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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: September 13, 2000, at 9:00 a.m.

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

RESERVATIONS: 202–523–4538

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 65, No. 158
Tuesday, August 15, 2000

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 274

[Amendment No. 384]

RIN: 0584–AC91

Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to implement legislation requiring interoperability of Food Stamp Program Electronic Benefit Transfer (EBT) Systems and portability of electronically-used benefits nationwide. The rule revises Food Stamp Program regulations to ensure that recipients can use their electronic food stamp benefits across state borders by requiring interoperable state electronic issuance systems. The regulations establish uniform national standards to achieve this requirement. One hundred percent Federal funding is available to pay for the operational cost of this functionality, up to a national annual limit of $500,000. Costs beyond this level will be covered at the standard fifty percent program reimbursement rate for State administrative costs.

DATES: This interim rule is effective September 19, 2000. Comments must be received on or before November 13, 2000, to be assured of consideration.

ADDRESSES: Comments should be submitted to Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302. Comments may also be data-faxed to the attention of Mr. Cohen at (703) 605–0232, or by e-mail to jeff.cohen@fns.usda.gov. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 718.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Mr. Cohen at the above address or by telephone at (703) 305–2517.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

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

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Samuel Chambers, Jr., Administrator for the Food, Nutrition, and Consumer Service, has certified that this interim final rule will not have a significant economic impact on a substantial number of small entities. State agencies and their EBT service providers will be the most affected to the extent that they administer or operate EBT services for Food Stamp Program benefit delivery.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Food and Nutrition Service (FNS) is publishing for public comment a summary of new information collection being required by interim regulations. The collection has been submitted to the Office of Management and Budget (OMB) for emergency approval by September 18, 2000.

Comments on this document must be received by September 14, 2000. The 60-day period normally allowed for comment on a proposed collection of information has been shortened to the minimum 30 days under the emergency approval process because a longer period would likely prevent the U.S. Department of Agriculture (Department) from meeting the statutory deadline enacted under Section 7(k)(4) of the Food Stamp Act of 1977 (FSA), as amended by the Electronic Benefit Transfer Interoperability and Portability Act of 2000, Public Law 106–171 (hereinafter ''Public Law 106–171'').

Send comments to Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for FNS, Washington, DC 20503. Please also send a copy of your comments to Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. For further information, or for copies of the information collection, please contact Mr. Cohen at the above address.

Comments are invited on: (a) Whether the collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of FNS'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 of other forms of information technology.

All responses to this document will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

For Further Information Contact: Jeffrey N. Cohen, (703) 305–2522.

Title: Interoperability Funding Agreement.

OMB Number: 0584–XXXX.

Type of Request: New collection.

Abstract: Under Public Law 106–171, the Secretary is required to ensure that electronic benefit transfer (EBT) systems

used for the issuance and redemption of Food Stamp Program (FSP) benefits are interoperable and that food stamp benefits are portable among all States by October 1, 2002, except where exemptions apply or a temporary waiver is granted. In addition, in accordance with the regulations promulgated by the Secretary, the Department is authorized to pay one hundred percent of the costs incurred by a State agency for switching and settling interstate food stamp transactions, up to an annual limit of $500,000 nationwide.

In this rule, the FSP regulations are being revised to require that State agencies requesting one hundred percent funding for interoperability costs sign an Interoperability Funding Agreement to comply with the administrative procedures established by the Department. The administrative procedures will be issued to State agencies under separate guidance and do not impose additional information collection burdens other than those announced in this notice or which are part of a collection currently approved for the Department by OMB. The signed agreement will serve as the obligating document, which will enable the Department to put aside funds for the fiscal year to pay for interoperability costs incurred by State agencies. The agreement must be signed annually because appropriations laws stipulate that funding for interoperability costs must be obligated to State agencies in the same fiscal year as such costs are incurred. This requirement will add a new information collection burden for State agencies with EBT systems that request enhanced funding for interoperability costs. The recordkeeping burden includes maintaining interoperability cost information and other documentation used to support requests for payment, including contractor bills and interoperability transaction records.

The estimated time to read, sign, and submit the Interoperability Funding Agreement is 0.5 hours per respondent. The estimated time to maintain interoperability cost information is .25 hours per respondent. Under Section 7(i) of the FSA (7 U.S.C. 2016(i)), a total of 53 State agencies are required to have statewide EBT systems by October 1, 2002. Two State agencies, Ohio and Wyoming, currently have Smart Card (off-line) food stamp EBT systems, which are currently exempt from the interoperability requirements of Public Law 106–171. Therefore, we estimate that, under nationwide EBT implementation, 51 State agencies will submit the agreement once a year to request enhanced funding for interoperability costs, for a total of 38.25 hours.

Estimates of Burden: We estimate the provisions of this interim final rule, as listed above, will take each State agency 0.75 hours on gathering, reporting, and maintaining information, for an overall burden of 38.25 hours annually.

Respondents: State agencies with EBT systems delivering Food Stamp Program benefits.

Estimated number of Respondents: 51 State agencies per year under nationwide EBT implementation.

Estimated number of Responses per respondent: One.

Estimated annual number of responses: 51.

Estimated Total Annual Burden on Respondents: 38.25 hours.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Dates'' paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the FSP, the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to section 11(e)(1) of the FSA (7 U.S.C. 2020(e)(1)) and regulations at 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to Section 14 of the FSA (7 U.S.C. 2023) and regulations at 7 CFR 276.7 (for rules related to non-quality control (QC) liabilities) or 7 CFR Part 283 (for rules related to QC liabilities); and (3) for Program retailers and wholesalers—administrative procedures issued pursuant to Section 14 of the FSA (7 U.S.C. 2023) and 7 CFR 278.8.

Public Law 104–4

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with the ''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 one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS 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 of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Public Comment

Public Law 106–171 authorizes Federal reimbursement, in accordance with regulations promulgated by the Secretary of Agriculture, of the costs incurred by State agencies for switching and settling interstate transactions after the date of enactment (February 11, 2000) and before October 1, 2002, for State agencies which use standards of interoperability and portability adopted by a majority of State agencies and for such costs incurred after September 30, 2002 for State agencies using the standards adopted in this rulemaking. These regulations establish uniform standards to facilitate interoperability and portability already adopted by a majority of State agencies and lay out the funding provisions and administrative procedures for State agencies to receive payment. In order for funding to be made available for this fiscal year, these rules must be made effective as soon as possible. If the Department were to use the standard rulemaking process, issuing a proposed rule to solicit comments prior to making the rule effective, it would be unlikely that a rule would be made effective prior to the end of this fiscal year and funds could not then be obligated for this year. For this reason, it has been determined for good cause, pursuant to 5 U.S.C. 553, that notice and prior public comment on this rule are impracticable and contrary to the public interest. The Department nevertheless is seeking public comment in order to improve the administration of the rule. All comments received will be analyzed, and any appropriate changes to the rule will be incorporated into the subsequent publication of the final rule.

Background

In this rule, the U.S. Department of Agriculture (Department) Food and Nutrition Service (FNS) is revising Food

Stamp Program (FSP) regulations to require interoperability of all State Food Stamp Electronic Benefit Transfer (EBT) Systems and portability of all electronically-issued benefits. This requirement is in accordance with the Electronic Benefit Transfer Interoperability and Portability Act of 2000, Public Law 106–171, (hereinafter ''Public Law 106–171'' which mandates nationwide interoperability of FSP EBT systems and portability of electronically-issued benefits and directs the Secretary to establish standards to accomplish this. In accordance with the regulations promulgated by the Secretary, the Department will pay one hundred percent of the costs incurred by a State agency for switching and settling transactions, up to an annual limit of $500,000 nationwide.

Electronic Benefit Transfer Issuance System Approval Standards—7 CFR 274.12

EBT Interoperability Requirements

Pursuant to section 7(i) of the FSA, all State agencies must implement EBT systems for the issuance of FSP benefits by October 1, 2002. Currently, the majority of State agencies have implemented EBT systems and most others are in some stage of planning. State agencies contract individually for EBT systems with EBT service providers. These contracts vary in duration. In addition to food stamp benefits, State agencies also contract for EBT systems which deliver benefits for several cash programs, such as Temporary Assistance for Needy Families (TANF) and State cash benefit programs. One State also uses EBT for the delivery of benefits of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Among State-administered benefit programs, only the FSP requires that State agencies change from paper to EBT systems and only the FSP has regulations addressing EBT.

Regulations promulgated April 1, 1992 (57 FR 11218) require food stamp EBT system interoperability between States only to the extent necessary to provide retailer access to recipients along State borders. The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (PRWORA), Public Law 104–193, encouraged the development of interoperable EBT systems but did not require it. As EBT systems evolved, some State agencies opted to require that their contractors provide interoperability within regional consortiums, but not necessarily nationwide.

On February 11, 2000, Public Law 106–171 was enacted to require State agencies to provide nationwide interoperable functionality in their EBT systems and portability for electronically-issued food stamp benefits. The purpose of this new requirement, among other things, is to enhance the flow of interstate commerce involving electronic transactions for food stamp benefits under a uniform national standard of interoperability and portability, thus enhancing service to benefit recipients. Section 7(k)(4) of the FSA, as added by Public Law 106–171, stipulates that, effective 30 days after these regulations are promulgated, any State agency entering into a new EBT contract must include provisions to implement interoperability and portability by October 1, 2002. This section further directs the Department to issue regulations which implement these provisions and establish standards to achieve interoperability and portability in order to qualify for one hundred percent federal funding subject to the $500,000 annual authorization level. Specific federal funding participation requirements are discussed in the ''funding'' section of this regulation.

The majority of State systems currently in use could be interoperable for both food stamps and cash by making some minor technical changes to their systems. However, most State agencies did not negotiate the cost of nationwide interoperability in their contracts. Therefore, if the law were to require interoperability midway through a contract for all State agencies, State and Federal governments could incur costs to retrofit existing EBT systems for interoperability. In order to avoid this, Public Law 106–171 amended the FSA to add section 7(k)(5), which exempts those State agencies with existing EBT system contracts that do not expire before October 1, 2002. At the same time, the statute does not preclude State agencies from modifying their contracts prior to their expiration dates to include interoperability and receive one hundred percent federal funding as specified in the ''funding'' section of this regulation. There are additional waiver provisions for State agencies with technical barriers to implementing interoperability by October 1, 2002, including those State agencies that operate Smart Card (off-line) EBT systems. The implementation section of the preamble provides more details on these waiver provisions.

System Standards for Interoperability

Public Law 106–171 directs the Secretary to establish a uniform national standard of interoperability and portability that is based on the standards used by a majority of State agencies. The required Departmental standards in this rule are based on the ''Quest Operating Rules'' (QUEST), which have already been adopted by a majority of State agencies. The QUEST rules set forth requirements to distribute government benefits under the QUEST service mark and form the basis for contractual agreements between the various stakeholders for State agencies that choose to adopt these rules. These rules were developed by the National Automated Clearing House Association (NACHA), a not-for-profit trade association that develops operating rules for various kinds of electronic payments.

In order to develop minimum standards that would be compatible with QUEST rules, the Department reviewed the QUEST rules thoroughly to determine which components of these rules were essential to ensure interoperability and portability of FSP EBT systems, without demanding unnecessary requirements of State agencies that have opted not to adopt the QUEST rules. The Department has determined that the following technical and non-technical standards are necessary to accomplish this goal: (1) Requiring the 8583 message format to standardize the information included in an EBT transaction message so that all EBT POS transaction messages are universally understood; (2) instituting Issuer Identification Number (IIN) requirements for EBT cards to facilitate transaction routing to the appropriate State authorization system, regardless of its point of origin; and (3) establishing minimum transaction sets for interoperable systems to ensure that specific types of transactions can be processed across State borders. In addition, language adapted from the QUEST rules is included in this interim rule to standardize the roles and responsibilities of State agencies or their prime contractors, designated agents, and third parties or terminal operators in the EBT system. There are also programmatic requirements which need to be adapted for interoperable circumstances. The specific standards are discussed below.

8583 Message Format

In an effort to facilitate EBT implementation for State agencies and other stakeholders, the Department developed a technical specification for

EBT food stamp transactions from a Point-Of-Sale (POS) terminal in October 1995. The purpose in creating this specification was to provide one standard POS/EBT system interface that retailers could use in multi-state retail operations. The specification was also essential to facilitate interstate transactions. The majority of State agencies operating EBT systems have already adopted this message format. The EBT specification is based on the International Organization for Standardization (ISO) 8583 which incorporates the specific requirements of an EBT system. It also serves to standardize the information that must be contained in the message format, a key piece of information being the FNS retailer authorization number.

For purposes of interoperability, standardization is critical to effectuating communications between a State agency's issuer and retailer/third party messages from sources outside the State EBT system area. If a standard message format is not adopted, a State agency or its designated agent(s) would have to maintain connections with all FNS retailers or their third parties across the country in order to accommodate interstate transactions. In October 1995, these specifications were published in draft form as part of the American National Standards Institute's (ANSI) standards and are available from the American Bankers' Association. The Department is requiring this standard message format for all EBT systems. This interim rule amends current regulations at 7 CFR 274.12(h) which require the State agency to ensure that EBT systems comply with POS technical standards established by the ANSI or the International Organization for Standardization (ISO) where applicable.

Issuer Identification Number (IIN) Requirements

In order for interoperability to occur, transactions must be routed to the appropriate State system for authorization, regardless of the transaction's point of origin. It is impractical from a system processing and cost perspective to require retailers or their third parties/transaction acquirers to have a direct connection to multiple State EBT systems. A system which prompts multiple connections for retailers and third parties would also be a departure from the commercial infrastructure model, which allows a transaction acquirer, as the entity which owns, operates, or controls the POS terminal(s), to manage their connections to the network based on maximizing efficiencies for their system traffic. Therefore, the Department is requiring that the Primary Account Number (PAN) on the State-issued EBT card be standardized to include State routing information. Many State agencies have already implemented this in order to allow interoperable transactions within a consortium of State EBT systems. Each State agency must obtain a number assigned by the American Bankers Association that identifies the State for purposes of transaction interchange. This number is commonly referred to as the IIN. The State agency or their prime contractor shall include the IIN as the first six digits of the PAN. The State agency or its prime contractor and other designated agents and terminal operators within the State EBT system must be able to recognize all State IIN numbers so that transactions are routed accordingly.

Interoperable Transaction Set Requirements

Current regulations at 7 CFR 274.12(h)(9) require that all EBT systems include the following minimum transaction capabilities: authorization or rejection of purchases, refunds or customer credits, voids or cancellations, key entered transactions, balance inquiries and settlement or close-out transactions. The Department is modifying this section to specify that the system must be able to complete these transactions across State borders nationwide in accordance with the standards specified in this interim rule at § 274.12 (h)(10).

The Department considered requiring manual transactions nationwide as well. In order to accomplish this, substantial standards beyond what are currently in the QUEST rules would need to be in place for handling manual vouchers. Even if standards are established for voucher processing, it will be very difficult to administer this across State borders. The critical issue is how retailers will obtain an authorization number for the transaction. There would most likely be an increased burden on training and help desk functions of EBT systems, since retailers would need to interface with virtually all State systems in order to obtain authorization information nationwide. Few, if any, third party processors currently support interoperable manual vouchers. When balancing the small percentage of these types of transactions that would occur against the burden to State agencies and retailers to implement this requirement, the Department has determined that it is neither necessary nor cost effective to require interoperable manual transactions nationwide at this time, except where necessary for border store access.

In addition to these specific technical standards, there are certain responsibilities delineated in the QUEST rules that are integral to interoperability. These responsibilities have been incorporated into the current regulations at 7 CFR 274.12(h). While the regulations assign these responsibilities to the State agency, State agencies may delegate these responsibilities to their EBT prime contractor, a designated agent of the prime contractor, or third parties/retailers as appropriate.

Other Associated Regulation Changes

There are also regulation changes needed to adapt FSP specific requirements to an interoperable EBT environment. These changes will ensure the integrity of EBT transactions in authorized FNS retailers for in-state transactions as well as interstate transactions, and update the border store and conversion policies for interoperability. Specific changes are as follows:

Use of the FNS REDE System: Current regulations at 7 CFR 274.12(e)(4) require that State agencies maintain a current listing of authorized FNS retailers in their EBT systems so that FSP clients can only redeem benefits at authorized retailers. In order to accomplish this, State agencies or their designated agents must obtain retailer authorization information provided by FNS in a timely fashion and follow up on actions taken regarding any disqualification or withdrawal by an authorized food retailer from the FSP within two business days after receipt. This had previously been a manual process. FNS Field Offices used telefaxing or e-mail to send store data to State agencies or their system operators. These manual procedures were subject to errors and cumbersome to manage. In addition, manual procedures were not conducive to an interoperable environment where multiple vendors must be alerted of retailer participation changes on a daily basis. Therefore, an automated system, referred to as Retailer Electronic Benefit Transfer (EBT) Data Exchange (REDE), was developed to improve the accuracy and efficiency of retailer operations overall. A detailed State-specific file, containing store name, address, firm type, and ownership information is provided by FNS so that the State agency or its EBT system operator can update retailer status information in its system and make the necessary equipment and connectivity arrangements. Additionally, REDE provides a complete national list of FNS

authorized stores to facilitate interstate transactions.

The Department is requiring that State agencies or their designated agent access and use REDE so that the files of FNS retailers are updated on a daily basis. The EBT operator in turn would activate or deactivate retailers' EBT connections in accordance with required timeframes, install or remove Point of Sale (POS) devices as appropriate, and make other necessary information changes to the retailer authorization listing. Use of REDE is required for all State EBT systems, regardless of whether the system is interoperable, in order to maximize the efficiency of retailer data exchange between FNS and the State agency. Most State agencies have already adopted use of the REDE files. In accordance with current regulations at 7 CFR 276.2(b)(7), the State agency is strictly liable for any benefits that are improperly issued as a result of failure to meet the requirements of this provision.

Border Store Requirements: In current regulations at 7 CFR 274.12(g)(4)(C), State agencies are required to equip retailers in border States with POS devices if client shopping patterns demonstrate that these stores are necessary for food stamp household access to food stamp retailers. In accordance with these regulations, State agencies review redemption patterns for benefit recipients bordering the EBT system area to determine if any out-of-state retailers are necessary for household access. POS equipment is deployed when necessary. These retailers must also be able to participate in the neighboring State EBT system via a manual voucher process in situations where the system is down or equipment is not deployed to the store due to a waiver.

These border store requirements continue to apply for all State agencies. State agencies are required to examine household shopping patterns in order to determine if there is a need for border store equipment; however, the need for such equipment should be significantly less with interoperability. In order to avoid confusion, the Department is clarifying the current regulations at 7 CFR 274.12(g)(4)(C) to more explicitly identify State agency responsibilities for border stores. In an interoperable EBT environment, where all FNS retailers are equipped with POS devices, the need to deploy equipment outside the State is limited to neighboring states that are not interoperable due to exemptions for technological barriers or temporary waivers. State agencies are required to deploy equipment in these situations if there are border stores necessary for client access. State agencies will also need to make accommodations for retailers in interoperable border States deemed necessary for client access by ensuring that procedures are in place to process manual vouchers in instances when the system is down or for those retailers that do not have POS equipment.

Benefit Conversion: Current regulations at 7 CFR 274.12(f)(6) require State agencies to convert electronic benefits to paper coupons for those households leaving the State. Nationwide interoperability and portability would eliminate the need for this requirement. However, there may be some instances where interoperability is not implemented and benefit conversion will still be necessary to provide clients access to their benefits if they relocate. Therefore, the Department is modifying this requirement so that benefit conversion is only required when a household is relocating to a State that is not interoperable with and where electronic benefits are not portable from the household's current State of residence.

Funding Provisions

Current regulations at 7 CFR 274.12(k) detail the funding arrangements and limitations of federal financial participation for FSP EBT systems. The Department is amending this section so that State agencies may receive one hundred percent federal funding for the costs incurred by a State agency for switching and settling all food stamp interstate transactions.

The total amount of one hundred percent funding available annually nationwide is limited to $500,000. Public Law 106–171 established this limit based on a study of interoperability fees conducted by NACHA. Fees were estimated based on knowledge of the pricing structure for various regional network gateway fees. While the statute does not give the Secretary authority to set fees for this service, an assessment of ''reasonableness'' would be part of the Department's review of a State agency's EBT contract. Such an assessment is in accordance with Departmental regulations at 7 CFR 3015.61(f) which states that ''Established procedures shall be used for determining the reasonableness, allowability and allocability of costs in accordance with cost principles. . . .'' The Department would expect these costs to be the incremental charges associated with the State agency's system operator for switching and settling transactions between States.

In accordance with Public Law 106–171, the Department will pay 100 percent of the costs incurred by a State agency for switching and settling transactions. In order to qualify for this enhanced funding, the State agency's EBT system must meet certain standards of interoperability and portability. The law makes the following distinction between two sets of standards for the short-term and long-term respectively: (1) State agencies must adhere to the standard of interoperability and portability adopted by a majority of State agencies to receive enhanced funding for the period from February 11, 2000 through September 30, 2002; and (2) State agencies must adhere to the standard of interoperability and portability adopted in this regulation to receive funding for interoperability costs incurred after September 30, 2002. Therefore, those State agencies that have adopted the QUEST operating rules are automatically eligible for the enhanced funding retroactive to enactment of the Pub. L. 106–171 on February 11, 2000. At the same time, several State agencies, while not members of QUEST, have adopted standards which establish identical or equivalent provisions to those established under the QUEST rules for their EBT operations. Therefore, if a State agency has not adopted the QUEST rules but has adopted comparable standards by another name which facilitate interoperability and portability of electronic benefits, FNS will review these standards to determine whether the State agency is eligible for retroactive funding and funding prior to October 1, 2002. Retroactive interoperability costs are eligible for enhanced funding with the caveat that State agencies cannot be reimbursed for such costs with funding obligated in subsequent fiscal years, because appropriations laws stipulate that funding for interoperability costs must be obligated to State agencies in the same fiscal year as such costs are incurred. After September 30, 2002, all State agencies that comply with the standards adopted in this regulation would be eligible for the one hundred percent funding, subject to the nationwide cap of $500,000 for each fiscal year.

In order to receive enhanced funding, State agencies must sign and submit to the Department an Interoperability Funding Agreement on an annual basis, indicating that the State agency agrees to comply with the administrative procedures established by the Department. The administrative

procedures will be issued by the Department under separate guidance.

The signed agreement will serve as the obligating document, which will enable the Department to set aside the funds needed to pay for 100 percent funding of interoperability costs incurred by State agencies during the fiscal year. The agreement should be submitted to the Department only if the State agency intends to request enhanced funding and must be submitted before or concurrent with the State agency's first request for payment, but no later than the last day of the fiscal year in which the interoperability costs are incurred. For example, for the first fiscal year, FY 2000, any State agency that wishes to request retroactive funding for costs incurred from February 11, 2000 through September 30, 2000 must submit the Funding Agreement before September 30, 2000. However, requests for payment may be submitted after this date, according to the quarterly schedule established by the Department at 7 CFR 274.12(K)(6)(iv) and described in the next paragraph.

State agencies approved to receive the enhanced funding through a contract modification approval must submit payment requests on a quarterly basis. Correspondingly, State agencies will be paid for their interoperability costs on a quarterly basis. Furthermore, because there is limited enhanced funding, it is important that requests for payments be based on actual costs. Requests for payments, therefore, must be submitted after the end of each quarter in which the interoperability costs were incurred. The due dates are February 15 (for the period October through December), May 15 (January through March), August 15 (April through June), and November 15 (July through September). If a request for payment is submitted at any time after the required date for the quarter in which the costs were incurred, the request will still be considered. However, because requests for payments will be processed only once every quarter, late requests will not be considered until all other requests submitted by the next required date are scheduled to be processed. If the $500,000 limitation is exceeded, federal financial participation would revert to the standard fifty percent program reimbursement rate and procedure. Since these interoperability costs and requests for payments are subject to audit, State agencies should maintain supporting documentation for these costs, including contractor bills and interoperability transaction records, for a minimum of three years in accordance with Departmental regulations at 7 CFR 3015.21 on record retention requirements.

Implementation

This rulemaking is effective September 14, 2000. Any new contract executed after October 16, 2000, must have provisions for interoperability and portability which include an implementation date for this functionality no later than October 1, 2002. State agencies entering into contracts before October 16, 2000, are not required to re-negotiate their EBT services contract to include interoperability and portability, even if the contract expires after the October 1, 2002 deadline; such State agencies are exempt from the requirement until they re-negotiate to extend the contract or re-procure a new EBT contract. However, this does not preclude a State agency from modifying their contract to include interoperability and portability prior to the end of their contract. In addition, Smart Card systems are exempt from the requirements of this regulation until such time as the Department determines a practicable technological method is available for interoperability with on-line EBT systems. State agencies with ongoing contracts or that operate Smart Card systems do not need to submit a waiver request to receive the exemption.

At the request of a State agency, the Department may provide one waiver to temporarily exempt the State agency from complying with the requirements of this regulation if the State agency adequately demonstrates that: (1) There are unusual technological barriers to the implementation of interoperability and portability; and (2) it is in the best interest of the food stamp program to grant the waiver. Any approved waivers must specify a date by which the State agency will achieve interoperability.

If the State agency has adopted standards for interoperability and portability adopted by a majority of State agencies prior to the effective date of this rulemaking, enhanced funding for interoperability costs is retroactive to the date of enactment of Public Law 106–171, which was signed into law on February 11, 2000 or the date of implementation of such standards, whichever is later.

List of Subjects

7 CFR Part 272

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

7 CFR Part 274

Administrative practice and procedure, Food stamps, Fraud, Grant programs-social programs, Reporting and recordkeeping requirements, State liabilities.

Accordingly, 7 CFR parts 272 and 274 are amended as follows:

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

Authority: 7 U.S.C. 2011–2036.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, paragraph (g)(162) is added to read as follows:

* * * * *

(g) Implementation. * * *

(162) *Amendment No. 384.* The provisions of Amendment No. 384 are effective September 14, 2000, and must be implemented as follows:

(i) Any new contract executed after October 16, 2000, must have provisions for interoperability and portability which include an implementation date for this functionality no later than October 1, 2002, except under the following circumstances:

(A) State agencies with contracts entered into before October 16, 2000, are not required to re-negotiate their EBT services contract to include interoperability and portability, even if the contract expires after the October 1, 2002 deadline; such State agencies are exempt from the interoperability requirement until they re-negotiate or re-procure their EBT contract.

(B) Smart Card systems are not required to be interoperable with other State EBT systems until such time that the Department determines a practicable technological method is available for interoperability with on-line EBT systems.

(ii) Enhanced funding is available for interoperability costs incurred after February 11, 2000, and before October 1, 2002, for State agencies which have implemented standards of interoperability and portability adopted by a majority of State agencies, and for such costs incurred after September 1, 2002, for State agencies that have adopted standards for interoperability and portability in accordance with this regulation at 7 CFR 274.12.

