of the information collection and its estimated cost and burden. A **Federal Register** notice announcing the Agency's intent to seek OMB approval for this ICR and a 60-day public comment opportunity, requesting comments on the request and the contents of the ICR, was issued on March 24, 1999 (64 FR 14229). No comments were received on this ICR during the comment period.

DATES: Additional comments may be submitted on or before September 5, 2000.

ADDRESSES: Send comments to the following addresses:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to:

Office of Information and Regulatory Affairs; Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer by phone at 202–260–2740, or via e-mail at ''farmer.sandy@epa.gov'', or using the address indicated below. You can download the ICR from the Internet at *http://www.epa.gov/icr*. Please refer to EPA ICR No. 0922.06 and OMB Control No. 2070–0057.

SUPPLEMENTARY INFORMATION: The following information collection activity has been submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA is asking OMB to approve this ICR for three years.

Title: Data Call-Ins for the Special Review and Registration Review Programs.

ICR Numbers: EPA ICR No. 0922.06; OMB Control No. 2070–0057.

ICR Status: This ICR involves a collection activity that is currently approved and is scheduled to expire on September 30, 2000, and a new collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under the Paperwork Reduction Act, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: The EPA is responsible for the registration of pesticides as mandated by FIFRA. The information collection document discusses activities for the Special Review Program and the new Registration Review Program. The Special Review Program has been a part of the existing ICR activities for sometime while the new Registration Review Program is an addition to the ICR. Currently, as part of the on-going administrative process under section 6 of FIFRA, registrants are required to submit additional information to EPA regarding unreasonable adverse effects on the environment from the use of the pesticide. EPA may also determine that additional information is needed from the registrant to maintain an existing registration. When the Agency identifies a hazard or a potential hazard from the use of a pesticide that was not known at the time of registration, this information collection is used in the Special Review Program to determine whether regulatory actions are needed.

The Registration Review Program was created by the Food Quality Protection Act in 1996. Under the new Registration Review Program, EPA must periodically review all pesticide registrations (see section 3(g) of FIFRA). Therefore, continued registration of all pesticides, regardless of whether a hazard or potential hazard is identified, requires that the Agency obtain additional data, if necessary, and assess the information necessary for it to determine whether a registration should continue.

Burden: Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; 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. The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice:

Respondents/Affected Entities: Pesticide Registrants.

Estimated Number of Respondents: 68.

Frequency of Response: One time and only as needed.

Estimated Total/Average Number of Responses: 1.5 to 8.

Estimated Total Annual Burden: 71,132 hours.

Estimated Total Annualized Non-Labor Costs: $0.

Changes in the Burden Estimates: The total burden associated with this ICR has decreased from 127,741 hours to 71,132. This net reduction is associated with a program increase of 63,780 hours and a decreasing adjustment of 120,389 hours. This change is discussed in detail in the ICR.

According to the procedures prescribed in 5 CFR 1320.12, EPA has submitted this ICR to OMB for review and approval. Any comments related to the renewal of this ICR should be submitted within 30 days of this notice, as described above.

After providing a 30 day opportunity for additional comments from the public, OMB will review and take action on the Agency's request. Periodically, EPA publishes a notice in the **Federal Register** listing recent OMB actions on the Agency's ICR submissions. If you have any questions about this ICR or the approval process, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: July 20, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–19686 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6845–2]

Section 112(c)(6) Source Category List: Tire Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's finding that there are no hexachlorobenzene (HCB) emissions from tire production manufacturing. Tire production was listed in the **Federal Register** on April 10, 1998 (63 FR 17838) as a source category to be regulated to meet the requirements of Section 112(c)(6) of the Clean Air Act (CAA). The April 10 notice listed tire production as a major contributor of HCB emissions based on information available at that time. Our finding that there are no HCB emissions from tire production sources does not require EPA, pursuant to section 112(c)(6), to list other source categories that emit HCB. The national emission standards for hazardous air pollutants (NESHAP) for tire production (renamed rubber tire manufacturing) is being proposed in a separate **Federal Register** document, which addresses pollutants other than HCB.

ADDRESSES: Docket No. A–97–05 contains information relevant to this notice. You can read and copy it between 8 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays), at our Air and Radiation Docket and Information Center (6102), 401 M Street, SW., Washington, DC 2060; telephone (202) 260–7548. The docket office may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Anthony Wayne, Policy, Planning and Standards Group, Emission Standards Division, (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5439; facsimile number (919) 541–0942; electronic mail address ''wayne.tony@epa.gov.''

SUPPLEMENTARY INFORMATION:

I. Purpose and Basis

This notice informs the public that we have evaluated additional information regarding the emission data provided in the April 10, 1998 **Federal Register** document (63 FR 17838) and have concluded that tire manufacturing sources emit no HCB.

A. Why Did We Look at HCB Emissions From Rubber Tire Manufacturing?

Section 112(c)(6) of the CAA lists seven specific hazardous air pollutants (HAP [1]) and directs EPA to identify sources emitting these HAP and to assure that 90 percent of the emissions of these HAP are subject to standards under section 112(d). The April 10, 1998 notice identified the sources and the contributions of these sources to emissions of the seven listed HAP. That notice included tire production as a source of HCB based on 1994 estimated emission factor information. Tire production was also identified as a source of polycyclic organic matter (POM). That notice also stated that the source category list would act as an impetus for us to perform further analyses on emissions and control methods for the listed source categories.

B. How Was Tire Production Identified for the April 10, 1998 Section 112(c)(6) Listing?

Tire production was listed as a contributor to emissions of HCB based on industry test data generated in 1994 in developing emission factors for the industry to supplement exiting EPA stationary source emission factor information. Industry testing detected HCB in the air samples collected during one test of a rubber missing process for one specific natural rubber compound (Compound No. 3).

The detected level was below the lab quantitation limit of the analysis techniques used at that time. The result, however, was reported as an ''estimate'' to the public. Additionally, the estimated value was used to supplement the lack of tested air emissions for tire production processes other than rubber mixing and thus was extrapolated to estimate HCB emissions for the tire manufacturing processes of calendaring and extruding.

In developing the HCB emissions inventory estimate for tire manufacturing in the April 10, 1998 document, we used the estimated emission factor developed from the emissions tests of rubber Compound No. 3 mixing. To calculate total HCB emissions from the tire manufacturing source category, we applied this emission factor to all rubber mixing, as well as calendaring and extruding processes. As a result, in that notice, we listed the annual HCB emissions from the tire manufacturing source category as 0.435 tons per year (Table 1 of that document). This level of emissions was approximately 29.5 percent of the total HCB emissions contribution by the three source categories listed as contributing 100 percent of the HCB emissions (Table 2 of that document).

C. What Were Some of the Concerns With the HCB Emissions Estimate Presented for Tire Production?

The Rubber Manufacturers Association (RMA) claimed that HCB is not emitted from tire manufacturing sources and that the emission factor data relied upon by EPA in the April 10, 1998 listing were inaccurate.

During development of the proposed rubber tire manufacturing NESHAP, the RMA questioned the presence and amount of HCB associated with tire manufacturing. They claimed that there is no reason to expect HCB to occur from tire manufacturing. They raised questions concerning the validity of the earlier testing results for mixing rubber Compound No. 3. Specifically, they stated that the original laboratory analysis that identified HCB may have been contaminated by an artifact of thermal degradation of the absorbent resin sampling medium used in the original testing.

[1] The listed HAP are alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlordibenzofurans, and 2,3,7,8-tetrachlordibenzo-p-dioxin.

The RMA also claimed that even if HCB is present in emissions from some mixing processes, EPA's calculation of total HCB emissions from the source category were overestimated. They provided revised calculation assumptions and procedures for determining the total amount of HCB emitted.

D. What Did We Learn During the Review of HCB Emissions From Tire Manufacturing and Subsequent Emission Testing?

To address the questions concerning the validity of the 1994 testing data, the RMA, in the interest of its member tire manufacturers, offered to retest the emissions from mixing processes using rubber Compound No. 3. The RMA proposed to conduct a test of a larger rubber compound mixer and a larger batch of the original compound formulation under conditions very similar to those used in the testing conducted in 1994. The RMA then developed the testing protocol for our review, conducted the test under our observation, and submitted the findings of the tests for our review and discussion. We found the test protocol and the manner in which the test was conducted to be acceptable for the purpose of determining the presence of HCB. The test was also structured to determine the quantity of HCB in the event that HCB was detected. The analytical procedure had a lab quantitation limit which was an order of magnitude better than the limit for the procedure used in 1994.

The new testing and analysis of air samples have indicated to our satisfaction that HCB is not present in the compounding of rubber as previously reported. The data showed that HCB is not emitted from rubber Compound No. 3 (the original and only suspect compound). As a result of this new test information, the improved method quantitation limit, and the probable contamination of the original sample, we have concluded that the previous rubber compound mixing test results should be rejected. In addition, the emission factors (estimated based on the mixing test of 1994) for tire calendaring and extruding processes are invalid since these were extrapolated from the 1994 mixing test data.

Today's document only changes our findings with respect to HCB emissions from tire manufacturing sources as identified in Table 1 of the April 10, 1998 notice, and their percent contribution as provided in Table 2 of the notice. We are notifying the public that the HCB emission information associated with the tire manufacturing source category, specifically the 0.435 tons per year, should be 0.0 tons per year. We are also advising the public that the two remaining source categories, chlorinated solvent production and pesticide manufacture, therefore, comprise 100 percent of the contribution of HCB.

II. Administrative Requirements

Today's document is not a rule, it imposes no regulatory requirements or costs on any sources, including small businesses. Therefore, the requirements of Executive Order 13045 (Protection of Children from Environmental Health Risk and Safety Risks), Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments), Executive Order 13132 (Federalism), the Regulatory Flexibility Act, the National Technology Transfer and Advancement Act, and the Unfunded Mandates Reform Act do not apply to today's notice. Also, this notice does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*.

Under Executive Order 12866 (58 FR 51735), October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory action as one that is likely to result in a rule that may either:

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

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

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

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

It has been determined that this regulatory action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

Dated: July 27, 2000.

Robert Perciasepe,

Assistant Administrator for the Office of Air and Radiation.

[FR Doc. 00–19680 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[CO–001–0040; FRL–6844–2]

Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: In this document, EPA is notifying the public that we have found that the motor vehicle emissions budgets in the following submitted Colorado maintenance plans are adequate for conformity purposes: The Denver carbon monoxide maintenance plan, the Pagosa Springs PM_{10} maintenance plan, and the Telluride PM_{10} maintenance plan, all submitted on May 10, 2000. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the Denver Regional Council of Governments, the Colorado Department of Transportation and the U.S. Department of Transportation are required to use the motor vehicle emissions budgets from these submitted maintenance plans for future conformity determinations.

DATES: This document is effective August 18, 2000.

FOR FURTHER INFORMATION CONTACT: Megan Williams, Air & Radiation Program (8P–AR), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, ph. (303) 312–6431 The letter documenting our finding is available at EPA's conformity website: http://www.epa.gov/oms/transp/conform/adequacy.htm.

SUPPLEMENTARY INFORMATION: Today's notice is simply an announcement of a finding that we have already made. EPA Region 8 sent a letter to the Colorado Air Pollution Control Division on July 12, 2000 stating that the motor vehicle emissions budgets in the submitted Denver carbon monoxide maintenance plan, Pagosa Springs PM_{10} maintenance plan, and Telluride PM_{10} maintenance plan are adequate. This finding has also been announced on EPA's conformity website: http://www.epa.gov/oms/transp/conform/adequacy.htm.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes

the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved, and vice versa.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination.

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

Dated: July 26, 2000.

Jack McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 00–19683 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6844–4]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Amoco Petroleum Products

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on no migration petition reissuance.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Amoco Petroleum Products (Amoco) for three Class I injection wells located at Texas City, Texas. As required by 40 CFR Part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by the petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Amoco, of the specific restricted hazardous wastes identified in the exemption, into three Class I hazardous waste injection wells Nos. WDW–80, WDW–127, and WDW–128 at the Texas City, Texas facility, until December 31, 2010, unless EPA moves to terminate the exemption under provisions of 40 CFR 148.24. As required by 40 CFR 148.22(b) and 124.10, a public notice was issued May 24, 2000. The public comment period closed on July 10, 2000. No comments were received. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of July 25, 2000.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–7165.

Jayne Fontenot,

Acting Division Director, Water Quality Protection Division (6WQ).

[FR Doc. 00–19682 Filed 8–2–00; 8:45 am]

BILLING CODE 6560–50–U

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 8, 2000, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Jeanette C. Brinkley, Acting Secretary to the Farm Credit Administration Board, (703) 883–4009, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

July 20, 2000 (Open and Closed).

Dated: August 1, 2000.

Jeanette C. Brinkley,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 00–19831 Filed 8–1–00; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Hazard Mitigation Planning/State Hazard Mitigation Plan.

Type of Information Collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 3067–0212.

Abstract: To obtain federal grant assistance through Federal programs such as the Hazard Mitigation Grant Program or the Fire Suppression Programs, States are required to conduct an evaluation of existing natural hazards to identify beneficial hazard mitigation measures. Plans must be updated and submitted for FEMA approval after a major disaster or emergency declaration before a State can request and receive Federal Financial assistance.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 16 States.

Estimated Time per Respondent: 1.6 responses per State.

Estimated Total Annual Burden Hours: 4,160 hours.

Frequency of Response: On occassions.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget,

Washington, DC 20503 on or before September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472, telephone number (202) 646–2625, FAX number (202) 646–3524, or e-mail address: muriel.anderson@fema.gov.

Dated: July 26, 2000.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–19713 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1333–DR]

Minnesota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Minnesota, (FEMA–1333–DR), dated June 27, 2000, and related determinations.

EFFECTIVE DATE: July 12, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Minnesota is hereby amended for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 27, 2000:

Fillmore, Houston, and Mower Counties for Individual Assistance (already designated for Public Assistance).

Dakota County for Individual Assistance and Public Assistance.

Ramsey County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19703 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1333–DR]

Minnesota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Minnesota (FEMA–1333–DR), dated June 27, 2000, and related determinations.

EFFECTIVE DATE: July 12, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 12, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19704 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1335–DR]

New York; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA–1335–DR), dated July 21, 2000, and related determinations.

EFFECTIVE DATE: July 21, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 21, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New York, resulting from severe storms and flooding beginning on May 3, 2000, and continuing through June 30, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne C. Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared major disaster:

Albany, Chenango, Herkimer, Lewis, Madison, Montgomery, Niagara, Oneida, Onondaga, Otsego, Tioga, and Tompkins Counties for Public Assistance.

All counties within the State of New York are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537,

Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–19711 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1334–DR]

North Dakota; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Dakota (FEMA–1334–DR), dated June 27, 2000, and related determinations.

EFFECTIVE DATE: July 11, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster, which was designated as June 12, 2000, and continuing, is now amended. The incident period for this declared disaster is now April 5, 2000, and continuing.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–19705 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1334–DR]

North Dakota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Dakota, FEMA–1334–DR, dated June 27, 2000, and related determinations.

EFFECTIVE DATE: July 24, 2000

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Dakota is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 27, 2000:

Benson and Ramsey Counties for Public Assistance (already designated for Individual Assistance).

Barnes, Burleigh, Burke, Cavalier, Dickey, Emmons, LaMoure, Logan, Morton, Mountrail, Oliver, Pembina, Richland, Renville, Rolette, Sargent, Steele, Stutsman, Towner, and Ward Counties for Individual Assistance.

Burleigh, Pembina, Richland, Renville, Rolette, and Sargent Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19709 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1334–DR]

North Dakota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Dakota FEMA–1334–DR, dated June 27, 2000, and related determinations.

EFFECTIVE DATE: July 21, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 21, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19710 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1332–DR]

Wisconsin; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1332–DR), dated June 23, 2000, and related determinations.

EFFECTIVE DATE: July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is reopened. The incident period for this declared disaster is now May 26, 2000, and continuing.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis

Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–19699 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1332–DR]

Wisconsin; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1332–DR), dated June 23, 2000, and related determinations.

EFFECTIVE DATE: July 18, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Wisconsin is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 2000: Racine County for Individual Assistance.

Richland and Sauk Counties for Individual Assistance (already designated for Public Assistance).

Ashland, Barron, Burnett, Forest, Iron, Oneida, Polk, Rusk, Sawyer, and Washburn Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19700 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1332–DR]

Wisconsin; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1332–DR), dated June 23, 2000, and related determinations.

EFFECTIVE DATE: July 11, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Wisconsin is hereby amended to include Individual Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 2000:

Crawford, Dane, Grant, Kenosha, Vernon, and Walworth Counties for Individual Assistance (already designated for Public Assistance).

Milwaukee County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–19701 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1332–DR]

Wisconsin; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1332–DR), dated June 23, 2000, and related determinations.

EFFECTIVE DATE: July 13, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Wisconsin is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 2000:

Milwaukee County for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19702 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1332–DR]

Wisconsin; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1332–DR), dated June 23, 2000, and related determinations.

EFFECTIVE DATE: July 19, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 19, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–19706 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Cooperating Technical Communities

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of Cooperating Technical Communities flood hazard mapping initiative.

SUMMARY: We (FEMA) give notice of the Cooperating Technical Communities initiative that will recognize and encourage participation by states, regional agencies, and communities in the flood hazard mapping process.

DATES: Pilot projects are ongoing.

FOR FURTHER INFORMATION CONTACT: Your FEMA Regional Cooperating Technical Communities Coordinator. We list contact names for the coordinators under Section (e) of this document.

SUPPLEMENTARY INFORMATION: (a) *Background.* Throughout this notice, the terms ''we,'' ''our,'' and ''us,'' refers to FEMA. We administer the National Flood Insurance Program (NFIP) and under § 1360 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4101), we establish and update flood-risk zone data in floodplain areas. In the identification of flood-prone areas, we may consult with, receive information from, and enter into agreements or other arrangements with the head of any State, regional, or local agency in order to identify these floodplain areas.

We are implementing the Cooperating Technical Communities (CTC) concept as part of our Flood Map Modernization plan (*http://www.fema.gov/library/mapmod.pdf*). The CTC initiative will formally recognize and encourage the ongoing contributions that our mapping partners—States, regional agencies, and communities—make in assisting us in providing timely and accurate flood hazard information. The participating entity will enter into a partnership agreement with us to develop or maintain all or a component of its flood hazard maps.

CTC partnerships will maximize the effectiveness of the limited local and Federal funding available for flood mapping, while maintaining consistent national standards. Through these partnerships, the integration of locally-funded or developed flood and mapping data in the flood mapping process will enable contributing partners to expand the scope of our flood mapping efforts. We expect that this will result in enhanced responsibility for the maps by the partners and, in turn, heightened local awareness of flood risks, more effective floodplain management, and more accurate maps. The Cooperating Technical Communities initiative includes both locally-funded and FEMA-funded activities.

Under the initiative, we and the partner will enter a general overall agreement (CTC Agreement) that recognizes the fundamental importance of flood hazard identification, as well as flood insurance and floodplain management. Then, as the CTC partner and we identify specific flood mapping activities to undertake, we and the CTC partner will develop and enter into Mapping Activity Agreements under the umbrella of the overall CTC Agreement.

We envision that most Mapping Activity Agreements will be collaborative efforts where both the CTC partner and FEMA contribute data and units of work to maximize the extent, accuracy, and utility of flood studies to best meet local and Federal needs, while minimizing costs for all parties. Federal funding will be limited even if we can allocate supplemental map modernization funding. In any event, we will allocate funding within the context of our flood study prioritization process.

We will consider Fiscal Year 2000 as a pilot year for this initiative. Initial Guidance is available at *http://www.fema.gov/mit/tsd/CTC_main.htm.*

(b) *Availability of Fiscal Year 2000 Funds.*

We have set aside $3,500,000 to be available for FEMA-funded CTC activities in Fiscal Year 2000. We have identified partners as potential recipients of funding through CTC agreements for this pilot year. We based the selection on floodplain mapping needs and on the partners' interest, contributions, and their capability to perform the types of activities that we identified for the pilot effort.

(c) *Activities.*

All of the activities listed below contain the following benefits for both the CTC partner and for FEMA:

- Local capabilities in hazard identification and risk assessment—the building blocks for disaster resistance—will be enhanced through FEMA technical assistance, experience, standards, and funding;
- The data, methods, and mapping used for local, regional, and state per mitting processes will also be used for NFIP mapping, to the extent possible;
- Close coordination and involvement in the flood hazard mapping process will result in more efficient local floodplain management by the CTC partners;
- The program has the potential to interject a tailored, local focus into a national program where unique conditions may exist that necessitate special approaches to flood hazard identification.
- By incorporating local knowledge and expertise, we expect that National Flood Insurance Program flood hazard maps will be more accurate and can be updated faster than now.

Mapping Activity Agreements will support the development of flood hazard mapping or a component of the production and maintenance of flood hazard mapping. The CTC partner and we will collaborate on these mapping activities. We may provide technical assistance, support, and data to the CTC partner. In some cases, funding may also be available. The following mapping activities may receive funding in Fiscal Year 2000 through a cooperative agreement with us:

Activity	Partner	Description
Refinement of Approximate Zone A Boundaries.	Community/Regional/State Agency	The CTC partner works with FEMA to perform analyses to refine Zone A boundaries. Emphasis placed on automation techniques.
Hydrologic & Hydraulic (H&H) Modeling and Floodplain Mapping.	Community/Regional/State Agency	The CTC partner develops digital engineering data and floodplain mapping using GIS-based or traditiional H&H modeling.

Activity	Partner	Description
DFIRM Preparation	Community/Regional/State Agency	The CTC partner digitizes the effective FIRM into a DFIRM.
Redelineation of Detailed Flood Hazard Information Using Updated Topographic Data.	Community/Regional/State Agency	The CTC partner redelineates the effective flood hazard information using more up-to-date topographic data. GIS is used, where available.

Where no funding will be provided to CTC partners for the following mapping activities, we may provide techical assistance, support, and data to the CTC partner:

Activity	Partner	Description
Base Map Inventory	Regional or State Agency	The CTC partner performs an investigation and provides an inventory of base maps meeting FEMA's specifications for NFIP communities in the state.
Digital Base Map Data Sharing	Community/Regional/State Agency	The CTC partner supplies a base map for DFIRM production. The base map will comply with FEMP's minimum accuracy requirements and be distributable by FEMA to the public (hardcopy and electronic formats).
DFIRM Maintenance	Community/Regional/State Agency	The CTC partner assumes responsibility for long-term, periodic maintenance of the DFIRM. This can include base map and/or flood information.
Hydrologic and Hydraulic Review Agreement [1].	Community/Regional/State Agency	The CTC partner evaluates H&H studies prepared for flood data updates and/or 44 CFR Part 65 map revisions. The review will focus on compliance with the technical and regulatory requirements contained in FEMA's varous flood mapping guidelines and specifications, the pertinent NFIP flood mapping regulations, as well as standard accepted engineering practices.
Analysis of Community Mapping Needs (*to support FEMNA's Mapping Needs Update Support System (MNUSS)*).	Regional/State Agency	The CTC partner performs a detailed community-by-community investigation and assessment of every NFIP community's mapping needs, including flood data updates, map maintenance, and includes unmapped communities. *(This activity was eligible for funding in FY 1999, but is no longer eligible for funding).*
Technical Standards Agreement	Community/Regional/State Agency	Adoption of specific technical standards or processes appropriate for local conditions for NFIP flood mapping purposes.

[1] This activity is currently being considered as a pilot activity.

(d) *Eligibility Criteria.*

We intend the cooperative agreements (CAs) awarded in this effort to supplement and not supplant on-going mapping efforts by the community, regional agency, or State. The FEMA funds would be in addition to the partner's current effort. This is the second year of this initiative and our Regional Offices have selected pilot communities based on the following criteria:

(1) The CTC partner must have existing processes or systems in place that support mapping or data collection activities that contribute to flood hazard identification. These ongoing processes or systems must be supported by non-federal funding.

(2) The CTC partner must have demonstrated the capability to perform the mapping activities for which it is applying.

(3) The CTC partner must be a community participating in the NFIP, and be in good standing in the program as determined by our Regional Office, or be a State or regional agency that serves communities that participate in the NFIP.

We will evaluate these criteria, which have been used in this pilot year, and we will further enhance them in subsequent years. In addition to the selection criteria above, communities that receive a CA must be able to perform the financial management activities required as part of the cooperative agreement (*i.e.,* account for federal funds, prepare financial reports). Our regional offices will assist the communities with these financial management activities.

(e) *Cooperating Technical Community Contacts.*

Region 1: (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Dean Savramis, 442 J.W. McCormack POCH, Boston, MA 02109, Telephone: (617) 223–9564, (e:mail) *dean.savramis@fema.gov.*

Region 2: (New Jersey, New York, Puerto Rico, Virgin Islands), Paul Weberg, 26 Federal Plaza, Room 1337, New York, NY 10278, (212) 225–7229, (e:mail) *paul.weberg@fema.gov.*

Region 3: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Erik Rourke, 615 Chestnut Street, 6th Floor, Philadelphia, PA 19106, (215) 931–5665, (e:mail) *erik.rourke@fema.gov.*

Region 4: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Laura Algeo, 3003 Chamblee Tucker Rd., Atlanta, GA 30341, Telephone: (770) 220–5436, (e:mail) *laura.algeo@fema.gov.*

Region 5: (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Ken Hinterlong, 536 S. Clark Street, 6th Floor, Chicago, IL 60605, Telephone: (312) 408–5529, (e:mail) *ken.hinterlong@fema.gov.*

Region 6: (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Jack Quarles, FRC 800 North Loop 288, Denton, TX 76210, Telephone: (817) 898–5156, (e:mail) *jack.quarles@fema.gov.*

Region 7: (Iowa, Kansas, Missouri, Nebraska), Bob Franke, 2323 Grand Avenue, Suite 900, Kansas City, MO 64108, Telephone: (816) 283–7073, (e:mail) *bob.franke@fema.gov.*

Region 8: (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), John Liou, Denver Federal Center, Bldg. 710, Box 25267, Denver, CO 80225, Telephone: (303) 235–4836, (e:mail) *john.liou@fema.gov.*

Region 9: (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Les Sakumoto, Bldg. 105, Presidio of San Francisco, San

Francisco, CA 94129, Telephone: (415) 923–7183, (e:mail) *leslie.sakumoto@fema.gov.*

Region 10: (Alaska, Idaho, Oregon, Washington), Larry Basich, Federal Regional Center, 130—228th Street, Bothell, WA 98021, Telephone: (425) 487–4703, (e:mail) *lawrence.basich@fema.gov.*

Dated: July 19, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–19707 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fee Schedule for Processing Requests for Map Changes, for Flood Insurance Study Backup Data, and for National Flood Insurance Program Map and Insurance Products

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Correction of notice.

SUMMARY: This document corrects the notice published on Wednesday, May 3, 2000 (65 FR 25728). The correction relates to fees for paper copies of FHBM, FIRM, DFIRM, or FBFM panels.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Matthew Miller, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, or (telephone) (202) 646–3610, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency published a notice on May 3, 2000 that revised fee schedules for processing certain types of requests for changes to National Flood Insurance Program (NFIP) maps, for processing requests for Flood Insurance Study (FIS) technical and administrative support data, and for processing requests for particular NFIP map and insurance produces. As published the notice incorrectly printed the fee per panel for paper copies of FHBM, FIRM, DFIRM, or FBFM panels.

Accordingly, the notice published as FR Doc. 00–11013 on May 3, 2000, 65 FR 25726, is corrected as follows:

On page 25728, in the table, the first entry under the column entitled ''Fee'', which reads ''$1.50 per panel'', should read ''$1.05 per panel''.

Dated: July 21, 2000.

Michael Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–19708 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting of the Federal Interagency Committee on Emergency Medical Services (FICEMS)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: FEMA announces the following open meeting.

NAME: Federal Interagency Committee on Emergency Medical Services (FICEMS).

DATE OF MEETING: September 7, 2000.

PLACE: Room 212, Maryland Institute of Emergency Medical Services Systems (MIEMSS), 653 West Pratt Street in Baltimore, Maryland 21201.

TIME: 10:30 a.m.

PROPOSED AGENDA: Review and submission for approval of previous FICEMS Committee Meeting Minutes; Ambulance Design Subcommittee and Technology Subcommittee Reports; presentation of member agency reports; reports of other interested parties; briefing on Public Access Defibrillation (National Perspective); Briefing on Public Access Defibrillation (Federal Perspective); and Recommendation and Nomination of New Chair for FICEMS Technology Subcommittee.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact William Troup, United States Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, (301) 447-1231, on or before Tuesday, September 5, 2000.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on December 7, 2000. Copies of the latest approved FICEMS Committee Meeting Minutes are also available for viewing and download from the following site on the World Wide Web; http://www.usfa.fema.gov/about/ficems.htm.

Kenneth O. Burris, Jr.,

Chief Operating Officer, United States Fire Administration.

[FR Doc. 00–19712 Filed 8–2–00; 8:45 am]

BILLING CODE 6718–08–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 25, 2000.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President, 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Pinnacle Financial Partners, Inc., Nashville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Pinnacle National Bank (in organization), Nashville, Tennessee.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group), 101 Market Street, San Francisco, California 94105–1579:

1. Greater Bay Bancorp, Palo Alto, California; to acquire 100 percent of the voting shares of Bank of Petaluma, Petaluma, California.

Board of Governors of the Federal Reserve System, July 28, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–19594 8–2–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 25, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Old Kent Financial Corporation, Grand Rapids, Michigan; to acquire Home Bancorporation, Fort Wayne, Indiana, and to thereby indirectly acquire Home Loan Bank, fsb, Fort Wayne, Indiana, and to thereby engage in operating a savings association, pursuant to Section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, July 28, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–19595 Filed 8–2–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00134]

Leadership and Investment in Fighting an Epidemic (LIFE) Global AIDS Activity; Notice of Availability of Funds; Amendment

A notice announcing the availability of Fiscal Year 2000 funds to establish a increase United States support for sub-Saharan African countries and India to limit the further spread of HIV and to care for those affected by this devastating disease was published in the **Federal Register** on July 11, 2000, [Vol. 65, No. 133, Pages 42704–42706]. The notice is amended as follows:

On page 42704, Second Column, under Section B. Eligible Applicants, Item (1), delete: ''Be a U.S. Private Volunteer Organization (PVO)'' and change to read: ''(1) Have been granted tax-exempt status under Section 501(c)(3), evidenced by an Internal Revenue Service (IRS) determination letter;'.

On page 42704, Second Column, under Section B. Eligible Applicants, Item No. (2), change to read: ''have at least 2 years experience in delivering HIV, STD, or TB prevention and/or prenatal/obstetric/reproductive programs in accordance with GAA objectives in at least 2 of the 15 countries (Botswana, Cote d'Ivoire, Ethiopia, Kenya, Malawi, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Tanzania, Uganda, Zambia, Zimbabwe, India).

On page 42705, Third Column, Under Section F. Submission and Deadline, change to read: ''On or before September 6, 2000 submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

John L. Williams,

Director, Procurement and Grants Office Center for Disease Control and Prevention (CDC).

[FR Doc. 00–19617 Filed 8–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1426]

Agency Information Collection Activities; Proposed Collection; Comment Request; Emergency Health Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on emergency health surveys to obtain data from health professionals and medical-device-user facilities when FDA must quickly determine whether or not a problem with a medical device impacts the public health.

DATES: Submit written comments on the collection of information by October 2, 2000.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information

before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Emergency Health Surveys

Under section 519 of the Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(i)), FDA is authorized to require: (1) Manufacturers to report medical-device-related deaths, serious injuries, and malfunctions; and (2) user facilities to report device-related deaths directly to FDA and to manufacturers, and to report serious injuries to the manufacturer. Section 522 of the act (21 U.S.C. 360(l)) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health or gross deception of the consumer. Section 903(b)(2) of the act (21 U.S.C. 393(b)(2)) authorizes the Commissioner of Food and Drugs (the Commissioner) to implement general powers (including conducting research) to effectively carry out the mission of FDA. These sections of the act enable FDA to enhance consumer protection from risks associated with medical device usage that are not foreseen or apparent during the premarket notification and review process. Currently FDA monitors medical product related postmarket adverse events via both the mandatory and voluntary MedWatch Reporting Systems using FDA Forms 3500 and 3500A (OMB Control No. 0910–0281).

FDA is seeking OMB clearance to collect information via a series of surveys, thus implementing section 705(b) of the act and the Commissioner's authority as specified in section 903(b)(2) of the act. Participation in these surveys will be voluntary. This request covers emergency health surveys for general type medical facilities, specialized medical facilities (those known for cardiac surgery, obstetrics/gynecology services, pediatric services, etc.), and health professionals, but more typically risk managers working in medical facilities.