PART 274—ISSUANCE AND USE OF COUPONS

3. In § 274.12,

a. Paragraph (e)(4)(i) is revised;

b. Paragraph (f)(6)(i) is amended by removing the first sentence and adding in its place two new sentences;

c. Paragraph (g)(4)(ii)(C) is amended by adding three sentences after the third sentence;

d. Paragraph (h) introductory text is amended by adding a new sentence after the first sentence;

e. Paragraph (h)(9) is amended by adding a new sentence after the last sentence;

f. New paragraphs (h)(10) and (h)(11) are added; and

g. A new paragraph (k)(6) is added.

The revisions and additions read as follows:

§ 274.12 Electronic Benefit Transfer issuance system approval standards.

* * * * *

(e) * * *

(4) * * *

(i) Convey retailer authorization information provided by FNS to the system operator using the Retailer Electronic Benefit Transfer (EBT) Data Exchange (REDE) system. The State agency must access the REDE files to ensure that the FNS retailer files used to authorize valid EBT Food Stamp transactions are updated on a daily basis. Follow-up on actions taken regarding any disqualification or withdrawal by an authorized food retailer from the Food Stamp Program must occur within two business days after receipt;

* * * * *

(f) * * *

(6) * * *

(i) Households leaving an EBT State must be able to use their electronic benefits upon relocation. A State agency must convert these electronic benefits to paper coupons if a household is relocating to a State that is not interoperable and where electronic benefits are not portable from the household's current State of residence. * * *

* * * * *

(g) * * *

(4) * * *

(ii) * * *

(C) * * * The need to deploy equipment outside the State is limited to neighboring States that are not interoperable due to exemptions for technological barriers or temporary waivers. State agencies will also need to make accommodations for border stores in interoperable States that are deemed necessary for client access. To do so, State agencies must ensure that procedures are in place to process manual vouchers in instances when the system is down or for those retailers that do not have POS equipment. * * *

* * * * *

(h) * * * This includes the draft EBT ISO 8583 Processor Interface Technical Specifications contained in the ANSI standards, which delineates a standard message format for retailers and third parties. * * *

* * * * *

(9) * * * The system must be capable of completing this transaction set across State borders nationwide in accordance with standards specified in paragraph (h)(10) of this section.

(10) *Interoperability.* State agencies must adopt uniform standards to facilitate interoperability and portablilty nationwide. The term ''interoperability'' means the EBT system must enable a coupon issued in the form of an EBT card to be redeemed in any State. The term ''portablity'' means the EBT system must enable a coupon issued in the form of an EBT card to be used in any State by a household to purchase food at a retail food store or a wholesale food concern approved under the Food Stamp Act of 1977. The standards must include the following:

(i) *EBT System Connectivity.* State agencies are responsible for establishing telecommunications links, transaction switching facilities and any other arrangements with other State agencies necessary for the routing of interoperable transactions to such other State EBT authorization systems. State agencies are also responsible for facilitating the settlement of such interoperable transactions and the handling of adjustments. These connections need not be direct connections between State authorization systems but may be facilitated through agreements and linkages with other designated agents or third party processors. All State agencies must agree to the timing and disposition of disputes, error resolution, and adjustments in accordance with Department regulations at § 273.13(a), § 273.15(k) and paragraph (f) of this section. State agencies or their designated agents must draw funds from State food stamp accounts for food stamp benefits transacted by that State's food stamp recipients, regardless of where benefits were transacted.

(ii) *Message Format.* Each authorization system must use the International Organization for Standards (ISO) 8583 message format, modified for EBT, in a version mutually agreed to between the authorization agent and the party connected for all transactions. Each authorization system must process each financial transaction as a single message financial transaction, except for pre-authorized transactions and reversals, processed as paired transactions.

(iii) *Card Primary Account Number (PAN) Requirements.* Track 2 on each card shall contain the PAN. Each Government entity must obtain an Issuer Identification Number (IIN) from the American Banker's Association (ABA). The IIN should be included as the first six digits of the Primary Account Number. The PAN must comply with International Organization for Standards (ISO) 7812, Identification Cards—Numbering System and Registration Procedures for Issuer Identifiers. Each State agency must be responsible for generating, updating, and distributing IIN files of all States to each retailer, processor, or acquirer that is directly connected to the State's authorization system. Each terminal operator that uses a routing table for routing acquired transactions must, within seven calendar days of receiving an IIN routing table update, modify its routing tables to reflect the updated routing information.

(iv) *Third Party Processor Requirements.* Each Third Party Processor or terminal operator must have primary responsibility and liability for operating the telecommunications and processing system (including software and hardware) through which transactions initiated at POS terminals it owns, operates, controls or for which it has signed an agreement to accept EBT transactions, are processed and routed, directly or indirectly, to the appropriate State authorization system. Each terminal operator must maintain the necessary computer hardware and software to interface either directly with a State authorization system or with a third party service provider to obtain access to one or more State authorization systems. Each terminal operator must establish a direct or indirect telecommunications connection for the routing of transactions to the State authorization system or to a processor directly or indirectly connected to the State authorization system.

(v) *REDE File.* The State agency must ensure that their EBT system verifies FNS retailer numbers for all interstate transactions against the National REDE file of all FNS EBT retailers to validate these transactions.

(11) *Waivers.* The State agency may request a waiver from the Department for a temporary exemption from compliance with the requirements for interoperability and portability, as found in this section, if they can adequately demonstrate that: (1) There are unusual technological barriers to the implementation of interoperability; and (2) it is in the best interest of the FSP to grant the waiver. All waivers must specify a date by which the State agency

will achieve interoperability and portability.

* * * * *

(k) * * *

(6) State agencies may receive one hundred percent federal funding for the costs they incur for switching and settling all food stamp interstate transactions. For purposes of this section, the term ''switching'' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an EBT card in one State to the issuer of the card that is in another State; and the term ''settling'' means movement, and reporting such movement, of funds from an EBT card issuer located in one to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction. The total amount of one hundred percent funding available annually is limited to $500,000 nationwide. Once the $500,000 limitation is exceeded, federal financial participation reverts to the standard fifty percent program reimbursement rate and procedure. In order to qualify for this funding, the State agency must:

(i) adhere to the standard of interoperability and portability adopted by a majority of State agencies for interoperability costs incurred for the period from February 11, 2000 through September 30, 2002;

(ii) meet standards of interoperability and portability under subsections (e) and (h) for costs incurred after September 30, 2002;

(iii) sign and submit, in each fiscal year for which a State agency requests enhanced funding, an Interoperability Funding Agreement to comply with the administrative procedures established by the Department. The State agency must submit the signed agreement to the Department before the end of the fiscal year in which costs are incurred in order to qualify for payment for that fiscal year; and

(iv) submit requests for payment on a quarterly basis after the end of the quarter in which interoperability costs are incurred, in accordance with the Department's administrative procedures. Requests for payments shall be due February 15 (for the period October through December), May 15 (January through March), August 15 (April through June), and November 15 (July through September). Requests for payment submitted after the required date for a quarter shall not be considered until the following quarter, when such requests for payments are scheduled to be processed.

* * * * *

Dated: August 7, 2000.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 00–20543 Filed 8–14–00; 8:45 am]

BILLING CODE 3410–30–U

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

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

AGENCY: Small Business Administration.

ACTION: Final rule; correction.

SUMMARY: This is a technical correction to the final rule that the Small Business Administration (SBA) published in the **Federal Register** (65 FR 37689) on June 16, 2000. In that rule, the Small Business Administration established higher size standards in annual receipts for all of the construction industries including dredging, and for garbage and refuse collection, and refuse systems. SBA is providing below a replacement table for the one that was contained in that final rule. The table that was published on June 16, 2000 contained omissions that are significant and that SBA believes would be misleading if not corrected.

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

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

SUPPLEMENTARY INFORMATION: This is a technical correction to the final rule that the Small Business Administration (SBA) published in the **Federal Register** (65 FR 37689) on June 16, 2000. In that rule, the SBA established a size standard of $27.5 million in average annual receipts for all industries in General Building Contractors, Standard Industrial Classification (SIC) Major Group 15, and for all industries except Dredging and Surface Cleanup Activities in Heavy Construction Other Than Building Construction, SIC Major Group 16; $17.0 million for Dredging and Surface Cleanup Activities, part of SIC 1629, Heavy Construction, Not Elsewhere Classified (NEC); $11.5 million for all industries in Special Trade Contractors, SIC Major Group 17; and $10.0 million for Garbage and Refuse Collection, Without Disposal, part of SIC 4212, Local Trucking Without Storage, and Refuse Systems, SIC 4953. These size standards were published in the table without dollar signs for five of the receipt-based size standards. The omission of dollar signs for these industries will lead to businesses with receipt-based size standards believing that they have employee-based size standards. As a result, eligible businesses would consider themselves ineligible in many cases for SBA program assistance. This correction publishes a corrected table for the one that was contained in that final rule.

In rule FR Doc. 00–15258 published on June 16, 2000, (65 FR 37689) make the following correction:

§ 121.201 [Corrected]

1. On page 37694, in § 121.201, the table ''SIZE STANDARDS BY SIC INDUSTRY'' is corrected to read as follows:

§ 121.201 What size standards has SBA identified by Standard Industrial Classification codes?

* * * * *

SIZE STANDARDS BY SIC INDUSTRY

SIC code and description	Size standards in number of employees or millions of dollars
* * * * *	
Division C—Construction:	
Major Group 15—Building Construction—General Contractors and Operative Builders	$27.5
Major Group 16—Heavy Construction Other Than Building Construction—Contractors	$27.5
Except:	
1629 (Part) Dredging and Surface Cleanup Activities	$17.01
Major Group 17—Construction—Special Trade Contractors	$11.5
* * * * *	
Division E—Transportation, Communications, Electric, Gas, and Sanitary Services:	

SIZE STANDARDS BY SIC INDUSTRY—Continued

SIC code and description	Size standards in number of employees or millions of dollars
* * * * *	
4212 (Part) Garbage and Refuse Collection, Without Disposal	$10.0
* * * * *	
4953 Refuse Systems	$10.0

Footnotes:

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

* * * * *

Dated: August 7, 2000.

Gary M. Jackson,

Assistant Administrator for Size Standards.

[FR Doc. 00–20475 Filed 8–14–00; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–05–AD; Amendment 39–11853; AD 2000–15–20]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model A109A and A109A II helicopters. This AD requires radiographic inspections of the internal surface of each main rotor blade spar (spar) for corrosion. This AD is prompted by the discovery of corrosion on the internal surfaces of the spar in the area adjacent to the main rotor blade inertia balance weights. The actions specified by this AD are intended to prevent failure of a main rotor blade due to corrosion on the internal surface of the spar and subsequent loss of control of the helicopter.

DATES: Effective September 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605–222595. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for Agusta Model A109A and A109A II helicopters was published in the **Federal Register** on May 3, 2000 (65 FR 25692). That action proposed to require radiographic inspections of the upper and lower sides of each main rotor blade for spar corrosion. That action also proposed to require an initial radiographic inspection with recurring radiographic inspections at intervals not to exceed 24 months. If corrosion is detected at the STA 1354 centered radiographic inspection, removing the blade from service was proposed. If corrosion is detected at the STA 2825 centered radiographic inspection, additional inspections either by eddy current at intervals not to exceed 25 hours time-in-service (TIS) or by dye penetrant at intervals not to exceed 10 hours TIS were proposed.

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

The FAA estimates that 54 helicopters of U.S. registry will be affected by this AD. It will take approximately 10 work hours for the initial radiographic inspection and 4 work hours for each eddy current inspection per helicopter and the average labor rate is $60 per work hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $343,440 assuming every helicopter requires an eddy current inspection each month for a 24-month interval and assuming that no blade will need to be replaced.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2000–15–20 Agusta S.p.A.: Amendment 39–11853. Docket No. 2000–SW–05–AD.

Applicability: Model A109A and A109A II helicopters, with main rotor blade part number (P/N) 109–0103–01-(all dash numbers except P/N 109–0103–01–115), installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD.

The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of a main rotor blade due to corrosion on the internal surface of the spar and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS), perform a radiographic inspection of the upper and lower surfaces of each main rotor blade for internal corrosion on the spar in accordance with (IAW) Part I, paragraph 4, of Agusta Service Bulletin No. 109–111, dated October 14, 1999 (ASB).

(1) If no corrosion is detected, re-identify the blade by vibro-etching the letter ''R'' after the serial number on the nameplate.

(2) If corrosion is detected at the STA 1354 centered inspection, remove the affected blade from service before further flight.

(3) If corrosion is detected at the STA 2825 centered inspection, re-identify the blade by vibro-etching the letters ''RC'' after the serial number on the nameplate.

(b) After re-identifying a blade with the letter ''R'' after the serial number on the nameplate in accordance with paragraph (a)(1) of this AD, at intervals not to exceed 24 months, repeat the radiographic inspection IAW Part I, paragraph 4, of the ASB.

(1) If corrosion is detected at the STA 1354 centered inspection, remove the affected blade from service before further flight.

(2) If corrosion is detected at the STA 2825 centered inspection, re-identify the blade by vibro-etching the letter ''C'' after the letter ''R'' previously vibro-etched on the nameplate after the serial number.

(c) After re-identifying a blade with the letters ''RC'' after the serial number on the nameplate IAW paragraph (a)(3) or (b)(2) of this AD,

(1) At intervals not to exceed 24 months, repeat the STA 1354 centered radiographic inspection IAW Part I, paragraph 4.3 of the ASB, and

(2) Perform either:

(i) An eddy current inspection and, thereafter, at intervals not to exceed 25 hours TIS, repeat the eddy current inspection centered at STA 2825 in accordance with Part II, paragraph 1, of the ASB, or

(ii) A dye penetrant inspection and, thereafter, at intervals not to exceed 10 hours TIS, repeat the dye-penetrant inspection centered at STA 2825 IAW with Part II, paragraph 2, of the ASB.

(3) If corrosion is detected at the STA 1354 centered radiographic inspection or if a crack is detected at the STA 2825 centered eddy currant or dye penetrant inspection, remove the affected blade from service before further flight.

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

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

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

(f) The inspections and modifications shall be done in accordance with Part I, paragraph 4, and Part II, paragraph 1 or 2, of Agusta Service Bulletin No. 109–111, dated October 14, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the service bulletin may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605–222595. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 19, 2000.

Note 3: The subject of this AD is addressed in Registro Aeronautico Italiano (Italy) AD No. 99–413, dated October 19, 1999.

Issued in Fort Worth, Texas, on August 1, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–20185 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–329–AD; Amendment 39–11855; AD 2000–16–01]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 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 MD–90–30 series airplanes, that requires replacement of certain ground block screws with new screws; and retermination of the circuit ground wires of the electrical power control unit (EPCU) to separate grounding points. This amendment is prompted by reports of complete loss of the primary electrical power on an airplane during flight. The actions specified by this AD are intended to prevent a loose electrical ground block of the circuit ground wires of the EPCU, which could result in complete loss of the primary electrical power of an airplane during flight.

DATES: Effective September 19, 2000. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2–60). This information may be examined at the 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: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los-Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; 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 MD–90–30 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on June 12, 2000 (65 FR 36799). That action proposed to require replacement of certain ground block screws with new screws; and retermination of the circuit ground wires of the electrical power control unit (EPCU) to separate grounding points. That action also proposed to include additional airplanes in the applicability.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to the two comments received.

One commenter has no objection to the proposed rule. The other commenter states that it has partially complied with the proposed AD, and will be completed within the recommended compliance period.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 104 airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Parts will be procured from the operator's stock. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $1,260, or $60 per airplane.

The FAA also estimates that it will take approximately 1 work hour per airplane to accomplish the required retermination of the circuit ground wires of the EPCU, and that the average labor rate is $60 per work hour. Parts will be procured from the operator's stock. Based on these figures, the cost impact of the retermination required by this AD on U.S. operators is estimated to be $1,260, or $60 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, 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–16–01 McDonnell Douglas: Amendment 39–11855. Docket 99–NM–329–AD.

Applicability: Model MD–90–30 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD90–24A060, Revision 01, dated September 2, 1999 and McDonnell Douglas Service Bulletin MD90–24–062, dated February 3, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a loose electrical ground block of the circuit ground wires of the electrical power control unit (EPCU), which could result in complete loss of the primary electrical power of an airplane during flight, accomplish the following:

Replacement

(a) Within 30 days after the effective of this AD, replace the electrical ground block screws with new screws in accordance with McDonnell Douglas Alert Service Bulletin MD90–24A060, Revision 01, dated September 2, 1999.

Note 2: Accomplishment of the replacement of electrical ground block screws prior to the effective date of this AD in accordance with McDonnell Douglas Alert Service Bulletin MD90–24A060, dated July 28, 1999, is acceptable for compliance with the requirements of paragraph (a) of this AD.

Modification of the Electrical Power Control Unit

(b) Within 12 months after the effective date of this AD, reterminate the circuit ground wires of the EPCU to separate grounding points to ensure that a single point failure does not occur, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(e) The replacement shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD90–24A060, Revision 01, dated September 2, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 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.

(f) This amendment becomes effective on September 19, 2000.

Issued in Renton, Washington, on August 3, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–20242 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–44–AD; Amendment 39–11856; AD 2000–16–02]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney PW4164, PW4168, and PW4168A series turbofan engines. The current AD requires initial and repetitive torque checks for loose or broken bolts used to secure the engine to the airplane made from INCO 718 material (front pylon mount bolts). The current AD also requires the replacement of the bolts, if necessary, with new bolts, and establishes a new cyclic life limit for the front pylon mount bolt. This amendment adds requirements for initial and repetitive torque checks of front pylon mount bolts made from a new material, MP159, and initial and repetitive visual inspections of the primary mount thrust load path. This amendment is prompted by the use of front pylon mount bolts made from MP159 material and fatigue testing that shows that the forward engine mount bearing housings have insufficient fatigue life expectancy.

The actions specified by this AD are intended to prevent front pylon mount bolt and primary mount thrust load path failure, which could result in an engine separating from the airplane.

DATES: Effective date October 16, 2000. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 16, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8860, fax (860) 565-4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7130, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD–98–04–14, Amendment 39–10326 (63 FR 9730, February 26, 1998), applicable to Pratt & Whitney (PW) PW4164, PW4168, and PW4168A series turbofan engines was published in the **Federal Register** on March 24, 2000 (65 FR 15878). That action proposed to require, in addition to the requirements of the current AD, initial and repetitive torque checks of front pylon mount bolts made from MP159 material, and initial and repetitive visual inspections of the primary mount thrust load path.

Comments Received

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

Changes to the Required Actions

One comment suggests wording changes to the required actions in an effort to make them similar to the published service bulletins. The comment suggests that paragraph (a)(1) be modified to read ''* * *, with fewer than 1,000 cycles-since-new (CSN) on the effective date of this AD, * * *''.

The FAA agrees. The proposed initial and reptitive inspections for bolts made from INCO 718 material with 1,000 or fewer cycles in service (CSN) on the effective date of the AD were added in response to a comment received following the publication of the current AD. That comment pointed out that bolts with 1,000 or fewer CSN on the effective date of that AD have no initial or repetitive inspection requirement. Since the current AD address bolts with ''more than 1,000'' CSN, the proposal added the younger bolt population by using the term ''1,000 or fewer'' CSN. The comment merely asks the FAA to adjust the dividing line between those two populations of bolts to conform to the service bulletin. Therefore, subparagraph (a)(1) has been changed to read ''fewer than 1,000'' CSN and the subparagraph that defines the next older population of bolts has been changed to read ''1,000 or more'' CSN.

Another comment recommends that subparagraph (a)(1)(ii), which reads, ''Within 250 cycles-in-service (CIS) after the effective date of this AD,'' be deleted.

The FAA agrees. For the population of bolts that have fewer than 1,000 CSN on the effective date of the AD, the initial inspection is generally not required until after the bolt reaches 1,000 CSN. The only exception would be if the engine were removed for cause.

Another comment recommends that proposed subparagraph (a)(4)(ii) be changed to read ''thereafter, perform torque checks at intervals not less than 5,750 or greater than 6,250 CIS since last torque check, not to exceed 11,000 CSN.''

The FAA does not agree. The reinspection interval suggested is significantly different than the requirement proposed, which was to reinspect not less than 750 CIS or greater than 1,250 CIS since last torque check. The reinspection requirements for INCO 718 material bolts should be identical with the original AD published February 26, 1998, AD 98–04–14. The structure of the wording in the NPRM to supersede was inadvertently changed from the structure of the wording of the requirements of the original AD.

Another comment recommends that proposed paragraph (c), requiring inspections for bolts made from MP159 material, be revised to separate bolts into younger and older populations in the same manner as with bolts made from INCO 718 material.

The FAA agrees and has revised paragraph (c) to reflect two populations of bolts, those with fewer than 1,000 CSN on the effective date of the AD and those with 1,000 or more CSN on the effective date of the AD.

Another comment recommends that proposed paragraph (d), requiring inspections of the primary mount thrust load path, also reflect engines with fewer than 1,000 CSN on the effective date of the AD and those with 1,000 or more CSN on the effective date of the AD.

The FAA agrees and has revised paragraph (d) accordingly.

Lastly, a comment suggests that paragraph (d)(3) be changed to read ''prior to further flight, inspect and replace mount details in accordance with paragraph 4 of the accomplishment

instructions of the service bulletin, if the visual inspection indicates the secondary thrust load path was activated.''

The FAA agrees in part. The suggested wording is not specific as to what constitutes activation of the secondary thrust load path. The service bulletin uses the word ''damage'' while the proposed paragraph (d)(3) uses the word ''crack'' to be more specific. The FAA does not agree that the word ''crack'' should be replaced with the word ''damaged.'' The FAA agrees, however, that paragraph 4 of the accomplishment instructions of the service bulletin should be referenced in order to specify the manner in which cracked components must be replaced. That change has been made, but with a more specific citation to the SB referenced.

Concurrence With the Rule

Another comment expressed no objection to the proposed rule, as there should not be any adverse operational impact.

Other Changes to the Proposed Rule

A further review of the proposed rule has revealed the need for some additional minor changes that neither alter the scope of the rule nor change the substance of the required actions. Proposed paragraph (a)(2) provides repetitive inspections that were intended to be applicable for only those bolts inspected under paragraph (a)(1). Therefore, paragraph (a)(1) has been restructured to include both the initial and repetitive inspection requirements in a manner similar to proposed subparagraphs (a)(3) and (a)(4). Proposed subparagraph (a)(2) has been deleted and the remaining subparagraphs renumbered.

Also, proposed subparagraph (a)(5), which addresses bolts made from INCO 718 material that have 8,000 or more CSN on the effective date of the AD, has been deleted. The original AD and the NPRM included a requirement to accomplish a full system inspection as referenced in the Appendix of the SB. This requirement is not necessary because a full torque check of the bolts is required at 6,000 CSN and the bolts will be retired by 11,000 CSN. The full system inspection is part of the normal maintenance requirements for the airplane.

Conclusion

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

Economic Impact

There are approximately 75 engines of the affected design in the worldwide fleet. The FAA estimates that 10 engines installed on airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $18,832 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $190,120.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10326 (63 FR 9730, February 26, 1998) and by adding a new airworthiness directive, Amendment 39–11856, to read as follows:

2000–16–02 Pratt & Whitney: Amendment 39–11856. Docket 97–ANE–44–AD. Supersedes AD 98–04–14, Amendment 39–10326.

Applicability: Pratt & Whitney (PW) PW4164, PW4168, and PW4168A series turbofan engines, with front pylon mount bolts, part numbers (P/Ns) 54T670 or 51U615, installed. These engines are installed on but not limited to Airbus Industrie A330 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 front pylon mount bolt and primary mount thrust load path failure, which could result in engine separation from the airplance, accomplish the following:

INCO 718 Material Bolts Torque Checks

(a) Perform initial and repetitive torque checks of INCO 718 material front pylon mount bolts, P/N 54T670, and replace, if necessary, with new bolts, in accordance with the Accomplishment Instructions of Pratt & Whitney (PW) Alert Service Bulletin (ASB) No. PW4G–100–A71–9, Revision 1, dated November 24, 1997, as follows:

(1) For front pylon mount bolts, P/N 54T670, with fewer than 1,000 cycles-in-service-since-new (CSN) on the effective date of this AD, accomplish the following in accordance with Part (A) of the Accomplishment Instructions of the SB:

(i) Perform an initial torque check prior to accumulating 1,250 CSN or at the next engine removal for cause, whichever occurs first.

(ii) Thereafter, perform torque checks at intervals not fewer than 750 or greater than 1,250 cycles in service (CIS) since last torque check, not to exceed 11,000 CSN.

(2) For front pylon mount bolts, P/N 54T670, with 1,000 or more CSN but fewer than 5,750 CSN on the effective date of this AD, accomplish the following in accordance with Part (A) of the Accomplishment Instructions of the SB:

(i) Perform an initial torque check within 250 CIS after the effective date of this AD, or

at the next engine removal for any cause, whichever occurs first.

(ii) Thereafter, perform torque checks at intervals not fewer than 750 or greater than 1,250 CIS since last torque check, not to exceed 11,000 CSN.

(3) For front pylon mount bolts, P/N 54T670, with 5,750 or more CSN on the effective date of this AD, accomplish the following in accordance with Part (B) of the Accomplishment Instructions of the SB:

(i) Perform an initial torque check within 250 CIS after the effective date of this AD, or prior to the next engine removal for any cause, whichever occurs first.

(ii) Thereafter, perform torque checks at intervals not fewer than 750 or greater than 1,250 CIS since last torque check, not to exceed 11,000 CSN.

(4) Prior to further flight, replace all four bolts in accordance with Part (A), Paragraph 1(D) of the Accomplishment Instructions of the SB, if any of the bolts are loose or broken.

INCO 718 Material Bolts Life Limit

(b) This AD establishes a new life limit of 11,000 CSN for front pylon mount bolts, P/N 54T670. Except as provided in paragraph (e) of this AD, no front pylon mount bolts, P/N 54T670, may exceed this new life limit after the effective date of this AD.

MP159 Material Bolts Inspections

(c) Perform initial and repetitive torque inspections of front pylon mount bolts, P/N 51U615, in accordance with the Accomplishment Instructions of PW ASB PW4G–100–A71–20, dated December 9, 1999, as follows:

(1) For front pylon mount bolts with fewer than 1,000 CSN on the effective date of this AD, perform the initial torque inspection at the earlier of the following:

(i) Before accumulating 1,250 CSN, or

(ii) The next engine removal for any cause.

(2) For front pylon mount bolts with 1,000 or more CSN on the effective date of this AD, perform the initial torque check at the earlier of the following:

(i) Within 250 CIS after the effective date of this AD, or

(ii) The next engine removal for any cause.

(3) Thereafter, perform torque inspections at intervals not fewer than 750 or greater than 1,250 CIS since last torque inspection.

(4) Prior to further flight, replace all four bolts, in accordance with Paragraph 1(D) of the Accomplishment Instructions of the ASB, if any are loose or broken.

Primary Mount Thrust Load Path Inspections

(d) Perform initial and repetitive visual inspections of the primary mount thrust load path, in accordance with the Accomplishment Instructions of PW ASB PW4G–100–A71–18, Revision 1, dated December 9, 1999, as follows:

(1) For forward engine mount assemblies with fewer than 1,000 CSN on the effective date of this AD, perform the initial visual inspection at the earlier of the following:

(i) Before accumulating 1,250 CSN, or

(ii) The next engine removal for any cause.

(2) For forward engine mount assemblies with 1,000 or more CSN on the effective date of this AD, perform the initial visual inspection at the earlier of the following:

(i) Within 250 CIS after the effective date of this AD, or

(ii) The next engine removal for any cause.

(3) Thereafter, perform visual inspections at intervals not fewer than 750 or greater than 1,250 CIS since last visual inspection.

(4) Prior to further flight, replace all cracked parts with serviceable parts and inspect the primary thrust load path components in accordance with Paragraph 4 of the accomplishment instructions of the SB.

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

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

Special Flight Permits

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

Incorporation by Reference

(g) The inspection shall be done in accordance with the following PW ASBs:

Document No.	Pages	Revision	Date
PW4G–100–A71–9	11	Rev. 1	November 24, 1997
PW4G–100–A71–20	10		December 9, 1999
PW4G–100–A71–18	12	Rev. 1	December 9, 1999

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8860, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

This amendment becomes effective on October 16, 2000.

Issued in Burlington, Massachusetts, on August 1, 2000.

David A. Downey,

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

[FR Doc. 00–20241 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–57–AD; Amendment 39–11859; AD 2000–16–05]

RIN 2120–AA64

Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, 269C–1, 269D, and TH–55A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Schweizer Aircraft Corporation (Schweizer) Model 269A, 269A–1, 269B, 269C, 269C–1, 269D helicopters. That AD requires inspecting the tail rotor swashplate shaft (shaft) nut for looseness and, if loose, inspecting the shaft for proper size; subsequently inspecting the shafts not previously inspected; and replacing any undersized shaft prior to further flight. This amendment reduces the applicability by specifying certain serial number tail rotor pitch control (pitch control) assemblies and shipping dates but adds the Schweizer Model TH–55A helicopter to the applicability. This amendment is prompted by the discovery of an undersized replacement shaft during routine maintenance. The actions specified by this AD are intended to prevent failure of the shaft, loss of the tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective September 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 2000.

ADDRESSES: The service information referenced in this AD may be obtained

from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: George Duckett, Aviation Safety Engineer, FAA, New York Aircraft Certification Office, Airframe and Propulsion Branch, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581, telephone (516) 256–7525, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–17–10, Amendment 39–11258 (64 FR 44823, August 18, 1999), which applies to Schweizer Model 269A, 269A–1, 269B, 269C, 269C–1, 269D, and TH–55A helicopters, was published in the **Federal Register** on May 9, 2000 (65 FR 26781). That action proposed to require inspecting the shaft nut, part number (P/N) 269A6258, for looseness; inspecting the shaft, P/N 269A6049–3, for proper size; and replacing any undersized shaft with an airworthy shaft of the proper size for helicopters with equipment installed as follows:

• Shaft, P/N 269A6049–3, shipped from the factory between September 1 and December 1, 1998, and installed after the helicopter was manufactured, or

• Pitch control assembly, P/N 269A6050–5, with serial number with an ''S'' prefix and number 1047 through 1061.

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

The FAA estimates that 28 helicopters of U.S. registry will be affected by this AD. For each helicopter, it will take approximately 0.25 work hours to accomplish the 10-hour inspection and 3.6 work hours to accomplish the inspection and replacement, if necessary, at the 100-hour or annual inspection interval. The average labor rate is $60 per work hour. Required parts will cost approximately $1400 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $45,668.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11258 (64 FR 44823, August 18, 1999), and by adding a new airworthiness directive (AD), Amendment 39–11859, to read as follows:

2000–16–05 Schweizer Aircraft Corporation: Amendment 39–11859. Docket No. 99–SW–57–AD. Supersedes AD 99–17–10, Amendment 39–11258, Docket No. 99–SW–31–AD.

Applicability: Model 269A, 269A–1, 269B, 269C, 269C–1, 269D and TH–55A helicopters, with a tail rotor swashplate shaft (shaft), part number (P/N) 269A6049–3, or a tail rotor pitch control assembly (pitch control), P/N 269A6050–5, with a serial number (S/N) with an ''S'' prefix and number 1047 through 1061, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shaft, loss of the tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS);

(1) Determine whether the factory-installed shaft, part number (P/N) 269A6049–3, has been replaced with a shaft shipped from the factory between September 1 and December 1, 1998, inclusive, or if a pitch control, P/N 269A6050–5, with a S/N with an ''S'' prefix and numbers 1047 through 1061 is installed.

(2) If the factory ship date for a replacement shaft cannot be positively determined, if the shipping date was between September 1 and December 1, 1998, inclusive, or if the pitch control S/N has an ''S'' prefix and number 1047 through 1061,

(i) Before further flight and thereafter at intervals not to exceed 10 hours TIS, accomplish ''Procedure, Part I,'' of Schweizer Service Bulletins B–271.1 for Models 269A, 269A–1, 269B, 269C and TH–55A helicopters; C1B–009.1 for the Model 269C–1, or DB–007.1 for the Model 269D, all dated October 14, 1999 (SB), as applicable.

(ii) At the next scheduled 100-hour or annual inspection, whichever occurs first, accomplish Part II, paragraphs a. through d., of the applicable SB. Shafts not meeting the requirements of paragraph d. of the applicable SB must be replaced with an airworthy shaft prior to further flight.

(b) Before installing a replacement shaft, determine the date the shaft was shipped from the factory. If the date was between September 1 and December 1, 1998, inclusive, or cannot be determined, accomplish the inspections required by Part II, paragraph d., of the applicable SB prior to installation. Replace any unairworthy shaft with an airworthy shaft.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

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

(e) The inspections and modifications shall be done in accordance with ''Procedure, Parts I and II,'' paragraphs a. through d., of Schweizer Service Bulletins B–271.1, C1B–009.1, or DB–007.1, all dated October 14, 1999, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on September 19, 2000.

Issued in Fort Worth, Texas, on August 2, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–20405 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–42–AD; Amendment 39–11858; AD 2000–16–04]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for BHTC Model 430 helicopters. That AD currently requires inspecting all four main rotor adapter assemblies for evidence of flapping and lead-lag contact. That AD also requires installing a never-exceed-velocity (VNE) placard with markings on the airspeed indicator glass and instrument case and revising the rotorcraft flight manual (RFM) to reflect the airspeed revision. This amendment provides mandatory terminating action for requirements of that AD by replacing the fluidlastic damper blade sets with improved sets that incorporate a pressure indicator to detect loss of damper fluid. This amendment is prompted by the need for a positive means of detecting loss of damper fluid that could result in main rotor tip path plane separation. The actions specified by this AD are intended to prevent increased vibrations, damage to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective September 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 2000.

The incorporation by reference of Bell Helicopter Textron Canada Alert Service Bulletin 430–97–2, dated July 11, 1997, listed in the regulations, was approved previously by the Director of the Federal Register as of October 24, 1997 (62 FR 52653, October 9, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–15–16, Amendment 39–10152 (62 FR 52653, October 9, 1997), which applies to BHTC Model 430 helicopters, was published in the **Federal Register** on May 9, 2000 (65 FR 26783). That action proposed a mandatory terminating action for the requirements of AD 97–15–16 of replacing the fluidlastic damper blade sets with improved sets that incorporate a pressure indicator to detect loss of damper fluid.

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

The FAA estimates that 7 helicopters of U.S. registry will be affected by this AD, that it will take approximately 11 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $122,945 per set of 4. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $865,235 to replace the damper blade sets in the entire fleet.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10152 (62 FR 52653, October 9, 1997), and by adding a new airworthiness directive (AD), Amendment 39–11858, to read as follows:

2000–16–04 Bell Helicopter Textron Canada: Amendment 39–11858. Docket No. 99–SW–42–AD. Supersedes AD 97–15–16, Amendment 39–10152, Docket No. 97–SW–24–AD.

Applicability: Model 430 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability

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

Compliance: Required as indicated, unless accomplished previously.

To prevent tip path plane separation, increased vibrations, damage to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Inspect all four main rotor adapter assemblies for flapping contact between the adapter liners and the upper stop assembly plugs. Refer to Figures 1, 2, and 3 of the Accomplishment Instructions of Bell Helicopter Textron Canada (BHTC) Alert Service Bulletin (ASB) No. 430–97–2, dated July 11, 1997. Flapping contact is indicated by the scrubbing (or smudging) of the adapter liner surface, characteristic of relative motion between the surfaces of the adapter lines and upper stop assembly plugs.

(2) Inspect all four main rotor adapter assemblies for lead-lag contact between the adapter pads and the yoke assembly. Refer to Figures 1 and 2 of the Accomplishment Instructions of BHTC ASB No. 430–97–2, dated July 11, 1997. Lead-lag contact is indicated by a permanent indentation or split in the surface of the adapter pads.

(3) If the inspections in paragraphs (a)(1) or (a)(2) of this AD reveal that there has been contact, inspect and replace the main rotor yoke and stop assemblies in accordance with Part I, No. 3 of the Accomplishment Instructions of BHTC ASB No. 430–97–2, dated July 11, 1997, except return of any damaged upper stops to the manufacturer is not required.

(4) For helicopters with skid landing gear or retractable landing gear, remove the existing never-exceed-velocity (VNE) placard from the overhead console and install VNE placard, P/N 430–075–208–107, or P/N 430–075–208–109, as applicable, in accordance with Part II, of the Accomplishment Instructions of BHTC ASB No. 430–97–2, dated July 11, 1997.

(5) Install on each airspeed indicator a red arc between 120 knots and 150 knots to indicate that airspeeds above 120 knots indicated airspeed are prohibited. Install a slippage mark on each airspeed indicator glass and instrument case.

(6) Insert the temporary revisions, BHT–430–FM–1 and BHT–430–FMS–1, as appropriate, both dated July 7, 1997, into the rotorcraft flight manual.

(b) Within 100 hours time-in-service,

(1) Remove the fluidlastic damper blade set, P/N 430–310–100–101 or 430–310–107–101 in accordance with the Accomplishment Instructions of ASB 430–97–4, dated December 19, 1997, Part 1, steps 1 through 5, and install damper blade set, P/N 430–310–104–105, in accordance with the Accomplishment Instructions, Part I, of BHTC ASB 430–98–8, dated December 31, 1998.

(2) Return pilot and copilot airspeed indicators to their original configuration by removing the markings specified by paragraph (a)(5) of this AD.

(3) Remove the temporary revisions, BHT 430–FM–1 or BHT–430–FMS–1, as appropriate, both dated July 7, 1997. Insert the temporary revisions, BHT–430–FM–1, or BHT–430–FMS–1, as appropriate, both dated December 11, 1998, into the rotorcraft flight manual.

(c) If paragraph (b)(1) was previously accomplished by installation of fluidlastic damper blade set, P/N 430–310–104–103, remove fluidlastic damper blade set, P/N 430–310–104–103, and install fluidlastic damper blade set, P/N 430–310–104–105, in accordance with the Accomplishment Instructions of BHTC ASB 430–98–8, dated December 31, 1998.

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

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

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

(f) The main rotor adapter assembly inspections and replacement and the placard modifications shall be done in accordance with Part I, No. 3, and Part II of the Accomplishment Instructions and references to Figures 1, 2, and 3 in Bell Helicopter Textron Canada Alert Service Bulletin No. 430–97–2, dated July 11, 1997. The incorporation by reference of that document was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of October 24, 1997 (62 FR 52653, October 9, 1997). The removal of certain fluidlastic damper blade sets shall be done in accordance with the Accomplishment Instructions of Bell Helicopter Textron Canada Alert Service Bulletin 430–97–4, dated December 19, 1997, Part 1, steps 1 through 5. The removal and installation of certain damper blade sets shall be done in accordance with the Accomplishment Instructions of Bell Helicopter Textron Canada Alert Service Bulletin No. 430–98–8, dated December 31, 1998. The incorporation by reference of those documents was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 19, 2000.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF–97–23R1, dated March 30, 1999.

Issued in Fort Worth, Texas, on August 2, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–20403 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–49–AD; Amendment 39–11865; AD 2000–13–03 R1]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to certain McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration. That AD currently 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. That AD also requires, among other actions, modification of the hydraulic and indication systems of the main deck cargo door, and installation of a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. This document corrects an error that resulted in the omission of a note, which informs operators of an alternative approved means of compliance for certain requirements. This correction is necessary to ensure operators are informed of this approved means of compliance.

EFFECTIVE DATE: August 1, 2000.

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: On June 21, 2000, the Federal Aviation Administration (FAA) issued AD 2000–13–03, amendment 39–11802 (65 FR 39539, June 27, 2000), which applies to certain McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration. That AD 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. That AD also requires, among other actions, modification of the hydraulic and indication systems of the main deck cargo door, and installation of a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. That AD was prompted by the FAA's determination that certain main deck cargo door systems do not provide an adequate level of safety, and that there is no means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. The actions required by that 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.

Need for the Correction

The FAA inadvertently omitted a note in the final rule that reads, ''[i]nstallation of National Aircraft Service, Inc. (NASI) Vent Door System STC ST01244CH, is an approved means of compliance with the requirements of paragraph (c) of this AD.'' Therefore, the FAA has determined that a correction to AD 2000–13–03 is necessary to inform operators of this approved means of compliance.

Correction of Publication

This document corrects the error and correctly adds the AD as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains August 1, 2000.

Since this action only corrects, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

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 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2000–13–03 R1 McDonnell Douglas: Amendment 39–11865. Docket 2000–NM–49–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) SA1063SO; 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 SA1063SO 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;

(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 ST01244CH, 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) The effective date of this amendment remains August 1, 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 August 9, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–20650 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

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

EFFECTIVE DATE: September 1, 2000.

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

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

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

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

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 7.00 percent for the first 25 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent a decrease (from those in effect for August 2000) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 5.25 percent for the period during which a benefit is in pay status, 4.50 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. These interest assumptions represent no change from those in effect for August 2000.

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

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

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

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

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

List of Subjects

29 CFR Part 4022

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

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

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

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

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

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

2. In appendix B to part 4022, Rate Set 83, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
83	9–1–00	10–1–00	5.25	4.50	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 83, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
83	9–1–00	10–1–00	5.25	4.50	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

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

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

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* *	*		*	*		
September 2000	.070	1–25	.0625	25	N/A	N/A

Issued in Washington, DC, on this 10th day of August 2000.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–20703 Filed 8–14–00; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6849–9]

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

AGENCY: Environmental Protection Agency.

ACTION: Direct Final deletion of the Warwick Landfill Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region II, announces the deletion of the Warwick Landfill Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA and the New York State Department of Environmental Conservation (NYSDEC) have determined that all appropriate CERCLA actions have been implemented and that, aside from operations and maintenance, no further response actions by responsible parties are appropriate. Moreover, EPA and NYSDEC have determined that the Site poses no significant threat to public health and the environment.

DATES: This ''direct final'' action will be effective October 16, 2000 unless EPA receives significant adverse or critical comments by September 14, 2000. If written significant adverse or critical comments are received, EPA will publish a timely withdrawal of the rule in the **Federal Register**, informing the public that the rule will not take effect.

ADDRESSES: Written comments should be submitted to: Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866, Fax: (212) 637–3966, E-mail: *duda.damian@epa.gov*.

Comprehensive information on this Site is available through the public docket contained at: U.S. Environmental Protection Agency, Region II, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308, Hours: 9:00 AM to 5:00 PM, Monday through Friday.

Information on the Site is also available for viewing at the following information repositories: Warwick Town Hall, 132 Kings Highway, Warwick, New York 10990, (914) 986–1120 and the Greenwood Lake Village Hall, Church Street, Greenwood Lake, New York 10925, (914) 477–9215.

FOR FURTHER INFORMATION CONTACT: Mr. Duda may be contacted at the above address, by telephone at (212) 637–4269, by FAX at (212) 637–3966 or via e-mail at *duda.damian@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA Region II announces the deletion of the Warwick Landfill Site (Site), located in the Town of Warwick, Orange County, New York, from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the Site warrant such action.

EPA will accept comments, concerning this document, for thirty days after publication of this notice in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Warwick Landfill Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with New York State, shall consider whether any of the following criteria have been met:

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

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

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the Site if future Site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. Further, deletion of a site from the NPL does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

The following procedures are being used for the intended deletion of this Site:

(1) EPA Region II issued Records of Decision (RODs) in June 1991 and

September 1995, which describe the appropriate response actions for the Site.

(2) PRPs designed, constructed and implemented the appropriate response actions at the Site. EPA and the State of New York oversaw the design and construction activities.

(3) EPA Region II issued a Final Close Out Report, dated July 28, 2000, which found that responsible parties or other persons have implemented all appropriate response actions.

(4) EPA Region II recommends deletion and has made all relevant documents available in the Regional office and the local information repositories.

(5) The New York State Department of Environmental Conservation has concurred with the deletion decision in a letter dated July 12, 2000.

(6) A notice has been published in a local newspaper and has been distributed to appropriate Federal, State and local officials and other interested parties, announcing a thirty (30) day public comment period on EPA's Direct Final Action to Delete.

EPA is requesting public comments on the Direct Final Action to Delete. The NCP provides that EPA shall not delete a site from the NPL until the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management of Superfund sites.

EPA Region II will accept and evaluate public comments before making a final decision to delete. If necessary, EPA Region II will prepare a Responsiveness Summary to address any significant comments received during the public comment period.

If EPA does not receive significant adverse or critical comments and/or significant new data submitted during the comment period, the Site will be deleted from the NPL effective October 16, 2000.

IV. Basis for Intended Site Deletion

The Site is located approximately one and one-half miles northeast of the Village of Greenwood Lake in the Town of Warwick, Orange County, New York and is approximately three-quarters of a mile north of State Route #17A and fronts Penaluna Road on its western boundary between Old Tuxedo Road and Old Dutch Hollow Road.

The Warwick Landfill was owned and farmed by the Penaluna family from 1898 to the mid-1950's. The Town of Warwick leased the property from the Penaluna family and utilized it as a refuse disposal area from the 1950's until the Spring of 1977. During the Spring of 1977, the lease was turned over to Grace Disposal Inc., located in Harriman, New York. Under the operation by the Town of Warwick and Grace Disposal, both municipal and industrial wastes and sludges were disposed at the Landfill. It was during Grace Disposal's operation that most of the hazardous substances were disposed. In March 1989, the Site was listed on the NPL.

On June 27, 1991, EPA issued a ROD for Operable Unit One (OU–1), which addressed the principal threats posed by the Site by controlling the source of contamination and providing a point-of-use treatment system to local residents as an interim measure to ensure that area residents had a potable water supply.

The major components of the OU–1 selected remedy included capping of the Warwick Landfill; installation and monitoring of gas vents throughout the landfill mound; development and implementation of a residential well sampling program; provision of point-of-use treatment systems to local residential wells, as needed; development and implementation of a groundwater monitoring program; construction of fencing around the perimeter of the 25-acre leasehold; recommendations that ordinances be established or restrictions imposed on the deed to ensure that future use of the Site property will maintain the integrity of the cap; and, implementation of measures to mitigate potential disturbance of adjacent wetlands.

EPA subsequently issued a Unilateral Administrative Order (UAO) to potentially responsible parties (PRPs) on February 28, 1992 to perform the design and construction of the selected remedy. The final remedial design was completed in May 1995. Construction of the cap began in the Spring of 1996 and was completed in September 1998.

The landfill closure system was designed to prevent infiltration of precipitation into the landfill, thereby reducing leachate production and the subsequent migration of contaminants into the groundwater.

Construction activities consisted of (1) regrading and relocation of waste within the footprint of the landfill, (2) construction of a gas-venting layer consisting of geotextile, gas-venting piping, passive gas-venting wells and a layer of gas-venting sand, (3) construction of a cap, consisting of installation of a 60-mil textured geomembrane to prevent infiltration, a geocomposite layer to promote drainage, two feet of protective material, six inches of topsoil and a vegetative cover on the topsoil; (4) construction of permanent drainage swales; (5) the cleanup of the adjacent wetlands; and, (6) final Site restoration. A Remedial Action Report, dated March 23, 1999, documents the completion of this work.

A Remedial Investigation for Operable Unit Two (OU–2), performed by the PRPs under an Administrative Order on Consent, provided the basis for a September 1995 ROD, which selected No Further Action for groundwater. Environmental monitoring is being performed as part of the OU–1 remedy.

The Site is currently in the long-term operation and maintenance (O&M) phase, which is being conducted by the PRPs under the UAO. Under the O&M plan, ambient air, surface water, sediments, groundwater and landfill gas will be monitored. Regular inspections of the physical components of the capping system, which include fencing, gas vents, surface water controls and the multi-layer cover system, will be conducted. The monitoring and inspection activities will ensure that the remedy remains protective.

EPA issued a Final Close Out Report dated July 28, 2000, which documents the implementation of all response actions at the Site.

In accordance with Section 121(c) of CERCLA, as amended, the Site is subject to a five-year review of the Site remedies. The first review will be performed by May 2001. These reviews will continue into the future to ensure that the Site remains protective of human health and the environment.

V. Action

The appropriate response actions selected for this Site have been implemented in accordance with the Records of Decision for OU–1 and OU–2. Therefore, no further response action is necessary, other than operation, maintenance and monitoring. The appropriate response actions have resulted in the significant reduction of any further release of contaminants from the Site. Therefore, human health and potential environmental impacts have been minimized. EPA and NYSDEC find that the appropriate response actions implemented are protective of human health and the environment.

NYSDEC concurs with EPA that the criteria for deletion of the release have been met. Therefore, EPA is deleting the Site from the NPL.

This action will be effective October 16, 2000. However, if EPA receives significant adverse or critical comments by September 14, 2000, EPA will

publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous wastes, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: July 28, 2000.

William J. Muszynski,

Acting Regional Administrator, Region II.

Part 300, title 40 of chapter I of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[AMENDED]

2. Table 1 of Appendix B to part 300 is amended by removing the site for ''Warwick Landfill, Warwick, New York''.

[FR Doc. 00–20422 Filed 8–14–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 506

[Docket No. 00–09]

Inflation Adjustment of Civil Monetary Penalties

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This final rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The rule adjusts the amount of each statutory civil penalty subject to Federal Maritime Commission jurisdiction in accordance with the requirements of that Act.

EFFECTIVE DATE: August 15, 2000.

FOR FURTHER INFORMATION CONTACT: Vern W. Hill, Director, Bureau of Enforcement, Federal Maritime Commission, 800 North Capitol Street, NW., Room 900, Washington, DC 20573, (202) 523–5783.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990 (''1990 Act''), Public Law 101–410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996 (''1996 Act''), Public Law 104–134, Title III, 31001(s)(1), April 26, 1996, 110 Stat. 1321–373, requires the inflation adjustment of Civil Monetary Penalties (''CMP'') to ensure that they continue to maintain their deterrent value. The 1996 Act requires that not later than 180 days after its enactment, October 23, 1996, and at least once every 4 years thereafter, the head of each agency shall, by regulation published in the **Federal Register**, adjust each CMP within its jurisdiction by the inflation adjustment described in the 1990 Act. The Federal Maritime Commission (''Commission'') last adjusted each CMP subject to its jurisdiction effective November 7, 1996. (61 FR 52704).

The inflation adjustment under the 1990 Act is to be determined by increasing the maximum CMP by the cost-of-living adjustment, rounded off as set forth in section 5(a) of that Act. The cost-of-living adjustment is the percentage (if any) for each CMP by which the Consumer Price Index (''CPI'') [1] for the month of June of the calendar year preceding the adjustment, exceeds the CPI for the month of June of the calendar year in which the amount of such CMP was last set or adjusted pursuant to law. Any increased penalties shall apply only to violations which occur after the date on which the increase takes effect.

One example of an inflation adjustment of a CMP is as follows. The CPI for June 1999 (the year preceding this adjustment) was 166.2 and the CPI for June 1996 was 156.7.[2] The inflation factor, therefore, is 1.06 (166.2 divided by 156.7). Section 13 of the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. 1712, imposes a maximum $25,000 penalty for a knowing and willful violation of the 1984 Act which was inflation adjusted in 1996 to $27,500. The maximum penalty amount after calculating the increase and applying the statutory rounding would be $30,000.

A similar calculation was done with respect to each CMP subject to the jurisdiction of the Commission. In compliance with the 1990 Act, as amended, the Commission is hereby amending 46 CFR 506.4(d) of its regulations which sets forth the newly adjusted maximum penalty amounts.

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (5 U.S.C. 553(b)(B)) does not require that process ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' In this instance, the Commission finds, for good cause, that solicitation of public comment on this final rule is unnecessary and impractical. The Congress has required that the agency periodically make the inflation adjustments contained in the rule, and provided no discretion regarding the substance of the adjustments. All that is required of the Commission for determination of the amount of the inflation adjustment are ministerial computations.

The Commission certifies pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental jurisdictions because it merely increases the maximum statutory civil monetary penalty by 6 percent for those entities that commit violations after the effective date of this rule. The Commission rarely has imposed the statutory maximum civil monetary penalty and, moreover, considers ability of a respondent to pay a civil monetary penalty in determining its amount. The size of a company necessarily enters into a determination of its ability to pay.

The rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995, as amended. Therefore, Office of Management and Budget review is not required.

List of Subjects in 46 CFR Part 506

Administrative practice and procedure, Claims.

For the reasons set out in the preamble, the Commission amends 46 CFR Part 506 as follows:

PART 506—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

1. The authority citation for part 506 continues to read as follows:

Authority: 28 U.S.C. 2461.

2. Revise § 506.4(d) to read as follows:

§ 506.4 Cost of living adjustments of civil monetary penalties.

* * * * *

(d) Inflation adjustment. Maximum civil monetary penalties within the jurisdiction of the Federal Maritime Commission are adjusted for inflation as follows:

[1] CPI is defined as the CPI for all urban consumers published annually by the Department of Labor.

[2] The above CPI figures are taken from the Department of Labor, Bureau of Labor Statistics ''All Items'' index which uses 1982–84 as the reference base period. The 1982–84 base period was adopted pursuant to changes to the CPI in 1998.