FDA will use the information gathered from these surveys to quickly obtain vital information from the appropriate clinical sources so that FDA may take appropriate public health or regulatory action. FDA projects 10 emergency health surveys per year with a sample of between 50 and 200 respondents per survey.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

No. of Respondents	Annual Frequency per Respondent	Total Annual Responses	Hours per Response	Total Hours
200	10 (maximum)	2,000	2	4,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on the maximum sample size per questionnaire that FDA could analyze in a timely manner. The annual frequency of respondent was determined by the maximum number of questionnaires that will be sent to any individual respondent. Some respondents may be contacted only one time per year, while another respondent may be contacted several times, depending on the medical device under evaluation. It is estimated that, given the expected type of issues that will be addressed by the surveys, at a maximum it will take 2 hours for a respondent to gather the requested information and fill in the answers.

Dated: July 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–19625 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0725]

Agency Information Collection Activities; Announcement of OMB Approval; Interstate Shellfish Dealer's Certificate

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Interstate Shellfish Dealer's Certificate'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 5, 2000 (65 FR 35651), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–00021. The approval expires on July 31, 2003. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: July 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–19624 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1268]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Food Additives and Food Additive Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by September 5, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Additives and Food Additive Petitions—21 CFR 171.1 and Parts 172, 173, 175 through 178, and 180—(OMB Control Number 0910–0016)—Extension

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(a)) provides that any particular use or intended use of a food additive shall be deemed to be unsafe, unless the additive and its use or intended use are in conformity with a regulation issued under Section 409 of the act that describes the condition(s) under which the additive may be safely used, or unless the additive and its use or intended use conform to the terms of an exemption for investigational use, or unless a food contact notification submitted under paragraph (h) is effective. Food additive petitions are submitted by individuals or companies to obtain approval of a new food additive or to amend the conditions of use permitted under an existing food additive regulation. Section 171.1 (21 CFR 171.1) specifies the information that a petitioner must submit in order to establish that the proposed use of a food additive is safe and to secure the publication of a food additive regulation describing the conditions under which the additive may be safely used. Parts 172, 173, 175 through 178, and 180 (21 CFR parts 172, 173, 175 through 178, and 180) contain labeling requirements for certain food additives to ensure their safe use.

FDA scientific personnel review food additive petitions to ensure the safety of the intended use of the food additive in or on food, or of a food additive that may be present in food as a result of its use in articles that contact food. FDA requires food additive petitions to contain the information specified in § 171.1 in order to determine whether a petitioned use for a food additive is safe, as required by the act. This regulation (§ 171.1) implements section 409(b)(2) of the act.

Respondents are businesses engaged in the manufacture or sale of food, food ingredients, or substances used in materials that come into contact with food.

In the **Federal Register** of May 16, 2000 (65 FR 31178), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section/Part	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
171.1	13	1	13	5,332	69,316
Part 172	13	1	13	0	0
Part 173	13	1	13	0	0
Parts 175 through 178	13	1	13	0	0
Part 180	13	1	13	0	0
Total					69,316

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This estimate is based on the number of new food additive petitions received in fiscal year 1999 and the total hours expended by petitioners to prepare the petitions. A reduction was estimated based on expected eligibility of some substances previously submitted as food additive petitions for submission as food contact notices under new section 409(h) of the the act. The burden varies with the complexity of the petition submitted, because food additive petitions involve the analysis of scientific data and information, as well as the work of assembling the petition itself. Because labeling requirements under parts 172, 173, 175 through 178, and 180 for particular food additives involve information required as part of the food petition safety review process under § 171.1, the estimate for the number of respondents is the same and the burden hours for labeling are included in the estimate for § 171.1.

Dated: July 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–19623 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1060]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Adoption of the FDA Food Code by Local, State, and Tribal Governments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing

that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by September 5, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Adoption of the FDA Food Code by Local, State, and Tribal Governments

FDA has developed the model Food Code to assist and promote consistent implementation of national food safety regulatory policy among the several thousand local, State, and tribal jurisdictions that have primary responsibility for the regulation or oversight of retail level for operations. The FDA Food Code provides a scientifically sound technical and legal basis for regulating the retail segment of the food industry. Authority for providing such assistance is derived from section 311(a) of the Public Health Service Act (42 U.S.C. 243) and delegation of authority from the Public Health Service to the Commissioner of Food and Drugs relative to food protection is contained in 21 CFR 5.10(a)(2) and (a)(4). Under 31 U.S.C. 1535, FDA provides assistance to other Federal agencies such as the Indian Health Service.

Nationwide adoption of the model FDA Food Code is an important step to further the goals of the President's Council on Food Safety for consistent, scientifically sound, and risk-based food safety standards and practices and to work more effectively with partners in State, local, and tribal governments. FDA has established a site on the Internet at http://cfsan.fda.gov under ''Federal/State Food Programs'' and ''Retail Food Safety References'' to list jurisdictions that have reported adoptions of the FDA Food Code. Because it is self-reported, the list is incomplete and has not been evaluated to determine whether all the adopted codes are equivalent to the model Food Code. It is important to FDA to have a comprehensive, accurate, and current inventory of Food Code adoptions to help achieve the aims of the President's Council on Food Safety and the agency's Food Safety Initiative goals.

FDA has obtained the services of the Association of Food and Drug Officials (AFDO) to develop and implement an active surveillance system to track and report on the adoption of the FDA Food Code by State and local agencies and tribal nations of native Americans. AFDO will develop and maintain an active data base to track adoptions of the Food Code; identify and periodically contact State, local, and tribal food safety program administrators to determine the current status of adoptions of the Food Code or its equivalent; evaluate the equivalency of the adopted codes with the FDA Food Code; and provide quarterly progress reports to FDA from the data base in tabular and graphic form. Reports may be placed on the Internet at http://www.fda.gov.

Initial contacts by AFDO to local, State, and tribal program administrators will be by telephone and/or e-mail to determine the Food Code status in their jurisdiction(s). Verbal responses to questions will be acceptable as will electronic or facsimile information. Followup contacts to clarify responses will be by telephone or e-mail to minimize the burden on respondents.

The questions will concern whether or not the FDA Food Code has been adopted in the respondent's jurisdiction; which version of the Food Code is in effect; and whether local jurisdictions need to be contacted for Food Code adoption status. AFDO will also determine with the local/State/tribal governments that it has the latest version of the code for analysis.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
500	2	1,000	1	1,000
Total				1,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA based its estimates on the number of State agencies (100) involved in Food Code-related regulatory programs, 300 local agencies with local ordinance authority that may consider Food Code adoption in any one year, and 100 tribal agencies. Estimating the number of local agencies is difficult before the start of this project because in some States, adoption by a State agency automatically applies to all local jurisdictions in that State. In other States, some metropolitan jurisdictions may adopt the FDA Food Code individually. Similar circumstances may apply to tribal nation's agencies that may be adopting the FDA Food Code. When the initial information gathering is completed, FDA will be able to identify more accurately the number of local and tribal agencies for which tracking adoption of the FDA Food Code will be necessary.

Frequency of reporting will range from once per year to quarterly for any one jurisdiction. This is because agencies that have already adopted the Food Code will require less frequent contact, perhaps only annually, than those that are in the process of adopting the Food Code. An average of two contacts in 1 year, therefore, was selected. Because most reporting will be done telephonically or electronically, reporting times often will be less than 1 hour.

These estimates will fluctuate from year to year as agencies adopt, revise, and consider adoption of the FDA Food Code. Over the next 3 years, the frequency of contacts should decrease as jurisdictions adopt the FDA Food Code. This project will take several years to complete because the adoption process in some States can extend to 2 years or longer. For example, some States have biennial legislative sessions. Others have extensive notice-and-comment administrative rulemaking procedures that can extend well beyond 1 year.

In accordance with 5 CFR 1320.8(d) on April 6, 2000 (65 FR 18110), a 60-day notice for public comment was published in the **Federal Register**. One comment was received which questioned the necessity for the information and criticized the funding mechanism for obtaining the information. FDA disagrees with the commentator on both points.

Regarding the necessity for a nationwide adoption of the model FDA Food Code is an important step to further the goals of the President's Council on Food Safety for consistent, scientifically sound, and risk-based food safety standards and practices and to work more effectively with partners in State, local, and tribal governments and with other Federal agencies. To help achieve these aims and FDA's Food Safety Initiative goals, FDA needs a comprehensive, accurate, and current inventory of Food Code adoptions to monitor the effectiveness of FDA's assistance to these agencies and to identify gaps where additional assistance may be needed.

FDA has established a site on the Internet at http://www.cfsan.fda.gov ''Federal/State Food Programs'' and ''Retail Food Safety References'' to list agencies that have reported adoptions of the FDA Food Code. Because it is self-reported, the current list is incomplete and those codes adopted have not been evaluated for consistency with the model FDA Food Code. FDA has obtained the services of AFDO to develop and implement an active surveillance system to track and report on the adoptions of the FDA Food Code by State and local agencies and tribal nations of native Americans.

AFDO will develop an active computer data base that will capture adoptions of the FDA Food Code; identify and periodically contact State, local, and tribal food safety program administrators to determine the current status of Food Code adoptions; collect information to identify consistency of adopted codes with the FDA Food Code focused only on the Centers for Disease Control identified risk factors and the FDA Food Code interventions; and provide quarterly progress reports to FDA from the data base in tabular and graphic form. Reports may be placed on the Internet at http://www.cfsan.fda.gov.

On the comment's second point regarding propriety of funding the project, the purchase requisition for services was well within the limits and fully compliant with regulations for purchasing the services of AFDO to conduct the information gathering.

Dated: July 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–19626 Filed 8–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10013]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration; HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Medicare beneficiary line survey; *Form No.:* HCFA–10013 (OMB# 0938–NEW); *Use:* This survey will be used by the Michigan Peer Review Organization to obtain information that will assist it in improving its services; *Frequency:* On occasion; *Affected Public:* Individuals or households; *Number of Respondents:* 3,600; *Total Annual Responses:* 360; *Total Annual Hours:* 90.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: July 25, 2000.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–19675 Filed 8–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0094]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration; HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Sterilization Regulations and Consent Form; *Form No.:* HCFA–R–0094 (OMB# 0938–0481); *Use:* All Medicaid-eligible individuals seeking sterilization are required to provide informed consent, acknowledging that they understand the risks and benefits; *Frequency:* On occasion; *Affected Public:* Individuals or households; State, local or tribal gov't;

Number of Respondents: 135,923; *Total Annual Responses:* 135,923; *Total Annual Hours:* 169,903.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: July 25, 2000.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–19677 Filed 8–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–199 & HCFA–255]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

(1) *Type of Information Collection Request:* Revision of a currently approved collection;

Title of Information Collection: Medicaid Report on Payables and Receivables;

Form No.: HCFA–R–199 (OMB# 0938–0697);

Use: The Chief Financial Officers Act of 1990 requires government agencies to produce auditable financial statements. This form will collect accounting data from the States on Payables and Receivables;

Frequency: Annually;

Affected Public: State, Local or Tribal Government;

Number of Respondents: 57;

Total Annual Responses: 57;

Total Annual Hours: 342.

(2) *Type of Information Collection Request:* Extension of a currently approved collection;

Title of Information Collection: Municipal Health Services Cost Report Form and Supporting Regulations in 42 CFR 405.2470;

Form No.: HCFA–255 (OMB# 0938–0155);

Use: The Municipal Health Services Program Cost Report (HCFA–255) is used by the participating clinics to report costs for health care services rendered to Medicare beneficiaries. It is also used to gather data to properly evaluate the demonstration. It has been in use since 1979;

Frequency: Annually;

Affected Public: State, Local or Tribal Government, and Not-for-profit institutions;

Number of Respondents: 14;

Total Annual Responses: 14;

Total Annual Hours: 476.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: July 25, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–19678 Filed 8–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–462A/B]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Clinical Laboratory Improvement Amendments (CLIA) Adverse Action Extract and Supporting Regulations at 42 CFR 493.1840; *Form No.:* HCFA–462A/B (OMB 0938–0655; *Use:* The CLIA Adverse Action Extract will be used by HCFA surveyors (State health department, and other HCFA agents) to report to regional staff and record the adverse actions imposed against a laboratory. The form will also serve to track dates of the imposition of adverse actions, date on which a laboratory corrects deficiencies, and all appeals activity; *Frequency:* On occasion, Biennially; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 52; *Total Annual Responses:* 1573; *Total Annual Hours:* 786.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: July 25, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–19676 Filed 8–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Support Services for Studies of Emergent Cancer.

Date: August 15, 2000.

Time: 8 am to 5 pm.

Agenda: To review and evaluate contract proposals.

Place: Executive Plaza North, Conference Room G, 6130 Executive Plaza, Rockville, MD 20852.

Contact Person: C.M. Kerwin, PhD, Scientific Review Administrator, Special Review And Resources Branch, Division Of Extramural Activities, National Cancer Institute, National Institutes Of Health, 6116 Executive Boulevard, Room 8086, Rockville, MD 20892–7405, 301/496–7421.

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. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 24, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19639 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 Cancer Institute Special Emphasis Panel NCI Transition Career Development Award (K22).

Date: August 15, 2000.

*Time:*3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Grants Review Branch, 6116 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Mary Bell, PHD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8058, Bethesda, MD 20892, 301/496–7878.

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. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 24, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19640 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of 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 meetings of the National Advisory Research Resources Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 4 U.S.C., as amended. The grant applications and/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Research Resources Council, Executive Subcommittee.

Date: September 7, 2000.

Open: 8:00 a.m. to 9:00 a.m.

Agenda: To discuss policy issues.

Place: National Center for Research Resources, National Institute of Health, Conference Room 3B13, Building 31, Bethesda, MD 20892.

Contact Person: Louise E. Ramm, Deputy Director, National Center for Research Resources, National Institutes of Health, Building 31, Room 3B11, Bethesda, MD 20892; 301–496–6023.

Name of Committee: National Advisory Research Resources Council.

Date: September 7, 2000.

Open: 9:15 a.m. to 1:30 p.m.
Agenda: Report of Center Director and other issues.
Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.
Closed: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.
Open: 3:30 p.m. to adjournment.
Agenda: Issues related to Council business.
Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.
Contact Person: Louise E. Ramm, Deputy Director, National Center for Research Resources, National Institutes of Health, Building 31, Room 3B11, Bethesda, MD 20892, 301–496–6023.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: July 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19633 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 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 discussion 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 Center for Research Resources Special Emphasis Panel.
Date: August 8, 2000.
Time: 11 am to Adjournment.
Agenda: To review and evaluate grant applications.
Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John D. Harding, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0810.

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 Center for Research Resources Special Emphasis Panel.
Date: August 8, 2000.
Time: 2 pm to Adjournment.
Agenda: To review and evaluate grant applications.
Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John D. Harding, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0810.

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; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: July 26, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19644 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Effect of the Antiandrogen DDE on Anthropometric Measures at Birth.
Date: September 1, 2000.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate contract proposals.
Place: NIEHS, 79 T.W. Alexander Drive, Building 4401, Conference Room 3446, Research Triangle Park, NC 27709 (telephone conference call).
Contact Person: David P. Brown, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709; (919) 541–4964.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Cooperative Agreements (U13s).
Date: September 14, 2000.
Time: 10 a.m. to 11 a.m.
Agenda: To review and evaluate cooperative agreement applications.
Place: NIEHS—East Campus, 79 T.W. Alexander Drive, Building 4401, Room 3446, Research Triangle Park, NC 27709 (telephone conference call).
Contact Person: J. Patrick Mastin, Scientific Review Administrator, Scientific Review Branch/DERT, NIEHS, P.O. Box 12233 MD EC–30, Research Triangle Park, NC 27709, (919) 541–1446.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: July 26, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19630 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 2, 2000.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: 45 Natcher Bldg, Rm. 5As.25u, Bethesda, MD 20892 (telephone conference call).

Contact Person: Tommy L. Broadwater, Chief, Grants Review Branch, NIAMS, NIH, 45 Center Drive, Rm. 5AS25U, Bethesda, MD 20892; 301–594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 26, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19631 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, August 1, 2000, 11 a.m. to August 1, 2000, 5 p.m., Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815 which was published in the **Federal Register** on June 23, 2000, 65 FR 39153.

The meeting will now be held at the Neuroscience Center as a telephone conference call. The meeting is closed to the public.

Dated: July 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19632 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact person listed below in advance of the meeting.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: September 26, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: The Committee will provide advice on scientific priorities, policy, and program balance at the Division level. The Committee will review the progress and productivity of ongoing efforts, and identify critical gaps/obstacles to progress.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesdas, MD 20892.

Contact Person: Rona L. Siskind, Executive Secretary, AIDS Research Advisory Committee, Division of AIDS, NIAID/NIH, Room 4139, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 200892–7601, 301–435–3732.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 25, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19636 Filed 8–2–00; 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 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)(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–2(03).

Date: August 2–4, 2000.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Hotel, 26300 Chagrin Boulevard, Beachwood, Ohio 44122.

Contact Person: Shan S. Wong, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 643, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797.

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. 93.847, 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 24, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19637 Filed 8–2–00; 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; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, July 31, 2000, 11 a.m. to July 31, 2000, 12 p.m., 6707 Democracy Blvd, 2 Democracy Plaza, Rm 653, Bethesda, MD 20892 which was published in the **Federal Register** on July 13, 2000, 65 FR 43379.

The meeting is cancelled due to application being withdrawn.

Dated: July 24, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19638 Filed 8–2–00; 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 as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, Information for the National Heart Attack Alert Program Phase II.

Date: August 2, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

Contact Person: Sharee Pepper, PhD., Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (301) 594–4933.

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.

(Catalog of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 25, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19641 Filed 8–2–00; 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 Scientifc Review Special Emphasis Panel.

Date: August 1, 2000.

Time: 1 pm to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sally Ann Amero, PhD, Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–1159, ameros@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 Scientifc Review Special Emphasis Panel.

Date: August 3, 2000.

Time: 1 pm to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed Quadri, PhD, Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, 301–435–1211.

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 Scientifc Review Special Emphasis Panel.

Date: August 4, 2000.

Time: 4:30 pm to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Harold M. Davidson, PhD, Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, 301–435–1776, davidsoh@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 Scientifc Review Special Emphasis Panel.

Date: August 8, 2000.

Time: 2 pm to 6 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, PhD, Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, 301–435–1720.

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 Scientifc Review Special Emphasis Panel.

Date: August 11, 2000.

Time: 2 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sami A. Mayyasi, PhD, Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7852, Bethesda, MD 20892, 301–435–1169.

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 Scientifc Review Special Emphasis Panel.

Date: August 14, 2000.

Time: 2 pm to 6 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

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: August 14, 2000.

Time: 3 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@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: August 14, 2000.

Time: 3 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gertrude K. McFarland, RN, DNSC, FAAN, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7816, Bethesda, MD 20892, (301) 435–1784, mcfarlag@drg.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: August 14, 2000.

Time: 4 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nancy Pearson, PhD, Chief, Genetic Sciences Integrated Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2112, MSC 7890, Bethesda, MD 20892, (301) 435–1047, pearsonn@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: August 15, 2000.

Time: 1 pm to 2 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Calbert A. Laing, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, (301) 435–1221, laingc@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: August 15, 2000.

Time: 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

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: August 17, 2000.

Time: 1 pm to 2 pm

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eugene Zimmerman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–435–1220, zimmerng@csr.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 17, 2000.

Time: 3 pm to 4 pm

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 17, 2000.

Time: 4:15 pm to 5:30 pm

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov

(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 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19635 Filed 8–2–00; 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 31, 2000.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 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.

(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, 93.837–83.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19642 Filed 8–2–00; 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: August 1, 2000.

Time: 11 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mariana Dimitrov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, 301–435–0902.

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: August 1, 2000.
Time: 1 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Eugene M. Zimmerman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–435–1220, zimmerng@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: August 1, 2000.
Time: 2 pm to 6 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcelina B. Powers, DVM, MS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1720.

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: August 1, 2000.
Time: 2 pm to 4 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Larry Pinkus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892 (301) 435–1214.

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: August 1, 2000.
Time: 2 pm to 3 pm.
Agenda: To review and evaluate grant application.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, srinivar@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: August 1, 2000.
Time: 2:30 pm to 4 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda MD 20892 (Telephone Conference Call).
Contact Person: Richard Marcus, PhD, 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: August 1, 2000.
Time: 3 pm to 4:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Chhanada L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

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: August 1–2, 2000.
Time: 7:30 pm to 5 pm.
Agenda: To review and evaluate grant applications.
Place: The American Inn, 8130 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: David J. Remondini, PhD, 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, IFCN–6 (02).
Date: August 2, 2000.
Time: 8 am to 5 pm.
Agenda: To review and evaluate grant applications and/or proposals.
Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892, (301) 435–1249.

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: August 2–4, 2000.
Time: 8:30 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: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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, ZRG1 BM–1 01.
Date: August 2, 2000.
Time: 10 am to 12:30 p.m
Agenda: To review and evaluate grant applications.
Place: NIH Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Timothy J. Henry, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435–1147.

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: August 2, 2000.
Time: 2:30 pm to 4 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Richard Marcus, PhD, 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: August 2–4 2000.
Time: 8 pm to 10 am.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Golden Gateway, 1500 Van Ness Avenue, San Francisco, CA 94109.
Contact Person: Marjam G. Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, Bethesda, MD 20892, (301) 435–1180.

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: August 3, 2000.
Time: 10:30 am to 12 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 435–0913, kozakm@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: August 3, 2000.

Time: 1 pm to 2 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Larry Pinkus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214.

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: August 3, 2000.

Time: 3 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anita Miller Sostek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

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: August 3, 2000.

Time: 5 pm to 6:30 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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: August 4, 2000.

Time: 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261.

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: August 7, 2000.

Time: 1 pm to 2 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

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, ZRG1 IFCN–7 (02)B.

Date: August 8, 2000.

Time: 8:30 am to 6 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites Hotel-Harbor Building, 1000 29th street NW, Washington, DC 20007.

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7844, Bethesda, MD 20892, (301) 435–1242.

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: August 8, 2000.

Time: 9 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, N.W., Washington, DC 20007–3701.

Contact Person: Arnold Revzin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, (301) 435–1153.

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, IFCN–6 (03).

Date: August 8, 2000.

Time: 11:15 am to 12:45 pm.

Agenda: To review and evaluate grant applications and/or proposals.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249.

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: August 8, 2000.

Time: 1 pm to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martin Slater, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7808, Bethesda, MD 20892, (301) 435–1149.

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: August 8, 2000.

Time: 1 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

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: August 8, 2000.

Time: 2:30 am to 4 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024.

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 25, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19646 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; 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 a meeting of The Board of Scientific Counselors of the Warren Grant Magnuson Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the CLINICAL CENTER, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: The Board of Scientific Counselors of the Warren Grant Magnuson Clinical Center.

Date: September 18–19, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Clinical Center Medical Board Room, 2C116, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: David K. Henderson, MD, Deputy Director for Clinical Care, Office of the Director, Clinical Center, National Institutes of Health, Building 10, Room 2C146, Bethesda, MD 20892, 301/402–0244.

Dated: July 26, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19645 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: September 12, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To provide advice on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes; to provide recommendations regarding ORWH activities; and to assist in monitoring compliance regarding the inclusion of women in clinical research.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892; 301/402–1770.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: July 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–19634 Filed 8–2–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee Resettlement Program: Final Notice of Allocations to States of FY 2000 Funds for Refugee Social Services

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: Final notice of allocations to States of FY 2000 funds for refugee social services.

SUMMARY: This notice establishes the allocations to States of FY 2000 funds for social services under the Refugee Resettlement Program (RRP).

This notice includes a $15.5 million set-aside to: (1) Provide outreach and referral services to ensure that eligible refugees access the State Children's Health Insurance Program (SCHIP)and other programs for low income working populations; and (2) provide specialized interpreter training and the hiring of interpreters to enable refugees to have equal access to medical and legal services.

DATES: Effective August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Barbara R. Chesnik, (202) 401–4558; email: bchesnik@acf.dhhs.gov.

SUPPLEMENTARY INFORMATION: A notice of proposed allocations to States of FY 2000 funds for refugee social services was published in the **Federal Register** on May 1, 2000 (65 FR 25345).

I. Amounts for Allocation

The Office of Refugee Resettlement (ORR) has available $143,953,000 in FY 2000 refugee social service funds as part of the FY 2000 appropriation for the Department of Health and Human Services (Pub. L. No. 106–113).

The FY 2000 House Appropriations Committee Report (H.R. Rept. No. 106–370) reads as follows with respect to social services funds:

> The bill provides $140,000,000 for social services, about the same as the fiscal year 1999 appropriation and $7,990,000 below the budget request. Funds are distributed by formula as well as through the discretionary grant making process for special projects. The Committee agrees that $19,000,000 is available for assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The Committee has set aside $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Finally, the Committee has set aside $14,000,000 to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. The Committee urges ORR to assist refugees at risk of losing, or who have lost benefits, including SSI, TANF and Medicaid, in obtaining citizenship.

In addition, the House report provides:

> It is estimated that approximately $20,000,000 will be available in FY 2000 from carryover funds, and the Committee intends that these funds be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The FY 2000 Senate Appropriations Committee Report (S. Rept. No. 106–166) recommended $147,990,00 for social services in the FY 2000 budget:

The Committee provides $19,000,000 to serve communities affected by the Cuban and Haitian entrants and refugees, the same as the amount contained in last year's appropriation. The Committee also includes $14,000,000 to address the needs of refugees and communities affected by recent changes in Federal assistance programs, and $16,000,000 to assist communities with large concentrations of refugees whose cultural differences make assimilation difficult. These funds are included in the social services line item.

The FY 2000 Conference Report on Appropriations (H.R. Conf. 106–479) reads as follows concerning social services:

The conference agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The agreement also includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

The Conference report provided $143,995,000 in FY 2000 new budget authority for social services.

The Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, P.L. 106–113, Appendix E, Section 301, rescinded discretionary budget authority government-wide by .38 percent. Agencies, however, were provided flexibility regarding how the recission would be applied. Accordingly, ORR's total social services appropriation was reduced from $143,995,000 to $143,953,000. Additionally, a reduction of $23,159 was made by the Secretary of HHS under section 206 of this Act, which allows the Secretary, within stipulated limitations, to transfer funds between appropriation accounts, subject to the advance notification of the appropriation committees. The Director is therefore reducing the final amount available for social services discretionary grants by $23,159.

In accordance with Congressional report language, the Director of the Office of Refugee Resettlement (ORR) will use FY 2000 social services as follows:

- $72,203,750 will be allocated under the 3-year population formula, as set forth in this notice for the purpose of providing employment services and other needed services to refugees. These funds include social services formula allocations to discretionary grantees ($2,136,616) under the Wilson Fish authority where the State has dropped out of the program.
- $12,726,091 will be awarded as social service discretionary grants through competitive grant announcements that will be issued separately from this notice.
- $19,000,000 will be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals. These funds would be awarded through a discretionary grant announcement that will be issued separately from this notice.
- $26,000,000 will be awarded through discretionary grants for communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Awards will be made through announcements issued separately from this notice.
- $14,000,000 will be awarded to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. Awards will be made through announcements issued separately from this notice.

Congress provided ORR with broad carry-over authority in the FY 2000 HHS appropriations law to use unexpended FY 1998 and FY 1999 CMA funds for assistance and other activities in the refugee program provided through September 30, 2001. The appropriations law states:

That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 105–78 for fiscal year 1998 and under Public Law 105–227 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

Among the uses of these funds:

- $20,000,000 will be awarded to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. This support will include intensive English language training and cultural assimilation programs. Awards will be made through an announcement issued separately from this notice.
- $15,500,000 will be added to the FY 2000 formula social services allocation as a set-aside for referral and interpreter services, increasing the total amount available for the formula social services program in FY 2000 to $87,703,750.

Refugee Social Service Funds

The population figures for the social services allocation include refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees since these populations may be served through funds addressed in this notice and this is data that is available in the ORR Refugee Data System. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.)

The Director is allocating $72,203,750 to States on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 1999 (including a floor amount for States which have small refugee populations).

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that the ''funds available for a fiscal year for grants and contracts [for social services] * * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.''

As established in the FY 1991 social services notice published in the **Federal Register** of August 29, 1991, section I, ''Allocation Amounts'' (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than $100,000, then—

(1) A base amount of $75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) For a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) a floor has been calculated consisting of $50,000 plus the regular per capita allocation for refugees above 50 up to a total of $100,000 (in other words, the maximum under the floor formula is $100,000); (b) if this calculation has yielded less than $75,000, a base amount of $75,000 is provided for the State.

The Director is also allocating an additional $15.5 million from prior year carry-over funds as a set-aside to: (1) Provide referral services, including outreach, to ensure that refugees are

able to access the State Children's Health Insurance Program (SCHIP) and other programs for low income populations; and (2) provide for the hiring of interpreters and special interpreter training to enable refugees to have equal access to medical and certain legal services. Depending upon the existing capacity and need in the community, we encourage States to use the funds equally for both activities. Both types of services are not subject to the 5-year limitation and may be provided to refugees regardless of their length of time in the U.S. See 45 CFR 400.152(b).

Eligible refugee families often are not aware of, or do not know how, to access other Federal support programs available to low income working families in the community. We believe that these programs, including SCHIP, Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Head Start, low-income housing, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), child care assistance, adult day care for aged dependents, and other support programs for low-income families, are important for the well-being of working refugees, particularly refugee families, and are necessary to help these refugees maintain employment and move toward full self-sufficiency.

The organizations funded by the set-aside amount are expected to conduct outreach into the community to identify low-income refugees and to help these refugees enroll in and to be familiar with the services available and the participation requirements of these programs. We expect States to fund community-based organizations, to the maximum extent possible, to provide hands-on assistance, which means having the application forms available and helping refugees to fill out the application, accompanying the refugee to the eligibility office, assisting in the communication between the family and the eligibility worker, closely following the application process until the family has been found eligible, and then helping the family effectively use the service or support program in which they have been enrolled. For example, there may be different levels of medical coverage available to a family, depending on the ages of the children and the income level of the family, each with different requirements. It is important for the caseworkers/advocates funded through this initiative to understand the program requirements (such as a co-payment structure) in order to help the family make decisions and fully participate.

The organizations funded under this set-aside should develop effective ways to provide an on-going link between these services, the population they serve, and the targeted low income programs. Methods might include: partnering with schools to identify refugee children who may be eligible for SCHIP by virtue of their eligibility for the school lunch program; connecting with local Head Start programs to help identify refugee children who are eligible for SCHIP and other health care programs; arranging to have Medicaid eligibility workers visit the Mutual Assistance Association (MAA) or other participating organization on a scheduled basis; and working with other groups serving low income families, such as hospitals, WIC programs, low-income housing programs, and food assistance programs to make these services widely known to the refugee community being served.

It is also important that States provide as high a standard as possible in interpretation to non-English speaking and to Limited-English-Proficient (LEP) refugees, particularly in regard to medical and legal issues. As mentioned earlier, we are therefore including funding in the set-aside for States to improve the availability and quality of interpreter services for refugees in their communities. The set-aside funds are to be used by States: (1) To fund specialized interpreter training for medical and legal services; and (2) to pay for the hiring and employment of these trained interpreters by MAAs, voluntary agencies, and other community-based organizations serving refugees, to the maximum extent possible, in order to increase the number of skilled interpreters in the community.

Interpretation requires a great deal of skill—interpreters need to be fluent in English and the language spoken by the refugee. They must have the ability to quickly understand the message and terminology, if technical, in one language and to express it as quickly and correctly in another language. In addition to fluency in two languages, interpreters must have the skills to handle confidential client information and to deal with a variety of professionals in the medical, legal, law enforcement, social services, and other fields.

States should use qualified training programs or trainers to provide the interpreter training. Several strategies may be employed, *e.g.,* the direct training of interpreters in a group setting, paying the course tuition and associated expenses for individuals at a community college or university, and the training of trainers in order to establish and maintain an efficient training capacity in the community. To the extent possible, we would expect States to use an established curriculum rather than incurring costs to develop a new one. Funding of interpreter services should be directed to areas of greatest need and to the most linguistically isolated communities.

States must determine a community's capacity to ensure refugee access to medical and other services, and then examine how best to fund and maintain interpreter services for refugees based upon the need and size of refugee population. For example, an interpreter bank with dedicated interpreters may be a preferred option if the needs of the community can justify full-time interpreters. However, because the provision of interpreter services may not fully occupy funded staff in some locations or in certain languages, States may choose to train bilingual caseworkers at voluntary resettlement agencies, MAAs and refugee service providers. States may also consider cross-training of interpreters so that they may also assist, for example, in enrolling clients in SCHIP, Medicaid, or other services for low-income clients, and/or serve as case managers or in other staff positions. Staff with both bilingual interpreter skills and knowledge of the family services network, such as child protective services and the domestic violence system, are also highly desirable.

We also encourage States to set up creative ways to maintain and expand the availability of interpreter services in the community, such as seeking reimbursement for services from the courts, hospitals, and agencies which may be able to pay for interpreter services but have been otherwise hindered in providing these services by the lack of available and appropriately trained individuals. However, fees from low-income refugee clients may not be sought.

In light of the unique position that refugee MAAs have in the communities where refugees reside, we are asking that States give special consideration to MAAs in using the set-aside amount, where possible, to provide these services to refugee families. However, qualified community based organizations with refugee experience, voluntary resettlement agencies, or refugee service providers may be funded as well.

A State that can demonstrate that the total amount of set-aside funds awarded is not needed to provide the services described above may submit a written request to the Director to use a portion

of the funds for another non-employment service. This request must fully describe how the need for the specified set-aside services is already being met in the State, as well as a description of the additional service proposed, why it is needed, and how it will be provided.

Population To Be Served and Allowable Services

Eligibility for refugee social services includes persons who meet all requirements of 45 CFR 400.43 (as amended by 65 FR 15409 (March 22, 2000)) and 45 CFR 401.2 (Cuban and Haitian entrants).

Services to refugees must be provided in accordance with the rules of 45 CFR Part 400 Subpart I—Refugee Social Services. Although the allocation formula is based on the 3-year refugee population, States are not required to limit social service programs to refugees who have been in the U.S. only 3 years. However, under 45 CFR 400.152, States may not provide services funded by this notice, except for referral and interpreter services and citizenship and naturalization preparation services, to refugees who have been in the United States for more than 60 months (5 years).

Allowable social services are those indicated in 45 CFR 400.154 and 400.155. Additional services not included in these sections which the State may wish to provide must be submitted to and approved by the Director of ORR (§ 400.155(h)).

Service Priorities

In the past, a number of States have focused primarily on serving refugee cash assistance (RCA) recipients because of the need to help these refugees become employed and self-sufficient within the 8-month RCA eligibility period. Now, with the passage of welfare reform, refugee recipients of Temporary Assistance for Needy Families (TANF) also face a time limit for cash assistance and need appropriate services as quickly as possible to become employed and self-sufficient. In order for refugees to move quickly off TANF, we believe it is crucial for these refugees to receive refugee-specific services that are designed to address the employment barriers that refugees typically face.

Some States are doing remarkably well in helping refugees achieve early self-sufficiency through entry-level jobs. These States should re-examine the range of services they currently offer to refugees. Particularly, we encourage these States to offer job upgrade services to refugees to help them realize a more secure economic foundation. Additionally, we encourage these States to look at expanding the range of services to address the broader needs that refugees have in order to successfully integrate into the community.

States should also expect that these funds will be made available to pay for social services which are provided to refugees who participate in Wilson/Fish projects. Section 412(e)(7)(A) of the INA provides that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (64 FR 19793, issued April 22, 1999).

II. Discussion of Comments Received

We received one letter of comment in response to the notice of proposed FY 2000 allocations to States for refugee social services. This comment is summarized below and followed by the Department's response.

Comment: The commenter expressed concern that too large a proportion of the social services appropriation is being awarded under discretionary grants. The commenter more specifically indicated that discretionary funds awarded for communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals appeared to result in a duplication of funding for this population. The commenter noted that while Congress expressed interest in the allocation of funds for discretionary programs, the commenter felt that diversion of an increasing proportion of social services funding to discretionary programs is leading to a refugee program in his State that is disjointed, lacking in direction and coordination. The commenter also expressed concern about the ongoing use of the three-year population formula for determining formula allocations, as it has decreased the level of funding for the refugee population who need services in his State. The commenter recommends that ORR support and communicate the State's position on these concerns to the House and Senate Appropriations Committees. He further recommends that ORR consider pursuing a modification of the formula used to allocate social services, stating that a formula based on the total State refugee population requiring employment services would allow a more equitable distribution of funds and would be more consistent with the actual needs of the State and the refugees who require services in order to achieve economic self-sufficiency.

Response: ORR has not changed the percentage of social services funds available to the Director to fund projects to carry out national initiatives and special projects that respond to the changing needs and circumstances in the refugee program. Other funds have been provided by Congress for specific purposes, such as the $19,000,000 to serve communities affected by the Cuban and Haitian entrants and refugees. We have no reason to believe that if these funds were not provided for this special need that the total social services funds appropriated would remain at the higher amount.

Regarding the recommendation that the three-year formula be changed, States with large concentrations of refugees also receive targeted assistance funding which is expressly intended for services to long-term refugee welfare recipients, such as the post-36 month population, who are still in need of employment services. Therefore, we do not see a particular need to request legislative action to amend the statutory formula for social services.

III. Allocation Formulas

Of the funds available for FY 2000 for social services, $72,203,750 is allocated to States in accordance with the formula specified below. In addition, $15.5 million in set-aside funds are allocated in accordance with the formula specified below. A State's allowable allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount is multiplied by—

3. The number of persons in item 2, above, in the State as of October 1, 1999, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

IV. Basis of Population Estimates

The population estimates for the allocation of funds in FY 2000 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1999, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Vietnam, Cuban and Haitian entrants, and Kurdish asylees.

For fiscal year 2000, ORR's formula allocations for the States for social services are based on the numbers of refugees, Amerasians, Kurdish asylees, and entrants who arrived during the preceding three fiscal years: 1997, 1998, and 1999, based on arrival data by State. Therefore, estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1996, and September 30, 1999, who are thought to be living in each State as of October 1, 1999.

The estimates of secondary migration were based on data submitted by all participating States on Form ORR–11 on secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 1999. The total migration reported by each State was summed, yielding in- and out-migration figures and a net migration figure for each State. The net migration figure was applied to the State's total arrival figure, resulting in a revised population estimate.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians and Kurdish asylees are included in the refugee figures.

Havana parolees (HP's) are enumerated in a separate column in Table 1, below because they are tabulated separately from other entrants. For FY 1999, Havana parolee arrivals for all States are based on actual data. For FY 1998, Florida's HP's (10,183) are based on actual data, while HP's in other States (3,258) are prorated according to the States proportion of the three-year ((FY 1996–FY 1998) entrant populations. For FY 1997, Florida's HP's (3,957) are based on actual data, while HP's in other States (2,035) were prorated according to their proportions of the three-year entrant population.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1999, of refugees (col. 1), entrants (col. 2), Havana parolees (col. 3); total refugee/entrant population, (col. 4); the formula amounts which the population estimates yield (col. 5); the allocation amounts after allowing for the minimum amounts (col. 6); the set-aside amount (col.7); and the total allocation (col. 8).

V. Allocation Amounts

Funding subsequent to the publication of this notice will be contingent upon the submittal and approval of a State annual services plan that is developed on the basis of a local consultative process, as required by 45 CFR 400.11(b)(2) in the ORR regulations. Annual services plans are due at ORR by November 15th of each year.

The following amounts are for allocation for refugee social services in FY 2000:

TABLE 1.—ESTIMATED THREE-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND FINAL SOCIAL SERVICE FORMULA AMOUNT AND ALLOCATION FOR FY 2000

State	Refugees [1] (1)	Entrants (2)	Havana parolees [2] (3)	Total population (4)	Final formula amount (5)	Final allocation (6)	Final set-aside	Total final allocation
Alabama	569	4	69	642	$161,339	$161,339	$34,810	$196,149
Alaska [3]	0	0	0	0	0	0	0	0
Arizona	7,124	367	292	7,783	1,956,798	1,956,798	422,197	2,378,995
Arkansas	64	0	10	74	18,698	75,000	4,034	79,034
California	30,744	41	476	31,261	7,859,733	7,859,733	1,695,807	9,555,540
Colorado	3,402	3	6	3,411	857,595	857,595	185,034	1,042,629
Connecticut	3,084	19	150	3,253	817,835	817,835	176,455	994,290
Delaware	74	7	2	83	20,861	75,000	4,501	79,501
Dist. of Columbia	1,665	1	10	1,676	421,370	421,370	90,914	512,284
Florida	12,715	7,666	27,667	48,048	12,080,347	12,080,247	2,606,443	14,686,790
Georgia	10,573	18	129	10,720	2,695,144	2,695,144	581,501	3,276,645
Hawaii	100	0	0	100	25,264	75,000	5,451	80,451
Idaho [4]	2,041	0	0	2,041	513,153	513,153	110,717	623,870
Illinois	11,997	7	239	12,243	3,078,206	3,078,206	664,150	3,742,356
Indiana	1,750	0	11	1,761	442,863	442,863	95,552	538,415
Iowa	6,075	0	4	6,079	1,528,390	1,528,390	329,764	1,858,154
Kansas	868	0	8	876	220,339	220,339	47,540	267,879
Kentucky [5]	3,670	918	503	5,091	1,280,095	1,280,095	276,192	1,556,287
Louisiana	1,492	57	93	1,642	412,926	412,926	89,092	502,018
Maine	635	0	0	635	159,653	159,653	34,447	194,100
Maryland	2,754	6	61	2,821	709,347	709,347	153,048	862,395
Massachusetts	6,711	67	99	6,877	1,729,101	1,729,101	373,069	2,102,170
Michigan	8,425	432	263	9,120	2,293,095	2,293,095	494,756	2,787,851
Minnesota	8,362	0	10	8,372	2,105,009	2,105,009	454,175	2,559,184
Mississippi	115	2	11	128	32,146	75,000	6,936	81,936
Missouri	7,552	2	16	7,570	1,903,239	1,903,239	410,641	2,313,880
Montana	59	0	0	59	14,834	75,000	3,201	78,201
Nebraska	2,338	4	30	2,372	596,495	596,495	128,699	725,194
Nevada [5]	1,371	520	479	2,370	595,796	595,796	128,548	724,344
New Hampshire	1,496	0	0	1,496	376,128	376,128	81,153	457,281
New Jersey	4,486	167	801	5,454	1,371,315	1,371,315	295,873	1,667,188
New Mexico	456	256	375	1,087	273,234	273,234	58,953	332,187
New York	26,876	818	692	28,386	7,136,897	7,136,897	1,539,849	8,676,746
North Carolina	3,855	3	39	3,897	979,814	979,814	211,404	1,191,218
North Dakota	1,505	0	1	1,506	378,642	378,642	81,695	460,337

TABLE 1.—ESTIMATED THREE-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND FINAL SOCIAL SERVICE FORMULA AMOUNT AND ALLOCATION FOR FY 2000—Continued

State	Refugees [1] (1)	Entrants (2)	Havana parolees [2] (3)	Total population (4)	Final formula amount (5)	Final allocation (6)	Final set-aside	Total final allocation
Ohio	4,283	5	36	4,324	1,087,242	1,087,242	234,582	1,321,824
Oklahoma	501	0	9	510	128,326	128,326	27,687	156,013
Oregon	4,881	285	266	5,432	1,365,734	1,365,734	294,669	1,660,403
Pennsylvania	7,531	62	201	7,794	1,959,577	1,959,577	422,796	2,382,373
Rhode Island	397	1	6	404	101,682	101,682	21,939	123,621
South Carolina	268	1	9	278	69,874	100,000	15,076	115,076
South Dakota [5]	1,037	0	0	1,037	260,725	260,725	56,254	316,979
Tennessee	3,763	4	140	3,907	982,315	982,315	211,943	1,194,258
Texas	12,924	637	622	14,183	3,565,864	3,565,864	769,367	4,335,231
Utah	3,522	0	2	3,524	886,135	886,135	191,191	1,077,326
Vermont	1,048	0	0	1,048	263,491	263,491	56,850	320,341
Virginia	4,537	101	111	4,749	1,194,094	1,194,094	257,636	1,451,730
Washington	17,778	4	41	17,823	4,481,065	4,481,065	966,830	5,447,895
West Virginia	16	0	0	16	4,023	75,000	868	75,868
Wisconsin	1,755	2	7	1,764	443,602	443,602	95,711	539,313
Wyoming [3]	0	0	0	0	0	0	0	0
Total	239,244	12,487	34,001	285,732	71,839,450	72,203,750	15,500,000	87,703,750

[1] Includes: refugees, Kurdish asylees, and Amerasian immigrants from Vietnam adjusted for secondary migration.
[2] For FY 1999, Havana Parolee arrivals for all States are based on actual data. For FY 1998, Florida's HP's (10,183) are based on actual data, while HP's in other States (3,258) are prorated according to the State's proportion of the three-year (FY 1996–FY 1998) entrant population. For FY 1997, Florida's HP's (3,957) are based on actual data, while HP's in other States (2,035) were prorated according to their proportions of the three-year entrant population.
[3] Alaska and Wyoming no longer participate in the Refugee Program.
[4] The allocation for Idaho is expected to be awarded to the State replacement designee, subject to the Director's approval.
[5] The allocations for South Dakota, Kentucky, and Nevada are expected to be awarded to Wilson/Fish projects, subject to the Director's approval.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 93.566 Refugee Assistance—State Administered Programs)

Dated: July 25, 2000.

Lavinia Limón,

Director, Office of Refugee Resettlement.

[FR Doc. 00–19309 Filed 8–2–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee Resettlement Program; Availability of Formula Allocation Funding for FY 2000 Targeted Assistance Grants for Services to Refugees in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Final notice of availability of formula allocation funding for FY 2000 targeted assistance grants to States for services to refugees in local areas of high need.

SUMMARY: This notice announces the availability of funds and award procedures for FY 2000 targeted assistance grants for services to refugees under the Refugee Resettlement Program (RRP). These grants are for service provision in localities with large refugee populations, high refugee concentrations, and high use of public assistance, and where specific needs exist for supplementation of currently available resources.

This notice continues the eligibility of those 50 counties located in 29 States that previously qualified for and received targeted assistance program (TAP) grants beginning in FY 1999 as a result of the three-year qualification process. The FY 2000 TAP formula allocations are based on the same formula as in FY 1999, updated to reflect arrivals during the five-year period from FY 1995 through FY 1999. The final notice reflects an adjustment in final allocations to States as a result of additional arrival data.

DATES: The closing date for submission of applications is September 5, 2000. Applications postmarked after the closing date will be classified as late.

SUPPLEMENTARY INFORMATION: A notice of proposed allocations to States of FY 2000 funds for targeted assistance was published in the **Federal Register** on May 1, 2000 (65 FR 25341).

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average of four hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 10/31/2000.

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.

FOR FURTHER INFORMATION CONTACT: Gayle Smith, Director, Division of Refugee Self-Sufficiency, (202) 205–3590; email: gsmith@acf.dhhs.gov.

I. Purpose and Scope

This notice announces the availability of funds for grants for targeted assistance for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for

supplementation of resources for services to this population.

The Office of Refugee Resettlement (ORR) has available $49,477,000 in FY 2000 funds for the targeted assistance program (TAP) as part of the FY 2000 appropriation for the Department of Health and Human Services (Pub. L. No. 106–113).

The Director of the Office of Refugee Resettlement (ORR) will use the $49,477,000 in targeted assistance funds as follows:

$44,529,300 will be allocated to States under the five-year population formula, as set forth in this notice.

$4,947,700 (10 percent of the total) will be used to award discretionary grants to States under a separate grant announcement.

The purpose of targeted assistance grants is to provide, through a process of local planning and implementation, direct services intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements.

The targeted assistance program reflects the requirements of section 412(c)(2)(B) of the Immigration and Nationality Act (INA), which provides that targeted assistance grants shall be made available ''(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency, (ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity.''

II. Authorization

Targeted assistance projects are funded under the authority of section 412(c)(2) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. No. 99–605), 8 U.S.C. 1522(c); section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96–422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above; section 584(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100–202), insofar as it incorporates by reference with respect to certain Amerasians from Vietnam the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above, including certain Amerasians from Vietnam who are U.S. citizens, as provided under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100–461), 1990 (Pub. L. No. 101–167), and 1991 (Pub. L. No. 101–513).

III. Use of Funds

Targeted assistance funding must be used to assist refugee families to achieve economic independence in accordance with regulations at 45 CFR Part 400. The term ''refugee'' includes persons who meet all requirements of 45 CFR 400.43 (as amended by 65 FR 15409 (March 22, 2000)) and 45 CFR 401.2 (Cuban and Haitian entrants). In addition to the statutory requirement that TAP funds be used ''primarily for the purpose of facilitating refugee employment'' (section 412(c)(2)(B)(i)), funds awarded under this program are intended to help fulfill the Congressional intent that ''employable refugees should be placed on jobs as soon as possible after their arrival in the United States'' (section 412(a)(1)(B)(i) of the INA). Therefore, in accordance with 45 CFR 400.313, targeted assistance funds must be used primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Under 45 CFR 400.316, a State may provide the same scope of services under targeted assistance as may be provided to refugees under 45 CFR 400.154 and 45 CFR 400.155, with the exception of 45 CFR 400.155(h). Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

States may not provide services funded under this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (five years). Specifically, States may not provide citizenship preparation services to refugees who have been in the United States for more than 60 months(five years) using targeted assistance funds.

In accordance with 45 CFR 400.314, States are required to provide targeted assistance services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) Refugees who are cash assistance recipients, particularly long-term recipients; (b) unemployed refugees who are not receiving cash assistance; and (c) employed refugees in need of services to retain employment or to attain economic independence.

In accordance with 45 CFR 400.317, if targeted assistance funds are used for the provision of English language training, such training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities.

Refugees who are participating in TAP-funded or social services-funded employment services or have accepted employment are eligible for day care services for children. For an employed refugee, TAP-funded day care is limited to a maximum of one year after the refugee becomes employed. States and counties, however, are expected to use day care funding from other publicly funded mainstream programs as a prior resource and are encouraged to work with service providers to assure maximum access to other publicly funded resources for day care.

Reflecting section 412(a)(1)(A)(iv) of the INA, States must ''ensure that women have the same opportunities as men to participate in training and instruction.'' In addition, in accordance with 45 CFR 400.317, targeted assistance services must be provided, to the maximum extent feasible, in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women.

In accordance with 45 CFR 400.317, targeted assistance services must be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background, to the maximum extent feasible. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population. Services funded under this notice must be refugee-specific services that are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job-skills training, on-the-job training, or English language training, however, need not be refugee-specific.

Finally, in order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR strongly encourages States and counties to promote and give special consideration to the provision of services through coalitions of refugee service organizations, such as coalitions

of Mutual Assistance Associations (MAAs), voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

The award of funds to States under this notice will be contingent upon the completeness of a State's application as described in section VIII below.

IV. Discussion of Comments Received

ORR did not receive any comments in response to the notice of proposed FY 2000 allocations to States for targeted assistance.

V. Eligible Grantees

Eligible grantees are those agencies of State governments that are responsible for the refugee program under 45 CFR 400.5 in States containing counties that qualify for FY 2000 targeted assistance awards.

The Director of ORR determined the eligibility of counties for inclusion in the FY 2000 targeted assistance program on the basis of the method described in section VI of this notice.

The use of targeted assistance funds for services to Cuban and Haitian entrants are limited to States that have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

The State agency will submit a single application on behalf of all county governments that are qualified counties in that State. Subsequent to the approval of the State's application by ORR, local targeted assistance plans will be developed by the county government or other designated entity and submitted to the State.

A State with more than one qualified county is permitted, but not required, to determine the allocation amount for each qualified county within the State. However, if a State chooses to determine county allocations differently from those set forth in the final notice, in accordance with § 400.319, the FY 2000 allocations proposed by the State must be based on the State's population of refugees who arrived in the U.S. during the most recent five-year period. A State may use welfare data as an additional factor in the allocation of its targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. In addition, if a State chooses to allocate its FY 2000 targeted assistance funds in a manner different from the formula set forth in this final notice, the FY 2000 allocations and methodology proposed by the State must be included in the State's application for ORR review and approval.

Applications submitted in response to this final notice are not subject to review by State and area-wide clearinghouses under Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

VI. Qualification and Allocation

A. Qualification

The Director of ORR will determine the qualification of counties for targeted assistance once every three years, as stated in the FY 1999 notice of proposed availability of targeted assistance allocations to States which was published in the **Federal Register** on March 10, 1999 (64 FR 11927). Since ORR determined the qualification of counties for targeted assistance in FY 1999, those qualifying counties determined eligible in FY 1999 and listed in this notice as qualified to apply for FY 2000 TAP funding will remain qualified for TAP funding through FY 2001 on the basis of the most current five-year refugee/entrant arrival data. ORR does not plan to consider the eligibility of additional counties for TAP funding until FY 2002, when ORR will again review data on all counties that could potentially qualify for TAP funds.

B. Allocation Formula

Of the funds available for FY 2000 for targeted assistance, $44,529,300 will be allocated by formula to States for qualified counties based on the initial placements of refugees, Amerasians, entrants (including Havana parolees), and Kurdish asylees in these counties during the five-year period from FY 1995 through FY 1999 (October 1, 1994–September 30, 1999). This is data that is available in the ORR Refugee Data System.

With regard to Havana parolees, for FY 1999, the Havana parolees for all counties are based on actual data. For previous years, the Havana parolees of Florida counties are based on actual data, while parolees from other counties are prorated based on each county's proportion of the four-year (FY 1995–1998) entrant population.

VII. Allocations

Table 1 lists the qualifying counties; the number of refugee (column 3) and entrant (column 4) arrivals in those counties during the five-year period from October 1, 1994–September 30, 1999; the number of Havana parolees (column 5) credited to each county during this period, the total number of arrivals; and the final amount of each county's allocation based on its five-year arrival population.

Table 1.—Final Targeted Assistance Allocations By County: FY 2000 is attached.

Table 2.—State totals for final targeted assistance allocations is attached.

VIII. Application and Implementation Process

States that are currently operating under approved management plans for their FY 1999 targeted assistance program and wish to continue to do so for their FY 2000 grants may provide the following in lieu of resubmitting the full currently approved plan:

The State's application for FY 2000 funding shall provide:

- Assurance that the State's current management plan for the administration of the targeted assistance program, as approved by ORR in FY 1999, will continue to be in full force and effect for the FY 2000 targeted assistance program, subject to any additional assurances or revisions required by this notice which are not reflected in the current plan. Any proposed modifications to the approved plan will be identified in the application and are subject to ORR review and approval, *e.g.*, if the State assumes local administration of the program or if the State chooses to determine county allocations differently. Any proposed changes must address and reference all appropriate portions of the FY 1999 application content requirements to ensure complete incorporation in the State's management plan.

Budget and Budget Justification

- A line item budget and justification for State administrative costs limited to a maximum of five percent of the total award to the State. Each total budget period funding amount requested must be necessary, reasonable, and allocable to the project.
- Targeted assistance performance goals as described under Section IX.

IX. Results or Benefits Expected

All applicants must establish targeted assistance proposed performance goals for each of the six ORR performance outcome measures for each targeted

assistance county's proposed service contract(s) or sub-grants for the next contracting cycle. Proposed performance goals must be included in the application for each performance measure. The six ORR performance measures are: entered employments, cash assistance reductions due to employment, cash assistance terminations due to employment, 90-day employment retentions, average wage at placement, and job placements with available health benefits. Targeted assistance program activity and progress achieved toward meeting performance outcome goals are to be reported quarterly on the ORR–6, the ''Quarterly Performance Report.''

X. Reporting Requirements

States will be required to submit quarterly reports on the outcomes of the targeted assistance program, using the same form which States use for reporting on refugee social services formula grants. This is Schedule A and Schedule C, pages 1 and 2 of the ORR–6 Quarterly Performance Report form (OMB #0970–0036).

XI. The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance. The Uniform Project Description reads as follows:

OMB No. 0970–0139 Expires 10/31/00

ACF Uniform Project Description (UPD)

Part I—Table of Menu Options

Menu Option: *Results or Benefits Expected*

Menu Option: *Budget and Budget Justification*

Part II—The Project Description—Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested.

General Instructions

Cross-referencing should be used rather than repetition. ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered and a table of contents should be included for easy reference.

Part III—General Instructions for Preparing a Full Project Description

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, when applying for a grant to establish a neighborhood child care center, describe who will occupy the facility, who will use the facility, how the facility will be used, and how the facility will benefit the community which it will serve.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

(Catalog of Federal Domestic Assistance (CFDA) Number: 93.584)

Dated: July 27, 2000.

Lavinia Limón,

Director, Office of Refugee Resettlement.

TABLE 1.—FINAL TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 2000

County and State	Refugees [1]	Entrants	Havana parolees [2]	Total arrivals FY 1995–1999	Total FY 2000 final allocation
1. Maricopa County, Arizona	8,929	818	514	10,261	$1,211,318
2. Fresno County, California	1,799	2	1	1,802	212,727
3. Los Angeles County, California	13,313	351	390	14,054	1,659,084
4. Orange County, California	8,367	24	19	8,410	992,806
5. Sacramento County, California	11,646	4	7	11,657	1,376,117
6. San Diego County, California	6,973	397	344	7,714	910,643
7. San Francisco, California	6,288	33	34	6,355	750,212
8. Santa Clara County, California	8,322	47	37	8,406	992,334
9. Yolo County, California	1,341	5	3	1,349	159,250
10. Denver County, Colorado	3,085	1	5	3,091	364,895
11. District of Columbia, District of Columbia	3,626	15	14	3,655	431,475
12. Broward County, Florida	790	1,421	1,287	3,498	412,941
13. Dade County, Florida	7,885	26,710	38,238	72,833	8,597,986
14. Duval County, Florida	4,239	21	51	4,311	508,916
15. Hillsborough County, Florida	1,654	646	1,142	3,442	406,330
16. DeKalb County, Georgia	7,902	12	9	7,923	935,315
17. Fulton County, Georgia	5,145	196	153	5,494	648,570

TABLE 1.—FINAL TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 2000—Continued

County and State	Refugees [1]	Entrants	Havana parolees [2]	Total arrivals FY 1995–1999	Total FY 2000 final allocation
18. Cook/Kane, Illinois	15,790	368	298	16,456	1,942,642
19. Polk County, Iowa	3,612	1	2	3,615	426,753
20. Jefferson County,[3] Kentucky	3,813	1,353	621	5,787	683,159
21. Hampden County, Massachusetts	2,281	9	6	2,296	271,044
22. Suffolk County, Massachusetts	4,285	53	59	4,397	519,069
23. Ingham County, Michigan	1,927	647	290	2,864	338,097
24. Kent County, Michigan	2,836	73	34	2,943	347,432
25. Hennepin County, Minnesota	6,601	3	4	6,608	780,079
26. Ramsey County, Minnesota	2,024	10	7	2,041	240,941
27. City of St. Louis, Missouri	8,606	1	1	8,608	1,016,180
28. Lancaster County, Nebraska	2,378	38	25	2,441	288,162
29. Clark County,[4] Nevada	1,566	1,261	867	3,694	436,079
30. Hudson County, New Jersey	1,327	665	825	2,817	332,549
31. Bernalillo County, New Mexico	1,051	1,006	827	2,884	340,458
32. Monroe County, New York	2,730	833	452	4,015	473,973
33. New York, New York	42,317	590	531	43,438	5,127,885
34. Oneida County, New York	4,698	1	0	4,699	554,720
35. Guilford County, North Carolina	2,430	7	10	2,447	288,870
36. Cass County, North Dakota	1,791	3	2	1,796	212,019
37. Cuyahoga County, Ohio	3,600	7	8	3,615	426,753
38. Multnomah, Oregon	11,319	776	404	12,499	1,475,515
39. Erie County, Pennsylvania	1,922	0	0	1,922	226,893
40. Philadelphia County, Pennsylvania	4,833	44	37	4,914	580,101
41. Minnehaha County,[5] South Dakota	1,592	0	0	1,592	187,937
42. Davidson County, Tennessee	3,248	54	42	3,344	394,761
43. Dallas/Tarrant, Texas	11,248	525	485	12,258	1,447,065
44. Harris County, Texas	8,525	348	137	9,010	1,063,636
45. Davis/Salt Lake, Utah	5,135	1	3	5,139	606,662
46. Fairfax County, Virginia	3,152	7	10	3,169	374,103
47. City of Richmond, Virginia	2,310	103	72	2,485	293,356
48. King/Snohomish, Washington	13,378	51	34	13,463	1,589,316
49. Pierce County, Washington	2,421	10	7	2,438	287,808
50. Spokane County, Washington	3,255	0	1	3,256	384,373
Total	289,305	39,551	48,349	377,205	44,529,300

[1] Refugees include refugees, Kurdish asylees, and Amerasian immigrants from Vietnam.
[2] For FY 1999, the Havana parolees for all counties are based on actual data. For previous years, the Havana parolees of Florida counties are based on actual data, while parolees from other counties are prorated based on each county's proportion of the four-year (FY 1995–1998) entrant population.
[3] The allocation for Jefferson County, Kentucky will be awarded to the Kentucky Wilson/Fish project.
[4] The allocation for Clark County, Nevada will be awarded to the Nevada Wilson/Fish project.
[5] The allocation for Minnehaha County, South Dakota will be awarded to the South Dakota Wilson/Fish project.

TABLE 2.—TARGETED ASSISTANCE—FINAL ALLOCATIONS BY STATE: FY 2000

State	Amount
Arizona	$1,211,318
California	7,053,173
Colorado	364,895
District of Columbia	431,475
Florida	9,926,173
Georgia	1,583,885
Illinois	1,942,642
Iowa	426,753
Kentucky	683,159
Massachusetts	790,113
Michigan	685,520
Minnesota	1,021,020
Missouri	1,016,180
Nebraska	288,162
Nevada	436,079
New Jersey	332,549
New Mexico	340,458
New York	6,156,578
North Carolina	288,870

TABLE 2.—TARGETED ASSISTANCE—FINAL ALLOCATIONS BY STATE: FY 2000—Continued

State	Amount
North Dakota	212,019
Ohio	426,753
Oregon	1,475,515
Pennsylvania	806,994
South Dakota	187,937
Tennessee	394,761
Texas	2,510,701
Utah	606,662
Virginia	667,459
Washington	2,261,497
Total FY 2000 allocation	44,529,300

[FR Doc. 00–19649 Filed 8–2–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4563–N–10]

Notice of Proposed Information Collection for Public and Indian Housing—LOCCS/VRS Payment Vouchers

AGENCY: Office of the Assistant Secretary for Public and Indian 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:* October 2, 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: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Room 4238, Washington, D.C. 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents. (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit 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 of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Public and Indian Housing—LOCCS/VRS Payment Vouchers.

OMB Control Number: 2577–0166.

Description of the need for the information and proposed use: Form HUD–50080 will be used by grant recipients to request funds from HUD through the LOCCS/VRS voice activated system. The information collected on this form will also be used as an internal control measure to ensure the lawful and appropriate disbursement of Federal funds as well as provide a service to program recipients.

Agency form number: HUD–50080 Series.

Members of affected public: State, Local or Tribal government; Resident Organizations.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 5,312 respondents, 22 responses per respondent, 116,864 total responses, 17,540 (116,864x.15) total burden hours.

Status of the proposed information collection: Reinstatement, with new vouchers for the Resident Opportunities and Self-Sufficiency (ROSS) Program.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 27, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

LOCCS / VRS
Capacity-Building Grant
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD implemented the Line of Credit Control System/Voice Response System (LOCCS/VRS) to process requests for payments to grantees. Grant recipients fill out a voucher form for the applicable HUD program with all the necessary information prior to making a telephone call using a touch tone telephone to initiate the drawdown process. The grantee will be prompted for entering the information and for confirming information that is spoken back by the VRS simulated voice. This information is required to obtain benefits under the Native American Housing and Self-Determination Act of l996. The information requested does not lend itself to confidentiality.