United States Code Citation	Civil Monetary Penalty description	Current maximum penalty amount	New adjusted maximum penalty amount
46 U.S.C. app. sec. 817d	Failure to establish financial responsibility for death or injury	5,500 220	6,000 [1] 220
46 U.S.C. app. sec. 817e	Failure to establish financial responsibility for non-performance of transportation.	5,500 220	6,000 [1] 220
46 U.S.C. app. sec. 876	Failure to provide required reports, etc.—Merchant Marine Act of 1920	5,500	6,000
46 U.S.C. app. sec. 876	Adverse shipping conditions/Merchant Marine Act of 1920	1,100,000	1,175,000
46 U.S.C. app. sec. 876	Operating after tariff or service contract suspension/Merchant Marine Act of 1920.	55,000	60,000
46 U.S.C. app. sec. 1710a	Adverse impact on U.S. carriers by foreign shipping practices	1,100,000	1,175,000
46 U.S.C. app. sec. 1712	Operating in foreign commerce after tariff suspension	55,000	60,000
46 U.S.C. app. sec. 1712	Knowing and willful violation/Shipping Act of 1984 or Commission regulation or order.	27,500	30,000
46 U.S.C. app. sec. 1712	Violation of Shipping Act of 1984, Commission regulation or order, not knowing or willful.	5,500	6,000
31 U.S.C. sec. 3802(a)(1)	Program Fraud Civil Remedies Act/giving false statement	5,500	6,000
31 U.S.C. sec. 3802(a)(2)	Program Fraud Civil Remedies Act/giving false statement	5,500	6,000

[1] Application of the statutory rounding resulted in no increase to these penalties.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–20681 Filed 8–14–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket 86–285, FCC 00–286]

Schedule of Application Fees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its Schedule of Application Fees to adjust the fees for processing applications and other filings. Section 8(b) of the Commission Act requires the Commission to adjust its application fees every two years after October 1, 1991, to reflect the net change in the Consumer Price Index for all Urban Consumers (CPI–U). The increased fees reflect the net change in the CPI–U of 33 percent, calculated from December 1989 to October 1999.

DATES: Effective September 11, 2000.

FOR FURTHER INFORMATION CONTACT: Claudette E. Pride, Credit & Debt Management Group, Office of the Managing Director at (202) 418–1995.

SUPPLEMENTARY INFORMATION:

1. The Commission amends it Schedule of Application Fees, 47 CFR Part 1, §§ 1.1102 through 1.1107 to adjust the fees for processing applications and other filings. In addition, Sections 1.1108, 1.1110, 1.1111, 1.1113, 1.1114, 1.1115, 1.1117, 1.1118 and 1.1119 are amended to reflect administrative changes. Section 8(b) of the Communications Act, as amended, requires that the Commission review and adjust its application fees every two years after October 1, 1991 (47 U.S.C. 158(b)). The adjusted or increased fees reflect the net change in the Consumer Price Index for all Urban Consumers (CPU–U of 33 percent, calculated from December 1989 to October 1999. The adjustments made to the fee schedule comport with the statutory formula set forth in Section 8(b).

2. The Schedule of Application Fees, 47 CFR Sections 1.1102 through 1.1107 are adjusted, and Sections 1.1108, 1.1110, 1.1111, 1.1113, 1.1114, 1.1115, 1.1117, 1.1118, and 1.1119 are amended to reflect administrative changes as set forth below, effective on September 11, 2000.

List of Subjects in 47 CFR Part 1

Administrative Practice and Procedure.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.1102 is revised to read as follows:

§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.

[Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to §1.1152 for the appropriate regulatory fee that must be paid for this service.]

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Marine Coast:.				
a. New; Renewal	503 & 159	$95.00	PBMR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Modification; Public Coast CMRS; Non-Profit.	503 & 159	95.00	PBMM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.

[Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to §1.1152 for the appropriate regulatory fee that must be paid for this service.]

Action	FCC Form No.	Fee amount	Payment type code	Address
c. Assignment of Authorization	503, 1046 & 159	95.00	PBMM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Transfer of Control	703 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Duplicate License	Corres & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Special Temporary Authority	Corres & 159	135.00	PCMM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
g. Renewal	452R & 159	95.00	PBMR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5270.
h. Renewal (Electronic Filing)	900 & 159	95.00	PBMR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Renewal (Non-Profit; CMRS)	452R & 159	95.00	PBMM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5130.
j. Renewal (Electronic Filing) (Non-Profit; CMRS).	900 & 159	95.00	PBMM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Rule Waiver	Corres & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
2. Aviation Ground:				
a. New; Renewal	406 & 159	95.00	PBVR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Modification; Nonprofit	406 & 159	95.00	PBVM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
c. Assignment of Authorization	406, 1046 & 159	95.00	PBVM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Transfer of Control	703 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Duplicate License	Corres & 159	$50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Special Temporary Authority	Corres & 159	135.00	PCVM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
g. Renewal	452R & 159	95.00	PBVR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5270.
h. Renewal (Electronic Filing)	900 & 159	95.00	PBVR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Renewal (Non-Profit)	452R & 159	95.00	PBVM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5130.
j. Renewal (Electronic Filing) (Non-Profit).	900 & 159	95.00	PBVM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Rule Waiver	Corres & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
3. Ship:				
a. New; Renewal	506 & 159	50.00	PASR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Modification; Non-Profit	506 & 159	50.00	PASM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.

[Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to §1.1152 for the appropriate regulatory fee that must be paid for this service.]

Action	FCC Form No.	Fee amount	Payment type code	Address
c. Duplicate License	Corres & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Exemption from Ship Station Requirements.	820 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Rule Waiver	Corres & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
4. Aircraft:				
a. New; Renew/Mod	605 & 159	50.00	PAAR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Renew/Mod (Electronic Filing)	605 & 159	50.00	PAAR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Modification; Non-Profit	605 & 159	50.00	PAAM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Modification; Non-Profit (Electronic Filing).	605 & 159	50.00	PAAM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Renewal	605 & 159	50.00	PAAR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.
f. Renewal (Electronic Filing)	605 & 159	50.00	PAAR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Renewal (Non-Profit)	605 & 159	50.00	PAAM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.
h. Renewal (Non-Profit) (Electronic Filing).	605 & 159	50.00	PAAM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Duplicate License	605 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Duplicate License (Electronic Filing)	605 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Rule Waiver	605 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
l. Rule Waiver (Electronic Filing)	605 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
5. Private Operational Fixed Microwave:				
a. New; Renew/Mod	601 & 159	210.00	PEOR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Renew/Mod (Electronic Filing)	601 &159	210.00	PEOR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Modification; Consolidate Call Signs; Non-Profit.	601 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Modification; Consolidate Call Signs; Non-Profit Electronic Filing.	601 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Renewal	601 & 159	210.00	PEOR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.
f. Renewal (Electronic Filing)	601 & 159	210.00	PEOR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Renewal (Non-Profit)	601 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.

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Action	FCC Form No.	Fee amount	Payment type code	Address
h. Renewal (Non-Profit) (Electronic Filing).	601 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Assignment	603 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Assignment (Electronic Filing)	603 & 159	210.00	PEOM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Transfer of Control	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
l. Transfer of Control (Electronic Filing)	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
m. Duplicate License	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
n. Duplicate License (Electronic Filing)	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
o. Special Temporary Authority	601 & 159	50.00	PAOM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
p. Special Temporary Authority (Electronic Filing).	601 & 159	50.00	PAOM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
q. Rule Waiver	601 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
r. Rule Waiver (Electronic Filing)	601 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
6. Land Mobile, PMRS:				
a. New or Renew/Mod (Frequencies below 470 MHz (except 220 MHz)).	601 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
b. New or Renew/Mod (Frequencies below 470 MHz (except 220 MHz)) (Electronic Filing).	601 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
c. New or Renew/Mod (Frequencies 470 MHz and above and 220 MHz Local).	601 & 159	50.00	PALS*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
d. New or Renew/Mod (Frequencies 470 MHz and above and 220 MHz Local) (Electronic Filing).	601 & 159	50.00	PALS*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
e. New or Renew/Mod (220 MHz Nationwide.	601 & 159	50.00	PALT*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
f.New or Renew/Mod (220 MHz Nationwide) (Electronic Filing).	601 & 159	50.00	PALT*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
g. Modification; Non-Profit; For Profit Special Emergency and Public Safety; and CMRS.	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
h. Modification; Non-Profit; For Profit Special Emergency and Public Safety; and CMRS (Electronic Filing).	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
i. Renewal	601 & 159	50.00	PALR* PALS* PALT*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5185.
j. Renewal (Electronic Filing)	601 & 159	50.00	PALR* PALS* PALT*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
k. Renewal (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety).	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
l. Renewal (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety (Electronic Filing).	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.

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Action	FCC Form No.	Fee amount	Payment type code	Address
m. Assignment of Authorization (PMRS and CMRS).	603 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
n. Assignment of Authorization (PMRS and CMRS) (Electronic Filing).	603 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
o. Transfer of Control (PMRS and CMRS).	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
p. Transfer of Control (PMRS and CMRS) (Electronic Filing).	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
q. Duplicate License	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications P.O. Box 358130, Pittsburgh, PA 15251–5130.
r. Duplicate License (Electronic Filing)	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
s. Special Temporary Authority	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
t. Special Temporary Authority (Electronic Filing).	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994 Pittsburgh, PA 15251–594.
u. Rule Waiver	601 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
v. Rule Waiver (Electronic Filing)	601 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
w. Consolidate Call Signs	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
x. Consolidate Call Signs (Electronic Filing).	601 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
7. 218–219 MHz (previously IVDS):				
a. New; Renew/Mod	601 & 159	50.00	PAIR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Renew/Mod (Electronic Filing)	601 & 159	50.00	PAIR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994 Pittsburgh, PA 15251–5994.
c. Modification	601 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Modification (Electronic Filing)	601 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Renewal	601 & 159	50.00	PAIR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.
f. Renewal (Electronic Filing)	601 & 159	50.00	PAIR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Assignment of Authorization	603 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Assignment of Authorization (Electronic Filing).	603 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Transfer of Control	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Transfer of Control (Electronic Filing)	603 & 159	50.00	PATM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Duplicate License	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.

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Action	FCC Form No.	Fee amount	Payment type code	Address
l. Duplicate License (Electronic Filing) ..	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
m. Special Temporary Authority	601 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
n. Special Temporary Authority (Electronic Filing).	601 & 159	50.00	PAIM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
8. General Mobile Radio (GMRS)				
a. New; Renew/Mod	605 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Renew/Mod (Electronic Filing)	605 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Modification	605 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Modification (Electronic Filing)	605 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Renewal	605 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245.
f. Renewal (Electronic Filing)	605 & 159	50.00	PALR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Duplicate License	605 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Duplicate License (Electronic Filing)	605 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Special Temporary Authority	605 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Special Temporary Authority (Electronic Filing).	605 & 159	50.00	PALM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
k. Rule Waiver	605 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
l. Rule Waiver (Electronic Filing)	605 & 159	145.00	PDWM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
9. Restricted Radiotelephone:				
a. New (Lifetime Permit)	753 & 159	50.00	PARR	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
New—Limited Use	755 & 159.			
b. Duplicate/Replacement Permit	753 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
Duplicate/Replacement Permit (Limited Use).	755 & 159.			
10. Commercial Radio Operator:				
a. Renewal	756 & 159	50.00	PACS	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Duplicate	756 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
11. Hearing	Corres & 159	9,020.00	PFHM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.

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Action	FCC Form No.	Fee amount	Payment type code	Address
12. Common Carrier Microwave (Pt. To Pt. & Local TV Trans):				
a. New; Renew/Mod (Electronic Filing Required).	601 & 159	210.00	CJPR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Modification; Consolidate Call Signs (Electronic Filing Required).	601 & 159	210.00	CJPM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Renewal (Electronic Filing Required)	601 & 159	210.00	CJPR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
d. Assignment of Authorization; Transfer of Control.	603 & 159	75.00	CCPM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
Additional Stations (Electronic Filing Required).		50.00	CAPM	
e. Duplicate License (Electronic Filing Required).	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
f. Extension of Construction Authority (Electronic Filing Required).	601 & 159	75.00	CCPM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Special Temporary Authority	601 & 159	95.00	CEPM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Special Temporary Authority (Electronic Filing).	601 & 159	95.00	CEPM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
13. Common Carrier Microwave (DEMS):				
a. New; Renewal/Mod (Electronic Filing Required).	601 & 159	210.00	CJLR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Modification; Consolidate Call Signs (Electronic Filing Required).	601 & 159	210.00	CJLM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Renewal (Electronic Filing Required)	601 & 159	210.00	CJLR*	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
d. Assignment of Authorization; Transfer of Control.	603 & 159	75.00	CCLM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
Additional Stations (Electronic Filing Required).		50.00	CALM	
e. Duplicate License (Electronic Filing Required).	601 & 159	50.00	PADM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
f. Extension of Construction Authority (Electronic Filing Required).	601 & 159	75.00	CCLM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Special Temporary Authority	601 & 159	95.00	CELM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Special Temporary Authority (Electronic Filing).	601 & 159	95.00	CELM	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
14. Broadcast Auxiliary (Aural and TV Microwave):				
a. New; Modification; Renew/Mod	601 & 159	115.00	MEA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Modification; Renew/Mod (Electronic Filing).	601 & 159	115.00	MEA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Special Temporary Authority	601 & 159	135.00	MGA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Special Temporary Authority (Electronic Filing).	601 & 159	135.00	MGA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.

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Action	FCC Form No.	Fee amount	Payment type code	Address
e. Renewal	601 & 159	50.00	MAA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245
f. Renewal (Electronic Filing)	601 & 159	50.00	MAA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
15. Broadcast Auxiliary (Remote and Low Power):				
a. New; Modification; Renew/Mod	601 & 159	115.00	MEA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. New; Modification; Renew/Mod (Electronic Filing).	601 & 159	115.00	MEA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Renewal	601 & 159	50.00	MAA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Renewal (Electronic Filing)	601 & 159	50.00	MAA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Special Temporary Authority	601 & 159	135.00	MGA	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Special Temporary Authority (Electronic Filing).	601 & 159	135.00	MGA	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
16. Pt 22 Paging & Radiotelephone:				
a. New; Major Mod; Additional Facility; Major Amendment; Major Renewal/Mod; Fill in Transmitter (Per transmitter) (Electronic filing required).	601 & 159	310.00	CMD	Federal Communications Commission, Wireless Bureau ETL, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Minor Mod; Renewal; Minor Renewal/Mod; (Per Call Sign) 900 MHz Nationwide Renewal New Organ; New Operator (Per Operator/Per City) Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic filing required).	601 & 159	50.00	CAD	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
c. Auxiliary Test (Per Transmitter); Consolidate Calls (Per Call Sign) (Electronic Filing Required).	601 & 159	270.00	CLD	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
d. Special Temporary Authority (Per Location/Per Frequency).	601 & 159	270.00	CLD	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5185.
e. Special Temporary Authority (Per Location/Per Frequency) (Electronic Filing).	601 & 159	270.00	CLD	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
f. Assignment of License or Transfer of Control (Full or Partial) (Per Call Sign);.	603 & 159	310.00 50.00	CMD CAD	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
Additional Call Signs (Per Call Sign) (Electronic Filing Required).				
g. Subsidiary Comm Service (Per Request) (Electronic Filing Required).	601 & 159	135.00	CFD	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
h. Air Ground Individual Initial License; Mod; Renewal (Per Station).	409 & 159	50.00	CAD	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
.				
17. Cellular;				
a. New; Major Mod; Additional Facility; Major Renewal/Mod (Electronic Filing Required).	601 & 159	310.00	CMC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Minor Modification; Minor Renewal/Mod (Electronic Filing Required).	601 & 159	85.00	CDC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Assignment of License or Transfer of Control (Full or Partial (Electronic Filing Required).	603 & 159	310.00	CMC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.

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Action	FCC Form No.	Fee amount	Payment type code	Address
d. Notice of Extension of Time to Complete Construction; Renewal (Electronic Filing Required).	601 & 159	50.00	CAC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
e. Special Temporary Authority	601 & 159	270.00	CLC	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Special Temporary Authority (Electronic Filing).	601 & 159	270.00	CLC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Combining Cellular Geographic Areas (Electronic Filing Required).	601 & 159	70.00	CBC	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
18. Rural Radio:				
a. New; Major Renew/Mod; Additional Facility (Per Transmitter) (Electronic Filing Required).	601 & 159	145.00	CGRR	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
b. Major Mod; Major Amendment (Per Transmitter) (Electronic Filing Required).	601 & 159	145.00	CGRM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.
c. Minor Modification; (Per Transmitter) (Electronic Filing Required).	601 & 159	50.00	CARM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
d. Assignment of License or Transfer of Control (Full or Partial) (Per Call Sign);.	603 & 159	$145.00	CGRM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
Additional Calls (Per Call Sign) (Electronic Filing Required).		50.00	CARM	
e. Renewal (Per Call Sign); Minor Renew/Mod (Per Transmitter) (Electronic Filing Required).	601 & 159	50.00	CARR*	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
f. Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required).	601 & 159	50.00	CARM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
g. Special Temporary Authority (Per Transmitter).	601 & 159	270.00	CLRM	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Special Temporary Authority (Per Transmitter) (Electronic Filing Required).	601 & 159	270.00	CLRM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
i. Combining Call Signs (Per Call Sign) (Electronic Filing Required).	601 & 159	270.00	CLRM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
j. Auxiliary Test Station (Per Transmitter) (Electronic Filing Required).	601 & 159	270.00	CLRM	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
19. Offshore Radio:				
a. New; Major Mod; Additional Facility; Major Amendment; Major Renew/Mod; Fill in Transmitters (Per Transmitter) (Electronic Filing Required).	601 & 159	145.00	CGF	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Consolidate Call Signs (Per Call Sign); Auxiliary Test (Per Transmitter) (Electronic Filing Required).	601 & 159	270.00	CLF	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. Minor Modification (Per Transmitter) Notice of Completion of Construction or Extension of Time to Construct (Per Application); Renewal (Per Call Sign) (Electronic Filing Required).	601 & 159	50.00	CAF	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
d. Assignment of License or Transfer of Control (Full or Partial).	603 & 159	145.00	CGF	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. Special Temporary Authority (Per Transmitter).	601 & 159	270.00	CLF	Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Special Temporary Authority (Per Transmitter) (Electronic Filing).	601 & 159	270.00	CLF	Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.

[Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to §1.1152 for the appropriate regulatory fee that must be paid for this service.]

Action	FCC Form No.	Fee amount	Payment type code	Address
20. Billing	Invoice	Various	Various	Federal Communications Commission, Wireless Telecommunications Bureau, P.O. Box 358325, Pittsburgh, PA 15251–5325.

3. Section 1.1103 is revised to read as follows:

§ 1.1103 Schedule of charges for equipment approval, experimental radio services, and international telecommunications settlements.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Certification:				
a. Receivers (except TV & FM)	Electronic 731 & Electronic or Paper 159.	$385.00	EEC	Federal Communications Commission, Equipment Approval Services P.O. Box 358315, Pittsburgh, PA 15251–5315.
b. Devices Under Parts 11, 15 & 18 (except TV and FM).	Electronic 731 & Electronic or Paper 159.	985.00	EGC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
c. All Other Devices	Electronic 731 & Electronic or Paper 159.	495.00	EFT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
d. Modifications and Class II Permissive Changes.	Electronic 731 & Electronic or Paper 159.	50.00	EAC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
e. Request for Confidentiality	Electronic 731 & Electronic or Paper 159.	145.00	EBC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
2. Advance Approval of Subscription TV Systems.	Electronic Corres & Electronic or Paper 159.	3,010.00	EIS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
a. Request for Confidentiality	Electronic Corres & Electronic or Paper 159.	145.00	EBS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
3. Assignment of Grantee Code:				
a. New Applicants for all Application Types, except Subscription TV.	Electronic Corres & Electronic or Paper 159.	50.00	EAG	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
4. Experimental Radio Service:				
a. New Station Authorization	442 & 159	50.00	EAE	Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
b. Modification of Authorization	442 & 159	50.00	EAE	Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
c. Renewal of Station Authorization	442 & 159	50.00	EAE	Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
d. Assignment of Transfer of Control	702 & 159 or 703 & 159.	50.00	EAE	Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
e. Special Temporary Authority Requirements.	Corres & 159	50.00	EAE	Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
f. Additional fee required for any of the above applications that request withholding from public inspection.	Corres & 159	50.00	EAE	Federal Communications Commission, Equipment Radiol Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
5. International Telecommunciations	Form 99	2.00	IAT	Federal Communications Commission, International Telecommunications Settlements, P.O. Box 358001, Pittsburgh, PA 15251–5001.

4. Section 1.1104 is revised to read as follows:

§ 1.1104 Schedule of charges for applications and other filings for the Mass Media Services.

[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Commercial Television Stations:	301 & 159 or 301–CA & 159.	$3,385.00	MVT	Federal Communications Commission, Mass Media Services, P.O. Box 358165 Pittsburgh, PA 15251–5165.
a. New and Major Change Construction Permits.				
b. Minor Change (per application)	301 & 159 or 301–CA & 159.	755.00	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165
c. Main Studio Request	Corres & 159	755.00	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165
d. New License (per application)	302–TV & 159 or 302–CA & 159.	230.00	MJT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
e. License Renewal	303–S & 159	135.00	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165
f. License Assignment:				
(1) Long Form	314 & 159	755.00	MPT*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350
(2) Short Form	316 & 159	110.00	MDT*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
g. Transfer of Control:				
(1) Long Form	315 & 159	755.00	MPT*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350
(2) Short Form	316 & 159	110.00	MDT*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350
h. Hearing (New and Major/Minor Change Comparative Construction Permit Hearings.	Corres & 159	9,020.00	MWT	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
I. Call Sign	380 & 159	75.00	MBT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165
j. Special Temporary Authority	Corres & 159	135.00	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
k. Petition for Rulemaking for New Community of License.	301 & 159 or 302–TV & 159.	2,090.00	MRT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
l. Ownership Report	323 & 159 or Corres & 159.	50.00	MAT*	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
2. Commercial AM Radio Stations:				
a. New or Major Change Construction Permit.	301 & 159	3,010.00	MUR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
b. Minor Change	301 & 159	755.00	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
c. Main Studio Request	Corres & 159	755.00	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
d. New License	302–AM & 159	495.00	MMR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
e. AM Directional Antenna	302–AM & 159	570.00	MOR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
f. AM Remote Control	301 & 159	50.00	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
g. License Renewal	303–S & 159	135.00	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.

[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

Action	FCC Form No.	Fee amount	Payment type code	Address
h. License Assignment:				
(1) Long Form	314 & 159	755.00	MPR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316 & 159	110.00	MDR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
I. Transfer of Control:				
(1) Long Form	315 & 159	755.00	MPR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316 & 159	110.00	MDR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
j. Hearing (New or Major/Minor Change, Comparative Construction Permit).	Corres & 159	9,020.00	MW	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
k. Call Sign	380 & 159	75.00	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
l. Special Temporary Authority	Corres & 159	135.00	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
m. Ownership Report	323 & 159 or Corres & 159.	50.00	MAR*	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
3. Commercial FM Radio Station:				
a. New or Major Change Construction Permit.	301 & 159	2,710.00	MTR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
b. Minor Change	301 & 159	755.00	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
c. Main Studio Request	Corres & 159	755.00	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
d. New License	302–FM & 159	155.00	MHR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
e. FM Directional Antenna	302–FM & 159	475.00	MLR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
f. License Renewal	303–S & 159	135.00	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
g. License Assignment:				
(1) Long Form	314 & 159	755.00	MPR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316 & 159	110.00	MDR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
h. Transfer of Control:				
(1) Long Form	315 & 159	755.00	MPR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316 & 159	110.00	MDR*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
I. Hearing (New and Major/Minor Change Comparative Construction Permit Hearings).	Corres & 159	9,020.00	MWR	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
j. Call Sign	380 & 159	75.00	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
k. Special Temporary Authority	Corres & 159	135.00	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195
l. Petition for Rulemaking for For New Community of License or Higher Class Channel.	301 & 159 or 302–FM & 159.	2,090.00	MRR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.

[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

Action	FCC Form No.	Fee amount	Payment type code	Address
m. Ownership Report	323 & 159 or Corres & 159.	50.00	MAR*	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
4. FM Translators:				
a. New or Major Change Construction Permit.	349 & 159	570.00	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
b. New License	350 & 159	115.00	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
c. License Renewal	303–S & 159	50.00	MAF	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5200.
d. Special Temporary Authority	Corres & 159	135.00	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
E. License Assignment	345 & 159 or 314 & 159 or 316 & 159.	110.00	MDF*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
f. Transfer of Control	345 & 159 or 315 & 159 or 316 & 159.	110.00	MDF*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
5. TV Translators and LPTV Stations:				
a. New or Major Change Construction Permit.	346 & 159	570.00	MOL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
b. New License	347 & 159	115.00	MEL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
c. License Renewal	303–S & 159	50.00	MAL*	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5185.
d. Special Temporary Authority	Corres & 159	135.00	MGL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
e. License Assignment	345 & 159 or 314 & 159 or 316 & 159.	110.00	MDL*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
f. Transfer of Control	345 & 159 or 315 & 159 or 316 & 159.	110.00	MDL*	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
6. FM Booster Stations:				
a. New or Major Change Construction Permit.	349 & 159	570.00	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
b. New License	350 & 159	115.00	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
c. Special Temporary Authority	Corres & 159	135.00	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
7. TV Booster Stations				
a. New or Major Change Construction Permit.	346 & 159	570.00	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
b. New License	347 & 159	115.00	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
c. Special Temporary Authority	Corres & 159	135.00	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
8. Multipoint Distribution Service (Including Multichannel MDS)				
a. Conditional License (Per Station)	304 & 159 or 331 & 159.	210.00	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
b. Major Modifications of Conditional Licenses or License Authorization (Per Station).	304 & 159 or 331 & 159.	210.00	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.

[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

Action	FCC Form No.	Fee amount	Payment type code	Address
c. Certificate of Completion of Construction (Per Channel).	304–A & 159	610.0	CPM*	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
d. License Renewal (Per Station)	405 & 159	210.00	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
e. Assignment or Transfer:.				
(1) First Station on Application	702 & 159 or 704 & 159.	75.00	CCM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
(2) Each Additional Station	702 & 159 or 704 & 159.	50.00	CAM*	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
f. Extension of Construction Authorization.	701 & 159	175.00	CHM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization.	Corres & 159	95.00	CEM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
h. Signal Booster:				
(1) Application	304 & 159 or 331 & 159.	70.00	CSB	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
(2) Certification of Completion of Construction.	304–A & 159	70.00	CCB	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.

5. Section 1.1105 is revised to read as follows:

§ 1.1105 Schedule of charges for applications and other filings in the common carrier services.