1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)
083	ONAP	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1605	Title VI - Grant Funds	
1610	Title VI- Administration	
1620	Title VI - Technical Assistance Tribes/TDHEs	
1630	Title VI - Pass-through Funds for Capacity-Building Activities	
1631	Title VI - Fiscal Services	
1632	Title VI - Security Enhancement	
1633	Title VI - Affordable Housing Activities	
1634	Title VI - Economic Benefits	
	10. Voucher Total	$

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the person who completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Privacy Statement: Public Law 97-255, Financial Integrity Act, 31 U.S.C. 3512, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions. The purpose of the data is to safeguard the Line of Credit Control System (LOCCS) from unauthorized access. The data are used to ensure that individuals who no longer require access to LOCCS have their access capability promptly deleted. Failure to provide the information requested on the form may delay the processing of your approval for access to LOCCS. While the provision of the SSN is voluntary, HUD uses it as a unique identifier for safeguarding the LOCCS from unauthorized access. This information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

form **HUD-50080-CBG** (4/2000)

LOCCS / VRS
Comprehensive Improvement Assistance Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
029	CIAP	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount :(dollars) * (cents)
1406	Operations	*
1408	Management Improvements	*
1410	Administration	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1485	Demolition	*
1492	Moving to Work Demonstration	*
1495	Relocation Costs	*
1498	Mod Used for Development	*
1500	FY 1992 & Prior Year Grants	*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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Previous edition is obsolete

form **HUD-50080-CIAP** (4/2000)

LOCCS / VRS
Comprehensive Improvement Assistance Program-Technical Assistance
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166
(exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
029	CIAP	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project Number	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the person who completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature	14. Date of Request (mm/dd/yyyy)

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form **HUD-50080-CIAP-TA** (4/2000)

LOCCS / VRS
Comprehensive Grant

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
028	COMP	from: to:	☐ 1 = Partial Disbursement 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1406	Operations	*
1408	Management Improvements	*
1410	Administration	*
1411	Audit Costs (CGP)	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1485	Demolition	*
1490	Replacement Reserve (CGP)	*
1492	Moving to Work Demonstration	*
1495	Relocation Costs	*
1498	Mod Used for Development	*
	10. Voucher Total	$ *

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11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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Previous edition is obsolete

form **HUD-50080-COMP** (4/2000)

LOCCS / VRS
Drug Elimination Program
Assisted Housing
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0476 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)
042	DF2B	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9150	Physical Improvements	*
9160	Drug Prevention	*
9170	Drug Intervention	*
9180	Drug Treatment	*
9190	Other Program Costs	*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-DF2B** (4/2000)

LOCCS / VRS
Economic Development and Supportive Services
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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Do not send this form to the above address.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
073	EDSS	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
4210	Supportive Services	*
4220	Economic Development Activities	*
4230	Administrative Costs	*
4240	Service Coordinator(s) / Case Manager(s) Salary	*
4250	Other Program Costs	*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
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form **HUD-50080-EDSS** (4/2000)

LOCCS / VRS
Drug Elimination Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
018	DRUG	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9110	Reimbursement of Law Enforcement	*
9115	Special Initiative	*
9116	Gun Buyback TA Match	*
9120	Employment of Security Personnel	*
9130	Employment of Investigators	*
9140	Voluntary Tenant Patrol	*
9150	Physical Improvements	*
9160	Drug Prevention	*
9170	Drug Intervention	*
9180	Drug Treatment	*
9190	Other Program Costs	*
9191	FY 1991 Grant Costs	*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

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form **HUD-50080-DRUG** (7/2000)

LOCCS / VRS
Family Investment Centers Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
060	FIC	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9610	Administrative Costs	*
9620	Other Program Costs	*
9630	Supportive Services	*
9640	Conversion/Renovation Activities	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
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form **HUD-50080-FIC** (4/2000)

LOCCS / VRS
Hope - Elderly Independence
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD implemented the Line of Credit Control System/Voice Response System (LOCCS/VRS) to process requests for payments to grantees. Grant recipients fill out a voucher form for the applicable HUD program with all the necessary information prior to making a telephone call using a touch tone telephone to initiate the drawdwon process. The grantee will be prompted for entering the information and for confirming information that is spoken back by the VRS simulated voice. This information is required to obtain benefits under the U.S. Housing Act of l937, as amended. The information requested does not lend itself to confidentiality.

1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
041	HEI	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
2000	Hope Grant - Year 1 Approved Budget	*
3000	Hope Grant - Year 2 Approved Budget	*
4000	Hope Grant - Year 3 Approved Budget	*
5000	Hope Grant - Year 4 Approved Budget	*
6000	Hope Grant - Year 5 Approved Budget	*
		*
		*
		*
		*
		*
		*
		*
	10. **Voucher Total**	*

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-HEI** (4/2000)

LOCCS / VRS
HOPE 1 Implementation Grant
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)
021	HOP1	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9410	Architecture & Engineering	*
9415	Implementation of Homeownership Program	*
9420	Rehabilitation Costs	*
9425	Administrative Costs	*
9430	Development of RMCs/RCs	*
9435	Counseling & Training	*
9440	Relocation	*
9445	Temporary Relocation	*
9450	Assistance for Operating Expenses	*
9455	Replacement Reserves	*
9460	Replacement Housing	*
9465	Legal Fees	*
9470	Ongoing Training Needs	*
9475	Economic Development	*
9480	Other Eligible Activities	*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-HOP1-b** (4/2000)

LOCCS / VRS
HOPE VI Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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HUD implemented the Line of Credit Control System/Voice Response System (LOCCS/VRS) to process requests for payments to Public and Indian Housing program grantees. Grant recipients fill out a voucher form for the applicable HUD program with all the necessary information prior to making a telephone call using a touch tone telephone to initiate the drawdwon process. The grantee will be prompted for entering the information and for confirming information that is spoken back by the VRS simulated voice. This information is required to obtain benefits under the HOPEVI. The information requested does not lend itself to confidentiality.

1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
058	URP	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1408	Management Improvement	*
1410	Administration	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1485	Demolition	*
1495	Relocation Costs	*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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Previous editions are obsolete

form **HUD-50080-URP** (4/2000)

LOCCS / VRS Indian HOME Program Payment Certification **Voucher**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp.6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0166), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Do not send this form to the above address.

HUD implemented the Line of Credit Control System/Voice Response System (LOCCS/VRS) to process requests for payments to grantees. Grant recipients fill out a voucher form for the applicable HUD program with all the necessary information prior to making a telephone call using a touch tone telephone to initiate the drawdwon process. The grantee will be prompted for entering the information and for confirming information that is spoken back by the VRS simulated voice. This information is required to obtain benefits under the U.S. Housing Act of I937, as amended. The information requested does not lend itself to confidentiality.

1. Voucher/Certification Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4.
027	**HOMI**	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Indian Tribe's Name :	7. Payee Organization's Name :
8. Grant No:	6a. Indian Tribe's Taxpayer ID No. :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1000	Non-Administrative Costs	*
2000	Administrative Costs	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher/Certification Total:	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who called:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-HOMI** (4/2000)

LOCCS / VRS
Indian Housing Block Grant
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yy)
079	**IHBG**	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1600	Current Assisted Stock Operating Subsidy	
1601	Investments	
1602	IHBG Balance	
	10. Voucher Total	$

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-IHBG** (4/2000)

LOCCS / VRS
Lead-Based Paint Risk Assessment
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
036	LBP	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1410	Administration	*
1430	Fees & Costs	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-LBP** (4/2000)

LOCCS / VRS
Moving to Work
Demonstration Program
Technical Assistance Grants

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Payment Voucher

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1. Voucher/Certification Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yy)	4. ☐ 1 = Partial Disbursement 2 = Final Disbursement
094	MTWG	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant No	6a. Grantee Organization's TIN No.	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
0100	MTW Technical Assistance	*
	10. Voucher/Certification Total:	$ *

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11. Name & Phone Number (including area code) of the Person who called:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-MTW** (8/20/2000)

LOCCS / VRS
Public Housing Development
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (Exp.6/30/2000)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4.
032	PDEV	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1406	Operations	*
1410	Administration	*
1425	Initial Operating Deficit	*
1430	Planning (except HUD technical service fee)	*
1440	Site Acquisition & Expenses	*
1450	Site Improvements	*
1475	Non-Dwelling Equipment	*
1480	Construction Work/Contract Work-In Progress	*
1485	Demolition	*
1495	Relocation Costs	*
1499	Development Used for Mod	*
1500	FY 94 & Prior Year Grants & Loans	*
	10. **Voucher Total:**	*

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-PDEV** 4/2000

LOCCS / VRS
Public Housing Technical Assistance
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (Exp.6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
049	PHTA	from to	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project Number	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount: (dollars) * (cents)
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the person who completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-PHTA** (04/2000)

LOCCS / VRS
PH Apprenticeship Demonstration Program in Construction Trades
(Urban Youth Corp) Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
067	UYC	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9910	Administrative Costs	*
9920	Stipends	*
9930	Supportive Services	*
9940	Uniforms and Tools	*
9950	Subgrants	*
9970	Other Program Costs	*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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form **HUD-50080-UYC** (4/2000)

LOCCS / VRS
RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM
Payment Voucher (All Grantees)
Resident Service Delivery Models

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
090	ROSS	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
FY 1999-FY 2000	**RESIDENT SERVICE DELIVERY MODELS**	*
2005	**Program Coordinator**	*
2010	**Physical Improvements**	*
2020	**Entrepreneur Business Development**	*
2021	Establishing a Revolving Loan Fund (RLF Establishment)	*
2022	Developing a Credit Union (CU Development)	*
2030	**Business Development**	*
2031	Develop Business Plan	*
2032	Conduct Market Analysis	*
2033	Secure Licensing, Insurance, Bonding (Licensing/Bonding)	*
2034	Training Related to Resident Owned Business (ROB Training)	*
2035	Establishment of Resident Managed Business Development (RMBD Establishment)	*
2040	**Resident Organization Development Activities**	*
2041	Organize Community	*
2042	Operating Procedures	*
2043	Develop MOU	*
2044	Develop Plan for Technical Assistance (T/A Plan Development)	*
2045	Consultant Contracts	*
2046	Self Sufficiency Programs	*
2050	**Resident Management**	*
2051	Conduct Feasibility Study	*
2052	Secure Training/Skills/Expertise (RM Training)	*

Continued on next page

Continued from page 1

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
2053	Develop MOU	*
2054	Consultant	*
2055	Secure T/A to Draft Contract (Draft Contract T/A)	*
2056	Negotiate Contract with PHA (Contract Negotiation)	*
2057	Conduct Resident Training Preparation (Resident Training)	*
2060	**Self Sufficiency Program**	*
2061	Program Coordinator	*
2062	Physical Improvements	*
2063	Employment and Job Readiness (Job Readiness)	*
2064	Job Training	*
2065	Management Related Employment Training (Mgmt/Employment Training)	*
2066	Vocational Training	*
2067	Technical Assistance	*
2070	**Family Supportive Services**	*
2870	**Elderly Supportive Services**	*
9100	Travel Costs	*
9200	Other Resident Costs (Stipends, Reimbursements) – (Resident Costs)	*
9300	Contract Administrator	*
9400	Administrative and Other Costs	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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LOCCS / VRS
RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM
Payment Voucher (All Grantees)
Service Coordinators for Public Housing

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
073	ROSS	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
FY 1999-FY 2000	**ELDERLY SERVICE COORDINATORS**	*
9810	Administrative Costs	*
9820	Other Program Expenses	*
9830	Training	*
9840	Salaries	*
9850	Fringe	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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form **HUD-50080-SC** (4/7/2000)

LOCCS / VRS
RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM
Payment Voucher (All Grantees)
Resident Management and Business Development

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
090	ROSS	from: to:	☐ 1 = Partial Disbursement 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
FY 1999-FY 2000	**RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT**	*
1010	**Physical Improvements**	*
1020	**Resident Business Development**	*
1021	Develop Business Plan	*
1022	Conduct Market Analysis	*
1023	Licensing, Insurance Bonding (Licensing/Bonding)	*
1024	Training Related to Resident Owned Business (R.O.B. Business Training)	*
1025	Establishment of Resident Managed Business Development (RMBD Establishment)	*
1026	Technical Assistance	*
1030	**Resident Organization Development Activities (RO Activities)**	*
1031	Organize Community	*
1032	Operating Procedures	*
1033	Develop MOU	*
1034	Develop Plan for Technical Assistance (Develop T/A Plan)	*
1035	Consultant Contracts	*
1036	Self Sufficiency Programs	*
1040	**Resident Management**	*
1041	Conduct Feasibility Study	*

Continued on next page

Continued from page 1

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1042	Secure Training/Skills/Expertise (RM Training)	*
1043	Develop MOU	*
1044	Secure T/A to Draft Contract (Draft Contract T/A)	*
1045	Negotiate Contract with PHA (PHA Contract Negotiation)	*
1046	Conduct Resident Training/Preparation (Resident Training)	*
1050	**Self Sufficiency Program**	*
1051	Employment and Job Readiness	*
1052	Job Training	*
1053	Management Related Employment Training (Mgmt. Employment Training)	*
1054	Vocational Training	*
1055	Technical Assistance	*
1060	**Supportive Services**	*
9100	Travel Costs	*
9200	Other Resident Costs (Stipends, Reimbursements) – (Resident Costs)	*
9300	Contract Administrator	*
9400	Administrative and Other Costs	*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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LOCCS / VRS
RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM
Payment Voucher (All Grantees)
Capacity Building/Conflict Resolution

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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090	ROSS	from: to:	☐ 1 = Partial Disbursement 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
FY 1999-FY 2000	**CAPACITY BUILDING**	*
3000	Capacity Building Activities	*
3010	Training	*
3011	Consultants	*
3012	Other	*
		*
9100	Travel Costs	*
9400	Administrative Costs	*
	CONFLICT RESOLUTION	
4000	Mediation Activities	*
4010	Establishment of Violence Free Zones (Violence Free Zones)	*
4011	Youth Services Activities	*
4012	Resident/PHA Issues	*
4013	Development of Materials	*
4014	Training for Mediation/Reconciliation (Mediation/Reconciliation Trng)	*
4015	Technical Assistance to RAs (RA T/A)	*
		*
9100	Travel Costs	*
9400	Administrative Costs	*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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form **HUD-50080-CB/CR** (4/7/2000)

LOCCS / VRS
Service Coordinators for Public Housing
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp.6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
064	SCPH	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9810	Administrative Costs (Excluding Salaries)	*
9820	Other Program Expenses	*
9830	Supportive Services	*
9840	Training	*
9850	Salaries	*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

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form **HUD-50080-SCPH** (4/2000)

LOCCS / VRS
Special Purpose Grants
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166
(exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
044	SPG	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1000	Personnel	*
1100	Fringe Benefits	*
1200	Travel	*
1300	Equipment	*
1400	Supplies	*
1500	Contractual / Sub-Grantees	*
1600	Construction	*
1700	Other	*
1800	Indirect Charges	*
		*
		*
		*
	10. Voucher Total	$ *

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form **HUD-50080-SPG** (4/2000)

LOCCS / VRS
Tenant Opportunities Program
Payment Voucher (All Grantees)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD implemented the Line of Credit Control System/Voice Response System (LOCCS/VRS) to process requests for payments to grantees. Grant recipients fill out a voucher form for the applicable HUD program with all the necessary information prior to making a telephone call using a touch tone telephone to initiate the drawdwon process. The grantee will be prompted for entering the information and for confirming information that is spoken back by the VRS simulated voice. This information is required to obtain benefits under the U.S. Housing Act of l937, as amended. The information requested does not lend itself to confidentiality.

1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yy)
025	TOP	from to

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9810	Employment Readiness Training Contract	
9820	Business/Job Training Contracts	
9830	Job Placement Retention Contracts	
9840	Mediation Activities	
9850	Resident Organization Development Activities	
9851	Organize Community	
9852	Operating Procedures	
9853	Develop MOU	
9854	Plan for Technical Assistance	
9855	Consultant Contracts	
9856	Implement Property Management	
9857	Self-Sufficiency Programs	
9860	Travel Costs	
9870	Other Resident Costs (Stipends, Reimbursements)	
9880	Administrative and Other Costs	
	10. Voucher Total	$

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the person who completed this form.	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Privacy Statement: Public Law 97-255, Financial Integrity Act, 31 U.S.C. 3512, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions. The purpose of the data is to safeguard the Line of Credit Control System (LOCCS) from unauthorized access. The data are used to ensure that individuals who no longer require access to LOCCS have their access capability promptly deleted. Failure to provide the information requested on the form may delay the processing of your approval for access to LOCCS. While the provision of the SSN is voluntary, HUD uses it as a unique identifier for safeguarding the LOCCS from unauthorized access. This information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

Previous editions are obsolete form **HUD-50080-TOP** (4/2000)

LOCCS / VRS
Traditional Indian Housing Development
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (Exp.6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	4.
031	TIHD	from: to:	1 = Partial Disbursement 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name	7. Payee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN	7a. Payee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1406	Operations	*
1410	Administration	*
1425	Initial Operating Deficit	*
1430	Planning	*
1440	Site Acquisition	*
1450	Site Improvements	*
1451	Off Site Sewer & Water	*
1475	Non-Dwelling Equipment	*
1480	Construction Work/Contracts in Progress	*
1485	Demolition	*
1495	Relocation Costs	*
1499	Development Used for Mod	*
1500	FY 1994 & Prior Year Grants	*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-TIHD** (4/2000)

LOCCS / VRS
Vacancy Reduction Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)	
059	VRP	from: to:	1
5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name		
8. Grant or Project No.	6a. Grantee Organization's TIN		

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
1408	Management Improvement	*
1410	Administration	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1495	Relocation Costs	*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-VRP** (4/2000)

LOCCS / VRS
Youth Apprenticeship Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)
062	YAP	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9910	Administrative Costs	*
9920	Stipends	*
9930	Supportive Services	*
9940	Uniforms and Tools	*
9950	Subgrants	*
9960	Data Collection/Evaluation	*
9970	Other Program Costs	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this form	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-YAP** (4/2000)

LOCCS / VRS
Youth Development Initiative
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 6/30/2000)

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1. Voucher Number	2. LOCCS Pgrm. Area	3. Period Covered by this Request (mm/yyyy)
063	YDI	from: to:

5. Voice Response No. (5 digits, hyphen, 5 more)	6. Grantee Organization's Name
8. Grant or Project No.	6a. Grantee Organization's TIN

9. Line Item No.	Type of Funds Requested	Amount (dollars) * (cents)
9710	Administrative Costs	*
9720	Other Program Expenses	*
9730	Supportive Services	*
9740	Conversion/Renovation	*
9750	Service Coordinator	*
9760	Acquisition	*
9770	New Construction	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total	$ *

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly)	
	13. Signature X	14. Date of Request

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form **HUD-50080-YDI** (4/2000)

[FR Doc. 00–19591 Filed 8–2–00; 8:45 am]
BILLING CODE 4210–33–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4563–N–11]

Notice of Proposed Information Collection for Public Comment for the Public Housing Agency (PHA) Development Cost Budget/Cost Statement, Actual Development Cost Certificate, Acquisition and Relocation Report

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 2, 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: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed 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 of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

The Notice also lists the following information:

Title of Proposal: Public Housing Agency (PHA) Development Cost Budget/Cost Statement, Actual Development Cost Certificate, Acquisition and Relocation Report.

OMB Control Number: 2577–0036.

Description of the need for the information and proposed use: HUD needs the information on the Cost Budget/Statement to determine whether PHA expenditures or requests for funds are reasonable in relation to the stage of development so that, if they are not, appropriate action can be taken to prevent budget overruns or excessive financing. PHAs submit the Actual Development Cost Certificate to notify HUD that all development work has been completed, and to report the amount for all costs relating to development. Acquisition and relocation reports enable HUD to determine PHA compliance with acquisition and relocation requirements pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Agency form numbers, if applicable: HUD–52427. HUD–52484.

Members of affected public: State, Local or Tribal Government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 824 respondents, annually, semi-annually, and quarterly, five average hours per response, 11,667 hours for a total reporting burden.

Status of the proposed information collection: Reinstatement.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 27, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Development Cost Budget/ Cost Statement

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0036 (exp. 7/31/2000)

Dwelling Units			Copy Number:	PR/Project Number:
Family	Elderly	Total		
			Public Housing Agency:	Locality of Project:

No financial or technical assistance may be provided to a project pursuant to an Annual Contributions Contract unless a PHA Proposal, including a development cost budget, has been approved (24 CFR 941).

Housing Type and Production Method	Turnkey	Conv.	Force Act.	Status (Check one)	☐ PHA Proposal (PP) Budget
New Construction				☐ Budget Between PP and Contract Award	☐ Final Development Cost Budget
ACQ W/Subst. Rehab.				☐ Contract of Sale/Contract Award Budget	☐ Development Cost Control Statement
ACQ WO/Subst. Rehab.				☐ Budget Between Contract Award & Final	☐ Statement of Actual Development Cost

Subpart I - Budget

Line No.	Account Classification (a)	Latest Approved Budget Date _____ (b)	Actual Development Cost Incurred To _____ (c)	Actual Contract Award Balance (d)	Estimated Additional to Complete (e)	Amount (c) + (d) + (e) (f)	Per Unit (g)
Developer's Price							
1	1440 Site						
2	1450 Site Improvements						
3	1460 Dwelling Construction						
4	1465 Dwelling Equipment						
5	1470 Nondwelling Construction						
6	1475 Nondwelling Equipment						
7	1430.1 Archit. & Engr. Svcs.						
8	Other						
9	**Total Developer's Price**						
Public Housing Agency Costs							
	Operations						
10	1406 Operations						
	Administration						
11	1410.1 Nontechnical Salaries						
12	1410.2 Technical Salaries						
13	1410.4 Legal Expenses						
14	1410.9 Employee Benefit Contribution						
15	1410.10 Travel						
16	1410.18 Equipment Expended						
17	1410.19 Sundry						
18	**Total Administration**						
	Liquidated Damages						
19	1415 Liquidated Damages						
	Interest						
20	1420.1 Interest to HUD						
21	1420.2 Interest on Notes—Non-HUD						
22	1420.7 Interest Earned from Invest.						
23	**Total Interest**						
	Initial Operating Deficit						
24	1425 Initial Operating Deficit						
	Planning						
25	1430.1 Architectural & Engr. Fees						
26	1430.2 Consultant Fees						
27	1430.6 Permit Fees						
28	1430.7 Inspection Costs						
29	1430.9 Housing Surveys						
30	1430.19 Sundry Planning Costs						
31	**Total Planning**						

form **HUD-52484** (8/96)
ref Handbook 7417.1

Copy Number:	PR/Project Number:

Subpart I - Budget (continued)

Line No.	Account Classification (a)	Latest Approved Budget Date _____ (b)	Actual Development Cost Incurred To _____ (c)	Actual Contract Award Balance (d)	Estimated Additional to Complete (e)	Amount (c) + (d) + (e) (f)	Per Unit (g)
Site Acquisition							
32	1440.1 Property Purchases						
33	1440.2 Condemnation Deposits						
34	1440.3 Excess Property						
35	1440.4 Surveys and Maps						
36	1440.5 Appraisals						
37	1440.6 Title Information						
38	1440.8 Legal Costs – Site						
39	1440.10 Option Negotiations						
40	1440.12 Current Tax Settlement						
41	1440.19 Sundry Site Costs						
42	1440.20 Site Net Income						
43	**Total Site Acquisition**						
44	1450 **Site Improvements**						
45	1460 **Dwelling Construction**						
46	1465 **Dwelling Equipment**						
47	1470 **Nondwelling Construction**						
48	1475 **Nondwelling Equipment**						
49	1480 **Contract Work in Progress**						
50	1485 **Demolition**						
51	1495 **Relocation Costs**						
52	1499 **Development Used for Mod.**						
53	**Total** (Including Donations)						
54	Less Donations						
55	**Total Before Contingency** (less Donations)						
56	Contingency: 1% to 5% (or less) of line 55						
57	**Total Development Cost**						

Subpart II - Detail of Other in Developer's Price

1. Developer's Fee and Overhead $ _____
2. Interim Financing _____
3. Closing Costs _____
4. Property Taxes and Assessments _____
5. State or Local Sales, Excise or Other Taxes _____

Total Other $ _____

Subpart III - Supporting Data for Cost Estimates

For the PP Budget, attach an itemized breakdown of the costs chargeable to each of the following accounts. For subsequent budgets, provide this information only for accounts that are being changed.

1410.1 and 1410.2: List, by job title, each PHA employee whose salary, or portions thereof, will be chargeable to these accounts. For each, show the annual rate of gross salary, the estimated length of time to be spent in connection with development of this project, and the total gross salary which is properly chargeable to either of these accounts. If only a portion of the employee's time will be chargeable to this project, show the percentage that will be so chargeable; and show, in a footnote, the percentage distribution to other projects and the accounts to which distributed.

1410.19: List and show the cost of each item of administrative and general expense for which a specific account is not provided in the 1410 group of accounts. If only a portion of the cost of any item will be chargeable to this project, show the percentage and amount that will be so chargeable; and show, in a footnote, the percentage distribution to other projects.

1430.2: List all planning consultants not paid under the architect's contract and, for each, identify and show the cost of the services provided.

1430.7: Provide the same information required for 1410.1 and 1410.2, listing employees of the architect (or PHA when use of PHA employees has been previously approved) who will perform inspection work for the project.

1450: Where off-site facilities are proposed to be included, identify and show the cost of such facilities and provide justification for including such costs in TDC.

1465: Identify and show the cost of each item included in this account.

1475: Complete the Table below and, on a separate attachment, list and show the cost of each item included in each sub-account.

Nondwelling Equipment (1475)	Cost
1475.1 Office Furniture and Equipment	
1475.2 Maintenance Equipment	
1475.3 Community Space Equipment	
1475.7 Automotive Equipment	
1475.9 Expendable Equipment	
Total Nonswelling Equipment	

1495: State the number of households and businesses to be displaced, and identify and show the estimated cost of relocation services and payments to be provided.

form **HUD-52484** (8/96)
ref Handbook 7417.1

Copy Number:

PR/Project Number:

Subpart IV - New Construction – Prototype Cost Comparison Percentage

A. Dwelling Construction and Equipment (DC&E) Cost from Subpart I
1. Total for Account 1460 $ _____
2. Total for Account 1465 _____
3. Subtotal (1 + 2) $ _____
4. Contingency (_____% x line 3) _____
5. Total DC&E (3 + 4) $ _____

B. PPCL Total _____
(Attach calculation from PP, Part I, Subpart B, Item 3)

C. Comparison Percentage = _____%
(Line A5 ÷ Line B)

Subpart V - Acquisition–Development Cost Comparison Percentage

A. Proposed TDC from Subpart I $ _____

B. Hypothetical TDC $ _____
(Attach calculation from PP, Part I, Subpart B, Item 5a or, if applicable, other estimate and rationale.)

C. Comparison Percentage = _____%
(Line A ÷ Line B)

Subpart VI - Detail of Donations

Line No.	Item (Please List)	Amount (Value)
1		
2		
3		
4		
	Total	

Subpart VII - Previously Approved Budgets

List chronologically the dates and TDC on all previously approved budgets, beginning with the PHA Proposal (P) Budget, and state the purpose (i.e., one of the budgets listed in the "Status" block on page 1 and any amendments thereto).

Date	TDC	Purpose
		PP

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Submitted By: Name & Title of Official Authorized to Sign for PHA:

Signature of PHA's Authorized Official & Date:

X

For HUD Use Only

Recommended for Approval By: Name & Title of Authorized Official:

Signature of Authorized Official & Date:

X

Approved By: Name & Title of Authorized Official:

Signature of Authorized Official & Date:

X

form **HUD-52484** (8/96)
ref Handbook 7417.1

This form HUD-52484 includes the account classification numbers, actual development cost incurred, actual contract award balance, and total development cost which are apart of a Public Housing Agency's (PHA's) development cost budget/cost statement for development of a public housing project.

PHAs provide information on the amount of monies which will be needed to develop the project and other costs associated with it . The information collected in the proposal is used by HUD for review and approval of development funds.

Public Reporting Burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Response to this collection of information is mandatory to obtain a benefit or to retain a benefit.

The information requested does not lend itself to confidentiality.

HUD may not conduct or sponsor, and person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Instructions for Preparing Development Cost Budgets/Cost Statements, Form HUD-52484

A. **General**

This form HUD-52484 shall be used for all Development Cost Budgets and Statements identified in the "Status" section on page 1 and should be carefully completed for each type of submission. For information supplementing these instructions, see Public Housing Development Handbook 7417.1 Descriptions of the budget accounts to which costs should be charged are set forth in Low-Rent Technical Accounting Guide 7510.1, Chapter 4, Section 15. The HUD Field Office, upon request, will assist PHAs in the distribution of costs to individual accounts.

1. **General Preparation.** The Form should cover all of the housing to be built under a single Contract of Sale/Construction Contract, whether on one or several sites. The "Dwelling Units" section at the top of page 1 shall show, in the "Elderly" block, the total of all units designed specifically for the elderly, including any such units which have more than one bedroom; and the other sections at the top of the page shall be completed as appropriate. Round out all amounts to even dollars. Where descriptions or supplementary data are required, use an attached sheet, identifying the item to which it is applicable.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

2. **Use of Form as Development Cost Budget**

a. When first used (with form HUD-52483-A, PHA Proposal (PP), Part I, Subpart B, Item 2), the PHA shall submit an original and 2 copies to the HUD Field Office, as in the case of the PP and other related attachments. (If any major changes are proposed following approval of the PP, a revised PP and PP budget shall be submitted in accordance with Handbook 7417.1.) If there was no preliminary loan, the PHA shall enter the estimated costs for development of the project in column (f) and complete column (g) as appropriate. If the PHA received a preliminary loan, the form shall be completed as follows. In column (b), cross out the words "Latest Approved Budget" in the heading and enter the date the Preliminary Loan Contract was executed; enter the words "Preliminary Loan Contract" lengthwise in the column; and enter the total preliminary loan amount in line 58. In columns (c) and (d), enter the latest readily available figures from the books of account maintained for the Preliminary Loan Contract; and, in the heading of column (c), enter the date as of which such figures were taken. In column (e), enter the estimated costs for development of the project. Enter in column (f) the sum of columns (c), (d) and (e); and complete column (g) as appropriate.

b. For subsequent Development Cost Budgets, submit an original and 2 copies to the HUD Field Office. Enter the date of the latest approved budget in the heading of column (b) and, for each line item, enter the applicable latest approved cost. Enter in columns (c) and (d) the latest readily available figures from the books of account for Accounts 1410 through 1475 and Accounts 1485, 1495, and 1499; and, in the heading of column (c), show the date as of which such figures were taken. Enter in column (e) for each Account 1410 through 1475, 1485, 1495, and 1499 an estimate of any additional cost to be incurred in completing the development work. Enter in column (v) the sum of columns (c), (d) and (e); and complete column (g) as appropriate. For Account 1480, which is not applicable to turnkey projects, leave all columns blank until submission of the Contract Award Budget. At that time and thereafter, the entries for Account 1480 shall be as follows:

(1) For a Contract Award Budget, list each proposed construction contract to be included under Account 1480 in column (a) by name of contractor and type of work. Opposite each such listing, enter in columns (d) and (f) the amount shown in column (3) of the corresponding form HUD-52396, Analysis of Main Construction Contact (or, in cases where a change in any bid amount is proposed, enter the amount shown in column (5) of form HUD-52396 and identify change order(s) included in the contract amount). Amounts for all work and equipment not covered by contracts shall remain in the appropriate subsidiary account.

(2) For each budget submitted after a Contract Award Budget, enter in column (c) the total of payments made to each contractor; in column (d) the balance owing under each original contract; in column (e) the amount of any increases or decreases for change orders known to be needed at the time the budget is submitted; and in column (f) the sum of columns (c), (d) and (e). If the sum of columns (c) and (d) differs from the original contract amount in column (f) of the latest approved budget because of executed change orders, identify such change orders.

(3) For the Final Budget, this Account 1480 is to be left blank and the amounts for each completed construction contract shall be redistributed to the appropriate Accounts 1450 through 1475, 1485, and 1499. On an attachment to the Final Budget, identify each construction contract by name of contractor and type of work; and show the final contract amounts, broken down in to the appropriate Accounts 1450 through 1475, 1485, and 1499.

3. **Use of Form as Cost Statement**

a. When used as the quarterly Development Cost Control Statement (required during the period beginning with the date a project is placed under an ACC and ending with the date the form HUD-52427, Actual Development Cost Certificate, is submitted for each project), columns (b), (c), (d) and (f) shall be completed; and columns (e) and (g) shall be left blank. However, in cases where the PHA is reasonably certain that it will be necessary to incur additional costs that were not anticipated at the time of submission of the latest approved budget (identified in column (b)), the PHA shall enter the estimated amounts of such additional costs in column (e) so the Field Office will be aware of its budgetary problems and can take appropriate steps to help solve them. (In such cases, the amount in column (f) will be the sum of columns (c), (d) and (e).) If

it is determined that the solution involves a change in any of the latest approved budget amounts, the PHA shall prepare a revised budget and submit it to the Field Office in accordance with instructions in Handbook 7417.1 and Item A2b, above.

b. When used as the Statement of Actual Development Cost (which is submitted simultaneously with form HUD-52427, Actual Development Cost Certificate), only columns (b) and (c) shall be completed for all accounts, except Account 1480 (which requires no entries in any column).

B. **Subpart I – Budget**

1. **Development Method**

a. **Turnkey.** For projects developed under the turnkey method, the account classifications for Developer's Price (lines 1 through 9) are to be completed. Where preselected sites are used, entries should be made in lines 32 through 43, as applicable, for those site costs borne by the PHA prior to the assignment to the developer of the right to purchase the site. The Total Developer's Price (line 9) shall be the price agreed upon by the developer, the PHA and HUD. The amounts entered for site and architectural and engineering services (lines 1 and 7) should be the amounts to be included, where applicable, in the Preliminary Contract of Sale for the eventuality of separate purchase by he PHA. The amount entered for Other (line 98 and Subpart II) should be the sum of (1) Developer's fee and Overhead, exclusive of builder-contractor's overhead and profit which is in other items of the developer's price; (2) Interim Financing; (3) Closing Costs; (4) property taxes and assessments during construction; and (5) State or local sales, excise or other taxes, if any. Planning costs approved by the HUD Field Office will allow for entries in lines 25 and 26, as well as in line 7 (in addition to inspections for which an entry will be made in line 28).

b. **Conventional.** For conventional projects, lines 1 through 9 will remain blank and, instead, those accounts will be completed utilizing lines 25 through 48. For lines 44 through 48, the Schematic Design Documents and the Architect's Estimate of Project Construction Cost will provide a basis for reasonable estimates for costs. Any comments from the HUD Field Office as a result of the prior submission of these documents shall be reflected in the Budget.

c. **Acquisition.** For acquisition projects, Account 1440 will be the approved price for the site, including the structures thereon which are to be acquired for the project; and Accounts 1450 through 1485 will be used for the work to be done. Lines 1 through 9, or 32 through 48, will be completed as required by the development method being used and other instructions herein.

2. **1410 – Administration (lines 10 through 18).** PHAs with experience in the development of low-income housing should estimate development-related administration costs on the basis of such experience, as applicable, for the current development method. For turnkey projects, there will be less administration activity than for conventional projects. The amounts for the various subaccounts shall be the costs of the items of expense which are directly traceable to and essential in the planning, construction and completion of the project, and the prorata amounts of the PHA's total administration costs with respect to the items which are not wholly traceable to the project. Administration (1410) and Planning (1430) Costs ordinarily terminate with the End of the Initial Operating Period. After this date, only costs of personnel employed full time in development work may be charged to these accounts.

3. **1420 – Interest (lines 22 through 26).** For turnkey projects, because of the limited PHA financing until the completed project is acquired, PHA interest shall be limited to not more than 5 percent for 5 months on the total development cost, excluding interest and contingency. If the project is so planned as to be completed and occupied in several stages, PHA interest shall be computed from the time the PHA takes title to completed increments of the projects to not more than 5 percent for 5 months after completion of the last increment. For a conventional project PP budget, interest shall be limited to not more than 5 percent for each 12 months or portion thereof. For budgets subsequent to the PP Budget, Accounts 1420.1 and .2 shall be charged, to the extent specifically approved by HUD, in accordance with Handbook 7510.1. Line 26, Total Interest, is the amount which results after the deducting interest earned on investments from the interest charged.

4. **1425 – Initial Operating Deficit (line 24).** In the absence of dependable previous experience data on which to base a preliminary estimate of the initial operating deficit, an allowance of not to exceed $50 per dwelling unit may be used unless more is specifically authorized by HUD.

5. **1430 – Planning (lines 25 through 31).** For turnkey projects generally, architectural-engineering services will be included in the Developer's Price except for periodic inspection of construction by an independent architect employed by the PHA (Account 1430.7).

6. **1440.5 – Appraisals (line 36).** No entry shall be made in this Account when HUD performs the appraisal since no fee will be charged. This Account shall be charged with the costs incurred by the PHA for appraisals of land or improvements when provided by fee appraisers.

7. **Donations (lines 53 and 54).** Account 2850 is described in Handbook 7510.1. A donation represents cash and/or the reasonable value of property donated to the project. Any costs met from cash donations and the value of any donations in kind will be included under the appropriate cost account and itemized in Subpart VI. Since donations cannot be included in the Total Development Cost, the total of donations will be subtracted therefrom in Subpart I of the Budget.

8. **Contingency (line 56).** Enter not more than 5 percent for conventional projects, nor more than 1 percent for turnkey, of the Total Before Contingency.

C. **Subpart III – Supporting Data for Cost Estimate in Account 1475 (Lines 6 and 48).** Generally, the PHA provides nondwelling equipment, requiring an entry in line 48 only. Include only nondwelling equipment intended for use in developing the specific project. Account 1475 shall not include automotive passenger vehicles; and shall not, without detailed, itemized justification fully endorsed by the officials involved in its approval, exceed one-half of one percent of the project's Total Development Cost.

D. **Subpart IV – New Construction-Prototype Comparison Percentage** The accounts used in this comparison—1460 and 1465 (lines 3, 4, 45 and 46)—should be carefully prepared. It is particularly important that nondwelling construction and equipment costs (chargeable to Accounts 1470 and 1475) not be combined with the dwelling construction and equipment costs in Accounts 1460 and 1465 because this could adversely affect the prototype comparison percentage. Care should also be taken to assure that, in the case of a turnkey project where the developer and the PHA will each provide certain items of dwelling equipment, the amount in Item A2 of this Subpart is the sum of lines 4 and 46.

Actual Development Cost Certificate

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0036
(exp. 7/31/2000)

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Response to this collection of information is mandatory to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. HUD may not conduct or sponsor, and person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Name of Public Housing Agency (PHA)

Annual Contributions Contract Number	Project Number

The PHA hereby certifies to the Department of Housing and Urban Development as follows:

1. That the total amount of the Development Cost (herein called the "Actual Development Cost") of the Project is $ _____, which amount is shown in detail on the attached Statement of Actual Development Cost;

2. That all development work in connection with the Project has been completed;

3. That the entire Development Cost or liabilities therefor incurred by the PHA have been fully paid;

4. That there are no undischarged mechanics', laborers', contractors', or material-men's liens against such Project on file in any public office where the same should be filed in order to be valid against such Project; and

5. That the time in which such liens could be filed has expired.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Submitted By	Name of Official Authorized to Sign for PHA	
	Title	
	Signature	Date (mm/dd/yyyy)
For HUD Use Only		
Recommended for Approval By	Name of Authorized Official	
	Title	
	Signature	Date (mm/dd/yyyy)
Approved By	Name of Authorized Official	
	Title	
	Signature	Date (mm/dd/yyyy)

Previous editions are obsolete

form **HUD-52427** (2/93)
ref. Handbook 7417.1

[FR Doc. 00–19592 Filed 8–2–00; 8:45 am]
BILLING CODE 4210–33–C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–057–1040–PH–GPO–0300]

Proposed Information Collection—Program Evaluation for the National Riparian Service Team and Extended Riparian Network

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management, the U.S. Forest Service, and the National Resource Conservation Service announce its intention to request approval for the collection of new information. The Bureau of Land Management (BLM) is soliciting comments concerning a proposed collection of information, conducting surveys and interviews of individuals who work within or receive services from the interagency National Riparian Service Team (NRST) and the extended riparian network. The information will allow the BLM to measure satisfaction and program effectiveness, and comply with the requirements and spirit of the Government Performance and Results Act of 1993 and Executive Order No. 12862.

DATES: BLM must receive comments on the proposed information collection by October 2, 2000.

ADDRESSES: Mail comments to: Director (630), Bureau of Land Management, 1849 C Street, NW., Room 401LS, Washington, DC 20240.

Send comments via Internet to: *WOComment@blm.gov.* Please include ''NRST Survey'' and your name and return address in your Internet message.

You may hand-deliver comments to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

BLM will make comments available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Laura Van Riper, Bureua of Land Management, 541–416–6702.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a) BLM must provide 60-day notice in the **Federal Register** concerning a proposed collection of information to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.*

I. Background

On March 20, 1996 the Agency heads of the USDI Bureau of Land Management and the USDA Forest Service signed a letter agreeing to aggressively implement a cooperative management strategy to accelerate the restoration and improved management of riparian-wetland areas in the western United States. The USDA Natural Resource Conservation Service is a principal partner in this strategy. The NRST, which is an interagency team that is service oriented and emphasizes collaboration to accomplish riparian-wetland restoration objectives, serves as a catalyst for this effort.

In an effort to improve Federal program effectiveness and public accountability, the Government Performance and Results Act of 1993 (Sec. 2, Pub. L. 103–62) promotes a new focus on results, service quality, and customer satisfaction. This course of action is fortified by Executive Order Number 12862, signed by President Clinton on September 11, 1993, which is aimed at ensuring the Federal Government provides the highest quality service possible to the American people. In order to fulfill these responsibilities, the BLM is in the process of conducting a program evaluation of the NRST and the extended riparian network.

Different program evaluation models exist within the field of evaluation research, and it is widely recognized that multiple approaches should be used in an attempt to increase the validity of the overall evaluation by balancing out the strengths and weaknesses of different approaches. This study will be divided into two stages, using two complementary approaches. The first will be a large scale, quantitative mail survey, designed to attain generalizable and objective measures of customer satisfaction and program effectiveness. The second stage will be a qualitative, in-depth analysis of two states that are part of the extended riparian network (case studies), with the goal of producing a comprehensive understanding of the factors that influence successful program implementation.

Information will be collected on a biannual basis and the stages will be staggered. The results will be used internally, and summaries will be provided to the Office of Management and Budget.

II. Current Actions

The request to OMB will be for a three-year clearance for the BLM to conduct surveys and interviews for the purposes of NRST program evaluation.

III. Methodology

Stage one: Respondents will be individuals who have participated in Proper Functioning Condition (PFC) training sessions/service trips sponsored by the National Team and the State Cadres (members of the extended riparian network). A randomized sampling technique will be used.

Respondents will be asked to voluntarily complete and return a mail survey. In an effort to achieve the goal of an 80% response rate, an advance-notice letter will be sent, followed by a questionnaire (with a cover letter and a prepaid return envelope), to each member of the sample. Approximately, one week later, a postcard reminder will be sent. Approximately two weeks later (three weeks from the initial mailing), another survey package will be sent to individuals who have not responded. A final reminder will be given after 30 days, either by mail or telephone.

Stage two: The second stage of the program evaluation will focus on two case studies. A stratified, purposive sampling technique will be employed to ensure the sample is representative of the range of viewpoints. Approximately 15–20 respondents will be chosen from each state. Unlike stage one, the sampling strategy employed within stage two is designed to provide an in-depth understanding of representative types of individuals who work within or receive services from the NRST and the extended riparian network.

Prospective respondents will be sent an advance-notice letter, introducing the study and requesting their participation in a voluntary face-to-face interview. These individuals will be contacted by phone and a time for conducting the interview will be established. Interviews

will consist of primarily open-ended questions, and an interview guide will be used to ensure results are comparable across interviews. Given that this is a face-to-face interview, a 100% response rate is expected.

Questions in both stages' one and two will address the following areas: (1) Satisfaction with the team as a facilitator of cooperative riparian restoration/management; (2) program effectiveness (*e.g.*, on-the-ground implementation and/or achievement of interim steps toward implementation of riparian management strategies; impact of thought process, PFC as a tool for creating a common vocabulary, for facilitating effective cooperation); and (3) general demographic information.

Data gathered in this information collection is not available from other sources. Furthermore, the use of different methods will allow for the collection of different types of information. Unlike a quantitative approach, qualitative methods recognize the importance of background and context to the process of understanding interpreting data. The results generated from stage one (primarily quantitative—mail survey) will be generalizable, and will provide the opportunity to evaluate perceptions regarding customer satisfaction and program effectiveness. The results generated from stage two (primarily qualitative—interviews) will be necessary to understand why different ''representative types'' hold certain perceptions.

IV. Burden on Respondent

A. *Stage one:* The average public reporting burden for the mail survey is estimated to be 25 minutes per respondent, and the frequency of response is once every other year. The number of responses is estimated to total 500. The estimated total annual burden is approximately 210 hours biannually (500 respondents every two years × .42 hours per respondent = 210 hours biannually).

B. *Stage two:* The average public reporting burden for an in-depth, face-to-face interview is 45 minutes per respondent. The respondents are both internal and external customers of the NRST. The frequency of response is once every other year. The number of responses is estimated to be between 30 and 40. The estimated total annual burden is approximately 22.5 hours biannually at a minimum, and 30 hours biannually at a maximum (30 respondents every other year × .75 hours per respondent = 22.5 hours biannually; 40 respondents every other year × .75 hours per respondent = 30 hours biannually).

The total biannual response burden will be between 232.5 (minimum) and 240 (maximum) hours. BLM is specifically requesting your comments on these estimates.

BLM will summarize all responses to this notice and include in the request for Office of Management and Budget approval. Responses to this notice will also become a matter of public record.

Dated: July 21, 2000.

Shirlean Beshir,

BLM Information Clearance Officer.

[FR Doc. 00–18951 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1320–PB–02 24 1A]

Extension of Approved Information Collection, OMB Number 1004–0073

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request renewal of existing approval to collect certain information from any person, association, or corporation, or any subsidiary, affiliate, or persons controlled by or under common control with such person, association or corporation interested in leasing for or developing Federal coal. This information allows BLM to determine if the applicant to lease or develop Federal coal is qualified to hold a Federal coal lease.

DATES: BLM must receive comments on the proposed information collection by October 2, 2000, to assure its consideration of them.

ADDRESSES: Mail comments to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C Street NW, Room 401LS, Washington, DC 20240.

Send comments via Internet to: WOComment@blm.gov. Please include ''ATTN: 1004–0073'' and your name and return address in your Internet message.

You may hand-deliver comments to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW., Washington, DC 20036.

BLM will make comments available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William Radden-Lesage, Solid Minerals Group, WO–320, 202–452–0360.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in BLM (Form 3400–12 and 3440), 43 CFR Group 3400, Coal Management, to solicit comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected, and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the OMB under 44 U.S.C. 3501 *et seq.*

BLM plans to seek from the Office of Management and Budget an extension approval for the information collection requirements in 43 CFR Parts 3400 through 3487, which cover the leasing and development of Federal coal. These regulations implement the statutory authority governing leasing activities on Federal land which is found in the Mineral Leasing Act of 1920, including the 1976 coal amendments (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 *et seq.*); the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*); the Multiple Mineral Development Act of 1954, 30 U.S.C. 521–531; the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*); and the Act of October 30, 1978 (92 STAT. 2073–2075).

BLM uses the information provided by the applicant(s) to determine if the applicant to lease or develop Federal coal is qualified to hold such a lease. If BLM did not collect this information, it would not be able to gather relevant data to manage the leasing and development of coal in the public interest.

Based on BLM's experience administering the activities described

above, the public reporting burden for the information collected is estimated to average 20 hours and 15 minutes per response. The respondents are applicants to lease or develop Federal coal, and vary from individuals to small businesses and major corporations. The frequency of response is occasionally, usually upon application. The number of responses per year is estimated to total 1,185. The estimated total annual burden on all new respondents is about 23,986 hours. BLM is specifically requesting your comments on its estimate of the amount of time that it takes to prepare a response.

Type of application	43 CFR cross reference	Number of responses	Hours/response	Total hours
Application for an exploration license	3410.2–1	10	36	360
Issuance and termination of an exploration license	3410.3–1	5	12	60
Operations under and modification of an exploration license	3410.3–3	1	1	1
Collection and submission of data from an exploration license	3410.4	5	18	90
Call for coal resource and other resource information	3420.1–2	0	3	0
Surface owner consultation	3420.1–4	7	1	7
Expressions of leasing interest	3420.3–2	0	7	0
Response to notice for sale	3422.2	8	56	448
Consultation with the Attorney General	3422.3–4	7	4	28
Leasing on application	3425	15	308	4,620
Surface owner consent	3427.2(c)	7	1	7
Preference right lease application	3430.3–1, 3430.4–1	3	800	2,400
Lease modifications	3432.1	5	12	60
License to mine	3440	2	21	42
Relinquishments	3452.1–1, 3452.1–2	30	18	540
Transfers, assignments, subleases	3453.2–1	43	10	430
Bonds	3410.3–4, 3453.2–4, 3474.1, 3474.2.	196	8	1,568
Land description requirements	3471.1–1	15	2	30
Future interest lease application	3471.4	0	16	0
Special leasing qualifications	3472.1–2	4	3	12
Qualification statements	3472.2	4	3	12
Lease rental and royalty rate reductions	3473.3–4	9	13	117
Lease suspensions	3473.4, 3483.3	7	20	140
Lease form	3475.1	12	1	12
Logical mining units	3475.6, 3481.2, 3487	5	170	850
General obligations of the operator/lessee	3481.1	1	1	1
Exploration plans	3482.1(a)	11	30	330
Resource recovery and protection plan	3482.1(b)	4	192	768
Modifications to exploration plans and resource recovery and protection plans.	3482.2	79	16	1,264
Mining operations maps	3482.3	311	20	6,220
Request for payment of advance royalty in lieu of continued operation.	3483.4	12	22	264
Performance standards for exploration (Retention of samples)	3484.1(a)	22	1	22
Performance standards for surface and underground coal mines	3484.1(b)	6	1	6
Exploration reports	3485.1(a), 3485.1(b), 3485.1(c).	7	4	28
Production reports	3485.1(d), 3485.3	323	10	3,230
Notices and orders	3486.2	1	3	3
Enforcement	3486.3	8	2	16
Total		1,185		23,986

BLM will summarize all responses to this notice and include them in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: July 31, 2000.

Shirlean Beshir,

BLM Information Clearance Officer.

[FR Doc. 00–19694 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–110–0777–30–24–1A; HAG0–0295]

Cascade-Siskiyou National Monument Map and Boundary Description

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This Notice is to publish the official map and boundary description of the Cascade-Siskiyou National Monument, established by Presidential Proclamation on June 9, 2000.

SUPPLEMENTARY INFORMATION: The Cascade-Siskiyou National Monument involves Federal lands managed by the Bureau of Land Management in Jackson County, Oregon. The following description refers to the map entitled ''Cascade-Siskiyou National Monument'' on file at the Ashland Field Office, Medford, Oregon.

Beginning at a point on the Oregon-California State Line, at its intersection with the range line between Ranges 1 East and 2 East, Willamette Meridian, Oregon;

Thence northerly approximately 5.25 miles along the aforementioned range line to a point where said range line

intersects the hydrologic divide between the Klamath River and the Rogue River;

Thence easterly and southeasterly approximately 5.50 miles along said hydrologic divide to a point approximately 150 feet north of the section line between section 34, T. 40 S., R. 2 E., and section 3, T. 41 S., R. 2 E.;

Thence northeasterly along and down a ridgeline approximately 1.00 miles to the section line between section 34 and 35, T. 40 S., R. 2 E.;

Thence northerly along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, to the section corner of sections 2, 3, 10, and 11, T. 40 S., R. 2 E.;

Thence easterly along the section lines between sections 2 and 11, 1 and 12, T. 40 S., R. 2 E., and sections 6 and 7, T. 40 S., R. 3 E., to the section corner of sections 5, 6, 7, and 8, T. 40 S., R. 3 E.;

Thence northerly along the section line between sections 5 and 6, T. 40 S., R. 3 E., to the intersection with the centerline of Oregon State Highway 66 (Greensprings Highway);

Thence easterly along the centerline of Oregon State Highway 66 approximately 3.50 miles to a point on the section line between sections 3 and 4, T. 40 S., R. 3 E.;

Thence northerly along the section lines between sections 3 and 4, T. 40 S., R. 3 E., and sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, T. 39 S., R. 3 E., to the section corner of sections 9, 10, 15, and 16, T. 39 S., R. 3 E.;

Thence easterly along the section lines between sections 10 and 15, 11 and 14, 12 and 13, T. 39 S., R. 3 E., to the section corner of sections 12 and 13, T. 39 S., R. 3 E., and sections 7 and 18, T. 39 S., R. 4 E.;

Thence northerly along the section line between section 12, T. 39 S., R. 3 E., and section 7, T. 39 S., R. 4 E., to the section corner of sections 1 and 12, T. 39 S., R. 3 E., and sections 6 and 7, T. 39 S., R. 4 E.;

Thence easterly along the section line between sections 6 and 7, T. 39 S., R. 4 E., to the section corner of sections 5, 6, 7, and 8, T. 39 S., R. 4 E.;

Thence southerly along the section line between sections 7 and 8, T. 39 S., R. 4 E., to the section corner of sections 7, 8, 17, and 18, T. 39 S., R. 4 E.;

Thence easterly along the section line between sections 8 and 17, T. 39 S., R. 4 E., to the section corner of sections 8, 9, 16, and 17, T. 39 S., R. 4 E.;

Thence northerly along the section line between sections 8 and 9, T. 39 S., R. 4 E., to the section corner of sections 4, 5, 8, and 9, T. 39 S., R. 4 E.;

Thence easterly along the section line between sections 4 and 9, T. 39 S., R. 4 E., to the section corner of sections 3, 4, 9, and 10, T. 39 S., R. 4 E.;

Thence southerly along the section line between sections 9 and 10, T. 39 S., R. 4 E., to the section corner of sections 9, 10, 15, and 16, T. 39 S., R. 4. E.;

Thence easterly along the section line between sections 10 and 15, T. 39 S., R. 4 E., to the section corner of sections 10, 11, 14, and 15, T. 39 S., R. 4. E.;

Thence southerly along the section line between sections 14 and 15, T. 39 S., R. 4 E., to the section corner of sections 14, 15, 22, and 23, T. 39 S., R. 4 E.;

Thence easterly along the section line between sections 14 and 23, T. 39 S., R. 4 E., to the section corner of sections 13, 14, 23, and 24, T. 39 S., R. 4 E.;

Thence southerly along the section line between sections 23 and 24, T. 39 S., R. 4 E., to the section corner of sections 23, 24, 25, and 26, T. 39 S., R. 4 E.;

Thence westerly along the section lines between sections 23 and 26, 22 and 27, T. 39 S., R. 4 E., to the East 1/16 corner of sections 22 and 27, T. 39 S., R. 4 E.;

Thence southerly along the north and south centerline of the NE1/4 of section 27, T. 39 S., R. 4 E., to the Northeast 1/16 corner of section 27, T. 39 S., R. 4 E.;

Thence westerly along the east and west centerline of the NE1/4 of section 27, T. 39 S., R. 4 E., to the Center-North 1/16 corner of section 27, T. 39 S., R. 4 E.;

Thence southerly along the north and south centerline of section 27, T. 39 S., R. 4 E., to the 1/4 corner of sections 27 and 34, T. 39 S., R. 4 E.;

Thence westerly along the section line between sections 27 and 34, T. 39 S., R. 4 E., to the section corner of sections 27, 28, 33, and 34, T. 39 S., R. 4 E.;

Thence southerly along the section line between sections 33 and 34, T. 39 S., R. 4 E., to the section corner of sections 33 and 34, T. 39 S., R. 4 E.;

Thence westerly along the section line between section 33, T. 39 S., R. 4 E., and section 3, T. 40 S., R. 4 E., to the section corner of sections 3 and 4, T. 40 S., R. 4 E.;

Thence southerly along the section line between sections 3 and 4, T. 40 S., R. 4 E., approximately 1,000 feet to the centerline of Oregon State Highway 66;

Thence westerly along the centerline of Oregon State Highway 66 approximatley 1.50 miles to the intersection of the section line between sections 4 and 5, T. 40 S., R. 4 E.;

Thence southerly along the section line between sections 4 and 5, T. 40 S., R. 4 E., to the South 1/16 corner of sections 4 and 5, T. 40 S., R. 4 E.;

Thence easterly along the east and west centerline of SW1/4 of section 4, T. 40 S., R. 4 E., to the Southwest 1/16 corner of section 4, T. 40 S., R. 4 E.;

Thence southerly along the north and south centerline of SW1/4 of section 4, T. 40 S., R. 4 E., to the West 1/16 corner of sections 4 and 9, T. 40 S., R. 4 E.;

Thence easterly along the section line between sections 4 and 9, T. 40 S., R. 4 E., to the 1/4 corner of sections 4 and 9, T. 40 S., R. 4 E.;

Thence southerly along the north and south centerline of section 9, T. 40 S., R. 4 E., to the 1/4 corner of sections 9 and 16, T. 40 S., R. 4 E.;

Thence westerly along the section line between sections 9 and 16, T. 40 S., R. 4 E., to the section corner of sections 8, 9, 16, and 17, T. 40 S., R. 4 E.;

Thence southerly along the section line between sections 16 and 17, T. 40 S., R. 4 E., to the section corner of sections 16, 17, 20, and 21, T. 40 S., R. 4 E.;

Thence easterly along the section line between sections 16 and 21, T. 40 S., R. 4 E., to the section corner of sections 15, 16, 21, and 22, T. 40 S., R. 4 E.;

Thence northeasterly approximately 600 feet to the intersection with the 3400 foot contour line;

Thence southerly approximately 1,500 feet, following the aforementioned 3400 foot contour line to the intersection with the east and west centerline of section 22, T. 40 S., R. 4 E.;

Thence easterly along the east and west centerline of section 22, T. 40 S., R. 4 E., to the center 1/4 corner of section 22, T. 40 S., R. 4 E.;

Thence southerly along the north and south centerline of section 22, T. 40 S., R. 4 E., to the 1/4 corner of section 22 and 27, T. 40 S., R. 4 E.;

Thence southerly along the north and south centerline of section 27, T. 40 S., R. 4 E., to the Center-North 1/16 corner of section 27, T. 40 S., R. 4 E.;

Thence westerly along the east and west centerline of the NW1/4 of section 27 T. 40 S., R. 4 E., approximately 1,200 feet to the intersection with the 3400 foot contour line;

Thence southerly approximately 1,500 feet, following the aforementioned 3400 foot contour line to the intersection with the east and west centerline of section 27, T. 40 S., R. 4 E.;

Thence easterly along the east and west centerline of section 27, T. 40 S., R. 4 E., to the center 1/4 corner of section 27, T. 40 S., R. 4 E.;

Thence southerly along the north and south centerline of section 27, T. 40 S.,

R. 4 E., to the ¼ corner of sections 27 and 34, T. 40 S., R. 4 E.;

Thence easterly along the section line between section 27 and 34, T. 40 S., R. 4 E., to the section corner of sections 26, 27, 34, and 35, T. 40 S., R. 4 E.;

Thence southerly along the section lines between sections 34 and 35, T. 40 S., R. 4 E., and sections 2 and 3, T. 41 S., R. 4 E., to the South 1/16 corner of sections 2 and 3, T. 41 S., R. 4 E.;

Thence westerly along the east and west centerline of the South ½ of section 3, T. 41 S., R. 4 E., approximately 3,900 feet to the intersection with the north edge of BLM road #41–2E–10.1;

Thence southwesterly along the north edge of BLM road #41–2E–10.1., approximately 1,850 feet to the section corner of sections 3, 4, 9, and 10, T. 41 S., R. 4 E.;

Thence easterly along the section line between sections 3 and 10, T. 41 S., R. 4 E., to the West 1/16 corner of Sections 3 and 10, T. 41 S., R. 4 E.;

Thence southerly along the north and south centerline of the NW¼ of section 10, T. 41 S., R. 4 E.; to the Center-West 1/16 corner of section 10, T. 41 S., R. 4 E.;

Thence westerly along the east and west centerline of section 10, T. 41 S., R. 4 E., to the ¼ corner of sections 9 and 10, T. 41 S., R. 4 E.;

Thence westerly along the east and west centerline of section 9, T. 41 S., R. 4 E., to the Center ¼ corner of section 9, T. 41 S., R. 4 E.;

Thence southerly along the north and south centerline of section 9, T. 41 S., R. 4 E., to the ¼ corner of section 9 and 16, T. 41 S., R. 4 E.;

Thence southerly along the north and south centerline of section 16, T. 41 S., R. 4 E., approximately 490 feet, to a point of intersection on the Oregon-California State Line;

Thence westerly along the Oregon-California State Line, approximately 14.50 miles, to the point of beginning.

For Further Information Contact: Richard J. Drehobl, Field Manager, Bureau of Land Management, Ashland Field Office, 3040 Biddle Road, Medford, Oregon 97504; Telephone (541) 618–2331.

Dated: July 19, 2000.

Richard J. Drehobl,

Field Manager, Ashland Field Office.

[FR Doc. 00–19605 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–650–1430–01]

Public Meeting

AGENCY: Bureau of Land Management.

ACTION: Public meeting.

SUMMARY: Public Meeting to gather public comments on the Timbisha Homeland Legislative EIS.

EFFECTIVE DATE: August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Ahmed Mohsen, Ridgecrest Field Office, BLM, 300 South Richmond Road, Ridgecrest, CA 93555, (760) 384–5429.

SUPPLEMENTARY INFORMATION: Notice is hereby given, in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) that a public meeting will be held by the Bureau of Land Management and the National Park Service on Thursday August 10th, 2000 at 7 p.m. at the Boulder Creek Mobile Home Park, 2550 Highway 395 in Lone Pine, California. The purpose of this meeting is to gather public comments on water resources issues relating to the Centennial parcel of the proposed project. For more information, contact Ahmed Mohsen, Resource Management Specialist, at (760) 384–5421.

Dated: July 26, 2000.

Hector A. Villalobos,

Field Office Manager.

[FR Doc. 00–19652 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. 4310–DN]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement to the Final Environmental Impact Statement, for the Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions

AGENCY: Bureau of Land Management, Interior

ACTION: Notice.

SUMMARY: In accordance with Section 203(b) of the Federal Land Policy and Management Act of 1976 and Section 102(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management will prepare a supplement to the Final Environmental Impact Statement (EIS) on the Zortman and Landusky Mines Reclamation Plan Modifications to consider final reclamation and closure of the Zortman and Landusky mines in Northcentral Montana. The Supplemental EIS will address additional reclamation alternatives that would constitute a substantial change in the proposed action presented in the Final EIS.

DATES: Comments and recommendations on this notice should be received by September 30, 2000.

ADDRESSES: Written comments should be addressed to Scott Haight, Team Lead, Bureau of Land Management, Lewistown Field Office, P.O. Box 1160, Lewistown, Montana 59457–1160.

FOR FURTHER INFORMATION CONTACT: Bruce Reed, Field Manager, Bureau of Land Management, Malta Field Office, 501 S. 2nd St. E., Malta, MT 59538–0047 (406–654–1240); or Scott Haight, Lewistown Field Office, P.O. Box 1160, Lewistown, Montana 59457–1160 (406–538–1930).

SUPPLEMENTARY INFORMATION: In April 1996, the BLM and Montana Department of Environmental Quality (DEQ) issued the Final EIS for the Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions. The purpose of the EIS was to analyze the need for modified reclamation plans in response to acid rock drainage conditions at the mines and to consider the operator's proposal for additional mining. In October 1996, the BLM and DEQ issued a Record of Decision (ROD) for the approval of expanded mining and modified reclamation plans. Subsequent to the issuance of the ROD, the operator decided not to proceed with the mine expansion and filed for bankruptcy. In June 1998, BLM and DEQ issued a second ROD that selected an alternative from the Final EIS for reclamation without mine expansion, using agency-developed mitigating measures. In November 1998, the Interior Board of Land Appeals (IBLA) vacated the BLM's June 1998, ROD and ordered additional consultation with the Fort Belknap Indian Community Council. As a result of the bankruptcy proceeding the DEQ reached an agreement with the operator's surety companies to fund reclamation up to the limits of the surety bond amount. Subsequent evaluations of reclamation costs have identified a shortfall in funding to implement the agency preferred reclamation plan in the Final EIS. In addition, consultation between Fort Belknap, BLM and DEQ have identified additional reclamation alternatives which should be considered for implementation because they are either more cost effective, more protective of

the environment, or both. BLM and DEQ have determined that selection of one of these additional reclamation alternatives may constitute a substantial change in the proposed action and that a Supplemental EIS is should be prepared. The Supplemental EIS will address alternative reclamation plans for the Zortman and Landusky mines that have been developed through the consultation process. The Supplemental EIS will be the basis for a new ROD to select a final reclamation plan for the Zortman and Landusky mines. Interim reclamation will continue at the mines during preparation of the Supplemental EIS in order to prevent unnecessary or undue degradation. The BLM and DEQ will be co-lead agencies for the preparation of the Supplemental EIS. The agencies anticipate holding informational meetings in September of 2000 and requesting public comments on the draft supplemental EIS in the spring of 2001.

Dated: July 24, 2000.

Bruce W. Reed,

Field Office Manager.

[FR Doc. 00–19658 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–110–0777–30–24–1A; HAG0–0294]

Interim Travel Restrictions to Motorized and Mechanized Vehicles in the Cascade-Siskiyou National Monument, Oregon

AGENCY: Bureau of Land Management.

ACTION: Notice of travel restrictions to motorized and mechanized vehicles in the Cascade-Siskiyou National Monument, Oregon.

SUMMARY: Notice is hereby given that all motorized and mechanized travel is prohibited on specific roads in the recently established Cascade-Siskiyou National Monument. The affected land is located southeast of Ashland, Oregon in Jackson County.