Action	FCC Form No.	Fee amount	Payment code	Address
1. All Common Carrier Services:				
a. Formal Complaints	Corres & 159	$165.00	CIZ	Federal Communications Commission, Common Carrier, P.O. Box 358120, Pittsburgh, PA 15251–5120.
b. Communication Assistance for Law Enforcement (CALEA) Petitions.	Corres & 159	5,000.00	CLEA	Federal Communications Commission, Common Carrier, P.O. Box 358120, Pittsburgh, PA 15251–5120.
2. Domestic 214 Applications:				
a. Domestic Cable Construction	Corres & 159	815.00	CUT	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251–5145.
b. Other	Corres & 159	815.00	CUT	Federal Communications Commission, Common Carrier Network Services, P.O. Box 358145, Pittsburgh, PA 15251–5145.
3. Telephone Equipment Registration	730 & 159	210.00	CJQ	Federal Communications Commission, Common Carrier Network Services P.O. Box 358145, Pittsburgh, PA 15251–5145.
4. Tariff Filings:				
a. Tariff Filing Fees (per transmittal or cover letter).	Corres & 159	655.00	CQK	Federal Communications Commission, Common Carrier Tariff Filing, P.O. Box 358150, Pittsburgh, PA 15251–5150.
b. Application for Special Permission Filing (request for waiver of any rule in part 61 of the Commission's Rules) (per request).	Corres & 159	655.00	CQK	Federal Communications Commission, Common Carrier Tariff Filing, P.O. Box 358150, Pittsburgh, PA 15251–5150.
c. Waiver of part 69 Tariff Rules (per request).	Corres & 159	655.00	CQK	Federal Communications Commission, Common Carrier Tariff Filing, P.O. Box 358150, Pittsburgh, PA 15251–5150.

Action	FCC Form No.	Fee amount	Payment code	Address
5. Accounting and Audits:				
a. Field Audit	Corres & 159	83,090.00	BMA	Federal Communications Commission, Accounting and Audits, P.O. Box 358340 Pittsburgh, PA 15251–5340.
b. Review of Attest Audit	Corres & 159	45,355.00	BLA	Federal Communications Commission, Accounting and Audits, P.O. Box 358340, Pittsburgh, PA 15251–5340.
c. Review of Depreciation Update Study:				
(1) Single State	Corres & 159	27,595.00	BKA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.
(2) Each Additional State	Corres & 159	910.00	CVA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140 Pittsburgh, PA 15251–5140.
d. Petition for Waiver (per petition Waiver of Part 69 Accounting Rules & Part 32 Accounting Rules, Part 36 Separation Rules, Part 43 Reporting Requirements Part 64 Allocation of Costs Rules Part 65 Rate of Return & Rate Base Rules.	Corres & 159	6,220.00	BEA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.
e. Development and Review of Agreed-upon-Procedures Engagement Audit.	Corres & 159	45,355.00	BLA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140 Pittsburgh, PA 15251–5140.

6. Section 1.1106 is revised to read as follows:

§ 1.1106 Schedule of charges for applications and other filings in the cable services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Cable Television Services:.				
a. CARS Construction Permit	327 & 159	$210.00	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
b. CARS Modification	327 & 159	210.00	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
c. CARS License Renewal	327 & 159	210.00	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
d. CARS License Agreement	327 & 159	210.00	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
e. CARS Transfer of Control	327 & 159	210.00	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
f. Special Temporary Authorization,	Corres & 159	135.00	TGC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
g. Cable Special Relief Petition	Corres & 159	1,055.00	TQC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
h. 76.12 Registration Statement 19	Corres & 159	50.00	TAC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
i. Aeronautical Frequency Usage Notification 20.	Corres & 159	50.00	TAC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.
j. Pole Attachment Complaint	Corres & 159	205.00	TPC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15215–5205.

7. Section 1.1107 is revised to read as follows:

§ 1.1107 Schedule of charges for applications and other filings in the international services.

Action	FCC form No.	Fee amount	Payment type code	Address
1. International Fixed Public Radio: (Public & Control Station)				
a. Initial Construction Permit (per station).	407 & 159	$685.00	CSN	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Assignment or Transfer (per Application).	702 & 159 or 704 & 159.	685.00	CSN	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Renewal (per license)	405 & 159	495.00	CON	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Modification (per station)	403 & 159	495.00	CON	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Extension of Construction Authorization (per station).	701 & 159	250.00	CKN	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or request for Waiver (per request).	Corres & 159	250.00	CKN	Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
2. Section 214 Applications:				
a. Overseas Cable Construction	Corres & 159	12,175.00	BIT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115
b. Cable Landing License:				
(1) Common Carrier	Corres & 159	1,370.00	CXT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
(2) Non-Common Carrier	Corres & 159	13,540.00	BJT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
c. All Other International 214 Applications.	Corres & 159	815.00	CUT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
d. Special Temporary Authority (all services).	Corres & 159	815.00	CUT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
e. Assignments or Transfers (all services).	Corres & 159	815.00	CUT	Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
3. Fixed Satellite Transmit/Receive Earth Stations:				
a. Initial Application (per station)	312 & Schedule B & 159.	2,035.00	BAX	Federal Communications Commission, International Bureau—Earth Stations P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Modification of License (per station)	312 & Schedule B & 159.	145.00	CGX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer:				
(1) First Station	312 & Schedule A & 159.	405.00	CNX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
(2) Each Additional Station	Attachment to 312 Schedule A & 159.	135.00	CFX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

Action	FCC form No.	Fee amount	Payment type code	Address
d. Renewal of License (per station)	405 & 159	145.00	CGX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Corres & 159	145.00	CGX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Amendment of Pending Application (per station).	312 & Sched. A or B & 159.	145.00	CGX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Extension of Construction Permit (per station).	701 & 159	145.00	CGX	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
4. Fixed Satelite transmit/Receive Earth Stations, (2 meters or less operating in the 4/6 GHz frequency band):				
a. Lead Application	312 & Schedule B & 159.	4,510.00	BDS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Routine Application (per station)	312 & Schedule B & 159.	50.00	CAS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Modification of License (per station)	312 & Schedule B & 159.	145.00	CGS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignment or Transfer:				
(1) First Station	312 & Schedule A & 159.	405.00	CNS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
(2) Each Additional Station	Attachment to 312 & Schedule A & 159.	50.00	CAS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Renewal of License (per station)	405 & 159	145.00	CGS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Corres & 159	145.00	CGS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Amendment of Pending Application (per station).	312 & Sched. A & B & 159.	145.00	CGS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Extension of Construction Permit (per station).	701 & 159	145.00	CGS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
5. Receive Only Earth Stations:				
a. Initial Applications for Registration or License (per station).	312 & Schedule B & 159.	310.00	CMO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Modification of License or Registration (per station).	312 & Schedule B & 159.	145.00	CGO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer:				
(1) First Station	312 & Schedule A & 159.	405.00	CNO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

Action	FCC form No.	Fee amount	Payment type code	Address
(2) Each Additional Station	Attachment to 312 Schedule A & 159.	135.00	CFO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Renewal of License (per station)	405 & 159	145.00	CGO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Amendment of Pending Application (per station).	312 & Sched. A or B & 159.	145.00	CGO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Extension of Construction Permit Application (per station).	701 & 159	145.00	CGO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Waivers (per request)	Corres & 159	145.00	CGO	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
6. Fixed Satelite Very Small Aperture Terminal (AVSAT) System:				
a. Initial Application (per station)	312 & Schedule B & 159.	7,510.00	BGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Modification of License(per station) ..	312 & Schedule B & 159.	145.00	CGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer of System	312 & Schedule A & 159.	2,010.00	CZS	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Renewal of License (per system)	405 & 159	145.00	CGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Corres & 159	145.00	CGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Amendment of Pending Application (per system).	312 & Sched. A or B & 159.	145.00	CGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Extension of Construction Permit (per system).	701 & 159	145.00	CGV	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
7. Mobile Satellite Earth Stations:				
a. Initial Application of Blanket Authorization.	312 & Schedule B & 159.	7,510.00	BGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Initial Application for Individual Earth Station.	312 & Schedule B & 159.	1,805.00	CYB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Modification of License (per system)	312 & Schedule B & 159.	145.00	CGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignment or Transfer (per system)	312 & Schedule A & 159.	2,010.00	CZB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Renewal of License (per system)	405 & 159	145.00	CGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

Action	FCC form No.	Fee amount	Payment type code	Address
f. Special Temporary Authority of Waiver of Prior Construction Authorization (per request).	Corres & 159	145.00	CGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160
g. Amendment of Pending Application (per system).	312 & Sched. A or B & 159.	145.00	CGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Extension of Construction Permit (per system).	701 & 159	145.00	CGB	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
8. Radio Determination Satellite Earth Station:				
a. Initial Application of Blanket Authorization.	312 & Schedule B & 159.	7,510.00	BGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Initial Application for Individual Earth Station.	312 & Schedule B & 159.	1,805.00	CYH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburg, PA 15251–5160.
c. Modification of License (per system)	312 & Schedule B & 159.	145.00	CGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignments or Transfer (per system).	312 & Schedule A & 159.	2,010.00	CZH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Renewal of License (per system)	405 & 159	145.00	CGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Corres & 159	145.00	CGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Amendment of Pending Application (per system).	312 & Sched. A or B & 159.	145.00	CGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Extension of Construction Permit (per system).	701 & 159	145.00	CGH	Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
9. Space Stations (GSO):				
a. Appplication for Authority to Launch & Operate:				
(1) Initial Application	312 & 159	93,375.00	BNY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
(2) Replacement Satellite	312 & 159	93,375.00	BNY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Assignment or Transfer (per satellite)	312 & Schedule A & 159.	6,670.00	BFY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. Modification	312 & 159	6,670.00	BFY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
d. Special Temporary Authority (per request).	Corres & 159	670.00	CRY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
e. Amendment of Pending Application (per request).	312 & 159	1,335.00	CWY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.

Action	FCC form No.	Fee amount	Payment type code	Address
f. Extension of Launch Authority	Corres & 159	670.00	CRY	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
10. Space Stations (NGSO):				
a. Application for Authority to Launch and Operate (per system of technically identical satellites).	312 & 159	321,570.00	CLW	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Assignment or Transfer (per request)	312 & 159	9,195.00	CZW	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. Modification (per request)	312 & 159	22,970.00	CGW	Federal Communications Commission, International Bureau—Satellites P.O. Box 358210, Pittsburgh, PA 15251–5210.
d. Special Temporary Authority (per request).	Corres & 159	2,305.00	CXW	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210
e. Amendment of Pending Application (per request).	312 & 159	4,600.00	CAW	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
f. Extension of Launch Authority	Corres & 159	2,305.00	CXW	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
11. Direct Broadcast Satellites:				
a. Authorization to Construct or Major Modification (per request).	Corres & 159	2,710.00	MTD	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Construction Permit and Launch authority (per request).	Corres & 159	26,295.00	MXD	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. License to Operate (per request)	Corres & 159	755.00	MPD	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
d. Special Temporary Authority (per request).	Corres & 159	135.00	MGD	Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburg, PA 15251–5210.
e. Hearing (New and Major/Minor change, comparative construction permit hearings; comparative license renewal hearing).	Corres & 159	9,020.00	MWD	Federal Communications Commission, International Bureau, P.O. Box 358270, Pittsburgh, PA 15251–5170.
12. International Broadcast Stations:				
a. New Station & Facilities Change Construction Permit (per applications).	309 & 159	2,275.00	MSN	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
b. New License (per application)	310 & 159	515.00	MNN	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
c. License Renewal (per application)	311 & 159	130.00	MFN	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
d. License Assignment or Transfer of Control (per stationlicense).	314 & 159 or 315 & 159 or 316 & 159.	85.00	MCN	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
e. Frequency Assignment & Coordination (per frequency hour).	Corres & 159	50.00	MAN	Federal Communications Commission International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
f. Special Temporary Authorization (per application).	Corres & 159	135.00	MGN	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
13. Permit to Deliver Programs to Foreign Broadcast Stations (per application):				
a. Commercial TV Stations	308 & 159	75.00	MBT	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.

Action	FCC form No.	Fee amount	Payment type code	Address
b. Commercial AM or FM Radio Stations.	308 & 159	75.00	MBR	Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.
14. Recognized Private Operating Status (per application).	Corres & 159	815.00	CUG	Federal Communications Commission, International Bureau, P.O. Box 358115, Pittsburgh, PA 15251–5115.

8. Section 1.1108 is revised to read as follows:

§ 1.1108 Attachment of charges.

The charges required to accompany a request for the Commission regulatory services listed in §§ 1.1102 through 1.1107 of this subpart will not be refundable to the applicant irrespective of the Commission's disposition of that request. Return or refund of charges will be made in certain limited instances as set out at § 1.1113 of this subpart.

9. Section 1.1110 is amended by revising paragraphs (b) and (f) to read as follows:

§ 1.1110 Form of payment.

* * * * *

(b) Applicants are required to submit one payment instrument (check, bank draft or money order) and FCC Form 159 with each application or filing. Multiple payment instruments for a single application or filing are not permitted. Except that a separate Fee Form (FCC Form 159) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

* * * * *

(f) The Commission will furnish a stamped receipt of an application only upon request that complies with the following instructions. In order to obtain a stamped receipt for an application (or other filing), the application package must include a copy of the first page of the application, clearly marked ''copy'', submitted expressly for the purpose of serving as a receipt of the filing. The copy should be the top document in the package. The copy will be date-stamped immediately and provided to the bearer of the submission, if hand delivered. For submissions by mail, the receipt copy will be provided through return mail if the filer has attached to the receipt copy a stamped self-addressed envelope of sufficient size to contain the date stamped copy of the application. No remittance receipt copies will be furnished.

10. Section 1.1111 is amended by revising the introductory text of paragraph (a) and revising paragraphs (a)(2) and (a)(4) to read as follows:

§ 1.1111 Filing locations.

(a) Except as noted in this section, applications and other filings, with attached fees and FCC Form 159, must be submitted to the locations and addresses set forth in §§ 1.1102 through 1.1107.

* * * * *

(2) Bills for collection will be paid at the Commission's lockbox bank at the address of the appropriate service as established in §§ 1.1102 through 1.1107, as set forth on the bill sent by the Commission. Payments must be accompanied by the bill sent by the Commission. Payments must be accompanied by the bill and a FCC Form 159 to ensure proper credit.

* * * * *

(4) Applicants claiming an exemption from a fee requirement for an application or other filing under 47 U.S.C. 158(d)(1) or § 1.1114 of this subpart shall file their applications in the appropriate location as set forth in the rules for the service for which they are applying, except that request for waiver accompanied by a tentative fee payment should be filed at the Commission's lockbox bank at the address for the appropriate service set forth in §§ 1.1102 through 1.1107.

* * * * *

11. Section 1.1113 is amended by revising the introductory text of paragraph (a) and revising paragraph (b) to read as follows:

§ 1.1113 Return or refund of charges.

(a) All refunds will be issued to the payer named in the appropriate block of the FCC Form 159. The full amount of any fee submitted will be returned or refunded, as appropriate, under the authority granted at § 0.231.

(b) Comparative hearings are no longer required.

12. Section 1.1114 is amended by revising the introductory text to read as follows:

§ 1.1114 General exemptions to charges.

No fee established in §§ 1.1102 through 1.1106 of this subpart, unless otherwise Qualified herein, shall be required for:

* * * * *

13. Section 1.1115 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 1.1115 Adjustments to charges.

(a) The Schedule of Charges established by Sections 1.1102 through 1.1107 of this subpart shall be adjusted by the Commission on October 1, 1999 and every two years thereafter.

* * * * *

14. Section 1.1117 is amended by revising paragraphs (c) and (e) to read as follows:

§ 1.1117 Petitions and applications for review.

* * * * *

(c) Petitions for waivers, deferrals, fee determinations reconsideration and applications. For review will be acted upon by the Managing Director. Petitions and applications for review submitted with a fee must be submitted to the Commission's lockbox bank at the address for the appropriate service set forth in §§ 1.1102 through 1.1107. If no fee payment is required, and the matter is within the scope of the fee rules in this subpart, the petition or application for review should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director. Requests for deferral of a fee payment for financial hardship must be accompanied by supporting documentation.

* * * * *

(e) Applicants seeking waivers must submit the request for waiver with the application or filing, required fee and FCC Form 159. Waiver requests that do not include these materials will be dismissed in accordance with § 1.1108 of this subpart. Submitted fees will be returned if a waiver is granted. The Commission will not be responsible for delays in acting upon these requests.

15. Section 1.1118 is amended by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 1.1118 Error claims.

(a) Applications who wish to challenge a staff determination of an insufficient fee may do so in writing. These claims should be addressed to the same location as the original submission marked ''Attention Financial Operations.''

(b) Actions taken by Financial Operations staff are subject to the reconsideration and review provisions of §§ 1.106 and 1.115 of this part, EXCEPT THAT reconsideration and/or review will only be available where the applicant has made the full and proper payment of the underlying fee as required by this subpart.

* * * * *

16. Section 1.1119 is amended by revising paragraph (a) to read as follows:

§ 1.1119 Billing procedures.

(a) The fees required for the International Telecommunications Settlements (§ 1,1103 of this subpart) and Common Carrier Field Audits (§ 1.1105 of this subpart) should not be paid with the filing or submission of the request. The fees required for requests for Special Temporary Authority (see generally §§ 1.1102, 1.1104, 1.1106, & 1.1107 of this subpart).

* * * * *

[FR Doc. 00–20517 Filed 8–11–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. OST–2000–7761]

Organization and Delegation of Powers and Duties; Delegations Concerning the Hazardous Materials Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Transportation (OST) is updating the delegations of authority from the Secretary to five Operating Administrations and the Associate Deputy Secretary and Director, Office of Intermodalism, in response to the Secretary's determination that hazardous materials safety would be enhanced by placing the focal point for intermodal and cross-modal DOT hazardous materials program issues with the Associate Deputy Secretary. This document revises the current delegations concerning hazardous materials to reflect the primacy of the Associate Deputy Secretary for cross-modal DOT hazardous materials program issues. Further, this rule broadens each Operating Administration's delegations to allow them to use their respective resources for DOT-wide purposes. Additionally, the rule provides the Director of the Bureau of Transportation Statistics with the authority, in coordination with the Associate Deputy Secretary, to work with the Operating Administrations to determine data needs, collections strategies, and analytical techniques appropriate for implementing DOT's hazardous materials program.

EFFECTIVE DATE: August 15, 2000.

FOR FURTHER INFORMATION CONTACT: Blane Workie, Regulation and Enforcement, Office of the General Counsel, U.S. Department of Transportation, 400 7th Street SW., Room 10424, Washington, DC 20590. (202) 366–4723.

SUPPLEMENTARY INFORMATION:

A. DOT's Hazardous Materials Program Evaluation

The Government Performance and Results Act of 1993 (GPRA) (Public Law 103–62; 107 Stat. 285) requires agencies to develop a schedule of program evaluations for inclusion in their strategic plans. In support of GPRA, the Department of Transportation (DOT) committed, in its 1997–2002 strategic plan, to conduct a review of its hazardous materials transportation programs. The objectives of the hazardous materials program evaluation (HMPE) were to (1) document current hazardous materials movements, Operating Administration programs, and program delivery; (2) assess the effectiveness of DOT's overall hazardous materials program as it affects each step in the hazardous materials transportation process; and (3) identify areas for further analysis or other actions.

During 1999, a team of DOT employees from the Office of Inspector General, U.S. Coast Guard, Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, and Research and Special Programs Administration conducted the HMPE. They participated in multi-modal and individual modal administration inspections, visited package-testing facilities, observed shipper-check activities, and addressed safety conferences. To learn from DOT's stakeholders—those interested in the safe transportation of hazardous materials—the HMPE team hosted three public focus group meetings. Representatives of shippers, carriers, packaging manufacturers, hazardous materials employees, enforcement personnel, emergency responders, trade associations, and organized labor participated in the meetings.

The HMPE team's findings are set out in its March 2000 final report to the Secretary. In summary, the HMPE team made the following five findings. First, the Secretarial delegations do not provide for DOT-wide coordination or oversight of the five DOT Operating Administrations responsible for ensuring hazardous materials safety. Second, shippers of hazardous materials are a common element across the Operating Administrations, perform critical functions early in the transportation stream, and can impact safety system wide. However, shippers generally receive less attention DOT-wide than carriers. Third, human error continues to be the single greatest contributing factor in hazardous materials incidents and DOT has not been effective in changing this trend. In addition, the traveling public is largely unaware of the dangers posed by hazardous materials they may carry with them in checked or carry-on baggage. Also, the traveling public is unaware of the threat to hazardous materials transportation safety posed by passenger vehicles engaged in unsafe driving practices on the nation's highways. Fourth, DOT lacks reliable, accurate, and timely data to measure program effectiveness and make informed program delivery and resource decisions. Fifth, there are numerous cross-modal issues (issues that are relevant to more than one operating administration) and intermodal issues (issues that affect more than one mode of transportation) that require further analysis and other actions, for example, undeclared hazardous materials shipments, the complexity and adequacy of the current hazardous materials regulations, safety gaps related to hazardous materials in the U.S. mail, enhanced inspection authority, and ways to improve DOT's current performance measure.

Based on its findings, the HMPE team concluded that while DOT's hazardous materials program works reasonably well, DOT could enhance hazardous materials transportation safety by: (1) Establishing a central focal point to administer and deliver a DOT-wide hazardous materials program aimed at intermodal and cross-modal issues to provide for more effective deployment of resources; (2) developing DOT-wide strategies and actions to focus more on high-risk or problem shippers through targeted outreach activities, technical assistance, and inspections; (3)

strengthening its training standard to improve industry safety practices and compliance with the hazardous materials regulations; (4) developing a coordinated national campaign to increase public awareness of the dangers of hazardous materials in transportation; and (5) improving hazardous materials census, incident, compliance, and budget data DOT-wide, improving the analysis of that data, and developing ways to increase data availability and usefulness.

B. Changes to Secretarial Delegations

To achieve a One-DOT approach to hazardous materials safety, the HMPE team concluded that DOT should establish an institutional capacity, complementary to the Operating Administrations at the Department-wide level, to facilitate program coordination and direction to provide for more effective deployment of DOT's hazardous materials resources. The institutional capacity should administer and deliver a department-wide hazardous materials program to strengthen strategic planning, program coordination, and program delivery. It should have the authority to establish DOT-wide policy, program objectives and priorities, and focus budget and resource strategies.

Based on the HMPE team's findings and recommendations, the Secretary has decided to place the focal point for intermodal and cross-modal DOT hazardous materials program issues with the Associate Deputy Secretary and Director, Office of Intermodalism (Associate Deputy Secretary). That office will be responsible for implementing the HMPE team's recommendations, including the items identified as needing further analysis. Specifically, that office will:

(1) Serve as the principal adviser to the Secretary on all intermodal and cross-modal hazardous materials matters;

(2) Act as the focal point for review of hazardous materials policies, priorities, and objectives;

(3) Provide oversight for planning and budgeting strategies for all departmental hazardous materials activities;

(4) Resolve disputes among Operating Administrations on hazardous materials issues;

(5) Provide external reviews and continual monitoring of all departmental hazardous materials activities;

(6) In coordination with the Assistant Secretary for Budget and Programs, direct that the Operating Administrations apply resources to specific cross-modal initiatives;

(7) Coordinate DOT-wide hazardous materials outreach and data activities; and

(8) Address other regulatory and programmatic cross-modal issues related to hazardous materials, as warranted.

In addition to carrying out the HMPE team's recommendations, the Secretary has delegated to the Director of the Bureau of Transportation Statistics the authority to work with the Operating Administrations to determine data needs, collections strategies, and analytical techniques appropriate for implementing DOT's hazardous materials program. This authority is to be exercised in coordination with the Associate Deputy Secretary.

Finally, to clearly establish the hazardous materials primacy of the Associate Deputy Secretary, the Secretary has made complementary changes to the delegations to the five Operating Administrations with hazardous materials responsibilities. Each Operating Administration's hazardous materials delegation (with the exception of certain single-mode functions) has been made subject to the delegations to the Associate Deputy Secretary. Further, their delegations have been broadened to allow them to use their resources for DOT-wide purposes, such as inspections of shippers by all modes of transportation. Minor revisions are also being made to 49 CFR part 1 to update statutory authority citations where necessary.

C. Public Notice and Comment/Effective Date of Final Rule

This final rule updates the delegations of authority from the Secretary of Transportation to other Departmental officials to represent the organizational posture of the Department. As such, the final rule is ministerial in nature and relates only to Departmental management, organization, procedure, and practice. Since this amendment relates to departmental organization, procedure and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b).

Furthermore, this rule does not impose substantive requirements on the public and the Department does not expect to receive substantive comments on the rule. Also, this final rule expedites the Department of Transportation's ability to meet the statutory intent of the Federal hazardous materials transportation law, 49 U.S.C. 5101–5127. Consequently, the Department finds that there is good cause under 5 U.S.C. 553(d)(3) to make this rule effective on the date of publication in the **Federal Register**.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule does not adopt any regulation that:

(1) Has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. I hereby certify this final rule, which amends the CFR to reflect delegations of authority from the Secretary of Transportation to Departmental officers and Operating Administrations, will not have a significant economic impact on a substantial number of small businesses.

E. Paperwork Reduction Act

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

F. Unfunded Mandates Reform Act

The Department has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101–552, 104 Stat. 2736; Pub. L. No. 106–159, 113 Stat. 1748.

2. In § 1.46 revise paragraphs (t) and (u) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 5101 *et seq.* and 46 App. U.S.C. 3306(a)(5) to the extent they relate to regulations and exemptions governing the bulk transportation of hazardous materials that are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel carrier without mark or count, and regulations and exemptions governing ships' stores and supplies.

(u) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the transportation or shipment of hazardous materials by water.

* * * * *

3. In § 1.47 revise subparagraph (j) to read as follows:

§ 1.47 Delegations to the Federal Aviation Administrator.

* * * * *

(j)(1) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the transportation or shipment of hazardous materials by air, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by air; and

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5114 as it relates to the establishment of procedures for monitoring and enforcing provisions of regulations with respect to the transportation of radioactive materials on passenger-carrying aircraft.

* * * * *

4. In § 1.49 revise paragraphs (s)(1) and (s)(2) to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(s)(1) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the transportation or shipment of hazardous materials by railroad, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by railroad.

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5105(b) relating to a rail transportation safety study and 5111 relating to rail tank cars.

* * * * *

5. In § 1.53 revise paragraph (b) to read as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

* * * * *

(b) *Hazardous materials.* Except as delegated by § 1.74:

(1) Carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the shipment of hazardous materials and the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of multi-modal containers that are represented, marked, certified, or sold for use in the transportation of hazardous materials; and

(2) Carry out the functions vested in the Secretary by all other provisions of the Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, except as delegated by §§ 1.46(t), 1.47(j)(2), 1.49(s)(2), and 1.73(d)(2).

* * * * *

6. In § 1.73 revise paragraphs (d)(1) and (d)(2) to read as follows:

§ 1.73 Delegations to the Administrator of the Federal Motor Carrier Safety Administration.

* * * * *

(d)(1) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief with particular emphasis on the transportation or shipment of hazardous materials by highway, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by highway.

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5112 relating to highway routing of hazardous materials; 5109 relating to motor carrier safety permits, except subsection (f); 5113 relating to unsatisfactory safety ratings of motor carriers; 5125(a) and (c)–(f), relating to preemption determinations or waivers of preemption of hazardous materials highway routing requirements; 5105(e) relating to inspections of motor vehicles carrying hazardous material; 5119 relating to uniform forms and procedures; and 5127(f) and (g) relating to credits to appropriations and availability of amounts.

* * * * *

7. In § 1.71 add paragraph (c) to read as follows:

§ 1.71 Delegations to the Director of the Bureau of Transportation Statistics.