This prohibition includes the following roads and road segments:

The Schoheim Road (#41–2E–10.1). The Randcore Pass Road(#40–4E–19.2) past the junction with road #40–4E–31.0. The Skookum Creek Road (#s 40–3E–28 and 40–3E–27.2) past the junction with road #40–3E–27.1. Road # 41–2E–3.0 past the point where it crosses the Pacific Crest National Scenic Trail. Road # 41–2E–9.0 past the barricade in T. 41 S., 2 E., Section 9, SW¼NW¼. The Lone Pine Ridge Road (#41–3E–31) past the block in T. 40 S., R. 3 E., Section 31. An unnumbered road which crosses the Oregon-California border, at the south section line between Section 7 and 18, T. 41 S., R. 4 E. T41 S., R. 4E. An numbered road which crosses the Oregon-California border, at the south section line of Section 13, T. 41 S., 2 E.

This action is in accordance with the Presidential Proclamation dated June 9, 2000, which closed the Schoheim Road and directed the Secretary of the Interior to prepare a management plan that includes appropriate transportation planning that addressed the actions, including road closures or travel restrictions, necessary to protect the objects identified in the proclamation.

EFFECTIVE DATES: The prohibition will become effective upon the publication of this notice in the **Federal Register** and will remain in effect until completion of the Cascade-Siskiyou National Monument management plan. The planning process may result in a decision to maintain or modify this prohibition.

SUPPLEMENTARY INFORMATION: Persons who are exempt from the prohibition include (1) Any federal, state, or local officers engaged in fire, emergency and law enforcement activities; (2) BLM employees engaged in official duties; (3) Persons authorized to travel on designated routes by the Ashland Field Office Manager.

Penalties: Any person who fails to comply with provisions of this order may be subject to penalties outlined in 43 CFR 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Richard J. Drehobl, Field Manager, Bureau of Land Management, Ashland Field Office, 3040 Biddle Road, Medford, Oregon 97504; Telephone (541) 618–2331.

Dated: July 24, 2000.

Richard J. Drehobl,

Field Manager, Ashland Field Office.

[FR Doc. 00–19660 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–200–1430–ES]

COC–62979 Recreation and Public Purpose Classification; Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: COC–62979 Recreation and Public Purpose Classification. The following public lands are classified as suitable for lease and patent under the Recreation and Public Purposes Act (R&PP) of July 14, 1926, as amended, 43 U.S.C. 869 *et seq.*, and the regulations thereunder 43 CFR 2740 and 2912. The public lands involved are segregated from the public land laws including the general mining laws, except for the R&PP Act. The purpose of the classification is to segregate the site from conflicting applications and proposals pending consideration of an application from the Colorado Division of Wildlife for use as an administrative site and other educational and recreational uses.

Sixth Principal Meridian, Park County, Colorado

T. 9 S., R. 77 W.,
Sec. 27, S½N½, NW¼SE¼
Consisting of approximately 200 acres

This parcel of public land is one mile north of Fairplay on U.S. 285. The lands are not needed for Federal purposes. This action is consistent with current BLM land use planning and would be in the public interest.

DATES: Interested parties may submit comments on the classification of the land or on the lease/conveyance action on or before September 6, 2000. Please reference the applicable serial number in all correspondence. Objections will be reviewed and this realty action may be sustained, vacated, or modified. Unless vacated or modified, this realty action will become final.

ADDRESSES: Royal Gorge Field Office Manager, Bureau of Land Management, 3170 E. Main St., Canon City, CO 81212.

FOR FURTHER INFORMATION CONTACT: Stu Parker, Realty Specialist BLM, (719) 269–8546; Royal Gorge Field Office, 3170 E. Main St., Canon City, CO 81212.

Donnie R. Sparks,

Field Office Manager,

[FR Doc. 00–19656 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–2810–HT; GPO–0307]

Regulated Fire Closure for Bureau of Land Management Public Lands in the State of Washington, CFR Citation Amendment to Federal Register Notice GPO–0284, Dated July 11, 2000

AGENCY: Bureau of Land Management, Spokane District.

SUMMARY: Pursuant to 43 CFR.9212.2, the following acts are prohibited on public lands within the Spokane District, Bureau of Land Management (BLM) including Juniper Forest/Juniper Dunes Recreation Area, and areas surrounding Hog Canyon, Miller Ranch/Fishtrap, Pacific Lake, Twin Lakes, Coffeepot, Yakima River Canyon, Douglas Creek, Chopaka/Palmer Mountain, Split Rock, Liberty, Saddle Mountains, Lakeview Ranch/Lake Creek, Horse Heaven Hills, Duffy Creek Management Area, Boundary Dam, and Escure Ranch/Rock Creek recreation sites, beginning at noon July 15, 2000 until further notice.

1. Building, maintaining, attending or using a fire, campfire or stove fire, including charcoal briquette fire (43 CFR 9212.1(h)).

Note: Liquified and bottled gas stoves and heaters are permitted provided that they are within an area at least 10 feet in diameter that is barren or clear of all flammable material.

2. Smoking while traveling in timber, brush or grass areas, except in vehicles on roads, on barren or cleared areas at least 3 feet in diameter or boats on rivers and lakes. (43 CFR 9212.1(h)).

3. Operating any type of motorized vehicle off developed roadways. Parking of vehicles off roadways must be done in an area barren of flammable materials (43 CFR 9212.1(g)).

Note: Developed roadways are those which are clear of flammable debris, berm to berm. *Juniper Dunes Recreation Area is Exempt.*

Pursuant to 43 CFR 9212.2(3) the following persons are exempt from this order:

1. Persons with a permit that specifically authorized the otherwise prohibited act or omission 43 CFR 9212.3(a)).

2. Any Federal, State or local officer or a member of an organized rescue or firefighting force in the performance of an official duty 43 CFR 9212.2(3).

Violation of these prohibitions is punishable by a fine of not more than $1,000.00 or to imprisonment of not more than 12 months, or both 43 CFR 9212.4.

FOR FURTHER INFORMATION CONTACT: Scott Boyd, Fire Management Officer, Bureau of Land Management, Spokane District Officer, 1103 N. Fancher Road, Spokane, Washington 99212; or call (509) 536–1200.

Dated: July 28, 2000.

Gary J. Yeager,

Acting District Manager.

[FR Doc. 00–19614 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–080–1430–EU; Serial No. NMNM 104295]

Resource Management Plan Amendment (RMPA) and Environmental Assessment (EA) for Possible Disposal of Public Land in Eddy County, NM

AGENCY: Bureau of Land Management, DOI

SUMMARY: The Bureau of Land Management (BLM), Carlsbad Field Office, is initiating the preparation of an RMPA which will include an EA for the possible disposal by direct sale at fair market value of 40 acres of BLM-administered public land in Eddy County in southeastern New Mexico. The land is located in T. 23 S., R. 25 E., Section 12, NE¼NE¼. The RMPA will allow for direct sale of the land if that is the alternative chosen by the BLM New Mexico State Director. The public is invited to participate in the scoping process to identify issues and planning criteria to be considered in the development of the RMPA/EA. The BLM will maintain a mailing list of parties and persons interested in being kept informed about the RMPA/EA.

DATES: Comments related to this action will be accepted on or before September 18, 2000.

ADDRESSES: Comments should be sent to Bobbe Young, Lead Realty Specialist, P.O. Box 1778, Carlsbad, NM 88220.

FOR FURTHER INFORMATION CONTACT: Mary Jo Rugwell, Assistant Field Manager at (505) 234–5907 or Bobbe Young at (505) 234–5963.

SUPPLEMENTARY INFORMATION: The City of Carlsbad has proposed to acquire 40 acres of BLM-administered land adjacent to their #6 water well for expansion/upgrade to accommodate two new City reservoirs and a new disinfection station as part of the City's $20 million water/sewer bond projects. This land was identified for retention in Federal ownership in the Carlsbad RMP completed in 1988. In order to consider direct sale of the land, the RMP must be amended.

The RMPA/EA will be prepared by an interdisciplinary team of BLM resource specialists including realty, recreation, cultural, minerals, and hazardous materials specialists. Additional technical support will be provided by other specialists as needed.

Dated: July 24, 2000.

Douglas A. Melton,

Acting Field Manager.

[FR Doc. 00–19679 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of an information collection (OMB Control Number 1010–0120).

SUMMARY: To comply with the Paperwork Reduction Act of 1995, we are soliciting comments on an information collection titled, Solid Minerals Production and Royalty Report, MMS–4430. We will submit an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval after this comment period closes.

DATES: Submit written comments on or before October 2, 2000.

ADDRESSES: Submit written comments to David S. Guzy, Chief, Rules and Publications Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3021, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225.

PUBLIC COMMENT PROCEDURE: Submit your comments to the offices listed in the **ADDRESSES** section, or email your comments to us at *RMP.comments@mms.gov.* Include the title of the information collection and the OMB Control Number in the ''Attention'' line of your comment; also, include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Mr. Guzy at (303) 231–3432, FAX (303) 231–3385. We will post all comments at *http://www.rmp.mms.gov for public review.*

Also, contact Mr. Guzy to review paper copies of the comments. The comments, including names and addresses of respondents, are available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we

withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the public record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, 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: Dennis C. Jones, Rules and Publications Staff, phone (303) 231–3046, FAX (303) 231–3385, email *Dennis.C.Jones@mms.gov.* A copy of the ICR will be available to you without charge upon request.

SUPPLEMENTARY INFORMATION:

Title: Solid Minerals Production and Royalty Report

OMB Control Number: 1010–0120.

Bureau Form Number: MMS–4430.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessess who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. We perform the royalty management functions and assist the Secretary in carrying out DOI's Indian trust responsibility.

When a company or an individual enters into a contract or lease to develop, mine, and dispose of Federal or Indian minerals, that company or individual (the respondent) agrees to pay the appropriate royalty due based upon gross proceeds received from the sale of production from the leased lands. Royalty rates are specified in the lease agreement.

Specific lease language varies; however, respondents agree by the lease terms to furnish statements providing the details of all operations conducted on a lease and the quantity and quality of all production from the lease at such times and in such form as the Secretary may prescribe. Rules require respondents to provide accurate, complete, and timely reports for all minerals produced, in the manner and form prescribed by MMS in 30 CFR 210 Subpart E and 216.21. In January 1999, we introduced the Production and Royalty Report, Form MMS–4430, to collect the required information from respondents participating in the solid minerals operational model. Because of the success of this streamlined reporting method, we are proposing to expand the use of this report to all solid mineral operators.

Submission of this information collection will be mandatory. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: Monthly.

Estimated Number and Description of Respondents: 290 solid mineral operators.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 1 hour.

Estimated Annual Reporting and Recordkeeping "Non-hour Cost" Burden: n/a.

Comments: The Paperwork Reduction Act, 44 U.S.C. 3506(c)(2)(A), 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.

The PRA also require agencies to estimate the total annual reporting "non-hour cost" burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens and need to know if there are other costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major costs factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities.

Your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

The Paperwork Reduction Act of 1995 provides that an agency shall 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.

Dated: July 31, 2000.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 00–19654 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents. Prepared for OCS Mineral Proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA's) and Findings of No Significant Impact (FONSI's), prepared by the MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which the FONSI's were prepared by the Gulf of Mexico OCS Region in the period subsequent to publication of the preceding notice.

Activity/Operator	Location	Date
Kerr-McGee Oil and Gas Corporation, Pipeline Activity, SEA Nos. P–12504 and P–12505 (G–14942 and G–14200).	Garden Banks Area, Block 184; High Island Area, East Addition, South Extension, Block A–371; Leases OCS–G 14942 and 14200; 110 miles off the Texas Cost.	06/28/00
Fugro GeoServices, Inc., G&G Activity, SEA No. M00–004	12–94 miles off the Florida Coast	05/24/00
BP Amoco Corporation, Development Activity, SEA No. R–3382	Viosca Knoll, Block 989, Lease OCS–G 6898, 43 miles off the Louisiana Coast.	05/16/99
Apache Corporation, Exploration Activity, SEA No. R–3439	South Pass Area, Block 62, Lease OCS–G 1294, 18 miles off the Louisiana Coast.	06/26/00
Shell Deepwater Development Inc., Development Activity, SEA No. N–6570.	Green Canyon Area, Block 158 and 202, Leases OCS–G 7995 and 7998, 89 miles off the Louisiana Coast.	05/09/00
Chevron U.S.A. Inc., Development Activity, SEA No. N–6678; Pipeline Activity, SEA Nos. P–12417 (G–21486), P–12441, P–12442, P–12443, and P–12444.	Viosca Knoll Area, Blocks 251, 207, 163, 119, 75, and 31; Mobile Area Blocks 999, 995, 911, 867, and 868; Leases OCS–G 10930, 13983, 13981, 13982, 1.6 to 30 miles south of Mobile County, Alabama.	05/01/00
Forest Oil Corporation, Structure Removal Activity, SEA No. ES/SR 00–022.	Vermilion Area, Block 101, Lease OCS–G 10658, 92 miles southwest of Vermilion Parish, Louisiana.	04/19/00
EOG Resources, Inc., Structure Removal Activity, SEA No. ES/SR 00–024A.	West Cameron Area, Block 491, Lease OCS–G 9425, 87 miles south of Cameron Parish, Louisiana.	07/06/00
Apache Corporation, Structure Removal Activity, SEA No. ER/SR 00–042A.	Vermilion Area, Block 257, Lease OCS–G 8671, 70 miles south of Vermilion Parish, Louisiana.	04/27/00
TDC Energy Corporation, Structure Removal Activity, SEA No. ES/SR 00–043.	Viosca Knoll Area, Block 155, Lease OCS–G 13047, 15 miles east of St. Bernard Parish, Louisiana.	04/17/00
Apache Corporation, Structure Removal Activity, SEA Nos. ES/SR 00–044 through 00–047.	South Timbalier Area, Blocks 143 and 144, Leases OCS–G 6767 and 12965, 32 miles south of Terrebonne Parish, Louisiana.	04/19/00
CNG Producing Company, Structure Removal Activity, SEA No. ES/SR 00–048.	Ship Shoal Area, Block 247, Lease OCS–G 1028, 48 miles south of Terrebonne Parish, Louisiana.	04/26/00
Apache Corporation, Structure Removal Activity, SEA No. ES/SR 00–049.	Main Pass Area, Block 129, Lease OCS–G 4010, 17 miles each of Plaquemines Parish, Louisiana.	05/02/00
Chevron U.S.A. Inc., Structure Removal Activity, SEA No. ES/SR 00–050.	Bay Marchand Area, Block 2, Lease OCS–G 0369, 5 miles south of Lafourche Parish, Louisiana.	05/02/00
Shell Offshore Inc., Structure Removal Activity, SEA No. ES/SR 00–051.	Vermilion Area, Block 156, Lease OCS–G 12866, 42 miles south of Vermilion Parish, Louisiana.	05/08/00
Samedan Oil Corporation, Structure Removal Activity, SEA Nos. ES/SR 00–052 and 00–053.	South Marsh Island Area, Block 232, Lease OCS–G 8687, 15 miles south of Vermilion Parish, Louisiana.	05/31/00
Union Oil Company of California, Structure Removal Activity, SEA No. ES/SR 00–054.	Vermilion Area, Block 75, Lease OCS–G 12863, 18 miles south of Vermilion Parish, Louisiana.	05/23/00
Newfield Exploration Company, Structure Removal Activity, SEA No. ES/SR 00–055.	West Cameron Area, Block 118, Lease OCS–G 0757, 15 miles south of Cameron Parish, Louisiana.	05/23/00
Santa Fe Snyder Corporation, Structure Removal Activity, SEA Nos. ES/SR 00–056 and 00–057.	South Marsh Island Area, Blocks 236 and 242, Leases OCS–G 4437 and 0310, 12 miles south of Iberia Parish, Louisiana.	05/18/00
Newfield Exploration Company, Structure Removal Activity, SEA No. 00–058.	Eugene Island Area, Block 199, Lease OCS–G 0437, 48 miles south of St. Mary Parish, Louisiana.	05/31/00
Apache Corporation, Structure Removal Activity, SEA No. ES/SR 00–059.	Eugene Island Area, Block 99, Lease OCS–G 0795, 21 miles southwest of Terrebonne Parish, Louisiana.	05/31/00
Santa Fe Snyder Corporation, Structure Removal Activity, SEA Nos. ES/SR 00–060 through 00–062.	West Cameron Area, Blocks 95 and 285, Leases OCS–G 4750 and 10566, 15 to 67 miles south of Cameron Parish, Louisiana.	05/31/00
Coastal Oil & Gas Corporation, Structure Removal Activity, SEA No. ES/SR 00–063.	High Island Area, Block A–280, Lease OCS–G 3313, 95 miles south of Cameron Parish, Louisiana.	06/01/00
Newfield Exploration Company, Structure Removal Activity, SEA Nos. ES/SR 00–064 and 00–065.	Eugene Island Area, Block 199, Lease OCS–G 0437, 53 miles south of New Iberia Parish, Louisiana.	06/01/00
EOG Resources, Inc., Structure Removal Activity, SEA No. ES/SR 00–066.	West Cameron Area, Block 405, Lease OCS–G 3280, 65 miles south of Cameron Parish, Louisiana.	06/13/00
Murphy Exploration & Production Company, Structure Removal Activity, SEA Nos. ES/SR 00–067 through 00–069.	Ship Shoal Area, Block 120, Lease OCS–G 5545, 18 miles south of Terrerbonne Parish, Louisiana.	06/12/00
Murphy Exploration & Production Company, Structure Removal Activity, SEA Nos. ES/SR 00–070 through 00–078.	Ship Shoal Area, Block 135, Lease 3164, 18 miles south of Terrebonne Parish, Louisiana.	06/12/00
Murphy Exploration & Production Company, Structure Removal Activity, SEA Nos. ES/SR 00–079 through 00–093.	Ship Shoal Area, Block 134, Lease OCS–G 5201, 20 miles south of Terrebonne Parish, Louisiana.	06/12/00
OXY USA, Inc., Structure Removal Activity, SEA Nos. ES/SR 00–094 and 00–0905.	Matagorda Island Area, Block 527, Lease OCS–G 3932, 11 miles east of Calhoun County, Texas.	06/13/00
Pogo Producing Company, Structure Removal Activity, SEA No. ES/SR 00–096.	West Cameron Area, Block 253, Lease OCS–G 3500, 46 miles south of Cameron Parish, Louisiana.	06/13/00
Cockrell Oil Corporation, Structure Removal Activity, SEA No. ES/SR 00–097.	Eugene Island Area, Block 24, Lease OCS–G 2893, 9 miles south of Iberia Parish, Louisiana.	06/22/00
Pogo Producing Company, Structure Removal Activity, SEA No. ES/SR 00–098.	West Cameron Area, Block 252, Lease OCS–G 5186, 48 miles south of Cameron Parish, Louisiana.	06/27/00
Global Production Services, Structure Removal Activity, SEA No. ES/SR 00–099 and 00–100.	High Island Area, Block A–285, Lease OCS–G 03485, 90 miles south of Jefferson County, Texas.	06/30/00
British-Borneo Exploration, Inc., Structure Removal Activity, SEA No. ES/SR 00–101.	East Cameron Area, Block 236, Lease OCS–G 14373, 69 miles south of Cameron Parish, Louisiana.	07/06/00

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Telephone (504) 736–2519.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: July 28, 2000.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 00–19615 Filed 8–2–00; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services

Agency Information Collection Activities: Proposed Collection: Comment Request

ACTION: Notice of Information Collection under Review: Extension of a Currently Approved Collection; COPS Grant Status Survey.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register**. This process is conducted in accordance with 5 Code of Federal Regulation, § 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments may also be submitted to Marcia O. Samuels, COPS Count Project Manager, Office of Community Oriented Policing Services, Grant Monitoring Division, 1100 Vermont Avenue, NW., Washington, DC 20530, or via facsimile at (202) 633–1293.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information, *e.g.,* permitting electronic submission of responses.

Overview of This Collection

1. *Type of Information Collection:* Second collection.

2. *Title of the Form/Collection:* COPS Grant Status Survey.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS 301/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The COPS Count Project surveys agencies who currently have been awarded a Hiring and/or MORE grants from the COPS Office. The information collected provides an accurate up to date account on the status of officers hired/redeployed.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Estimated number of respondents: 11,559. Estimated time for average respondent to respond: 1 hour annually.

6. *An estimate of the total of public burden (in hours) associated with the collection:* Approximately 11,559 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: July 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer.

[FR Doc. 00–19687 Filed 8–2–00; 8:45 am]

BILLING CODE 4410–18–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* Applicant Self-Assessment Form.

3. *The form number if applicable:* NRC Form 563.

4. *How often the collection is required:* Once, upon application for employment.

5. *Who will be required or asked to report:* Basically qualified external applicants applying for engineering and scientific positions with the NRC.

6. *An estimate of the number of responses:* 1,200.

7. *The estimated number of annual respondents:* 1,200.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 100 hours (five minutes per response).

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* The Applicant Self-Assessment will be used to collect uniform information from external applicants as to which technical specialties they possess that are unique to the needs of the NRC. This information will be reviewed by the Office of Human Resources staff and used to match applicants technical specialties with those required by selecting officials when an engineering or scientific vacancy position is to be filled.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW. (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by September 5, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150–0177), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 27th day of July 2000.

For the Nuclear Regulatory Commission.

Beth St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–19621 Filed 8–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Discrimination Task Group; Announcement and Meeting Notice

This Notice serves to announce the formation of an NRC Discrimination Task Group, which will evaluate the NRC processes used in the handling of discrimination allegations and violations of employee protection standards (Applicable regulations include 10 CFR 30.7, 10 CFR 40.7. 10 CFR 50.7, 10 CFR 60.9, 10 CFR 61.9, 10 CFR 70.7, 10 CFR 76.7, 10 CFR 72.10, 10 CFR 150.20). The group will function as a management-level review group to evaluate the Commission's handling of discrimination cases. The overall objective of the NRC employee protection regulations is to promote an atmosphere where employees feel comfortable raising safety concerns or engaging in other protected activity without fear of reprisal. Because the NRC has traditionally relied on the openness of employees to identify issues, an effective and consistent NRC approach for dealing with discrimination cases is an important feature of encouraging and ensuring a safety conscious work environment. Resulting enforcement actions need to be predictable, fair and able to withstand scrutiny, since they could result in civil penalties, orders, or actions to individuals and are viewed by stakeholders as an indicator of the seriousness with which the NRC views discrimination issues.

The group's overall objective is to develop recommendations for revisions to the regulatory requirements, the enforcement policy or other agency guidelines as appropriate. A Commission Paper will be developed outlining the recommendations for NRC offices to consider in making changes to their processes.

The group's preliminary schedule is:

- Evaluation of current NRC processes.
  July–Sept., 2000
- Conduct Stakeholder meetings.
  August, 2000–April, 2001
- Review of other Federal agency processes.
  Oct.–Dec., 2000
- Develop recommendations for process improvements.
  Jan.–March, 2001.
- Provide Commission draft recommendation.
  April, 2001
- Draft recommendations issued for comment.
  May–June, 2001
- Issue Report with recommendations.
  June 30, 2001

Task group activities being considered include:

1. Interaction with other agencies (such as Federal Aviation Administration, Department of Labor, Food and Drug Administration, Department of Agriculture, National Institutes of Health, Center for Disease Control, Department of Energy, and Office of Special Counsel) to understand how they process these issues.

2. Conduct internal and external stakeholder meetings to solicit input on the Agency's handling of discrimination issues.

3. Consider the issues raised in the Petition for Rulemaking ''Employee Protection Training'', Docket PRM–30–62, 64 Fed. Reg. 57785 (Oct. 27, 1999), regarding requiring training of first line and above supervisors of their responsibilities in implementing the employee protection regulations.

4. The review will also:

(a) Evaluate the current NRC processes for dealing with discrimination matters.

(b) Determine whether the Enforcement Policy supplements need to consider a more graded approach regarding the appropriate enforcement sanction given the specific facts of the case, rather than the current supplement guidance which largely relies on the individual's position. Examples of guidance to consider revising include consideration of the severity of the adverse action, and better defining thresholds for taking individual action.

(c) Consider changes to the current enforcement process in discrimination cases, such as the usefulness of pre-decisional Enforcement Conferences and settlement discussions.

(d) Evaluate the process used for DOL deferrals.

(e) Evaluate the release of documents prior to final action being taken.

(f) Evaluate the reliance on regulations such as 10 CFR 50.5 for Individual Actions and evaluate revising 10 CFR 50.7 to include individual actions.

(g) Clarify how the NRC should use the decisions of other Agencies (*e.g.,* DOL, MSPB).

(h) Review the role of the complainant in the process.

The Task Group meeting participants are listed below along with their affiliation:

• Bill Borchardt; Director, Office of Enforcement, Nuclear Regulatory Commission.
• Dennis Dambly; Assistant General Counsel for Materials Litigation and Enforcement, OGC, Nuclear Regulatory Commission.
• Cynthia D. Pederson; Director, Division of Nuclear Materials Safety, Region III, Nuclear Regulatory Commission.
• Barry Letts; Field Office Director, Office of Investigations, Region I, Nuclear Regulatory Commission.
• Edward Baker; Agency Allegation Advisor, Nuclear Regulatory Commission.
• Brad Fewell; Regional Counsel, Region I, Nuclear Regulatory Commission.

Over the next several months the Task Group plans to hold several public stakeholder meetings in various areas of the country to solicit input on areas of improvement in the Agency's handling of discrimination issues.

The following public meeting shave been scheduled:

The first public meeting will be held on September 5, 2000, at the USNRC offices in the TWFN Auditorium, located at 11555 Rockville Pike, Rockville Maryland. The meeting will start at 1 p.m.

A public meeting will be held in Chattanooga TN, on September 7, 2000, at the USNRC Technical Training Center, Osborne Office Center, 5746 Marlin Road, Chattanooga TN 37411 This will be an evening meeting beginning at 7:00 p.m.

A public meeting will be held in San Luis Obispo CA, on September 14, 2000, at the Embassy Suites Hotel, 333 Madonna Road. This will be an evening meeting beginning at 7:00 p.m.

Subsequent workshops in the vicinity of the Milestone Nuclear Power Plant, the Paducah Gaseous Diffusion Plant and in the Chicago area will be announced in the **Federal Register**, local newspapers and on the NRC web site as specific plans are made.

These public meetings are open to the members of the public. Oral or written views regarding the NRC's processes for handling employee protection issues may be presented by the members of the public, including members of the nuclear industry. Persons desiring to make prepared oral presentations or statements should notify Mr. Barry Westreich (Telephone 301/415–3456, e-mail BCW@nrc.gov) five days prior to the meeting date, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such a presentation or statements. Use of still, motion picture, and television cameras as well as audio recording devices will be permitted during this meeting.

Further information regarding topics of discussion; whether the meeting has been canceled, rescheduled, or relocated; may be obtained by contacting Mr. Barry Westreich between 8:00 a.m. and 4:30 p.m. EDT.

This meeting will not be transcribed but, if needed, a meeting report will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room). The Task Group Charter and other pertinent documents related to Task Group Activities will also be periodically posted and updated on the Office of Enforcement Web site at *http://www.nrc.gov/OE.* For those unable to attend one of the public meetings on this issue, comments on the discrimination process will be solicited in the **Federal Register** in the future.

Dated this 27th day of July 2000.

R.W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 00–19620 Filed 8–2–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–1888]

Designation of NASD Regulation, Inc. To Establish and Maintain the Investment Adviser Registration Depository; Approval of IARD Fees

July 28, 2000.

AGENCY: Securities and Exchange Commission.

ACTION: Notice and order.

SUMMARY: The Commission is designating NASD Regulation, Inc. (NASDR) to establish and maintain a new electronic filing and disclosure system for investment advisers. The new system is called the Investment Adviser Registration Depository (IARD). The Commission is also approving IARD filing fees.

EFFECTIVE DATE: July 28, 2000.

FOR FURTHER INFORMATION CONTACT: Lori H. Price, Senior Counsel, or Karen L. Goldstein, Attorney, 202–942–0716, Task Force on Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0506.

Discussion

In 1996, Congress gave us authority to participate in an electronic system for the registration of investment advisers. Section 203A(d) of the Investment Advisers Act of 1940 (Advisers Act) allows us to require investment advisers to file forms ''through any entity designated [by us] for that purpose,'' and to ''pay the reasonable costs associated with [these] filings.'' [1] The NASDR is building the IARD for us and the North American Securities Administrators Association. The IARD will permit advisers to file with us and the states electronically through the Internet.[2]

Today, pursuant to our authority under the Advisers Act, we are designating NASDR as operator of the IARD. NASDR has extensive experience administering the Central Registration Depository (CRD) through which broker-dealers make electronic filings with NASDR, the state securities authorities, and us. NASDR is the self-regulatory organization for broker-dealers.[3] In operating the IARD, NASDR will perform certain administrative tasks related to the IARD, but will not act as a self-regulatory organization for advisers.

NASDR has submitted to us a schedule of filing fees that it proposes to charge advisers to initially register through the IARD and to file updating annual amendments. Today we are approving these fees. The fees will be used to pay for the operation and maintenance of the IARD. Because larger advisers will make greater use of the system and derive greater benefits, NASDR has proposed that they pay higher fees than smaller advisers. Thus, the filing fee requirements are set in three tiers, based on the amount of an adviser's assets under management. We approve these fees, which follow, as

[1] 15 USC 80b–3a(d).

[2] The IARD will permit advisers to satisfy filing obligations under state and federal laws by making a single electronic filing. Information contained in the filings made through the IARD will be stored in a database that will be publicly accessible through the Internet. We have proposed new rules under the Advisers Act, and amendments to current rules, that would require advisers to submit their filings through the IARD. The release proposing these rules provides further details on how the IARD will work. See Electronic Filing by Investment Advisers; Proposed Amendments to Form ADV, Investment Advisers Act Release No. 1862 (April 5, 2000) [65 FR 20524 (April 17, 2000)].

[3] NASDR was established in 1996 as a wholly owned subsidiary of the National Association of Securities Dealers (NASD).

payment by advisers for the reasonable costs associated with using the IARD:

Assets under management	Initial fee	Annual updating fee
More than $100 million	$1,100	$550
$25 million to $100 million	800	400
Less than $25 million	150	100

It Is Therefore Ordered, pursuant to section 203A(d) of the Investment Advisers Act of 1940, that:

(1) NASD Regulation, Inc. is designated as the entity to accept electronic and such other filings that our rules require to be filed through the Investment Adviser Registration Depository; and

(2) The proposed filing fees described above are approved.

Dated: July 28, 2000.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–19673 Filed 8–2–00; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24585]

Notice of Applications for Deregulation Under Section 8(f) of the Investment Company Act of 1940

July 28, 2000.

The following is a notice of applications for deregulation under section 8(f) of the Investment Company Act of 1940 for the month of July 2000. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 22, 2000, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary. SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549–0506.

Senior Floating Income Fund, Inc. [File No. 811–9111]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make any public offering or engage in business of any kind.

Filing Dates: The application was filed on April 19, 2000, and amended on July 10, 2000.

Applicant's Address: c/o Fund Asset Management L.P., P.O. Box 9011, Princeton, New Jersey 08543–9011.

Fundmanager Portfolios [File No. 811–8992]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2000 applicant distributed all of its assets to its shareholders based on net asset value. Expenses of $4,705 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on June 23, 2000.

Applicant's Address: One Beacon Street, 5th Floor, Boston, Massachusetts 02108.

Piper Funds Inc. [File No. 811–4905]; American Government Income Fund Inc. [File No. 811–5470]; American Government Income Fund Inc. [File No. 811–5622]; American Opportunity Income Fund Inc. [File No. 811–5854]; Piper Global Funds Inc. [File No. 811–6046]; Piper Funds Inc.—II [File 811–7279]; Highlander Income Fund Inc. [File No. 811–8280]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By August 28, 1998, each applicant has transferred its assets to Fist American Investment Funds, Inc. based on net asset value. Expenses of $125,536, $19,524, $19,524, $20,923, $10,461, and $19,524, respectively, were incurred in connection with the reorganizations and were paid by U.S. Bank National Association, investment adviser to the acquiring fund.

Filing Date: The applications were filed on June 28, 2000.

Applicants' Address: First American Asset Management, U.S. Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55402.

Insured Tax Free Income Trust National Series 85–1 (and Subsequent Series of the Trust) [File No. 811–4121]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On December 16, 1999, applicant made a final liquidating distribution to shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on July 6, 2000.

Applicant's Address: c/o Van Kampen Funds Inc., Administrator, 1 Parkview Plaza, P.O. Box 5555, Oakbrook Terrace, Illinois 60181–5555.

The Explorer Institutional Trust [File No. 811–8808]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By April 28, 2000, applicant had distributed all of its assets to shareholders based on net asset value. Expenses of $75 incurred in connection with the liquidation were paid by Van Kampen Management Inc., applicant's investment adviser.

Filing Date: The application was filed on June 30, 2000.

Applicant's Address: 1 Parkview Plaza, P.O. Box 5555, Oakbrook Terrance, Illinois 60181–5555.

U.S. Small Company Portfolio [File No. 811–8954]; Emerging Markets Portfolio [File No. 811–8233]; U.S. Mid-Cap Portfolio [File No. 811–8467]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By October 27, 1999, all shareholders of U.S. Small Company Portfolio had redeemed their shares at net asset value. By October 30, 1998, all shareholders of Emerging

Markets Portfolio had redeemed their shares at net asset value. On February 16, 1999, U.S. Mid-Cap Portfolio made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidations.

Filing Dates: The applications for U.S. Small Company Portfolio and Emerging Markets Portfolio were filed on April 12, 2000, and the application for U.S. Mid-Cap Portfolio was filed on April 13, 2000. Each application was amended on July 11, 2000.

Applicants' Address: Butterfield House, 4th Floor, Fort Street, P.O. Box 2330, George Town, Grand Canyon, Cayman Islands, B.W.I.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–19674 Filed 8–2–00; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3380]

Bureau of Educational and Cultural Affairs; International Education and Cultural Activities Open Grant Program; Request for Proposals

SUMMARY: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs of the U.S. Department of State, announces an open competition for an assistance award program. U.S. public or private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501c may apply to develop projects that link their international exchange interests with counterpart institutions/groups in ways supportive of the aims of the Bureau of Educational and Cultural Affairs.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256, also known as the Fulbright Hays Act.

The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations. * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' Proposals for exchange projects that address issues of crucial importance to the United States and to proposed partner countries but that do not respond specifically to themes included below will also be considered. Programs and projects must conform with Bureau requirements and guidelines outlined in the Application Package. Bureau projects and programs are subject to the availability of funds.

Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Office of Citizen Exchanges or submitting their proposals. Once the RFP deadline has passed, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until after the Bureau program and project review process has been completed.

Announcement Name and Number: All communications concerning this announcement should refer to the Annual Open Grant Program. The announcement number is E/P–01–1. Please refer to title and number in all correspondence or telephone calls to the Office of Citizen Exchanges.

Deadline for Proposals: All copies must be received by the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, October 27, 2000. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received at a later date will not be accepted. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. This action is effective from the publication date of this notice through October 27, 2000, for projects where activities will begin between March 1, 2001 and December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions must contact the Office of Citizen Exchanges, ECA/PE/C, Room 216, Bureau of Educational and Cultural Affairs, U.S. Department of State, 301 4th Street, SW, Washington, DC 20547, (202) 619–5348, to request detailed application packets which include award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/rfps. Please read all information before beginning to download.

ADDRESSES: Applicants must follow all instructions in the Solicitation Package. The original and 10 copies should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref: E/P–01–1 Annual Open Grant Competition, Program Management, ECA/EX/PM, 301 4th Street, SW, Room 336, Washington, DC 20547.

Applicants must also submit to E/XE the ''Executive Summary'' and ''Proposal Narrative'' sections of each proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to U.S. embassies overseas for their review, with the goal of reducing the time it takes to get the respective Embassy's comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, projects must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should account for advancement of this goal, in their program contents, to the full extent deemed feasible.

Overview

The Office of Citizen Exchanges works with U.S. private sector, non-profit organizations on cooperative international group projects that introduce American and foreign participants to each others' social, economic, and political structures and international interests. The Office supports international projects in the

United States or overseas involving leaders or potential leaders in the following fields and professions: urban planners, jurists, specialized journalists (specialists in economics, business, political analysis, international affairs), business professionals, NGO leaders, environmental specialists, parliamentarians, educators, economists, and other government officials.

Guidelines

Applicants should carefully note the following restrictions/recommendations for proposals in specific geographical areas:

Central and Eastern Europe (CEE) and the Newly Independent States (NIS)

Requests for proposals involving the following countries will be announced in separate competitions: CEE—Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Slovak Republic, and Slovenia; NIS—Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Proposals involving these regions will not be accepted under this competition.

Western Europe (WEU)

Proposals involving this region will not be accepted under this competition.

East Asia and the Pacific (EAP)

For all of EAP: We welcome proposals that directly respond to the following suggestions in each of the following countries. Given budgetary consideration, projects in other countries and for other themes will not be eligible for consideration.

For China: We welcome proposals in the following fields:

(1) Rule of Law: Projects focussed on the protection of intellectual property rights, judicial reform and court administration are encouraged as well as projects designed to assist in the development of China's economic legal framework to support the implementation of membership in the WTO.

(2) NGO Development: Projects designed to strengthen the role of NGOs in Chinese society and the Chinese Government's cooperation with NGOs through an exchange of representatives from NGOs and public-sector organizations cutting across fields such as legal aid, consumerism, family issues, and environmental protection to examine the role of NGOs and public-private sector cooperation in the U.S.

For Indonesia: We welcome proposals in the following areas:

(1) Political Leadership: Projects that focus on meeting the challenges and responsibilities of public office; specifically, projects on rule of law; transparency in government, and funding and regulatory processes.

(2) Strengthening Grassroots Democracy: Projects that include training NGO leadership and addressing organizational governance issues; building locations, networking, lobbying elected officials; media strategies needed for the above, volunteerism; addressing civic values; civic education/human rights education; the role of NGOs in mediating conflict in the community.

(3) Local Governance: Projects designed to strengthen local governments and make them more responsive to local needs with emphasis on local government administration, including budget development, financial management, tax policies and mechanisms; election practices, management of municipal services, committee and staff structures; drafting of legislation and relationship with regional and national governments.

(4) Media: Projects to provide training in media ethics and investigate journalism. Ideally, the project in investigative journalism would primarily take place in the U.S. and the project on media ethics would primarily take place in Indonesia.

For Korea: We welcome proposals in the following fields:

(1) The Role of a Free Press in a New Democracy: Projects designed to put Korean Media Associations in direct contact with both Schools of Journalism and media professionals in the U.S. to discuss the proper relationship between the Government and media with emphasis on standards of objectivity and the distinction between editorializing and factual reporting.

(2) NGO Development: Projects will provide support for democratic processes, assisting NGO development and increasing citizen participation with emphasis on teaching practical management and administrative skills relevant to NGOs and to share techniques appropriate to Korea for conducting outreach, education, and fundraising. The training should focus on NGOs dedicated to increasing citizen participation, particularly the role of women in politics. The project's objective would be to improve specific skills of the target NGOs and to support a demonstrable increase in citizen/female political participation.

(3) Local Autonomy: In Korea, the devolution of responsibility from the Central Government to autonomous local bodies continues. The most fundamental problem hampering this process is defining the proper relationship between the Central Government and local bodies. Project submitted under this category should include an element that provides the Korean participants with the direct experiences with the working level local government officials in the U.S. and access to the latest academic research in the field of public administration. Funded projects must be designed to teach participants ideas and concepts that have practical application within the political, economic and societal realities of Korea; identify participants from among local government officials whose work will have a continued impact on their community; consist of modest objectives with a timeframe that is realistic and achievable; provide continuity independent of USG funding.

For Thailand: We seek proposals that address the issue of higher education reform with specific emphasis on the following themes: (1) Definition of the university's relationship with the society and the State with emphasis on the role of the university as innovator; (2) Improvement of the quality of professional education; (3) Stimulation of scientific and technological research within the university to promote local and regional development; (4) Consolidation of the university's role in supporting national culture; (5) Strengthening bonds between the university and the private sector; (6) Rationalization of resources and diversification of financing of the university; (7) Incorporation of new systems of academic and administrative management.

For Vietnam: We welcome proposals on the following themes:

(1) Market Economics: Projects designed to assist in furthering the development of a free market and economic reform in Vietnam with emphasis on the role of privatization and decentralization within the economy.

(2) International Trade: Projects focused on promoting the development of Vietnam's economic legal framework to support the implementation of the U.S.-Vietnam bilateral trade agreement.

ECA contact for EA programs: Raymond Harvey, 202/260–5491; E-Mail (RHarvey@pd.state.gov)

Western Hemispheric Affairs (WHA)

The Office of Western Hemispheric Affairs includes the countries of Canada, Mexico, Central and South America, and the Caribbean.

For all of WHA: We welcome proposals which contribute to strengthening democratic institution building; administration of justice, including exchanges of judges and prosecutors and between associations and NGOs promoting justice; law enforcement, including community-based anti-gang or anti-drug organizations; and economic reform, free trade and regional economic integration, sustainable development, environmental education, public administration, and municipal government for all countries in the region. For the countries mentioned below, some preference may be given to proposals that track closely the following suggestions:

For Mexico: We welcome proposals that would create opportunities for Mexican and U.S. public administration practitioners and academicians to work together. Project activities might focus on such local government issues as responding to the needs of the people it serves; interacting with other levels of government, implementing experimental ideas, and how city administrators communicate with each other. Participants should have opportunities to meet with academics, practitioners, and with NGOs dedicated to improving governance.

For Brazil: We welcome proposals in the field of women and political leadership. Project activities should focus on running for elective office and/or managing electoral campaigns; developing a media strategy; public speaking/communication skills; meeting challenges and responsibilities of public office once elected. Competitive proposals should include a two-week U.S. study tour for at least five Brazilians from five regions (Sao Paulo, Rio de Janeiro, the south, centerwest, and northeast) as well as a two-week in-country program for American trainers.

For Costa Rica, Honduras, El Salvador, and Panama: We welcome proposals in the field of environmental education. Competitive proposals should involve participants in developing pilot environmental education programs in schools and/or with selected municipalities, capitalizing on the new interest of fledgling NGO environmental groups. Hurricane Mitch's destruction raised awareness throughout Central America of the potential for deforestation to intensify the severity of natural disasters. A particularly vulnerable area is the Panama Canal Watershed, whose protection is vital to ensuring adequate water supply for the functioning of the Canal. In El Salvador as well as Panama, there is growing public awareness that the time for action is now and that education is the key. Therefore, for both Panama and El Salvador, we welcome proposals that focus on environmental education in the public schools as well as community-based projects on recycling, resource conservation, and sustainable development.

For Nicaragua and Guatemala: We welcome projects that work to strengthen institutions of government whose work has a direct impact on the quality of a country's democracy and to increase their transparency, accountability, and responsiveness, and effectiveness of operations. Especially welcome would be proposals that address anti-corruption methods. Projects might focus on local government or elements of executive branches, legislatures, or judicial systems. One example might be an exchange for local mayors to see innovations in city government and citizen participation in municipal affairs, with a return visit by a group of U.S. mayors and city managers and municipal experts to hold larger workshops on the same theme.

For Peru: We welcome proposals on decentralization and resource management issues for local government. Competitive proposals should include an exchange for a group of local mayors and other decentralization specialists who would meet with U.S. local government representatives, businesses and neighborhood groups in order to gain a more in-depth understanding of local government in the U.S.

For Haiti: We welcome proposals for the strengthening of civil society organizations.

ECA/PE/C/WHA/EAP contact for WHA programs: Laverne Johnson, 202/619–5337; E–Mail {LJohnson@pd.state.gov}

Africa (AF)

Proposals are requested for projects that would advance sustainable democracy by building human capital in Africa and strengthening partnerships between the United States and Africa in the thematic categories delineated below. These themes are presented in order to stimulate thinking and planning in areas important to the Office of Citizen Exchanges, but no guarantee is made or implied that grants will be made in all categories. Projects that foster networking across political as well as government-civil society divisions are encouraged.

Proposed activities will be supported only in those countries in which there is a Public Affairs Section (PAS) at the U.S. Embassy. Currently there is no PAS in Guinea Bissau, Cape Verde, Gambia, Burundi, Central African Republic, Equatorial Guinea, Gabon, Sao Tome and Principe, Djibouti, Lesotho, Sierra Leone, Somalia, Sudan, or Mauritania.

Proposals for single country, sub-regional and regional projects will be accepted. The Bureau encourages applicants to consider carefully the choice of target countries. In order to prevent duplication of effort, applicants should research the work of development agencies on the target themes, and select countries for which there has been limited investment on the issue. Applicants are welcome to contact the Public Affairs Sections in U.S. Embassies in Africa, or the Office of Citizen Exchanges, to discuss proposed activities and their relevance to mission priorities.

Proposals will be strengthened if partner organizations and individuals in Africa are identified and their commitment demonstrated. Previous cooperative programming and contacts with partners should be described. Specific information about the African organizations' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.''

ECA seeks programs that address the following themes: *

1. Equal Treatment of Women Under the Law
2. Joining Forces to Combat HIV/AIDS
3. Post-Election Training for Legislative Staff
4. Professionalism in the Media and Strengthening Journalistic Independence
5. Religious and Inter-Ethnic Conflict: Anti-Incitement and the Search for Common Ground
6. Transparency in Democratic Governance
7. U.S.-Africa Economic Partnership
8. Urban Environment
9. Women and Political Leadership
10. Women as Economic Partners in Nation Building
11. Young Leaders and the Building of Civil Society

* Funding for select projects may be provided by the Education for Development and Democracy Initiative.

Equal Treatment of Women Under the Law

We invite proposals for single-country or regional programs focusing on women's leadership in combating bias against women in the political, judicial and social sectors. Topics may include educating women about existing anti-discriminatory laws, including domestic violence legislation; understanding legal rights and options; addressing attitudes of the judiciary; building community support to combat violence against women, and/or education on the prevention of trafficking in women and girls.

Joining Forces To Combat HIV/AIDS

The Bureau welcomes proposals for creative community-based initiatives that, through public education, will promote better health care and prevent the spread of HIV/AIDS. Projects should explore the need to develop and reward leadership, and to remove barriers that impede a cooperative multi-sectoral response to HIV/AIDS. Citizen exchange projects should address some of following topics: Prevention and stigma reduction strategies, especially for women and youth; engagement of political, religious, cultural and other leaders in public education efforts; support for orphaned children; voluntary counseling; grassroots mobilization and advocacy. Of special interest to the Bureau is the link between cultural practices, the empowerment of women, and the spread of HIV/AIDS in Africa.

Post-Election Training for Legislative Staff

With national and local elections scheduled for many African countries in the year ahead, the Bureau is interested in programs that will enhance legislative staffers' management skills. Applicants must demonstrate expertise and knowledge of the political landscape and how the legislature functions in the target country. Programs may include a combination of U.S.-based internships, in-country workshops, roundtables, panel discussions, case studies and specially tailored projects. Training topics may address accountability to and communication with constituencies; working with the press; negotiation skills; conflict resolution; consensus building; coalition building (particularly related to bloc or partisan communications); ethics in government; working with diverse populations; conducting issue-related casework; drafting legislation and implementing policy.

Professionalism in the Media and Strengthening Journalistic Independence

Professionalism in the media—*i.e.,* gaining an appreciation of and skill for objective reporting; developing subject specialization (*e.g.* justice/legal issues); giving fair coverage to positive as well as negative news; separating comment from news coverage; avoiding inflammatory presentations; maintaining independence from special interests; etc.—remains an area requiring serious development if the fourth estate is to fulfill its potential as a pillar of democratic society. Concomitantly, attention must be given to laws which constrain freedom of information and to forces which urge journalists, editors, producers and publishers to censor themselves, lest governments punish the media for having conveyed the message. We welcome proposals for exchange programs that improve professionalism generally in the media and strengthen specific efforts of individuals and organizations that report on issues of importance to national and/or regional development.

Religious and Inter-Ethnic Conflict: Anti-Incitement and the Search for Common Ground

The problems of incitement to hatred and violence, as well as those of ethnic/religious stereotyping, must be addressed as a key component of the consolidation of democracy in Africa. If peace is to have meaning, citizens of the region must address one another in constructive ways, overcoming the fears and resentments that have built up over time. A project that includes stakeholders from different nations, ethnic groups, or religious communities is solicited in an effort to expand the dialogue for coexistence. Two major components of any effort to focus on anti-incitement are the media and the educational establishment. One of the most important areas for the promotion of dialogue and mutual respect as well as the management of conflict is the media. Any effort in this area would need to involve expertise in conflict resolution as well as in professional journalism ethics and the addressing of problems of prejudice, discrimination, and outright incitement to violence. Incitement via curriculum and teacher prejudice is also a legitimate focus. A regional project to examine how contentious historical events are treated, how former enemies are portrayed, and how curricula can help advance tolerance and peace is a high priority.

Transparency in Democratic Governance

Proposals should work to strengthen institutions of government whose work has a direct impact on the quality of a country's democracy and to increase their transparency, accountability, responsiveness, and effectiveness of operations. Especially welcome would be proposals that address anti-corruption methods and ethics in government. Projects might focus on local government or elements of executive branches, legislatures, or judicial systems.

Urban Environment

The quality of life in urban areas throughout Africa is deteriorating rapidly due to unchecked population growth, the byproducts of industrialization, economic exploitation, conflict, and unprecedented—and unsatisfiable—demands on social infrastructure and natural resources. This undermines the viability of Africa's cities both as places to live and as commercial centers, and has become a serious threat to biodiversity. A project is needed which will bring together community activists, city officials, and industry and business representatives to address such urban environmental issues as the need for clean air, clean water, effective waste management, and recycling. Communities should be mobilized to practice environmental stewardship while supporting sustainable development, thereby creating a more hospitable environment for human habitation and for regional and international trade and investment.

U.S.-Africa Economic Partnership

The Bureau welcomes proposals that would encourage the creation of free trade areas through reduced tariff and non-tariff barriers. Such a project might be carried out with regional chambers of commerce and/or the Southern African Development Community (SADC) Secretariat. Proposals on free trade areas also would be of interest to posts in West and East Africa. Projects should foster an understanding of and commitment to policies and practices that support economic growth in a democratic framework through the private sector and international trade. Especially encouraged are proposals that focus on creating an ''enabling environment'' supportive of these goals. Related issues might include intellectual property rights, trade liberalization (*e.g.,* tax and investment laws, along with other incentives), mechanisms of transparency and accountability, the role of business associations, and regional economic cooperation/integration.

Women as Economic Partners in Nation Building

In many countries in Africa, women are the backbone of the economy and yet they remain relatively unorganized and unconnected from one another. The organizations for businesswomen that do exist currently have the capacity to effect little systemic change, but have the potential to have a profound impact on the economy. Priority will be given to proposals that offer African

businesswomen the opportunity to interact with U.S. women-owned businesses and interest groups, and to see first hand the work they do to enable businesswomen to network and profit from relationships they create, both domestically and internationally. Successful proposals will expose business leaders to democratic, team-centered approaches to organizational management appropriate to democratic, civil societies. Proposals may also encourage the development of self-help/micro-enterprise programs for women in disadvantaged communities, by providing training and counseling to loan recipients.

Women and Political Leadership

ECA welcomes proposals for single-country or regional programs with a focus on political leadership for women. Specifically, the program should combine elements such as leadership fundamentals, the introduction or improvement of skills associated with campaign management, accountability to constituencies, lobbying, surveying, polling, advocacy, voter outreach, networking, message development, working with the media, fundraising, and meeting challenges and responsibilities of public office once elected. Proposals must indicate a practical and sophisticated knowledge of the political and legislative environment in the target African country.

Young Leaders and the Building of Civil Society

Proposals should focus on the role that young African leaders should and can play in building civil society. Participants would be emerging leaders—recent graduates—who appear to be on a trajectory to prominent positions in their societies and/or work with youth organizations and non-governmental organizations. Issues to be addressed would include the meaning of civil society, the separation of powers, the role of non-governmental organizations, components of democracy, issues of national identity, democratic and team-centered approaches to organizational management, etc. The exchange should encompass both the theoretical and the experiential, with participants working with and learning from American young leaders active in the development and strengthening of civil society through civic education and grassroots mobilization. Of special interest to ECA are programs that focus on leadership programs for at-risk youth, and the reintegration of child soldiers into civil society.

Additional Guidelines for Africa

Equal Opportunities for Persons with Disabilities: The Bureau is particularly interested in projects that focus on or include persons with disabilities in any of the above-listed themes.

Opportunity for Small Grants Programming: Program plans for projects in any of the above themes may include a component for a Small Grants Competition (often referred to as ''seed'' grants). This requires a detailed plan for recruitment and advertising; sample application; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. Funds for the Small Grants Competition should be no more than 25 percent total requested from the Bureau.

Content-Based Internet Training: The President has recently extolled the virtues of using the Internet to lift countries out of poverty. The Bureau therefore encourages applicants to use the Internet to assist African counterparts in conducting research, networking, and communicating on the above-listed priority issues. The purpose of the training is not to instruct in Internet technology and use, but to encourage citizen participation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and information sharing on relevant topics. Proposals that include content-based Internet training must reflect knowledge of the opportunities and obstacles that exist for information technologies in the target country or countries, and, if needed, provide hardware, software and servers, preferably as a form of cost sharing.

Contact for ECA/PE/C/AF programs: Orna Blum, 202/260–2754; E-Mail {OBlum@pd.state.gov}

Near East and North Africa (NEA)

South Asia (SA)

Proposals that respond to the following suggested themes and organizational approaches will receive priority consideration in the awarding of grants for exchange activity in the Near East, North Africa, and South Asia. While not all countries suggested as participants for each project must be included in the exchange, and proposals for single-country projects will receive full consideration, projects bringing together representatives from three or more countries will be given priority consideration. Proposals for exchange projects that address issues of crucial importance to the United States and to proposed partner countries but that do not respond specifically to the themes included below will also be considered. The countries/entities comprising the NEA and SA AREAS are listed below. Currently there is no U.S. mission in Afghanistan, Iran, Iraq, or Libya. Please consider countries listed (specific interest) as potential exchange partners in projects that address the theme, but recognize that all themes may be appropriate for region-wide (any country or group of countries) consideration.

Countries/Entities of the Near East and North Africa

Algeria; Bahrain; Egypt; Iran; Iraq; Israel; Jordan; Kuwait; Lebanon; Libya; Morocco; Oman; Qatar; Saudi Arabia; Syria; Tunisia; the United Arab Emirates (UAE); the West Bank and Gaza; Yemen

Countries of South Asia

Afghanistan; Bangladesh; Bhutan; India; the Maldives; Nepal; Pakistan; Sri Lanka

Citizen Participation and Advocacy (Building and Strengthening Non-Governmental Organizations)

Of specific interest for India; Bangladesh; Pakistan; Nepal; Egypt; Morocco; Israel; the West Bank and Gaza; Lebanon; Syria; Saudi Arabia; Kuwait; and the UAE

Social and political activism, encouraged, focussed, and channeled through non-governmental organizations, is a basic underpinning of democratic society. Strengthening NGO advocacy skills, management, grassroots support, recruitment and motivation of volunteers, fundraising and financial management, media relations, and networking for mutual support and reinforcement will strengthen democratic/civil society trends in the region. Among other emphases, this project should focus on answering questions about the proper role of NGO's, facilitating Internet communication and on developing cooperation between educators and NGO's and between government agencies and NGO's for community action. It is essential that organizations submitting proposals in this category recognize that democratic activism is viewed with distrust by some of the governments in the area and that foreign involvement with local NGO's must be carefully thought out and approached with subtlety and sensitivity, as such involvement may be viewed with suspicion. Close consultation with American Embassy/Consulate officers is critical.

Women's Activism, Organizational Skills, and Political Leadership

Of specific interest for Egypt; Israel, Lebanon; Saudi Arabia; Kuwait; UAE; Bahrain; Oman; Qatar; Yemen.

This theme is also highly appropriate for a binational India-Pakistan project, a South Asia regional exchange, or a regional project involving the countries of the Arabian Gulf. Throughout the region, women exercise disproportionately little political and social influence. While some women's groups have organized themselves and actively campaign for equal rights and a greater say in local issues, women need to learn how to develop consensus on issues and build a constituency, mobilize support—both urban/political and grassroots—raise money at the municipal, state, and national levels, and how to win elections. Once elected, how can they most effectively represent the interests of their constituents? What can women activists do to affect policy as well as practice in the areas of health care, education, domestic violence, and equal treatment under the law?

Environmental Protection; Environmental Education; Wildlife Conservation

Of specific interest for Egypt; Israel; the West Bank and Gaza; Lebanon; Bahrain; India; and Nepal

Environmental degradation undermines the quality of human life. It is closely linked, both directly and indirectly, with issues of public health (air and water pollution; solid waste management) and economic welfare (preservation of natural sites; ecotourism; agricultural productivity; the rational management of natural resources). Pollutant-laden air and impure groundwater are trans-boundary issues, faced by all countries/entities. Projects are sought that enhance public awareness of the threat posed by environmental deterioration, that facilitate efforts to combat the threat by mobilizing either governmental or non-governmental organizations, and that work at multiple levels to educate and to develop solutions. Of special concern to India is the need for increased awareness and training regarding the treatment and disposal of hazardous, often medical/bio-medical, waste.

Professionalism in Media and the Strengthening of Journalistic Independence

Of specific interest for Israel; Jordan; the West Bank and Gaza; Lebanon; Tunisia; Morocco; India; Nepal; and Pakistan

The development of professionalism in media—gaining an appreciation for the importance of objective reporting; developing subject specialization; applying rational management techniques to newspaper publishing; *etc.*—remains an area in which serious efforts must be expended if the fourth estate is to fulfill its potential as a pillar of democratic society. Concomitantly, laws throughout the region constrain press freedoms, and journalists, editors, and publishers are forced to self-censor, lest governments punish the media for having conveyed the message. Projects are needed to address professionalism and to focus on training and advice to individuals and organizations devoted to the protection of press freedoms and to the defense of journalists and their right to practice their profession with integrity.

Judicial Reform and the Administration of Justice or Conflict Resolution/ Consensual Dispute Resolution

Of specific interest for Egypt; Morocco; Tunisia; Oman; Lebanon; Israel; Bangladesh; India; Pakistan

A well trained, independent judiciary is fundamental to a democratic political and social system. The integrity of the judicial process and, by extrapolation, public confidence in the ability of the judicial process to deliver justice must be protected from political interference in legal proceedings and public perception of unequal and unfair treatment before the bench of women, members of ethnic minority communities, and the poor. Even well qualified and well intentioned judges are obstructed in their efforts to deliver justice by case backlog, by procedural delay, and by insufficient authority to exercise judicial discretion in court management. It is important that judges of both lower and higher courts be introduced to the principles and practices of U.S. jurisprudence and that such fundamental procedures as alternative dispute resolution, early neutral evaluation, case management, the acceptance of guilty pleas, continuous trial proceedings, and arbitration/mediation be familiar to them. A corollary to this issue, to be dealt with in the context of administration of justice, is the need to address the unequal treatment of women by officers at all levels within the justice system and of the need to recognize and seriously to deal with the problem of sexual harassment in the workplace.

Civic Education: Educating for Democracy

Of specific interest for Egypt; Israel; the West Bank and Gaza; Lebanon; Pakistan; Saudi Arabia; Kuwait; UAE

Enhanced citizen awareness of and increased participation in those activities that support democratic goals are a high priority. Regional or single-country exchange projects should be designed to assist educators, community activists, and journalists teach about and demonstrate the efficacy of civic responsibility, citizens' initiative, and tolerance while avoiding direct political advocacy for the establishment of ''liberal democracy.'' The importance of active citizenship and the potent role of democratically oriented institutions in social change should be highlighted, with emphasis on average citizens sharing a sense of responsibility for their national future, voluntarism, and promoting community initiatives for change. Participants might include teachers, administrators, curriculum planners, Ministry of Education policy-makers, community activists, journalists, etc.

Education

Of specific interest for Egypt and Israel

Curriculum development, textbook writing, teacher training and skills enhancement, and the teaching of English in context are all areas of strong need and interest. Special interest is expressed in the utilization of computers and the Internet to stimulate student creativity and to move away from rote learning.

Young Leaders and the Building of Civil Society

Of specific interest for Jordan; Israel; Egypt; the West Bank and Gaza; Lebanon; Morocco

This theme is also very appropriate for a joint India-Pakistan project or for a South Asia regional project. Proposals should focus on the role young leaders should and can play in building civil society. Participants would be emergent leaders—recent graduates—who appear to be on a trajectory to prominent positions in their societies and/or work with youth organizations and non-governmental organizations. Issues to be addressed would include the meaning of civil society, the role of a responsible citizenry, the separation of powers, the role—both in setting social agendas and in providing social services—of non-governmental organizations, components of democracy, the centrality of human rights, issues of national identity, etc. The exchange should encompass both the theoretical

and the experiential, with participants working with and learning from American young leaders active in the development and strengthening of civil society.

Economic Policy, Investment, and the Norms of International Commerce

Of specific interest for Tunisia; Morocco; Algeria; and Egypt

The countries of North Africa would welcome proposals to strengthen ongoing efforts to establish a degree of regional economic integration, to stimulate serious thinking about transnational trade and investment, and to link North African business groups with American counterparts. Relevant issues to be incorporated into an exchange would be decentralization of commercial regulation, support for privatization, and competitiveness.

ECA/PE/CE/NEA contact for NEA and SA programs: Thomas Johnston, 202/619–5325; E-Mail (TJohnston@pd.state.gov)

Additional Guidance

The Office of Citizen Exchanges strongly encourages the coordination of activities with respected universities, professional associations, and major cultural institutions in the U.S. and abroad, but particularly in the U.S. Projects should be intellectual and cultural, not technical. Vocational training (an occupation other than one requiring a baccalaureate or higher academic degree; *i.e.,* clerical work, auto maintenance, *etc.,* and other occupations requiring less than two years of higher education) and technical training (special and practical knowledge of a mechanical or a scientific subject which enhances mechanical, narrowly scientific, or semi-skilled capabilities) are ineligible for support. In addition, scholarship programs are ineligible for support. The Office does not support proposals limited to conferences or seminars (*i.e.,* one to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only insofar as they are part of a larger project in duration and scope that is receiving Bureau funding from this competition. Bureau-supported projects may include internships; study tours; short-term, non-technical training; and extended, intensive workshops taking place in the United States or overseas. The themes addressed in exchange programs must be of long-term importance rather than focused exclusively on current events or short-term issues. In every case, a substantial rationale must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution of the overall project, including, where applicable, the expected yield of any associated conference. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States. Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered. The Office of Citizen Exchanges strongly recommends that applicants consult with host country U.S. Embassies *prior* to submitting proposals.

Selection of Participants

All grant proposals should clearly describe the type of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of U.S. internships include letters tentatively committing host institutions to support the internships. In the selection of foreign participants, the Bureau and U.S. Embassies abroad retain the right to nominate all participants and to accept or deny participants recommended by grantee institutions. However, grantee institutions are often asked by the Bureau to suggest names of potential participants. The grantee institution will also provide the names of American participants and brief (two pages) biographical data on each American participant to the Office of Citizen Exchanges for information purposes. Priority will be given to foreign participants who have not previously traveled to the United States.

Additional Guidance

The Office of Citizen Exchanges offers the following additional guidance to prospective applicants:

1. The Office of Citizen Exchanges encourages project proposals involving more than one country. Pertinent rationale which links countries in multi-country projects should be included in the submission. Single-country projects that are clearly defined and possess the potential for creating and strengthening continuing linkages between foreign and U.S. institutions are also welcome.

2. Proposals for bilateral programs are subject to review and comment by the Embassy representative in the relevant country, and pre-selected participants will also be subject to Embassy review.

3. Bilateral programs should clearly identify the counterpart organization and provide evidence of the organization's participation.

4. The Office of Citizen Exchanges will consider proposals for activities that take place exclusively in other countries when U.S. Embassies are consulted in the design of the proposed program and in the choice of the most suitable venues for such programs.

5. Office of Citizen Exchanges grants are not given to support projects whose focus is limited to technical or vocational subjects, or for research projects, for publications funding, for student and/or teacher/faculty exchanges, for sports and/or sports related programs. Nor does this office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register**.

For projects that would begin after December 31, 2001, competition details will be announced in the **Federal Register** on or about June 1, 2001. Inquiries concerning technical requirements are welcome prior to submission of applications.

Funding

Although no set funding limit exists, proposals for less than $135,000 will receive preference. Organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location, or activity in order to facilitate Bureau decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Competition for Bureau funding support is keen. To illustrate, the Bureau received 94 grant proposals in response to the FY–2000 Open Grants Program. Funding from Bureau resources and Interagency transfer supported a total of 26 awards. The selection of grantee institutions will depend on program substance, cross-cultural sensitivity, and ability to carry out the program successfully. Since Bureau grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions, will be deemed highly competitive. The Recipient must provide a minimum of 33 percent cost sharing of the total project cost.

The following project costs are eligible for consideration for funding:

1. Travel costs. International and domestic air fares; visas; transit costs; ground transportation costs. Please note that all air travel must be in compliance with the Fly America Act. There is no charge for J–1 visas for participants in Bureau sponsored programs.