* * * * *

(c) *Hazardous materials information.* In coordination with the Associate Deputy Secretary and Director, Office of Intermodalism, work with the Operating Administrations to determine data needs, collection strategies, and analytical techniques appropriate for implementing 49 U.S.C. 5101 *et seq.*

8. Add a new § 1.74 to read as follows:

§ 1.74 Delegations to the Associate Deputy Secretary and Director, Office of Intermodalism.

The Associate Deputy Secretary and Director, Office of Intermodalism is delegated authority under the Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, to:

(a) Serve as the principal adviser to the Secretary on all intermodal and cross-modal hazardous materials matters;

(b) Act as the focal point for review of hazardous materials policies, priorities, and objectives;

(c) Provide oversight for planning and budgeting strategies for all departmental hazardous materials activities;

(d) Resolve disputes among Operating Administrations on hazardous materials issues;

(e) Provide external reviews and continual monitoring of all departmental hazardous materials activities;

(f) In coordination with the Assistant Secretary for Budget and Programs, direct that the Operating Administrations apply resources to specific cross-modal initiatives;

(g) Coordinate DOT-wide hazardous materials outreach and data activities; and

(h) Address other regulatory and programmatic cross-modal issues related to hazardous materials as warranted.

Issued in Washington, DC on August 10, 2000.

Rodney E. Slater,

Secretary.

[FR Doc. 00–20702 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991228352–0229–04; I.D. 080800A]

RIN 0648–A044

Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Critical Habitat Pursuant to a Court Order

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

ACTION: Interim rule.

SUMMARY: NMFS issues interim regulations to close waters within critical habitat in the exclusive economic zone off Alaska west of 144°W. long. to all commercial groundfish fishing with trawl gear. This action is necessary to comply with a United States District Court Order.

DATES: Effective 11:00 am A.l.t., August 9, 2000.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228 or john.lepore@noaa.gov

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under the fishery management plans (FMPs) for groundfish in the respective areas. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq*. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR 600.

NMFS also has statutory authority to promulgate regulations to enforce provisions of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq*. The ESA requires that each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species.

On July 19, 2000, the United States District Court for the Western District of Washington issued an order that granted a motion for a partial injunction of the North Pacific groundfish fisheries. *Greenpeace et al.* v. *NMFS*, No. C98–4922 (W.D. Wash.). This motion, filed by Greenpeace, American Oceans Campaign, and the Sierra Club (hereafter the Plaintiffs), requested injunctive relief until NMFS issues a legally adequate biological opinion addressing the combined, overall effects of the North Pacific groundfish fisheries on Steller sea lions and their critical habitat pursuant to the ESA. The population of Steller sea lions west of 144°W. long. (hereafter western population) is listed under the ESA as endangered, while the population of Steller sea lions east of 144°W. long. is listed as threatened.

This rule, promulgated under the authority of Section 11(f) of the ESA and in compliance with the Court's injunction, prohibits all groundfish trawl fishing, as the term fishing is defined at 16 U.S.C. 1802(15) and authorized pursuant to the Fishery Management Plans for the Bering Sea/Aleutian Islands and Gulf of Alaska, within Steller sea lion critical habitat listed in Tables 1 and 2 to 50 CFR 226.202 that is in federally regulated waters west of 144°W. long., as well as the three special aquatic foraging areas defined at 50 CFR 226.202. For the convenience of the affected public, all areas closed to groundfish trawling pursuant to the court order are described below. Please refer to regulations at 50 CFR § 226.202 and § 223.202 for further details concerning designated critical habitat and threatened marine and anadromous species. Steller Sea Lion Critical Habitat Sites Closed:

Site	Latitude	Longitude	Latitude	Longitude
Western Aleutian Rookeries:				
Agattu I.				
—Cape Sabak [1]	52 23.5N	173 43.5E	52 22.0N	173 41.0E
—Gillon Point [1]	52 24.0N	173 21.5E		
Attu I.[1]	52 54.5N	172 28.5E	52 57.5N	172 31.5E
Buldir I.[1]	52 20.5N	175 57.0E	52 23.5N	172 51.0E
Western Aleutian Haulouts:				
Alaid I.[1]	52 45.0N	173 56.5E	52 46.5N	173 51.5E
Attu/Chirikof Pt.[1]	52 30.0N	173 26.7E		
Shemya I.[1]	52 44.0N	174 09.0E		
Central Aleutians Rookeries:				
Adak I.[1]	51 36.5N	176 59.0W	51 38.0N	176 59.5W
Agligadak I.[1]	52 06.5N	172 54.0W		
Amchitka I.[1]				
—Column Rock [1]	51 32.5N	178 49.5E		
—East Cape [1]	51 22.5N	179 28.0E	51 21.5N	179 25.0E
Ayugadak I.[1]	51 45.5N	178 24.5E		
Gramp Rock [1]	51 29.0N	178 20.5W		
Kasatochi I.[1]	52 10.0N	175 31.5W	52 10.5N	175 29.0W

Site	Latitude	Longitude	Latitude	Longitude
Kiska I.				
—Lief Cove [1]	51 57.5N	177 21.0E	51 56.5N	177 20.0E
—Cape St. Stephen [1]	51 52.5N	177 13.0E	51 53.5N	177 12.0E
Seguam I./Saddleridge [1]	52 21.0N	172 35.0W	52 21.0N	172 33.0W
Semisopochnoi I.				
—Pochnoi Pt.[1]	51 58.5N	179 45.5E	51 57.0N	179 46.0E
—Petrel Pt	52 01.5N	179 37.5E	52 01.5E	179 39.0E
Tag I.[1]	51 33.5N	178 34.5W		
Ulak I.[1]	51 20.0N	178 57.0W	51 18.5N	178 59.5W
Yunaska I.[1]	52 42.0N	170 38.5W	52 41.0N	170 34.5W
Central Aleutians Haulouts:				
Amatignak I.[1]	51 13.0N	179 08.0E		
Amlia I.				
—East [1]	52 05.0N	172 58.5W	52 06.0N	172 57.0W
—Sviech. Harbor [1]	52 02.0N	173 23.0W		
Amukta I.& Rocks [1]	52 31.5N	171 16.5W	52 26.5N	171 16.5W
Anagaksik I.[1]	51 51.0N	175 53.5W		
Atka I.[1]	52 23.5N	174 17.0W	52 24.5N	174 07.5W
Bobrof I.[1]	51 54.0N	177 27.0W		
Chagulak I.[1]	52 34.0N	171 10.5W		
Chuginadak I.[1]	52 46.5N	169 44.5W	52 46.5N	169 42.0W
Great Sitkin I.[1]	52 06.0N	176 10.5W	52 07.0N	176 08.5W
Kagamil I.[1]	53 02.5N	169 41.0W		
Kanaga I				
—North Cape	51 56.5N	177 09.0W		
—Ship Rock	51 47.0N	177 22.5W		
Kavalga I.[1]	51 34.5N	178 51.5W	51 34.5N	178 49.5W
Kiska I./Sirius Pt.[1]	52 08.5N	177 36.5E		
Kiska I./Sobaka & Vega [1]	51 50.0N	177 20.0E	51 48.5N	177 20.5E
Little Sitkin I.[1]	51 59.5N	178 30.0E		
Little Tanaga [1]	51 50.5N	176 13.0W	51 49.0N	176 13.0W
Sagigik I.[1]	52 00.5N	173 08.0W		
Seguam I.				
—South [1]	52 19.5N	172 18.0W	52 15.0N	172 37.0W
—Finch Pt. [1]	52 23.5N	172 25.5W	52 23.5N	172 24.0W
Segula I.[1]	52 00.0N	178 06.5E	52 03.5N	178 09.0E
Tanaga I.[1]	51 55.0N	177 58.5W	51 55.0N	177 57.0W
Tanadak I.(Amlia) [1]	52 04.5N	172 57.0W		
Tanadak I.(Kiska) [1]	51 57.0N	177 47.0E		
Ugidak I.[1]	51 35.0N	178 30.5W		
Uliaga I.[1]	53 04.0N	169 47.0W	53 05.0N	169 46.0W
Unalga & Dinkum Rocks [1]	51 34.0N	179 04.0W	51 34.5N	179 03.0W
Eastern Aleutians Rookeries:				
Adugak I.[1]	52 55.0N	169 10.5W		
Akun I./Billings Head [1]	54 18.0N	165 32.5W	54 18.0N	165 31.5W
Akutan I./Cape Morgan [1]	54 03.5N	166 00.0W	54 05.5N	166 05.0W
Bogoslof I.[1 2]	53 56.0N	168 02.0W		
Ogchul I.[1]	53 00.0N	168 24.0W		
Sea Lion Rocks (Amak) [1]	55 28.0N	163 12.0W		
Ugamak I.[1]	54 14.0N	164 48.0W	54 13.0N	164 48.0W
Eastern Aleutians Haulouts:				
Akutan I./Reef-Lava [1]	54 10.5N	166 04.5W	54 07.5N	166 06.5W
Amak I.[1]	55 24.0N	163 07.0W	55 26.0N	163 10.0W
Cape Sedanka & Island [1]	53 50.5N	166 05.0W		
Emerald I.[1]	53 17.5N	167 51.5W		
Old Man Rocks [1]	53 52.0N	166 05.0W		
Polivnoi Rock [1]	53 16.0N	167 58.0W		
Tanginak I.[1]	54 13.0N	165 19.5W		
Tigalda I.[1]	54 08.5N	164 58.5W		
Umnak I./Cape Aslik [1]	53 25.0N	168 24.5W		
Bering Sea Rookeries:				
Walrus I.[1]	57 11.0N	169 56.0W		
Bering Sea Haulouts:				
Cape Newenham [1]	58 39.0N	162 10.5W		
Hall I.[1]	60 37.0N	173 00.0W		
Round I.[1]	58 36.0N	159 58.0W		
St. Paul I.				
—Northeast Point [1]	57 15.0N	170 06.5W		
—Sea Lion Rock [1]	57 06.0N	170 17.5W		
St. George I.				
—S Rookery [1]	56 33.5N	169 40.0W		
—Dalnoi Point	56 36.0N	169 46.0W		
St. Lawrence I.				
—S Punuk I.[1]	64 04.0N	168 51.0W		

Site	Latitude	Longitude	Latitude	Longitude
—SW Cape [1]	63 18.0N	171 26.0W		
Western Gulf of Alaska Rookeries:				
Atkins I.[1]	55 03.5N	159 18.5W		
Chernabura I.[1]	54 47.5N	159 31.0W	54 45.5N	159 33.5W
Clubbing Rocks (N) [1]	54 43.0N	162 26.5W		
Clubbing Rocks (S) [1]	54 42.0N	162 26.5W		
Pinnacle Rock [1]	54 46.0N	161 46.0W		
Western Gulf of Alaska Haulouts:				
Bird I.[1]	54 40.5N	163 18.0W		
Castle Rock [1]	55 17.0N	159 30.0W		
Caton I.[1]	54 23.5N	162 25.5W		
Jude I.[1]	55 16.0N	161 06.0W		
Lighthouse Rocks [1]	55 47.5N	157 24.0W		
Nagai I.[1]	54 52.5N	160 14.0W	54 56.0N	160 15.0W
Nagai Rocks [1]	55 50.0N	155 46.0W		
Sea Lion Rocks (Unga) [1]	55 04.5N	160 31.0W		
South Rock [1]	54 18.0N	162 43.5W		
Spitz I.[1]	55 47.0N	158 54.0W		
The Whaleback [1]	55 16.5N	160 06.0W		
Central Gulf of Alaska Rookeries:				
Chirikof I.[1]	55 46.5N	155 39.5W	55 46.5N	155 43.0W
Chowiet I.[1]	56 00.5N	156 41.5W	56 00.5N	156 42.0W
Marmot I.[1]	58 14.5N	151 47.5W	58 10.0N	151 51.0W
Outer I.[1]	59 20.5N	150 23.0W	59 21.0N	150 24.5W
Sugarloaf I.[1]	58 53.0N	152 02.0W		
Central Gulf of Alaska Haulouts:				
Cape Barnabas [1]	57 10.0N	152 55.0W	57 07.5N	152 55.0W
Cape Chiniak [1]	57 35.0N	152 09.0W	57 37.5N	152 09.0W
Cape Gull [1 2]	58 13.5N	154 09.5W	58 12.5N	154 10.5W
Cape Ikolik [1 2]	57 17.0N	154 47.5W		
Cape Kuliak [1 2]	58 08.0N	154 12.5W		
Cape Sitkinak [1]	56 32.0N	153 52.0W		
Cape Ugat [1 2]	57 52.0N	153 51.0W		
Gore Point [1]	59 12.0N	150 58.0W		
Gull Point [1]	57 21.5N	152 36.5W	57 24.5N	152 39.0W
Latax Rocks [1]	58 42.0N	152 28.5W	58 40.5N	152 30.0W
Long I. [1]	57 45.5N	152 16.0W		
Nagahut Rocks [1]	59 06.0N	151 46.0W		
Puale Bay [1 2]	57 41.0N	155 23.0W		
Sea Lion Rocks (Marmot) [1]	58 21.0N	151 48.5W		
Sea Otter I. [1]	58 31.5N	152 13.0W		
Shakun Rock [1 2]	58 33.0N	153 41.5W		
Sud I. [1]	58 54.0N	152 12.5W		
Sutwik I. [1]	56 32.0N	157 14.0W	56 32.0N	157 20.0W
Takli I. [1 2]	58 03.0N	154 27.5W	58 03.0N	154 30.0W
Two-headed I. [1]	56 54.5N	153 33.0W	56 53.5N	153 35.5W
Ugak I. [1]	57 23.0N	152 15.5W	57 22.0N	152 19.0W
Ushagat I. [1]	58 55.0N	152 22.0W		
Eastern Gulf of Alaska Rookeries:				
Seal Rocks [1]	60 10.0N	146 50.0W		
Fish I. [1]	59 53.0N	147 20.5W		
Eastern Gulf of Alaska Haulouts:				
Cape St. Elias [1]	59 48.0N	144 36.0W		
Chiswell Islands [1]	59 36.0N	149 34.0W		
Hook Point [1]	60 20.0N	146 15.5W		
Middleton I. [1]	59 26.5N	146 20.0W		
Perry I. [1]	60 39.5N	147 56.0W		
Point Eleanor [1]	60 35.0N	147 34.0W		
Point Elrington [1]	59 56.0N	148 13.5W		
Seal Rocks [1]	60 10.0N	146 50.0W		
The Needle [1]	60 07.0N	147 37.0W		

[1] Includes an associated 20 nautical mile aquatic zone.
[2] Associated 20 nautical mile aquatic zone lies entirely within one of the three special foraging areas.

Critical habitat includes the Shelikof Strait area in the Gulf of Alaska and consists of the area between the Alaska Peninsula and Tugidak, Sitknak, Aiaktilik, Kodiak, Raspberry, Afognak and Shuyak Islands (connected by the shortest lines); bounded on the west by a line connecting Cape Kumlik (56° 38′N/157° 27′W) and the southwestern tip of Tugidak Island (56° 24′N/154° 41′W) and bounded in the east by a line connecting Cape Douglas (58° 51′N/153° 15′W) and the northernmost tip of Shuyak Island (58° 37′N/152° 22′W).

Critical habitat includes the Bogoslof area in the Bering Sea shelf and consists of the area between 170° 00′W and 164° 00′W, south of straight lines connecting 55° 00′N/170° 00′W and 55° 00′N/168° 00′W; 55° 30′N/168° 00′W and 55° 30′N/166° 00′W; 56° 00′N/166° 00′W and 56°

00′N/164° 00′W and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed: 52° 49.2′/169° 40.4′W; 52° 49.8′N/169° 06.3′; 53° 23.8′N/167° 50.1′W; 53° 18.7′N/167° 17.2′W; 54° 02.9′N/166° 03.0′W; 54° 07.7′N/165° 40.6′W; 54° 08.9′N/165° 38.8′W; 54° 11.9′N/165° 23.3′W; and 54° 23.9′N/164° 44.0′W.

Critical habitat includes the Seguam Pass area and consists of the area between 52° 00′N and 53° 00′N and between 173° 30′W and 172° 30′W.

Research activities conducted by scientific research vessels, as defined 50 CFR 600.10, are exempted from the closure specified in this emergency rule.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to comply with a court order and is authorized by the ESA.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply to this action.

This emergency rule has been determined to be significant under section 3(f)(1) of E.O. 12866. NMFS estimates that the potential economic losses in closing critical habitat to pollock trawling from June through December 2000 could be as high as $88 million. Industry has estimated that if the injunction remains in place through the A/B seasons, loses could be as high as $250 mission. This rule has been determined to be major for purposes of the Congressional Review Act, 5 U.S.C. 801, *et seq*. The delay in effective date normally required for major rules under the Congressional Review Act is inapplicable to this rule closing a commercial fishery pursuant to 5 U.S.C. 808(1).

NMFS finds that there is good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures are unnecessary. This action complies with a United States District Court order and is non-discretionary. Delaying the effectiveness of this interim rule to provide prior notice and opportunity for comment would prevent NMFS from complying with the Court's order, which requires that critical habitat be closed to groundfish trawling by 12:00 noon Pacific time, August 8, 2000. Additionally, pursuant to authority at 5 U.S.C. 553(d)(3), NMFS finds good cause to waive the 30 day delay in effective date and makes this rule effective immediately in order to meet the time and date specified in the court's order.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: August 8, 2000.

Andrew Kemmerer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 is revised to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; Title II of Division C, Pub. L. 105–277; Sec. 3027, Pub. L. 106–31, 113 Stat. 57; 16 U.S.C. 1540(f).

2. In § 679.22, paragraph (j) is added to read as follows:

§ 679.22 Closures.

* * * * *

(j) *Closure of critical habitat.* All groundfish trawl fishing, as the term fishing is defined at 16 U.S.C. 1802(15) and authorized pursuant to the Fishery Management Plans for the Bering Sea/Aleutian Islands and Gulf of Alaska, within Steller sea lion critical habitat within the EEZ and west of 144°W. long., as such critical habitat is defined by regulations codified at 50 CFR 226.202 and Tables 1 and 2 of 50 CFR part 226, is prohibited.

[FR Doc. 00–20495 Filed 8–9–00; 8:45 am]

BILLING CODE 3510–DS–P

Proposed Rules

Federal Register
Vol. 65, No. 158
Tuesday, August 15, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 79

[Docket No. 97–093–4]

RIN 0579–AA90

Scrapie in Sheep and Goats; List of Consistent States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to establish a list of States that conduct an active State scrapie program that is consistent with Federal requirements. This list of ''Consistent States'' will be referred to in addressing interstate movement restrictions for sheep and goats. We also propose to expand the criteria we proposed earlier for how States may qualify to be designated as Consistent States in order to provide more detailed information in this area. These changes would help prevent the interstate spread of scrapie, an infectious disease of sheep and goats.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by September 14, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 97–093–4, 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. 97–093–4. 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. Diane Sutton, Senior Staff Veterinarian, National Animal Health Programs Staff, 4700 River Road Unit 43, Riverdale, MD 20737–1235, (301) 734–6954.

SUPPLEMENTARY INFORMATION: Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. It is a member of a class of diseases called transmissible spongiform encephalopathies (TSE's). Its control is complicated because the disease has an extremely long incubation period without clinical signs of disease.

To control the spread of scrapie within the United States, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), administers regulations at 9 CFR part 79, which restrict the interstate movement of certain sheep and goats. APHIS also has regulations at 9 CFR part 54, which describe a voluntary scrapie control program.

For over 40 years, USDA has had programs to eradicate or reduce the incidence of scrapie in the United States. The comprehensive data on the incidence of scrapie has always been hard to assemble due to the nature of the disease and its diagnosis. These programs have not resulted in a major reduction in the incidence of scrapie. A major reason for this result is that State programs for scrapie have varied tremendously in their resources and effectiveness. Some States may not invest sufficient resources to identify infected flocks or reduce the incidence of scrapie within that State, and sheep with undiagnosed cases of scrapie could then easily move to other States, infecting new flocks. Therefore, we believe that to build an effective national scrapie program, the current regulations must be adjusted to recognize that sheep from States with minimal or nonexistent scrapie programs represent a higher risk than sheep from other States.

On November 30, 1999, we published in the **Federal Register** (64 FR 66791–66812, Docket No. 97–093–2) a proposal to amend regulations in 9 CFR parts 54 and 79 that address the control of scrapie. That proposal, referred to below as the November 30 proposed rule, described two sets of interstate movement restrictions: One set for ''Consistent States'' and another set for ''Inconsistent States.'' The November 30 proposed rule stated that Consistent States would be States that conduct an active State scrapie program which effectively enforces certain requirements to identify scrapie in flocks and control its spread. We proposed on November 30, 1999, to establish a new § 79.6 listing the requirements a State would have to meet to be a Consistent State. The proposed requirements included reporting and investigating any scrapie-suspect animal, affected animal, or scrapie-positive animal; identifying and quarantining infected and source flocks; individually identifying certain exposed animals; and individually identifying and monitoring certain high-risk animals. The proposed individual identification and monitoring of high-risk animals were to apply to animals in all flocks, not just source or infected flocks as required by the current regulations.

We solicited comments concerning the November 30 proposed rule for 30 days ending December 30, 1999. We reopened and extended the deadline for comments until January 14, 2000, in a document published in the **Federal Register** on January 7, 2000 (Docket No. 97–093–3, 65 FR 1074). We received 171 comments by that date. They were from State agriculture agencies, sheep and goat industry associations, sheep and goat producers, livestock auction and slaughter companies, and universities and researchers. We will address these comments later when we take final action on the November 30 proposed rule. However, the November 30 proposed rule also stated that before we finalized the proposal, we would develop and publish for comment a list of States that qualify as Consistent States.

This proposal lists the States that qualify as Consistent States.

The November 30 proposed rule stated that, in determining whether a State qualified as a Consistent State, the Administrator would evaluate the State statutes, regulations, and directives pertaining to animal health activities; reports and publications of the State

animal health agency; and a written statement from the State animal health agency describing State scrapie control activities. All 50 States have submitted written statements indicating their willingness to comply with the proposed requirements and have provided copies of their regulatory authority to carry out these actions. The Administrator has evaluated all of these submissions and other information and reports describing scrapie quarantine and control activities in these States and has determined that all 50 of the States meet the standards for Consistent State that were set forth in the November 30 proposed rule. That is, the Administrator considered whether the State's scrapie control program:

- Requires the reporting of and investigation of any suspect animal, affected animal, or scrapie-positive animal; requires the official permanent individual identification of any live scrapie-positive, affected, or suspect animal of any age, and of any exposed animal, including high-risk animals, 1 year of age or over and any exposed animals less than 1 year of age when a change of ownership occurs, except those animals under 6 months of age moving within slaughter channels in accordance with the regulations (whether or not the exposed animal resides in a source or infected flock);
- Effectively enforces quarantines of all source and infected flocks;
- Effectively enforces quarantines of all high-risk, affected, suspect, and scrapie-positive animals throughout their lives unless moved in accordance with the regulations;
- Requires that, if an affected, suspect or scrapie-positive animal dies or is destroyed, that tissues be submitted for diagnostic testing to a laboratory authorized by the Administrator to conduct scrapie tests in accordance with the regulations and requires that the carcass be completely destroyed; and
- Releases quarantines of these flocks only upon completion of a flock plan and agreement by the owner to participate in a post-exposure monitoring and management plan as defined in part 54.

The 50 States that the Administrator has evaluated and has determined to be Consistent States are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Although the definition of State in the regulations includes territories and possessions of the United States, due to the scant amount of interstate commerce in sheep in territories and possessions it is unlikely that any of them will apply to be Consistent States.

We intend to take final action on this proposal to list States as Consistent States at the same time we take final action on the November 30 proposed rule. Comments received on this proposed rule, as well as comments on the November 30 proposed rule, will all be discussed in that final action.

In addition to taking comments on whether to finalize the above list of 50 States as Consistent States, we are also seeking comment on proposed changes to the standards for designating Consistent States. These proposed changes are based largely on comments on the November 30 proposed rule made by sheep industry associations, flock owners, and States regarding the standards States should meet to be designated as Consistent States. Several of these comments suggested that the regulations should be modeled after successful aspects of other APHIS disease eradication programs. We are proposing changes that contain more details on the required elements of State programs, similar to the detail that exists in APHIS regulations that govern similar programs for cattle and swine.

In response to the suggestions made by commenters, we are proposing a new version of section 79.6, *Standards for State programs to qualify as Consistent States*, in lieu of the proposed section set out in the November 30 proposed rule at 64 FR 66812. The new proposed section and a discussion of it follows.

We propose that when the Administrator evaluates a State to determine whether it qualifies for Consistent State status, he would first evaluate the following: State statutes, regulations, and directives pertaining to animal health activities; reports and publications of the State animal health agency; and a written statement from the State animal health agency describing State scrapie control activities and certifying that these activities meet the requirements § 79.6. The Administrator would also determine whether the State has the authority, based on State law or regulation, to restrict the movement of all scrapie-infected and source flocks and to require the reporting of any animal suspected of having scrapie to State or Federal animal health authorities.

These proposed provisions are a restatement of the requirements in the November 30 proposed rule that Consistent States must have authority to restrict movements of animals from scrapie-infected and source flocks and to require the reporting of suspect animal, affected animal, or scrapie-positive animals.

We also propose that the Administrator would determine whether the State has, in cooperation with APHIS personnel, drafted and signed a memorandum of understanding between APHIS and the State that delineates the respective roles of each in National Scrapie Program implementation.

In the November 30 proposed rule we requested comments on the issue of whether APHIS should sign compliance agreements with States describing the roles of APHIS and State governments in scrapie program activities. Several commenters endorsed this idea. We propose the use of a memorandum of understanding (MOU) rather than a compliance agreement to record the roles of APHIS and each State in program activities because experience in domestic disease control programs have shown use of MOU's greatly enhances cooperation between APHIS and State personnel, an MOU will achieve the same purpose as a compliance agreement, and States are familiar with the use of MOU's.

We propose that the Administrator would also evaluate whether the State has placed all known scrapie-infected and source flocks under movement restrictions, with movement of animals only to slaughter, to feedlots under permit, and movement restrictions that ensure later movement to slaughter, for destruction, or for research. Scrapie-positive and suspect animals could be moved only for transport to an approved research facility or for purposes of destruction. The Administrator would also evaluate whether the State has effectively implemented policies to:

- Investigate all animals reported as scrapie suspect animals within 7 days of notification;
- Designate a flock's status, within 15 days of notification that the flock contains a scrapie-positive animal, based on an investigation by State or Federal animal health authorities;
- Restrict the movement, in accordance with proposed § 79.6(a)(4), of newly designated scrapie-infected and source flocks within 7 days after they are designated in accordance with proposed § 79.4;

• Relieve infected and source flock movement restrictions only after completion of a flock plan created in accordance with proposed § 54.14 or a flock plan created in accordance with an approved scrapie control pilot project, or as permitted by the conditions of such a flock plan, and after agreement by the owner to comply with a 5-year postexposure monitoring and management plan;

• Conduct an epidemiologic investigation of source and infected flocks that includes the designation of high-risk and exposed animals and that identifies animals to be traced;

• Conduct tracebacks of scrapie-positive animals and traceouts of high-risk and exposed animals and report any out-of-State traces to the appropriate State within 45 days of receipt of notification of a scrapie-positive animal; and,

• Conduct tracebacks based on slaughter sampling within 15 days of receipt of notification of a scrapie-positive animal at slaughter.

These proposed provisions expand upon the requirements in the November 30 proposed rule that Consistent States must effectively quarantine all scrapie-infected and source flocks and all high-risk, affected, suspect, and scrapie-positive animals. The added details describe best practices for investigating and quarantining scrapie outbreaks that are based on APHIS procedures employed during many years of program experience dealing with animal disease outbreaks. The proposed language also adds details on steps States should take before releasing quarantines or modifying movement restrictions, based on practices APHIS has found effective in past quarantine operations.

We also propose that the Administrator would evaluate whether the State effectively monitors and enforces quarantines, and effectively enforces State reporting laws and regulations for scrapie. These proposed provisions are identical to requirements proposed in the November 30 proposed rule.

We also propose that the Administrator would determine whether the State has designated at least one APHIS or State animal health official to coordinate scrapie program activities in the State and to serve as the designated scrapie epidemiologist in the State, and whether the State has educated those engaged in the interstate movement of sheep and goats regarding the identification and recordkeeping requirements of the regulations.

These proposed provisions are similar to provisions employed in APHIS regulations for domestic disease control programs for cattle and swine. APHIS finds that having a designated epidemiologist for program activities for each State greatly facilitates management of disease programs, and that education programs for persons engaged in interstate movement of animals greatly aids compliance and the effectiveness of disease control programs.

We also propose that the Administrator would determine whether the State has provided APHIS with a plan and timeline for complying with the following additional requirements, which would have to be met within 2 years of designation of the State as a Consistent State.[1] Under these requirements, the State would have to:

• Require, based on State law or regulation, and effectively enforce official identification upon change of ownership of all animals of any age not in slaughter channels and any sheep over 18 months of age as evidenced by eruption of the second incisor such that the animal may be traced to its flock of birth. A State could exempt commercial goats in intrastate commerce from this identification requirement if the goats have not been in contact with sheep and if there has been in that State no case of scrapie in a commercial goat in the past 10 years that originated in that State and cannot be attributed to exposure to infected sheep and there are no exposed commercial goat herds in that State. A State could exempt commercial whiteface sheep under 18 months of age in intrastate commerce from this identification requirement if there has been in that State no case of scrapie in commercial whiteface sheep that originated from that State and there are no exposed commercial whiteface sheep flocks in that State that have been exposed by a female animal. States that exempt these types of commercial animals must put in place the regulations necessary to require identification of these animals within 90 days of these conditions no longer existing.

• Maintain in the National Scrapie Database administered by APHIS, or in a State database approved by the Administrator as compatible with the National Scrapie Database, the State's: (1) Premises information and assigned premises numbers and individual identification number sequences assigned for use as premises identification; (2) individual animal information on all scrapie-positive, suspect, high-risk, and exposed animals in the State; (3) individual animal information on all out-of-State animals to be traced; and (4) accurate flock status data.

• Require official individual identification of any live scrapie-positive, suspect, or high-risk animal of any age and of any sexually intact exposed animal of more than 1 year of age or any sexually intact exposed animal of less than 1 year of age upon change of ownership (except for exposed animals moving in slaughter channels at less than 1 year of age), whether or not the animal resides in a source or infected flock.

• Effectively enforce movement restrictions on all scrapie-positive, suspect, and high-risk animals throughout their lives unless they are moved in accordance with § 79.3.

• Require that tissues from all scrapie-positive or suspect animals and female high-risk animals that have lambed (when they have died or have been destroyed) be submitted to a laboratory authorized by the Administrator to conduct scrapie tests and requires complete destruction of the carcasses of scrapie-positive and suspect animals.

• Prohibit any animal from being removed from slaughter channels unless it is identified to the premises of birth, is not from an inconsistent State, and is not scrapie-exposed or from an infected or source flock.

• Comply with the guidelines adopted in the Scrapie Eradication Uniform Methods and Rules.

Finally, we propose that, if the Administrator determines that statutory changes are needed to bring a State into full compliance, the Administrator may grant up to a 2-year extension to allow a State to acquire additional authorities before removing a State's Consistent Status. The decision to grant an extension would be based on the State's ability to prevent the movement of scrapie-infected animals out of the State and on the progress being made in making the needed statutory changes.

These proposed provisions add more detail to the requirements proposed in the November 30 proposed rule regarding the responsibility of Consistent States to conduct official animal identification programs, restrict the movement of certain animals, and submit for testing tissue samples from scrapie-positive or suspect animals and female high-risk animals.

One change from the November 30 proposed rule is the proposal to identify any animal over 18 months of age, rather than any animal over 6 months of age. APHIS agrees with the commenters

[1] This provision would apply until January 1, 2003. Any State designated as a Consistent State after that date would have to meet all requirements prior to designation.

that age and sexual maturity are benchmarks that divide animals into different risk levels for scrapie transmission and our ability to diagnose the disease. After 18 months of age, a lamb will have an eruption of the second incisors and at this age due to sexual maturity the risk of transmission of scrapie increases significantly, as does the ability to diagnose scrapie. We propose to make this change based on comments indicating the 6-month standard would cause needless expense for persons moving lambs to slaughter, without significantly reducing risk.

We also propose to exempt from this identification certain commercial goats and whiteface sheep if the incidence of scrapie in a State indicates scrapie is unlikely to exist in these populations. Only commercial goats that have never been in contact with sheep would be exempted from this identification requirement. A State could exempt such goats only if the only cases of scrapie ever identified among commercial goats in the State were in goats that either associated with sheep (in which case the infection was probably incidental to that association and not endemic to the goat population), or goats that originated in another State. However, a State could not exempt goats from identification if a goat diagnosed with scrapie has given birth in that State resulting in the exposure of other goat herds, even if that goat originated in another State, because the risks of spreading scrapie during birth processes are high. We also propose that a State may exempt commercial whiteface sheep under 18 months of age from this identification if there has been in that State no case of scrapie in commercial whiteface sheep and no commercial whiteface flocks in the State that have been exposed by a female animal. These proposed exemptions are based on information from commenters indicating that these situations for commercial goats and whiteface sheep present very low risks of spreading scrapie.

Overall, the standards proposed above incorporate the standards in the November 30 proposed rule and expand them with more detail describing adequate State scrapie programs. A large part of the new material covers how States must maintain records documenting their quarantine and movement restriction activities, and how this information must be made available through the National Scrapie Database maintained by APHIS or through State databases. The proposed standards also provide more detail on the standards States must apply in releasing animals from quarantine, give more detail on identification requirements, and establish timelines for required actions and working relationships (*e.g.,* the memorandum of understanding) between APHIS and States.

Communication with the States that have applied for Consistent State status indicates that all 50 of the States we propose to designate Consistent, under the standards contained in the November 30 proposed rule, would also be able to qualify as Consistent under the expanded standards we propose today. Some of the States are currently making changes to their procedures and authorities to bring their programs into full compliance. We expect that all these States will complete these activities within about 90 days after the date this proposal is published, and prior to the time final action is taken on it. One possible exception is where States must pass new laws or regulations to comply. For example, the State of Kentucky has authority to require reporting of disease only by diagnostic laboratories and accredited veterinarians. This authority may or may not be sufficient to meet the requirement in proposed § 79.6(a)(2) that States ''require the reporting of any animal suspected of having scrapie to State or Federal animal health authorities.''

The efficacy of Kentucky's reporting system as well as that of the other States will be evaluated in an annual review by the Administrator to verify that Consistent States meet the requirements of the regulations. However, in the event that States find they need additional statutory authority to comply with the reporting or any other requirement, we wish to establish a system that allows States to remain Consistent States while they update their statutory authorities. That is the purpose of proposed § 79.6(b), which states that if the Administrator determines that statutory changes are needed to bring a State into full compliance, the Administrator may grant up to a 2-year extension to allow a State to acquire additional authorities before removing a State's Consistent Status.

As noted, we intend to take final action on these proposed standards for Consistent States, and on the proposed list of Consistent States, at the same time we take final action on the November 30 proposed rule. At that time, all of the 50 States proposed as Consistent in today's proposal that meet the final standards for Consistent States, or that have been granted an extension by the Administrator under § 79.6(b) to change their statutes in order to meet all the requirements, will be designated as Consistent States. After that final rule is published, States' program-consistent status will be reviewed at least annually. Any States not found in compliance after such a review will be removed from the list.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This action would designate 50 States as Consistent States under the scrapie regulations, but would not have any economic effects in itself. The possible economic effects of Consistent State status were discussed in the November 30 proposed rule, and will be further discussed in a final regulatory flexibility analysis that will be prepared when final action is taken on that rule.

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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (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 to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 79

Animal diseases, Goats, Quarantine, Reporting and recordkeeping requirements, Scrapie, Sheep, Transportation.

For the reasons set forth in the preamble, we propose to amend part 79 as set out in the proposed rule published on November 30, 1999 (64 FR 66791), as follows:

1. The authority citation for part 79 would be revised to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

2. Section 79.6 is revised to read as follows:

§ 79.6 Standards for State programs to qualify as Consistent States.

(a) In reviewing a State for Consistent State status, the Administrator will evaluate the State statutes, regulations, and directives pertaining to animal health activities; reports and publications of the State animal health agency; and a written statement from the State animal health agency describing State scrapie control activities and certifying that these activities meet the requirements of this section. In determining whether a State is a Consistent State, the Administrator will determine whether the State:

(1) Has the authority, based on State law or regulation, to restrict the movement of all scrapie-infected and source flocks.

(2) Has the authority, based on State law or regulation, to require the reporting of any animal suspected of having scrapie to State or Federal animal health authorities.

(3) Has, in cooperation with APHIS personnel, drafted and signed a memorandum of understanding between APHIS and the State that delineates the respective roles of each in National Scrapie Program implementation.

(4) Has placed all known scrapie-infected and source flocks under movement restrictions, with movement of animals only to slaughter, to feedlots under permit and movement restrictions that ensure later movement to slaughter, for destruction, or for research. Scrapie-positive and suspect animals may be moved only for transport to an approved research facility or for purposes of destruction.

(5) Has effectively implemented policies to:

(i) Investigate all animals reported as scrapie suspect animals within 7 days of notification.

(ii) Designate a flock's status, within 15 days of notification that the flock contains a scrapie-positive animal, based on an investigation by State or Federal animal health authorities and in accordance with this part.

(iii) Restrict the movement, in accordance with paragraph (a)(4) of this section, of newly designated scrapie-infected and source flocks within 7 days after they are designated in accordance with § 79.4 of this part.

(iv) Relieve infected and source flock movement restrictions only after completion of a flock plan created in accordance with § 54.14 of this chapter or a flock plan created in accordance with an approved scrapie control pilot project, or as permitted by the conditions of such a flock plan, and after agreement by the owner to comply with a 5-year postexposure monitoring and management plan.

(v) Conduct an epidemiologic investigation of source and infected flocks that includes the designation of high-risk and exposed animals and that identifies animals to be traced.

(vi) Conduct tracebacks of scrapie-positive animals and traceouts of high-risk and exposed animals and report any out-of-State traces to the appropriate State within 45 days of receipt of notification of a scrapie-positive animal.

(vii) Conduct tracebacks based on slaughter sampling within 15 days of receipt of notification of a scrapie-positive animal at slaughter.

(6) Effectively monitors and enforces quarantines.

(7) Effectively enforces State reporting laws and regulations for scrapie.

(8) Has designated at least one APHIS or State animal health official to coordinate scrapie program activities in the State and to serve as the designated scrapie epidemiologist in the State.

(9) Has educated those engaged in the interstate movement of sheep and goats regarding the identification and recordkeeping requirements of this part.

(10) Has provided APHIS with a plan and timeline for complying with the following additional requirements, which must be met within 2 years of designation of the State as a Consistent State:[3]

(i) Requires, based on State law or regulation, and effectively enforces official identification upon change of ownership of all animals of any age not in slaughter channels and any sheep over 18 months of age as evidenced by eruption of the second incisor such that the animal may be traced to its flock of birth; except that:

(A) A State may exempt commercial goats in intrastate commerce that have not been in contact with sheep from this identification requirement if there has been in that State no case of scrapie in a commercial goat in the past 10 years that originated in that State and cannot be attributed to exposure to infected sheep and there are no exposed commercial goat herds in that State; and

(B) A State may exempt commercial whiteface sheep under 18 months of age in intrastate commerce from this identification requirement if there has been in that State no case of scrapie in commercial whiteface sheep that originated from that State and there are no exposed commercial whiteface sheep flocks in that State that have been exposed by a female animal.

(C) States that exempt these types of commercial animals must put in place the regulations necessary to require identification of these animals within 90 days of these conditions no longer existing.

(ii) Maintains in the National Scrapie Database administered by APHIS, or in a State database approved by the Administrator as compatible with the National Scrapie Database, the State's:

(A) premises information and assigned premise numbers and individual identification number sequences assigned for use as premises identification;

(B) individual animal information on all scrapie-positive, suspect, high-risk, and exposed animals in the State;

(C) individual animal information on all out-of-State animals to be traced; and

(D) accurate flock status data.

(iii) Requires official individual identification of any live scrapie-positive, suspect, or high-risk animal of any age and of any sexually intact exposed animal of more than 1 year of age or any sexually intact exposed animal of less than 1 year of age upon change of ownership (except for exposed animals moving in slaughter channels at less than 1 year of age), whether or not the animal resides in a source or infected flock.

(iv) Effectively enforces movement restrictions on all scrapie-positive, suspect, and high-risk animals throughout their lives unless they are moved in accordance with § 79.3.

(v) Requires that tissues from all scrapie-positive or suspect animals and female high-risk animals that have lambed (when they have died or have been destroyed) be submitted to a laboratory authorized by the Administrator to conduct scrapie tests and requires complete destruction of the carcasses of scrapie-positive and suspect animals.

(vi) Prohibits any animal from being removed from slaughter channels unless it is identified to the premises of birth, is not from an inconsistent State, and is not scrapie-exposed or from an infected or source flock.

(vii) Complies with the guidelines adopted in the Scrapie Eradication Uniform Methods and Rules.

(b) If the Administrator determines that statutory changes are needed to bring a State into full compliance, the Administrator may grant up to a 2-year extension to allow a State to acquire additional authorities before removing a State's Consistent Status. The decision to grant an extension will be based on

[3] This provision would apply until January 1, 2003. Any State designated as a Consistent State after that date would have to meet all requirements prior to designation.

the State's ability to prevent the movement of scrapie-infected animals out of the State and on the progress being made in making the needed statutory changes.

Done in Washington, DC, this 10th day of August 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–20657 Filed 8–11–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–129–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes. This proposal would require replacement of defective hydraulic tubing in the left and right wings with new hydraulic tubing. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The action specified by the proposed AD is intended to prevent the loss of hydraulic pressure which could result in reduced controllability of the airplane.

DATES: Comments must be received by September 29, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–129–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–129–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Robert Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–129–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–129–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC indicated that tubing which is part of the hydraulic system in each airplane wing had failed during routine hydraulic pressure testing. Investigation revealed that there were defects in a particular batch of tubing due to errors in the manufacturing process. If the defective tubing is not replaced, it could fail and cause a loss of hydraulic pressure. Such a loss in pressure could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–29–0003, dated November 13, 1997, which describes procedures for replacing the existing hydraulic tubing with new non-defective tubing. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 98–01–03, dated January 15, 1998, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products in which the same defective batch of hydraulic tubing has been installed, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD. The estimated number of work hours required to accomplish the proposed replacement depends on the serial number of the airplane and ranges from 6 to 28 work-hours. The average labor rate is estimated to be $60 per work hour, and the materials required will be available at no charge from EMBRAER.

Based on the information available, the cost of the proposed AD on U.S. operators is estimated to range from $360 to $1,680 per airplane. The maximum total cost for airplanes registered in the U.S., therefore, would be $5,040.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action and that no operator would accomplish those actions in the future if this proposed 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 proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Empresa Brasileira de Aeronautica S.A (Embraer): Docket 2000–NM–129–AD.

Applicability: Model EMB–145 series airplanes; serial numbers 145010, 145011, and 145013 through 145016 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the loss of hydraulic pressure due to failed hydraulic tubing and the consequent reduced controllability of the airplane, accomplish the following:

Replacement

(a) Within 800 flight hours after the effective date of this AD, replace hydraulic tubing in the left and right wings with new tubing, in accordance with EMBRAER Service Bulletin 145–29–0003, dated November 13, 1997.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 98–01–03, dated January 15, 1998.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–20651 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6849–8]

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

AGENCY: Environmental Protection Agency.

ACTION: Proposed deletion of the Warwick Landfill Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) proposes to delete the Warwick Landfill Site (Site), which is located in the Town of Warwick, Orange County, New York, from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (CERCLA) as amended. EPA and the New York State Department of Environmental Conservation have determined that the Site poses no significant threat to public health or the environment, as defined by CERCLA; and therefore, further remedial measures pursuant to CERCLA are not appropriate.

We are publishing a direct final action along with this proposed deletion without prior proposal because the Agency views this as a noncontroversial revision and anticipates no significant adverse or critical comments. A detailed rationale for this approval is set forth in the direct final rule. If no significant adverse or critical comments are received, no further activity is contemplated. If EPA receives significant adverse or critical comments, the direct final action will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this Action must be received by September 14, 2000.

ADDRESSES: Comments should be submitted to: Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866, Fax: (212) 637–3966, E-mail: *duda.damian@epa.gov.*

Comprehensive information on this Site is available through the public docket contained at: U.S. Environmental Protection Agency, Region II, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308, Hours: 9:00 AM to 5:00 PM, Monday through Friday.

Information on the Site is also available for viewing at the following information repositories: Warwick Town Hall, 132 Kings Highway, Warwick, New York 10990, (914) 986–1120 and the Greenwood Lake Village Hall, Church Street, Greenwood Lake, New York 10925, (914) 477–9215.

FOR FURTHER INFORMATION CONTACT: Mr. Duda may be contacted at the above address, by telephone at (212) 637–4269, by FAX at (212) 637–3966 or via e-mail at *duda.damian@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Action which is located in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 9601–9675; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Dated: July 28, 2000.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 00–20423 Filed 8–14–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 175

[Docket No. RSPA–00–7762 (HM–206C)]

RIN 2137–AD29

Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: RSPA solicits comments and suggestions on ways to implement a recommendation from the National Transportation Safety Board (NTSB) to require that air carriers transporting hazardous materials have the means to quickly retrieve and provide information about the identity of a hazardous material on an airplane. We also solicit comments on the need for this or other changes to the Hazardous Materials Regulations to make it easier for emergency responders to obtain shipment information for hazardous materials transported by aircraft.

DATES: Comments must be received by November 13, 2000.

ADDRESSES: *Written Comments.* Address comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh St., SW, Washington, DC 20590–0001. Comments should identify the docket number, RSPA–00–7762 (HM–206C). You should submit two copies of your comments. If you wish to receive confirmation that your comments were received, you should include a self-addressed stamped postcard. You may also submit your comments by e-mail to http://dms.dot.gov or by telefax to (202) 366–3753. The Dockets Management System is located on the Plaza Level of the Nassif Building at the U.S. DOT at the above address. You may view public dockets between the hours of 10 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. Internet users can access all comments received by the U.S. DOT Dockets Management System web site at http://dms.dot.gov. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Federal Register Electronic Bulletin Board Service at (202) 512–1661.

FOR FURTHER INFORMATION CONTACT: John A. Gale or Eric Nelson, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001 telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION:

I. Background

The National Transportation Safety Board (NTSB) has recommended that the Research and Special Programs Administration (''RSPA'' or ''we''):

> Require, within two years, that air carriers transporting hazardous materials have the means, 24 hours per day, to quickly retrieve and provide consolidated specific information about the identity (including proper shipping name), hazard class, quantity, number of packages, and location of all hazardous material on an airplane in a timely manner to emergency responders. (A–98–80).

This recommendation is contained in NTSB's August 12, 1998 letter to RSPA which has been placed in the public docket. The recommendation follows NTSB's investigation of a September 5, 1996, accident involving a Federal Express Corporation (FedEx) flight from Memphis, Tennessee, to Boston, Massachusetts.

On September 5, 1996, FedEx flight 1406 was forced to make an emergency landing at Stewart International Airport in Newburgh, New York, after the flight crew determined that there was smoke in the cabin cargo compartment. According to the NTSB, the emergency responders on the scene responding to the fire on the airplane did not receive specific information about the identity and quantity of hazardous materials on the plane. NTSB indicated that, despite repeated requests throughout the incident for this information, emergency responders received only general and incomplete information indicating the hazard classes of the hazardous materials and their location on the plane by cargo container position. NTSB found that the FedEx Global Operations Command Center in Memphis faxed as many as twelve transmissions of various hazardous materials shipping documents to the emergency operations center at the airport and to the New York State Police. NTSB found that many of the faxes were illegible because of the poor quality of the original

documents and that none of the faxed information reached the incident commander.

Under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180), a hazardous materials shipper must provide an aircraft operator with a signed shipping paper that contains the quantity and a basic shipping description of the material being offered for transportation (proper shipping name, hazard class, UN or NA identification number, and Packing Group); certain minimum emergency response information; and a 24-hour emergency response telephone number. 49 CFR Part 172, Subparts C and G. Additional information may be required depending on the specific hazardous material being shipped. 49 CFR 172.203. A copy of this shipping paper must accompany the shipment it covers during transportation aboard the aircraft. 49 CFR 175.35.

In addition to the shipping paper accompanying each hazardous materials shipment, an aircraft operator must provide the pilot-in-command of the aircraft written information relative to the hazardous materials on board the plane. 49 CFR 175.33. For each hazardous materials shipment, this information must include:

(1) proper shipping name, hazard class, and identification number;

(2) technical and chemical group name, if applicable;

(3) any additional shipping description requirements applicable to specific types or shipments of hazardous materials or to materials shipped under International Civil Aviation Organization (ICAO) requirements;

(4) total number of packages;

(5) net quantity or gross weight, as appropriate, for each package;

(6) the location of each package on the aircraft;

(7) for Class 7 (radioactive) materials, the number of packages, overpacks or freight containers, their transport index, and their location on the plane; and

(8) an indication, if applicable, that a hazardous material is being transported under terms of an exemption.

This information must be readily available to the pilot-in command during flight. In addition, emergency response information applicable to the specific hazardous materials being transported must be available for use at all times that the materials are present on the plane and must be maintained on board in the same manner as the notification to the pilot-in-command. (See Subpart G of Part 172 for requirements relating to emergency response information.)

In the 1996 FedEx incident, NTSB found that the on-board hazardous materials shipping papers and notification to the pilot-in-command were not available to emergency responders. Further, NTSB discovered that FedEx did not have the capability to generate in a timely manner a single list indicating the shipping name, hazard class, identification number, quantity, and location of hazardous materials on the airplane. To prepare such a list, FedEx, according to the NTSB, would have had to compile information from individual shipping papers for each individual shipment of hazardous materials on board the aircraft. NTSB contrasted the railroads' practice of generating a computerized list of all the freight cars that contain hazardous materials on a given train, with the shipping name, hazard class, identification number, quantity and type of packaging, and emergency response guidance for each hazardous material. NTSB stated that such a list provides information to emergency responders in a timely fashion and in a useful format.

As a result of the 1996 FedEx incident, NTSB surveyed other air carriers as to their capability to provide specific hazardous materials information in an accident. Only one carrier has an on-line capability to provide detailed information about the hazardous materials on its airplanes if the on-board shipping documentation is destroyed. The remaining carriers, like FedEx, rely on paper copies of hazardous materials shipping documentation retained at the place of departure.

NTSB also stated that shipping papers are less likely to be available or accessible after an aircraft accident, than a rail, highway or water accident, because of the greater likelihood of fire or destruction of the airplane. Because of the fire danger, a flight crew is also less likely to have time to retrieve shipping papers after a crash. NTSB concluded that the HMR do not adequately address the need for air carriers to have hazardous materials information on file that is quickly retrievable in a format useful to emergency responders.

This ANPRM is issued to obtain comments on the means of implementing the recommendation and any practicable alternatives which may enhance the ability of emergency responders to obtain information in the event of an incident involving the transportation of hazardous materials by aircraft.

It should be noted that the International Civil Aviation Organization's (ICAO) Dangerous Goods Panel is also considering what additional steps can be taken to improve the availability of information in the event of an aircraft incident. An excerpt from the report of the 17th meeting of the ICAO Dangerous Goods Panel reflecting discussions on this topic and relevant changes for inclusion in the 2001–2002 ICAO Technical Instructions has been placed in the docket for information.

II. Hazardous Materials Transportation and Uniform Safety Act of 1990 (HMTUSA)

Section 25 of HMTUSA (Pub. L. 101–615, 104 Stat. 3273) required DOT to conduct a rulemaking to evaluate methods for establishing and operating a central reporting system and computerized telecommunication data center. DOT was also mandated to contract with the National Academy of Sciences (NAS) to study the feasibility and necessity of establishing and operating a central reporting system and computerized telecommunication data center that: (1) Would be capable of receiving, storing and retrieving data concerning all daily shipments of hazardous materials; (2) would identify hazardous materials being transported by any mode of transportation; and (3) would provide information to facilitate responses to accidents and incidents involving the transportation of hazardous materials.

RSPA issued an ANPRM ''Improvements to Hazardous Materials Identifications Systems'' (Docket HM–206; 57 FR 24532) on June 9, 1992. The ANPRM asked 63 primary questions on the feasibility of establishing a central reporting system, methods of improving the placarding system, and the feasibility of requiring each carrier to maintain a continually monitored emergency response telephone number.

The NAS submitted its report to Congress and DOT on April 29, 1993. [A copy of the NAS report can be obtained from the Transportation Research Board at 2101 Constitution Avenue, NW Washington, DC 20418]. The central recommendation in the NAS report was that the Federal Government should not attempt to implement a national central reporting system as originally proposed for consideration. NAS found that, in most instances, the existing hazardous materials communication system is effective and that information available at hazardous materials transportation incident sites meets the critical information needs of emergency responders.

In the NPRM issued under Docket HM–206 on August 15, 1994 (59 FR

41848), RSPA did not propose to establish a centralized reporting system and telecommunication data center. In that NPRM, RSPA stated that the national central reporting system described in detail in HMTUSA would be extremely complicated, burdensome, expensive to implement and of questionable benefit.

Request for Comments

1. Do you have information concerning past incidents in which a lack of information about hazardous material aboard an aircraft has caused difficulties in responding to an incident? If so, please describe the incident in detail.

2. What practices, procedures, or information collection and reporting systems are currently in use or available that meet the intent of the NTSB recommendation or that could be adapted to meet it? Please provide details on how these practices, procedures or systems operate, how they would satisfy the NTSB recommendation, and how much they cost.