2. Per Diem. For the U.S. program, organizations have the option of using a flat $160/day for program participants or the published U.S. Federal per diem rates for individual American cities. For activities outside the U.S., the published Federal per diem rates must be used. **Note:** U.S. escorting staff must use the published Federal per diem rates, not the flat rate. Per diem rates may be accessed at http://www.policyworks.gov/.

3. Interpreters: If needed, interpreters for the U.S. program are available through the State Department's Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $160/day per diem for each Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget. Locally-arranged interpreters with adequate skills and experience may be used by the grantee in lieu of State Department interpreters, with the same 1:4 interpreter:participation ratio. Costs associated with using their services may not exceed rates for State Department interpreters.

4. Book and cultural allowance: Foreign participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a participant book allowance of $50. U.S. program staff are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. Room rental. Room rental may not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop, and translate materials for participants.

8. Equipment. Proposals may contain limited costs to purchase equipment crucial to the success of the program, such as computers, fax machines and copy machines. However, equipment costs must be kept to a minimum, and costs for furniture are not allowed.

9. Working Meal. The grant budget may provide for only one working meal during the program. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. Return travel allowance. A return travel allowance of $70 for each foreign participant may be included in the budget. This may be used for incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered under the terms of a Department of State-sponsored health insurance policy. The premium is paid by the Department of State directly to the insurance company. Applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grant organization employees, benefits, and other direct or indirect costs per detailed instructions in the Solicitation Package. **Note:** the 20 percent limitation of ''administrative costs'' included in previous announcements does not apply to this RFP. Please refer to the Solicitation Package for complete budget guidelines.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the Solicitation Packet. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. All eligible proposals will also be reviewed by the program office, as well the U.S. Embassy officers for advisory review, where appropriate. Proposals may also be reviewed by the Office of the Legal Advisor or by other offices in the Department of State. Funding decisions will be made at the discretion of the Under Secretary for Public Diplomacy and Public Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

The Bureau will consider proposals based on their conformance with the objectives and considerations already stated in this RFP, as well as the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Agency mission.

2. *Program Planning/Ability to Achieve Program Objectives:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

3. *Multiplier Effect/Impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Proposals should demonstrate the substantive support of the Bureau's policy on diversity. Program content (training sessions, resource materials, follow-on activities) and program administration (participant selection process, orientation, evaluation, resource/staff persons) should address diversity in a comprehensive and innovative manner. Applicants should refer to the Bureau's Diversity, Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

5. *Institutional Capacity/Reputation/Ability:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's or project's goal. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) which ensures that Bureau-supported programs are not isolated events.

7. *Evaluation Plan:* Proposals should provide a plan for a thorough and objective evaluation of the program/project by the grantee institution.

8. *Cost-Effectiveness/Cost Sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept

as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the need of the program and the availability of funds. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been fully appropriated by the Congress, allocated, and committed through internal Bureau procedures.

Dated: July 26, 2000.

Evelyn S. Lieberman,

Under Secretary for Public Diplomacy and Public Affairs, U.S. Department of State.

[FR Doc. 00–19572 Filed 8–2–00; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement for Addition of Electric Generation Peaking Capacity at Greenfield Sites, Mississippi

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) will prepare an environmental impact statement (EIS) for the proposed construction and operation of a natural gas-fired generating plant in Mississippi. The plant would supply peaking capacity to the TVA electric generation system to meet growing power demands. The EIS will evaluate the potential environmental impacts of constructing and operating a simple-cycle, natural gas-fired combustion turbine plant. TVA may build and operate such a plant or, alternatively, TVA may choose to purchase power from such a plant owned by others in order to meet TVA's needs. If built by TVA, the plant would be constructed on a previously undeveloped, greenfield site. TVA will use the EIS process to obtain public involvement on this proposal. Public comment is invited concerning both the scope of the EIS and environmental issues that should be addressed as a part of the EIS.

DATES: Comments on the scope and environmental issues for the EIS must be postmarked or e-mailed no later than September 5, 2000 to ensure consideration. Late comments will receive every consideration possible.

ADDRESSES: Written comments should be sent to Bruce L. Yeager, NEPA Specialist, Environmental Policy and Planning, Tennessee Valley Authority, Mail stop WT 8B, 400 West Summit Hill Drive, Knoxville, Tennessee 37902–1499. Comments may be e-mailed to blyeager@tva.gov.

FOR FURTHER INFORMATION CONTACT: Roy V. Carter, P.E., EIS Project Manager, Energy Research and Technology Applications, Tennessee Valley Authority, Mail stop CEB 4C, Muscle Shoals, Alabama 35662–1010. E-mail may be sent to rvcarter@tva.gov.

SUPPLEMENTARY INFORMATION:

Project Description

TVA proposes to construct and operate an electric power plant as early as June 2002. The proposed plant would be a simple-cycle, natural gas-fired combustion turbine plant for peaking operation. The generation capacity of the plant would be up to approximately 340 megawatts (MWs) for peaking power.

Several candidate greenfield sites have been identified in Mississippi. These candidate sites were identified through a detailed screening process that considered: (1) TVA's need for generating capacity; (2) transmission system stability across TVA's service region; (3) transmission system capacity at the locale; (4) reliability and economy of long-term supply of natural gas; (5) engineering suitability of the site; (6) compatibility with surrounding land use; and (7) environmental factors including wetlands, floodplains, water supply, water quality, air quality, and historic and archaeological resources.

Peaking Plant

A typical peaking plant would consist of four simple-cycle combustion turbines such as the General Electric Model GE 7EA with a rated net power output of 85 MWs. These turbines would be fired with natural gas as the primary fuel and low sulfur fuel oil as the secondary fuel. These combustion turbines would employ dry low-NO_X combustion chambers and water injection for NO_X control when firing fuel oil.

The proposed sites would be located near TVA power transmission lines or substation and adequate natural gas service to minimize the lengths and, therefore, the cost of these interconnections. A plant would require a site area of approximately 50 acres.

Other appurtenances and ancillary equipment would include step-up transformers for 161 kV or 500 kV service, transmission line interconnection, natural gas pipeline connection and metering, demineralized water supply for the water injection NO_X control systems, fuel oil storage tank(s), and control and maintenance support buildings.

TVA's Integrated Resource Plan and the Need for Power

This EIS will tier from TVA's *Energy Vision 2020: An Integrated Resource Plan and Final Programmatic Environmental Impact Statement.* Energy Vision 2020 was completed in December 1995 and a Record of Decision issued on February 28, 1996 (61 FR 7572). Energy Vision 2020 analyzed a full range of supply-side and demand-side options to meet customer energy needs for the period 1995 to 2020. These options were ranked using several criteria including environmental performance. Favorable options were formulated into strategies. A group of options drawn from several effective strategies was chosen as TVA's preferred alternative. The supply-side options selected to meet peaking and baseload capacity needs through the 2005 period included: (1) Addition of simple-cycle or combined-cycle combustion turbines to TVA's generation system, (2) purchase of call options for peaking or baseload capacity, and (3) market purchases of peaking or baseload capacity. The short-term action plan of Energy Vision 2020 identified a need for 3,000 MWs of baseload and peaking additions through the year 2002. This is in addition to the baseload capacity additions of the successful completion of Watts Bar Nuclear Plant Unit 1 and the return-to-service of Browns Ferry Nuclear Plant Unit 3.

Each year TVA provides updated projections of supply and demand for the TVA sub-region of the Southeastern Electric Reliability Council (SERC). This is for the U.S. Department of Energy's (DOE) annual report, EIA–411. This year's report (2000) shows expected peak demands growing at 2.4 percent from 2000 to 2005 and beyond. The net

capacity resources needed to meet the growth in demand increases 2,000 MWs by the year 2002, and 3,200 MWs by the year 2004. The addition of the combustion turbines is needed by TVA to meet the peaking capacity requirements from both a reliability and cost standpoint.

Since 1995, additional power needs have been met or will be met through the following steps: (1) Continuing to modernize existing TVA hydroelectric plants (both conventional and pumped storage) and, thus, adding approximately 388 MWs of peaking capacity through 2002; (2) completion in 2001 of the Red Hills Power Project, a 440 MW lignite coal-fired plant supplying baseload power commercially (TVA Record of Decision, 63 FR 44944); (3) the installation and operation in 2000 of 680 MWs of peaking power capacity at the TVA Johnsonville and Gallatin Fossil Plants (TVA Record of Decision, 64 FR 138); (4) the installation and operation of up to 1,400 MWs of peaking power capacity at a greenfield site in Haywood County, Tennessee (TVA Record of Decision, 64 FR 92); (5) the completion of various power purchase agreements in effect over this period; (6) the implementation of demand-side customer service programs through TVA power distributors with an estimated 154 MWs of capacity added from 1995 to 2002 and an additional 264 MWs from 2000 through 2002; (7) the pursuance of distributed generation initiatives by TVA, including the operation of the 14 MW emergency diesel generators at the unfinished Bellefonte Nuclear Power Plant site; and (8) the implementation of a Green Power Program in 2000 as a market test providing several MWs of capacity. Technologies for this program include landfill gas, photovoltaics, and wind.

Because Energy Vision 2020 identified and evaluated alternative supply-side and demand-side energy resources and technologies for meeting peak and baseload capacity needs, this EIS will not reevaluate those alternatives. This EIS will focus on the site-specific impacts of constructing and operating simple-cycle combustion turbines at candidate sites.

Proposed Issues To Be Addressed

The EIS will describe the existing environmental and socioeconomic resources at and in the vicinity of each candidate site that would be affected by the construction and operation of the proposed power plant. TVA's evaluation of environmental impacts to these resources will include, but not necessarily be limited to, the potential impacts on air quality, water quality, aquatic and terrestrial ecology, endangered and threatened species, wetlands, aesthetics and visual resources, noise, land use, historic and archaeological resources, and socioeconomic resources.

Alternatives

The results of evaluating the potential environmental impacts and other important issues identified in the scoping process together with engineering and economic considerations will be used by TVA in selecting a preferred alternative. Currently, TVA plans to evaluate in detail, the construction and operation of a simple-cycle combustion turbine peaking plant at two or more candidate sites in Mississippi by as early as May 2002, as well as the alternative of no action. All of the potential power plant sites currently under consideration are in Kemper County.

Scoping Process

Scoping, which is integral to the National Environmental Policy Act (NEPA) process, is a procedure that solicits public input to the EIS process to ensure that: (1) Issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft EIS is thorough and balanced; and (4) delays caused by an inadequate EIS are avoided. TVA's NEPA procedures require that the scoping process commence soon after a decision has been reached to prepare an EIS in order to provide an early and open process for determining the scope and for identifying the significant issues related to the proposed action. The scope of issues to be addressed in the draft EIS will be determined, in part, from written comments submitted by mail or e-mail, and comments presented orally or in writing at public meetings. The preliminary identification in this notice of reasonable alternatives and environmental issues is not meant to be exhaustive or final.

The scoping process will include both interagency and public scoping input. The public is invited to submit written comments or e-mail comments on the scope of this EIS no later than the date given under the **DATES** section of this notice.

TVA is conducting a public scoping meeting at the East Mississippi Community College, 1512 Kemper Street in Scooba, Mississippi on August 3, 2000. Registration is at 5:30 p.m. and the meeting begins at 6 p.m. At this meeting, TVA management and project staff will present an overview of the proposed power plant project, answer questions, and solicit comments on the issues that the public expresses an interest in having addressed in the EIS. The meeting was publicized through notices in local newspapers, through TVA press releases, and in meetings conducted between TVA officials and local elected officials preceding the public meetings.

The agencies to be included in the interagency scoping are U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Mississippi Department of Environmental Quality, the Mississippi State Historic Preservation Officer, and other agencies as appropriate.

After consideration of the scoping comments, TVA will further develop alternatives and environmental issues to be addressed in the EIS. Following analysis of the environmental consequences of each alternative, TVA will prepare a draft EIS for public review and comment. The Environmental Protection Agency will publish a notice of availability (NOA) of the draft EIS in the **Federal Register**. In the NOA, TVA will solicit written comments on the draft EIS, as well as announce information pertaining to the schedule of public meetings to be held for the purpose of receiving comments on the draft EIS. TVA expects to release a draft EIS in December 2000 and a final EIS in April 2001.

Dated: July 25, 2000.

Kathryn J. Jackson,

Executive Vice-President, River System Operations and Environment.

[FR Doc. 00–19663 Filed 8–2–00; 8:45 am]

BILLING CODE 8120–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Free Trade Area of the Americas

AGENCY: Office of the United States Trade Representative.

ACTION: Free Trade Area of the Americas (FTAA) Joint Government-Private Sector Experts Committee on Electronic Commerce (Joint Committee) request for public comment on the identification of a private sector expert on consumer issues related to electronic commerce who may wish to participate in the work of the Joint Committee.

SUMMARY: The Joint Committee on Electronic Commerce was established by the 34 countries in the Western Hemisphere participating in the Free Trade Area of the Americas. The Trade Policy Staff Committee (TPSC) seeks to identify a U.S. private sector expert on consumer issues related to electronic commerce who may be interested in

participating in the work of the Joint Committee. interested members of the public are invited to submit written notice of their interest and their qualifications.

DATES: Written expressions of interest in participating in the work of the Joint Committee should be submitted no later than August 11, 2000.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395–9557. All questions concerning the Joint Committee may be directed to Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce (202) 482–5324, Regina_Vargo@ita.doc.gov.

SUPPLEMENTARY INFORMATION: At the Second Summit of the Americas in April 1998, in Santiago, Chile, the 34 democratically elected Western Hemisphere leaders initiated negotiations to create the FTAA no later than the year 2005. They established nine initial negotiating groups, a consultative group, and two committees, one of which is the Joint Committee, which began its work in August 1998. The trade ministers mandated that both government and private sector experts meet as the Joint Committee to make recommendations on how to increase and broaden the benefits of electronic commerce; the Joint Committee is not a negotiating group. Inclusion of the private sector on the committee is consistent with President Clinton's principle that the private sector should take the lead in global electronic commerce.

The Joint Committee was chaired by the government of Barbados during the initial 18-month period and will be chaired by an Uruguayan private sector representative and vice chaired by a Canadian government representative through April 2001. Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce, leads the joint U.S. government-private sector delegation to the Joint Committee.

Status of Work in the Joint Committee: At the FTAA Ministerial meeting in Toronto in November 1999, trade ministers received, and released to the public, a report prepared by the Joint Committee reflecting its discussions over the preceding 18 months on a broad range of electronic commerce issues; its recommendations on increasing and broadening the benefits of electronic commerce issues; its recommendations on increasing and broadening the benefits of electronic commerce were drafted with the full participation of government and private sector experts from every region in the Hemisphere. FTAA trade ministers committed to share the report and its recommendations with other relevant authorities within their governments. They also requested that the Joint Committee continue its work as a non-negotiating group and produce further recommendations over the next 18-month period. The full report (''Report with Recommendations to Ministers,'' FTAA.ecom/01) is available in English and Spanish on the official FTAA website (*http://www.ftaa-alca.org*) and the U.S. Government Electronic Commerce website (*http://www.ecommerce.gov*).

At the Joint Committee's January meeting in Miami, the Joint Committee's private sector and government representatives identified issues to be discussed during the next phase of its work. The Joint Committee will focus on issues related to access and infrastructure, small and medium-size enterprises, authentication, and online payments, and consider developments in other areas such as intellectual property, taxation and consumer protection. The Joint Committee will make further recommendations to trade ministers for their consideration at the next FTAA Ministerial meeting in April 2001. At the next meeting, August 28–30, the Joint Committee will address issues on its workplan including authentication and payment systems. Consumer protection issues may also rise.

Private Sector Participating: During the first 18-month period, 13 U.S. private sector representatives, reflecting a balance of interests and electronic commerce issue expertise, participated in the work of the Joint Committee. Each representative had responded to notices in the **Federal Register** (63 FR 42090 August 6, 1998 and 64 FR 26811, May 17, 1999) or a request to official trade advisors inviting expressions of interest and qualifications to participate in the work of the Joint Committee.

When the Committee entered its second phase of work, the TPSC solicited U.S. private sector interest in participating, taking into consideration the current workplan (FR Notice February 29, 2000, Vol. 65, No. 40). However, the TPSC received no responses from individuals with expertise in consumer issues. The newly constituted U.S. private sector contingent in the Joint Committee includes 19 participants. The TPSC is now seeking to expand private sector participation on the Joint Committee to include an expert on consumer issues related to electronic commerce.

Public Comments

The TPSC is seeking to supplement U.S. private sector participation on the Joint Committee, to include expertise in consumer issues related to electronic commerce. In order to assist the TPSC in identifying U.S. private sector expert(s) on consumer issues related to electronic commerce, members of the public are invited to submit written notice of their interest and describe their qualifications. Qualifications of interest include: Demonstrated expertise in one or more aspects of electronic commerce and consumer protection; an ability and willingness to broadly solicit views from and disseminate information to consumer groups; and familiarity with U.S. and foreign trade and investment policies and obligations. Knowledge of the Western Hemisphere, including established contacts with foreign private sector interests in the region, would be helpful.

Those persons wishing to make written submissions should provide twenty (20) typed copies (in English) no later than noon, August 11, 2000 to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, Room 122, 600 17th Street, NW., Washington, DC 20508.

Written submission in connection with this request will be available for public inspection in the USTR Reading Room, Room 101, Office of the United States Trade Representative, 600 17th St., NW., Washington, DC. An appointment to review the file may be made by calling Brenda Webb, (202) 395–6186. The Reading room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

David Walters,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 00–19697 Filed 8–2–00; 8:45 am]

BILLING CODE 3901–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Dallas County, Texas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed transportation project in Dallas County, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Salvador Deocampo, Acting District Engineer, Federal Highway Administration, 300 E. 8th Street, Room 826, Austin, Texas 78701, Telephone 512–916–5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA), will prepare an environmental impact statement (EIS) for the Eastern Extension of the President George Bush Turnpike from SH 78 to IH 30 within northeast Dallas County. The corridor is approximately 10.5 miles in length and crosses Lake Ray Hubbard. From a regional and local perspective, there is a great demand for additional transportation capacity and access through the corridor. Over the last 30 years, the area has experienced tremendous growth and has nearly tripled in population.

As directed by TEA–21, the Major Investment Study (MIS) will be integrated with the EIS. Previous feasibility studies and Mobility 2025, the Metropolitan Transportation Plan (MTP) for the Dallas-Fort Worth region have examined a full range of alternatives and alignments within the corridor. The Eastern Extension is included in the MTP as a new location 4-lane tollway with controlled access. The environmental study will examine viable alternatives and potential transportation modes including the No-Build; Transportation Systems Management/Congestion Management Systems; controlled access freeway; and tollway options. it will also include extensive and continuous public involvement to address the long-term mobility needs of both the region and local community. The environmental study will include the determination of the number of lanes (four to six lanes are anticipated), roadway configuration, and operational characteristics. It will also include a discussion of the effects on the social, economic, and environment and of other known and reasonably foreseeable agency options proposed with the Eastern Extension Corridor.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed an interest or are known to have an interest in this proposal. A public scoping meeting is planned to be held in the Fall of 2000. The date will be announced locally at a later time. This will be the first in a series of meetings to solicit public comments on the proposed action during the National Environmental Policy Act (NEPA) process. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and the hearing. The Draft EIS will be available for public and agency review and comment before the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalogue of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Salvador Deocampo,

Acting District Engineer, Austin, Texas.

[FR Doc. 00–19664 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Forsyth County, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplemental draft environmental impact statement will be prepared for a proposed highway project in Forsyth County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy Shelton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone: (919) 856–4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare a supplemental draft environmental impact statement (EIS) on an extension of the proposed Northern Beltway (Eastern Section) of Winston-Salem in Forsyth County. The proposed action would be the construction of a multi-lane divided, controlled access highway on new location from US 421 east of Winston-Salem to US 311 southeast of Winston-Salem. A Draft Environmental Impact Statement on the Eastern Section, the portion of the facility from US 52 northwest of Winston-Salem to US 421 east of Winston-Salem (FHWA–NC–EIS–95–04–D) was approved by FHWA on 14 September, 1995. The Eastern Section together with the Eastern Section Extension will carry proposed I–74 and will relieve congestion on US 52 and US 421. The proposed action is a part of the 1987 Winston-Salem/Forsyth County Thoroughfare Plan.

Alternatives under consideration include: (1) The ''no-build'', (2) improving existing facilities, and (3) a controlled access highway on new location.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. A public meeting and meetings with local officials and neighborhood groups will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The supplemental draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Roy C. Shelton,

Operations Engineer, Federal Highway Administration, Raleigh, North Carolina.

[FR Doc. 00–19606 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Jefferson Parish, LA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be

prepared for a proposed bridge project in Jefferson Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: William C. Farr, Program Operations Manager, Federal Highway Administration, 5304 Flanders Drive, Suite A, Baton Rouge, Louisiana, 70808, Telephone: (225) 757–7615, Facsimile: (225) 757–7601.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Louisiana Department of Transportation and Development (LDOTD), will prepare an Environmental Impact Statement (EIS) on a proposal to construct a new bridge facility on an alignment to be determined. The proposed project, known locally as the Kerner's Ferry Bridge over Bayou Barataria, is located in the town of Jean Lafitte in Jefferson Parish, Louisiana. The project will connect LA 3257 with LA 45. The approximate distance of the project is 0.27 miles. Final length will depend on the alternative selected.

The proposed improvements would improve the connectivity, travel time, and safety of the area and increase regional access to the area.

The study area encompasses the logical termini, which are LA 302 on the west bank and LA 45 on the east bank of Bayou Barataria. The corridor limits for the project will be one mile north of the existing bridge to five miles south.

Alternatives to be considered are:

(1) Low level moveable bridge
(2) Mid level moveable bridge
(3) High level fixed bridge
(4) No Action

An agency scoping meeting will be held at a time and place to be determined at a later date. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies and to private organizations, including conservation groups and groups of individuals who have expressed interest in the project in the past. At least one public informational meeting will be held in the project area that will be affected. In addition, a Public Hearing will be held. Public notice will be given of the time and place of the public informational meeting(s) and the Public Hearing. The draft EIS will be available for public and agency review and comment prior to the Public Hearing.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: Issued on July 21, 2000.

William A. Sussmann,

Division Administrator, FHWA, Baton Rouge, Louisiana.

[FR Doc. 00–19655 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA–98–4470]

Pipeline Safety: Meetings of the Hazardous Liquid Pipeline Safety Advisory Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of Hazardous Liquid Advisory Committee Telephone Conference Meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1) the Office of Pipeline Safety (OPS) is giving notice of a meeting of the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) to consider two Notices of Proposed Rulemaking (NPRM), ''Areas Unusually Sensitive to Environmental Damage'' (64 FR 73464) and ''Pipeline Integrity Management in High Consequence Areas for Hazardous Liquid Pipelines'' (65 FR 21695). In addition, OPS is providing notice of an earlier telephone conference call to provide the members an oral briefing on: (1) A summary of issues raised in comments to the docket on both NPRMs; and, (2) the results of the technical review of the proposed definition of areas unusually sensitive to environmental damage.

DATES: OPS will hold the conference call briefing on Thursday, August 24, 2000, at 11:30 a.m. EST. The meeting of the THLPSSC will be conducted by conference call on Monday, September 11, 2000, at 11:30 a.m.

ADDRESSES: Members of the public may attend the meetings at the Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. The August 24 meeting is in room 8442 and the September 11 meeting is in room 6200.

An opportunity will be provided for the public to make short statements on the topics under discussion. Anyone wishing to make an oral statement should notify Juan Carlos Martinez, (202) 366–1933, not later than August 16, 2000, on the topic of the statement and the time requested for presentation. The presiding officer at each meeting may deny any request to present an oral statement and may limit the time of any presentation.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance during the telephone conference calls, contact Juan Carlos Martinez at (202) 366–1933.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, OPS, (202) 366–4431 or Richard Huriaux, OPS, (202) 366–4565, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: The THLPSSC is a statutorily mandated advisory committee that advises OPS on proposed safety standards and other safety policies for hazardous liquid pipelines. The committee consists of 15 members representing government, industry, and the public. The committees meet twice a year, usually in May and November. However, because the THLPSSC requested a delay in its formal review of two proposed rules at the May 2000 meeting and OPS intends to complete action on both rulemakings this year, a meeting is being held in September.

The biannual meeting generally held in November for both the THLPSSC and the Technical Pipeline Safety Standards Committee will be postponed until February 2001.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on July 27, 2000.

Stacey L. Gerard,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 00–19607 Filed 8–2–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33894]

Gateway Western Railway Company—Trackage Rights Exemption—The Kansas City Southern Railway Company

The Kansas City Southern Railway Company (KCS) has agreed to grant non-exclusive overhead trackage rights to

Gateway Western Railway Company (GWWR) [1] over KCS'' rail line extending between milepost 5.59 near Airline Junction, MO, and milepost 29.49 near Grandview, MO, for a total distance of approximately 23.9 miles.[2]

The purpose of the trackage rights is to allow GWWR to access KCS'' new automotive and intermodal facility located at the former Richards Gebaur Airport south of Kansas City, avoiding interchange costs and delays and allowing enhanced train scheduling and equipment utilization.

The transaction was scheduled to be consummated on or shortly after July 26, 2000.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 33894, 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, one copy of each pleading must be served on Robert K. Dreiling, Esq., The Kansas City Southern Railway Company, 114 West Eleventh Street, Kansas City, MO 64105.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: July 27, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–19781 Filed 8–2–00; 8:45 am]

BILLING CODE 4915–00–P

[1] KCS and GWWR are commonly controlled and affiliated railroad companies. *See Kansas City Southern Industries, Inc., KCS Transportation Company, and The Kansas City Southern Railway Company—Control—Gateway Western Railway Company and Gateway Eastern Railway Company*, STB Finance Docket No. 33311 (STB served May 1, 1997).

[2] A redacted version of the trackage rights agreement between KCS and GWWR was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. A protective order was served July 27, 2000.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 24, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 5, 2000 to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0004.
Form Number: PD F 1522.
Type of Review: Extension.
Title: Special Form of Request for Payment of United States Savings and Retirement Securities Where Use of a Detached Request is Authorized.
Description: PD F 1522 is used to request payment of United States Savings and Retirement Securities.
Respondents: Individuals or households.
Estimated Number of Respondents: 56,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 14,000 hours.

OMB Number: 1535–0005.
Form Number: PD F 3253.
Type of Review: Extension.
Title: Exchange Application for United States Savings Bonds of Series HH.
Description: PD F 3253 is used by owners of Series EE/E bonds or notes to request exchange for Series HH bonds.
Respondents: Individuals or households.
Estimated Number of Respondents: 60,000.
Estimated Burden Hours Per Respondent: 40 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 39,960 hours.

OMB Number: 1535–0006.
Form Number: PD F 2458.
Type of Review: Extension.
Title: Certificate of Entitlement United States Savings and Retirement Securities and Checks After Administration of Decedent's Estate.
Description: PD F 2458 is used to establish who is entitled to Savings Bonds/Notes after the estate of a decedent has been settled.
Respondents: Individuals or households.
Estimated Number of Respondents: 7,000.
Estimated Burden Hours Per Respondent: 8 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 938 hours.

OMB Number: 1535–0008.
Form Number: PD F 1938.
Type of Review: Extension.
Title: Request for Reissue of United States Savings Bonds/Notes During the Lives of Both Coowners.
Description: PD F 1938 is used to request reissue of Savings Bonds/Notes during the lives of both coowners.
Respondents: Individuals or households.
Estimated Number of Respondents: 37,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 6,179 hours.

OMB Number: 1535–0014.
Form Number: PD F 1025.
Type of Review: Extension.
Title: Application for Relief on Account of Loss, Theft, or Destruction of United States Registered Securities.
Description: PD F 1025 is used to support a request for relief because of the loss, theft, or destruction of United States Registered Securities.
Respondents: Individuals or households.
Estimated Number of Respondents: 500.
Estimated Burden Hours Per Respondent: 55 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 460 hours.

OMB Number: 1535–0015.
Form Number: PD F 1022.
Type of Review: Extension.
Title: Report/Application for Relief on Account of Loss, Theft or Destruction of United States Securities (Organizations).
Description: PD F 1022 is used to obtain relief for lost, stolen or destroyed bearer securities.
Respondents: Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Respondent: 55 minutes.
Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 92 hours.

OMB Number: 1535–0016.
Form Number: PD F 1022–1.
Type of Review: Extension.
Title: Report Application for Relief on Account of Loss, Theft, or Destruction of United States Bearer Securities (Individuals).
Description: PD F 1022–1 is used to request relief because of the loss, theft or destruction of bearer securities.
Respondents: Individuals or households.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Respondent: 55 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 92 hours.

OMB Number: 1535–0067.
Form Number: PD F 0974.
Type of Review: Extension.
Title: Certificate by Owner of the United States Registered Securities Forged Requests for Payment or Assignments.
Description: PD F 0974 is used by owners of United States Securities to certify that they signature was forged to request for payment or an assignment.
Respondents: Individuals or households.
Estimated Number of Respondents: 3,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 750 hours.

OMB Number: 1535–0098.
Form Number: PD F 3062–4.
Type of Review: Extension.
Title: Claim for Relief on Account of the Nonreceipt of United States Savings Bonds.
Description: PD F 3062–4 is an application for owner to request a substitute bond in lieu of bonds not received.
Respondents: Individuals or households.
Estimated Number of Respondents: 30,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 5,010 hours.

OMB Number: 1535–0101.
Form Number: PD F 0345.
Type of Review: Extension.
Title: Description of Registered Securities.
Description: This form is used to identify an owner's registered securities.
Respondents: Individuals or households.
Estimated Number of Respondents: 5,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden Hours: 1,250 hours.
Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 00–19688 Filed 8–2–00; 8:45 am]
BILLING CODE 4810–40–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 25, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 5, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1359.
Regulation Project Number: INTL–978–86 NPRM.
Type of Review: Extension.
Title: Information Reporting by Passport and Permanent Residence Applicants.
Description: The regulations require applicants for passports and permanent residence status to report certain tax information on the applications. The regulations are intended to give the Service notice of non-filers and of persons with foreign source income not subject to normal withholding, and to notify such persons of their duty to file U.S. tax returns.
Respondents: Individuals or households.
Estimated Number of Respondents: 5,500,000.
Estimated Burden Hours Per Respondent: 30 minutes.
Estimated Total Reporting Burden: 750,000 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 00–19689 Filed 8–2–00; 8:45 am]
BILLING CODE 4830–01–P

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Federal Register

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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.

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- Intermediaries of commodity interest transactions; regulatory framework; comments due by 8-7-00; published 6-22-00
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- Assistance to States for education of children with disabilities; comments due by 8-8-00; published 5-10-00

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Air quality implementation plans; approval and promulgation; various States:
- Rhode Island; comments due by 8-11-00; published 7-12-00

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- Respirable coal mine dust; concentration determination; hearings; comments due by 8-7-00; published 7-7-00

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Migratory bird hunting:
Seasons, limits, and shooting hours; establishment, etc.
Meetings; comments due by 8-10-00; published 7-31-00

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:
Aliens—
Detention of aliens ordered removed; comments due by 8-11-00; published 8-1-00

LABOR DEPARTMENT

Mine Safety and Health Administration

Coal mine safety and health:
Respirable coal mine dust; concentration determination; hearings; comments due by 8-7-00; published 7-7-00
Samples used to determine respirable dust level; procedures revocation; comments due by 8-7-00; published 7-7-00

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act; implementation; comments due by 8-11-00; published 6-12-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Aircraft products and parts; certification procedures:
Changed products; type certification procedures; comments due by 8-7-00; published 6-7-00
Airworthiness directives:
Boeing; comments due by 8-11-00; published 6-27-00
Learjet; comments due by 8-11-00; published 6-27-00
MD Helicopters, Inc.; comments due by 8-7-00; published 6-6-00
Raytheon; comments due by 8-11-00; published 6-14-00
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Transport category airplanes—
Powerplant installations; fire protection requirements; comments due by 8-11-00; published 6-12-00

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:
Walla Walla Valley and Columbia Valley, WA; boundary revision; comments due by 8-7-00; published 6-6-00

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 3544/P.L. 106–250

Pope John Paul II Congressional Gold Medal Congressional Gold Medal Act (July 27, 2000; 114 Stat. 622)

H.R. 3591/P.L. 106–251

To provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation. (July 27, 2000; 114 Stat. 624)

H.R. 4391/P.L. 106–252

Mobile Telecommunications Sourcing Act (July 28, 2000; 114 Stat. 626)

H.R. 4437/P.L. 106–253

Semipostal Authorization Act (July 28, 2000; 114 Stat. 634)

Last List July 28, 2000

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