3. Do aircraft operators maintain copies of the notification to pilot-in-command required by 49 CFR 175.33? If so, do operators keep copies of the notifications and for how long?

4. Could the system that airlines use to meet the passenger manifesting requirements in 14 CFR part 243 be modified to satisfy the NTSB recommendation? If so, please provide details. What would be the costs of such a modification?

5. After an accident/incident, how do emergency responders presently obtain information regarding the cargo on board an aircraft? What information is needed for initial response to an aircraft emergency on the ground? How ''timely'' can this information be obtained? Do airlines maintain a central number for assistance during emergencies?

6. Would a centralized computer system that serves all air carriers be beneficial? Is it feasible to establish a centralized information collection and reporting system, specifically for transportation by aircraft? If such a system is feasible, who should operate it and how should it be funded?

7. How ''timely'' is information needed by emergency responders, *e.g.,* 15 minutes, 1 hour, 2 hours, 4 hours, *etc.* Is it practicable to get this information to emergency responders during the initial phases of a response?

8. If an airline develops its own system, how would emergency responders be educated on how to obtain the information from the airline? What responsibilities should an airline have and how would the airline communicate to emergency responders that such information is available? Should information be available at any airport an aircraft might land in the event of an emergency? How could this be accomplished?

9. If a system that meets the NTSB recommendation is developed, what information should be available to emergency responders (e.g., proper shipping name, identification number, hazard class, quantity, number of packages, consignee, consignor, loading positions, emergency response information)?

10. What requirements should apply to international air carriers to meet the NTSB recommendation?

11. What requirements should apply to overflights of the US by non-US airlines?

12. Should information be available to emergency response personnel by one or all of the following means: phone, fax, or computer?

13. What changes, if any, do you recommend be made to the HMR to improve the hazard communication to persons responding to hazardous materials incidents aboard aircraft? What is your estimate of any costs or benefits associated with these changes?

14. Would use of a ''visual stowage'' plan that provides a diagram of an aircraft's cargo-hold and exact location where the hazardous material is stowed be beneficial to emergency response personnel? How and where should such a plan be maintained?

15. If RSPA adopts the NTSB recommendation, should any exceptions be provided? For example, should an exception be provided based on the size, type or category of aircraft being operated, the type of material being carried, emergency exemption flights, or any combination thereof?

Comments are invited on any items or issues pertinent to this topic which are not addressed by the above questions. There are a number of additional issues that we must address in determining whether to proceed with rulemaking on this issue. These include the analyses required under the following statutes and Executive Orders:

1. *Executive Order 12866:* Regulatory Planning and Review. E.O. 12866 requires agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' We therefore request comments, including specific data if possible, concerning the costs and benefits that may be associated with implementation of the NTSB recommendation.

2. *Regulatory Flexibility Act:* Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), we must consider whether a proposed rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. We invite comments as to the economic impact that implementation of the NTSB recommendation may have on small businesses.

3. *Executive Order 13132:* Federalism. Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) preempts many state and local laws and regulations concerning hazardous materials transportation that are not the same as the federal requirements. E.O. 13132 requires agencies to assure meaningful and timely input by state and local officials in the development of regulatory policies that may 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. We invite comments on the effect that implementation of the NTSB recommendation may have on state or local safety or emergency response programs.

4. *Executive Order 13084:* Consultation and Coordination with Indian Tribal Governments. E.O. 13084 requires agencies to assure meaningful and timely input from Indian tribal government representatives in the development of rules that ''significantly or uniquely affect'' Indian communities and that impose ''substantial and direct compliance costs'' on such communities. We do not think that there will be any effect on Indian tribes, but invite Indian tribal governments to provide comments as to the effect that implementation of the NTSB recommendation may have on Indian communities.

III. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This

rulemaking is not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

B. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Issued in Washington, DC on August 10, 2000 under the authority delegated in 49 CFR part 106.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 00–20701 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 350, 390, 394, 395, and 398

[Docket No. FMCSA–97–2350]

RIN 2126–AA23

Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Proposed rule; roundtable meetings and extension of comment period.

SUMMARY: The FMCSA announces it is holding three public roundtables, each focusing on specific topics identified in the comment process on the proposed revisions to its hours-of-service (HOS) regulations. The format for the roundtables is two-day sessions designed to elicit in-depth discussion and exchange of supporting data. The FMCSA will invite representatives of stakeholders in the HOS rulemaking and other partners to sit at the roundtable. The public also is invited to attend and participate. The FMCSA considers the roundtable process as the next important step in gathering useful comment on its HOS proposal. A transcript of each roundtable will be placed in the rulemaking docket. To allow the public to review the transcripts, the public comment period for the rulemaking is extended until December 15, 2000.

DATES: The roundtables will be held on September 25–26; September 28–29, and October 5–6. They will begin at 8:30 a.m. and end at 5 p.m. Comments must be submitted no later than December 15, 2000.

ADDRESSES: The first roundtable will be held at the National 4-H Center, Chevy Chase, MD, and the others at the Marriott Wardman Park Hotel, Washington, DC. Comments should refer to the docket number at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. Written comments may also be submitted electronically by using the submission form at http://dmes.dot.gov/submit/BlankDSS.asp.

FOR FURTHER INFORMATION CONTACT: For questions about the roundtable process, contact Mr. Stanley Hamilton, (202) 366–0665.

SUPPLEMENTARY INFORMATION:

Electronic Access

You can access this document and all comments received on Docket No. FMCSA–97–2350 by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. You also can find this document at the FMCSA's Motor Carrier Regulatory Information Service (MCREGIS) web site for notices at *http://www.fmcsa.dot.gov/rulesregs/fmcsr/rulemakings.htm.*

Accessibility Needs

If you need special accommodations, such as sign language interpretation, please contact Mr. Hamilton at least one week before the roundtable you are attending.

Structure of the Roundtable Dialogues

On April 24, 2000, the FMCSA issued a notice of proposed rulemaking (NPRM) to revise the HOS regulations (65 FR 25540, May 2, 2000). The preamble to the NPRM includes a comprehensive discussion of the history, background, and research leading to the current proposal. Between May 30 and July 7, eight public hearings were held at seven locations across the country. The format of these hearings was similar to those for most other ''notice and comment'' rulemakings: an open forum in which presiding federal officials heard oral presentations on the widest range of issues addressed in the NPRM from parties directly and indirectly affected by the proposal, including the general public. At the same time, over 40,000 comments have reached the public docket and are available on the internet for all interested persons to review.

When he announced the issuance of the NPRM, Secretary of Transportation Rodney E. Slater stressed that it was a proposal and that the FMCSA was actively seeking substantive public comment on the provisions. Because the issues involved in the HOS proposal are complex and contentious, the FMCSA wants to continue this process of public involvement and further enhance the quality of information it can derive from the comment period. However, the usual format of public hearings does not often allow decision makers to hear various viewpoints expressed in a detailed, substantive manner within the same proceeding or in dialogue with other, conflicting views. Accordingly, the FMCSA has designed a roundtable format to permit additional discussion among different stakeholders and agency representatives on a set of critical issues. The roundtables will continue and expand the FMCSA's commitment to fully explore all issues and concerns of stakeholders and the public through on-going dialogue.

Each of the three public roundtables is dedicated to specific agenda issues. These were determined by the FMCSA, based on the comments received to date, to be the critical issues that require further discussion and exchange of supporting documentation among all interested parties. The FMCSA expects that the dialogues at the roundtables will develop information useful as it continues the rulemaking process.

For each roundtable, a different roster of commenters and organizations that have provided important insight on the significant issues selected for that roundtable will be invited to form the roundtable. Each will be limited to no more than 22 members to encourage an interactive exchange of ideas and, most importantly, data on the issues under discussion. Organizations selected as participants are encouraged to designate individuals who will be able to explain the basis for their positions, provide the supporting rationale and documentation, and engage in a substantive exchange in responding to differing viewpoints. Because the roundtable format stresses presentation and exchange of data and documentation supporting particular positions on the issue, the roundtables are scheduled for Washington, DC, where many of the participants are located.

A moderator will open each roundtable and maintain a useful dialogue. The intent is to foster

discussion among stakeholders and the public; the roundtables are not for the purpose of forming consensus on any issues. Members of the public are invited to attend and will have the opportunity to add to each dialogue. Each roundtable will have different members, and no organizations or individuals will be invited to more than one roundtable.

The goals of the FMCSA in holding the roundtables are to continue meaningful public involvement in the rulemaking process and further enhance the agency's understanding of the data and analysis supporting the various positions expressed on the issues involved in the NPRM.

Roundtable Assignments—Agenda Issues

Roundtable I Agenda Items

—Economic impacts of revising the current HOS rules;
—Fatigue Research;
—Enforcement.

Roundtable II Agenda Items

—Sleeper Berth requirements;
—Communications during rest periods;
—End of work-week rest periods;
—Hours of work permitted each day.

Roundtable III Agenda Items

—Categories of carrier operations;
—Electronic on-board recorder (EOBR) requirements;
—Allowable exemptions.

Participants to be Invited

The FMCSA will invite participants to the roundtables from organizations and groups, such as:

AAA, Advocates for Auto and Highway Safety, Amalgamated Transit Union, American Bakers Association, American Bus Association, American Insurance Association, American Moving & Storage Association, American Road and Transportation Builders Association, American Trucking Associations, Associated General Contractors of America

Brotherhood of Railroad Signalmen, Citizens for Reliable and Safe Highways, Commercial vehicle drivers, Commercial Vehicle Safety Alliance, Home heating oil representative, Insurance Institute for Highway Safety, International Brotherhood of Teamsters, Motor Freight Carriers Association, National Association of Governors' Highway Safety Representatives, National Industrial Transportation League

National Private Truck Council, National Ready Mixed Concrete Association, National Rural Electric Cooperative Association, National Sleep Foundation, National Safety Council, National Tank Truck Carriers, Owner-Operator Independent Drivers Association, Parents Against Tired Truckers, Petroleum Marketers Association of America

Small trucking company representatives, Snack Food Association, Transportation Trades Division, AFL–CIO, Truckload Carriers Association, United Motorcoach Association, VDO North America

Public Attendees

Public participation may be limited, based on the time constraints that result from a particular roundtable discussion.

Extension of the Public Comment Period

In order to allow the general public a further opportunity to participate in and comment on the roundtable dialogues, the comment period for the rulemaking has been extended until December 15, 2000. Detailed instructions for filing comments are provided in the NPRM.

Authority: 49 U.S.C. 322, 31502, and 31136; and 49 CFR 1.73.

Issued on: August 9, 2000.

Clyde J. Hart, Jr.,

Acting Deputy Administrator, Federal Motor Carrier Safety Administration.

[FR Doc. 00–20610 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–22–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG12

Endangered and Threatened Wildlife and Plants; Extension of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Arkansas River Basin Population of the Arkansas River Shiner

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; Extension of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designation of critical habitat for the Arkansas River basin population of the Arkansas River shiner (*Notropis girardi*). We also provide notice that the public comment period for the proposal is extended to allow all interested parties to submit written comments on the proposal and the draft economic analysis. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

DATES: The original comment period is scheduled to close on August 29, 2000. The comment period is hereby extended until October 16, 2000. Comments from all interested parties must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at http://ifw2es.fws.gov/oklahoma/ or by writing to the Field Supervisor, Ecological Services Field Office, 222 South Houston, Suite A, Tulsa, Oklahoma 74127–8909. All written comments should be submitted to the Field Supervisor at the above address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Collins, Fish and Wildlife Biologist, at the above address (telephone 918/581–7458 ext. 230).

SUPPLEMENTARY INFORMATION:

Background

The Arkansas River shiner (ARS) is a small, robust minnow. The ARS was historically widespread and abundant in the main channels of wide, shallow, sandy-bottomed rivers and larger streams throughout the western portion of the Arkansas River basin in Kansas, New Mexico, Oklahoma, and Texas. Adults are uncommon in quiet pools or backwaters, and almost never occur in tributaries having deep water and bottoms of mud or stone. This species has disappeared from over 80 percent of its historical range and is now almost entirely restricted to about 820 kilometers (508 miles) of the Canadian River in Oklahoma, Texas, and New Mexico.

The Arkansas River basin population of the ARS was federally listed as a threatened species under the Endangered Species Act of 1973, as amended (Act) in November, 1998, due to modification of the duration and timing of stream flows and inundation by impoundments; channel desiccation

by water diversion and groundwater mining; stream channelization; and introduction of non-native species (63 FR 64772). On June 30, 2000, we proposed in the **Federal Register** approximately 1,866 kilometers (1,160 miles) of rivers and 91.4 meters (300 feet) of their adjacent riparian zones as critical habitat for the ARS (65 FR 40576). The proposal includes portions of the Arkansas River in Kansas, the Cimarron River in Kansas and Oklahoma, the Beaver/North Canadian River in Oklahoma, and the Canadian/South Canadian River in New Mexico, Texas, and Oklahoma.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment at the above Internet and mailing addresses.

Public Comments Solicited

We solicit comments on the draft economic analysis described in this notice, as well as any other aspect of the proposed designation of critical habitat for the Arkansas River basin population of the Arkansas River shiner. Our final determination on the proposed critical habitat will take into consideration comments and any additional information received by the date specified above. All previous comments and information submitted during the comment period need not be resubmitted. The comment period is extended to October 16, 2000. Written comments may be submitted to the Field Supervisor at the above address.

Author

The primary author of this notice is Ken Collins, U.S. Fish and Wildlife Service (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: August 3, 2000.

Renne Lohoefener,

Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. 00–20646 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[I.D. 102599C]

Extension of Comment Period for Proposed Rule Governing the Approach to Humpback Whales in Alaska

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

ACTION: Proposed rule; extension of public comment period.

SUMMARY: NMFS is extending the public comment period, published in the June 26, 2000 Federal Register, for its Proposed Rule Governing the Approach to Humpback Whales in Alaska from August 10, 2000, to October 15, 2000.

DATES: Written comments on the above-mentioned proposed rule must be received no later than 5 p.m. Pacific standard time, on October 15, 2000.

ADDRESSES: Written comments on the proposed rule should be sent to Mike Payne, Assistant Regional Administrator, Protected Resources Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, Alaska 99802–1668. Comments also may be sent via facsimile (fax) to 907/586–7012. Comments will not be accepted if sent via e-mail or the Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 461, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, NMFS Alaska Region, 907/586–7235, or Jeannie Drevenak, Permits Division, NMFS Office of Protected Resources, 301/713–2289.

SUPPLEMENTARY INFORMATION: The Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act 16 U.S.C. 1361 *et seq.* (MMPA), give NMFS jurisdiction over humpback whales. The proposed regulations are promulgated under the authority of both the ESA and the MMPA. The rule is an appropriate mechanism to promote conservation and recovery of humpback whales and to enhance enforcement under the ESA. Section 11(f) of the ESA provides NMFS with broad rulemaking authority to enforce the provisions of the ESA.

On June 26, 2000 (65 FR 39336), NMFS issued a proposed rule under 50 CFR part 224 of the ESA that would prohibit the approach within 200 yards (182.8 m) of a humpback whales, *Megaptera novaeangliae*, in waters within 200 nautical miles (370.4 km) of the coast of Alaska. Under these regulations, it would be unlawful for a person subject to the jurisdiction of the United States to approach, by any means, within 200 yards (182.8 m) of a humpback whales. This action is necessary to minimize disturbance to humpback whales in waters off Alaska and is intended to promote conservation and recovery of humpback whales. In response to public request, NMFS is extending the comment period for this proposed rule from August 10, 2000, to October 15, 2000, to facilitate public participation in this regulatory process.

Dated: August 9, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–20609 Filed 8–9–00; 4:16 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 65, No. 158
Tuesday, August 15, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National Advisory Council on Maternal, Infant and Fetal Nutrition; Notice of Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., this notice announces a meeting of the National Advisory Council on Maternal, Infant, and Fetal Nutrition.

Date and Time: September 19–21, 2000, 9 a.m.–5 p.m.

Place: Food and Nutrition Service, 3101 Park Center Drive, Conference Room 2C, Alexandria, Virginia 22302.

SUPPLEMENTARY INFORMATION: The Council will continue its study of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The agenda items will include a discussion of general program issues.

Status: Meetings of the Council are open to the public. Members of the public may participate, as time permits. Members of the public may file written statements with the contact person named below before or after the meeting.

Contact Person for Additional Information: Persons wishing additional information about this meeting should contact Jackie Rodriguez, Supplemental Food Programs Division, Food and Nutrition Service, Department of Agriculture, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302. Telephone: (703) 305–2747.

Dated: July 27, 2000.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 00–20662 Filed 8–14–00; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Continuation of Antidumping Duty Order: Extruded Rubber Thread From Malaysia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of continuation of antidumping duty order: Extruded rubber thread from Malaysia.

SUMMARY: On March 7, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty order on extruded rubber thread from Malaysia, is likely to lead to continuation or recurrence of dumping. *See* 65 FR 11981 (March 7, 2000).

On August 2, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty order on extruded rubber thread from Malaysia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See* 65 FR 47517 (August 2, 2000). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty order on extruded rubber thread from Malaysia.

EFFECTIVE DATE: August 15, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1999, the Department initiated, and the Commission instituted a sunset review (64 FR 41915 and 64 FR 41954) of the antidumping duty order on extruded rubber thread from Malaysia, pursuant to section 751(c) of the Act. As a result of its review, the Department found on March 7, 2000, that revocation of the antidumping duty order on extruded rubber thread from Malaysia would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the order revoked. *See* 65 FR 11981 (March 7, 2000).

On August 2, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on extruded rubber thread from Malaysia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Extruded Rubber Thread From Malaysia,* 65 FR 47517 (August 2, 2000) and USITC Publication 3327, Investigation No. 731–TA–527 (Review) (July 2000).

Scope

The product covered by this order is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Extruded rubber thread is currently classifiable under subheading 4007.00.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this order is dispositive.

Determination

As a result of the determination by the Department and the Commission that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on extruded rubber thread from Malaysia. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of

Continuation. Pursuant to section 751(c)(2) and 751 (c)(6) of the Act, the Department intends to initiate the next five-year review of this order not later than July 2005.

Dated: August 9, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–20690 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–826]

Continuation of Antidumping Duty Order: Paper Clips From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Continuation of Antidumping Duty Order: Paper Clips from the People's Republic of China.

SUMMARY: On July 5, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty order on paper clips from the People's Republic of China (''China''), is likely to lead to continuation or recurrence of dumping. *See* 65 FR 41434 (July 5, 2000).

On August 2, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See 65 FR 47518 (August 2, 2000). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty order on paper clips from China.

EFFECTIVE DATE: August 15, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 67247 and 64 FR 67320) of the antidumping duty order on paper clips from China, pursuant to section 751(c) of the Act. As a result of its review, the Department found on July 5, 2000, that revocation of the antidumping duty order on paper clips from China would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the order revoked. *See* 65 FR 41434 (July 5, 2000).

On August 2, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Paper Clips From China,* 65 FR 47518 (August 2, 2000) and USITC Publication 3330 (July 2000), Investigation No. 731–TA–663 (Review).

Scope

The products covered by this order are certain paper clips, wholly of wire of base metal, whether or not galvanized, whether or not plated with nickel or other base metal (*e.g.,* copper), with a wire diameter between 0.025 inches and 0.075 inches (0.64 to 1.91 millimeters), regardless of physical configuration, except as specifically excluded. The products subject to this order may have rectangular or ring-like shape and include, but are not limited to, clips commercially referred to as No. 1 clips, No. 3 clips, Jumbo or Giant clips, Gem clips, Frictioned clips, Perfect Gems, Marcel Gems, Universal clips, Nifty clips, Peerless clips, Ring clips, and Glide-On clips. Specifically excluded from the scope of this order are plastic and vinyl covered paper clips, butterfly clips, binder clips, or other paper fasteners that are not made wholly of wire of base metal and are covered under a separate subheading of the Harmonized Tariff Schedule of the United States (''HTSUS''). The products subject to this order are currently classifiable under subheading 8305.90.3010 of the HTSUS. Although the HTSUS subheadings is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Determination

As a result of the determination by the Department and the Commission that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on paper clips from China. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751 (c)(6) of the Act, the Department intends to initiate the next five-year review of this order not later than July 2005.

Dated: August 9, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–20691 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–805]

Stainless Steel Plate in Coils From South Africa; Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: In response to a request by petitioners Allegheny Ludlum, AK Steel Corporation (formerly Armco, Inc.), J&L Specialty Steel, Inc., North American Stainless, Butler-Armco Independent Union, Zanesville Armco Independent Union, and the United Steelworkers of America, AFL–CIO/CLC, the Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on stainless steel plate in coils from South Africa (A–791–805). This review covered one manufacturer/exporter of the subject merchandise to the United States during the period November 4, 1998 through April 30, 2000.

EFFECTIVE DATE: August 15, 2000.

FOR FURTHER INFORMATION CONTACT: Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations codified at 19 CFR Part 351 (2000).

Background

The Department published an antidumping duty order on stainless steel plate in coils from South Africa on May 21, 1999 (64 FR 27756). On May 16, 2000, the Department published its notice of ''Opportunity to Request Administrative Review'' for the period November 4, 1998 through April 30, 2000 (65 FR 31141). On May 31, 2000, petitioners filed a request for review of Columbus Stainless Steel Company Ltd. and its affiliates (Columbus). On July 7, 2000, we published in the **Federal Register** a notice of initiation of this antidumping duty administrative review covering the period November 4, 1998 through April 30, 2000 (65 FR 41942).

On July 31, 2000, the petitioners withdrew their request for administrative review. Section 19 CFR 351.213 (d)(1) of the Department's regulations stipulates that the Secretary may permit a party that requests a review to withdraw the request not later than 90 days after the date of publication of the notice of initiation of the requested review. In this case petitioners have withdrawn their request for review within the 90 day period. No other interested party requested a review and we have received no other submissions regarding petitioner's withdrawal of their request for review. Therefore, we are terminating this review of the antidumping duty order in stainless steel plate in coils from South Africa.

This notice is published in accordance with section 751 of the Tariff Act and section 19 CFR 351.213 (d)(1) of the Department's regulations.

Dated: August 7, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 00–20692 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.073100C]

Marine Mammals; File No. 473–1433–01

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Jan Straley, Assistant Professor of Marine Biology, University of Southeast Alaska, 1332 Seward Avenue, Sitka, Alaska 99835–9498, has requested an amendment to Scientific Research Permit No. 473–1433–01.

DATES: Written or telefaxed comments must be received on or before September 14, 2000.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment **in the following office(s):**

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Alaska Region, NMFS, 709 West 9th Street, 4th Floor, Juneau, Alaska 99801, (907/586–7221).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at 301/713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski or Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 473–1433–00, issued on December 12, 1997 (62 FR 67052) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 473–1433–00 authorizes the applicant to conduct photo-identification research on humpback whales (*Megaptera novaeangliae*) in Alaskan waters. The objective of the proposed research is to develop long-term sighting histories of individual humpback whales to assess stock structure, life history parameters, feeding behaviors, social behaviors of feeding populations, and population estimates. During the course of research, killer whales (*Orcinus orca*), minke whales (*Balaenoptera acutorostrata*), gray whales (*Eschrichtius robustus*), and fin whales (*B. physalus*) may also be opportunistically photo-identified. The authority of this permit expires on November 30, 2002.

The permit holder is now requesting authorization to photo-id (100 annual takes) and critter cam tag (25 annual takes) sperm whales (*Physeter catodon*) in Alaskan waters.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 9, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–20622 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072700B]

Marine Mammals; File No. 731–1509–01

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Robin Baird, Ph.D., 2 Supanee Court, French's Road, Cambridge CB4 3LB, UNITED KINGDOM, has requested an amendment to Scientific Research Permit No. 731–1509–01.

DATES: Written or telefaxed comments must be received on or before September 14, 2000.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206/526–6426);

Regional Administrator, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802–4213, (562/980–4021); and

Regional Administrator, Alaska Region, Federal Building, Room 461, 709 West 9th Street, Juneau, Alaska 99802, (907/586–7235).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at 301/713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski or Trevor Spradlin, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 731–1509–01, issued on November 24, 1999 (64 FR 67563–67564) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No.731–1509–01 authorizes the applicant to conduct radio tagging via suction-cup attachment, photo-identification, and behavioral observations of several species of cetaceans in the waters of Washington, Southeast Alaska, Oregon, California, Hawaii, and the Mediterranean and Ligurian Seas in order to study diving behavior of the subject cetacean species. The authority of this permit expires on July 31, 2004.

The applicant is now requesting authorization to increase annual takes of killer whales (*Orcinus orca*) from 20 to 50 in Pacific coastal waters. The researcher proposes that the increase in takes will allow for a sufficient sample size to quantitatively examine reactions of tagged animals to vessel traffic, particularly for the ''southern'' resident population.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 9, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–20683 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080100A]

Marine Mammals; File No. 87–1593

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. Daniel P. Costa, Department of Biology, University of California, Santa Cruz, CA 95064, has applied in due form for a permit to take California sea lions (*Zalophus californianus*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before September 14, 2000.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802 (562/980–4001).

FOR FURTHER INFORMATION CONTACT: Simona Roberts or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests authorization to take approximately 140 California sea lions annually over a five year period to examine the foraging ecology and energetics of all age and sex classes on all California rookeries. Types of takes proposed include: capture, anesthetize, tag, bleach mark, blood sample, administer doubly-labeled water, muscle biopsy, milk sample, instrument with TDRs and collect morphometric and metabolic measurements. To compare the ecology and energetics of California sea lions inhabiting California waters with California sea lions inhabiting the southern extreme of their range the applicant requests authorization to import blood and tissue samples of California sea lions from Mexico and Ecuador.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this

application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 9, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–20684 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 991210330–0224–03]

RIN 0660–ZA10

Public Telecommunications Facilities Program (PTFP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of applications received.

SUMMARY: The National Telecommunications and Information Administration (NTIA) previously announced the solicitation of grant applications for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program to compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. This notice announces the list of applications received and notifies any interested party that it may file comments with the Agency supporting or opposing an application.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Telecommunications Facilities Program, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PTFP can also be obtained electronically via Internet (send inquiries to http://www.ntia.doc.gov).

SUPPLEMENTARY INFORMATION: By **Federal Register** notice dated February 23, 2000, the NTIA, within the Department of Commerce, announced that it was soliciting grant applications for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program to compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. NTIA announced that the closing date for receipt of PTFP applications was 5 p.m. EST, March 29, 2000.

Notice is hereby given that the PTFP received one application from the following organization. Identification of any application only indicates its receipt. It does not indicate that it has been accepted for review, has been determined to be eligible for funding, or that an application will receive an award.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. PTFP will forward a copy of any opposing comments to the applicant. Comments must be sent to PTFP at the following address: NTIA/PTFP, Room 4625, 1401 Constitution Ave., NW., Washington, D.C. 20230.

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

File No. 00279 University of Hawaii, Social Science Research Institute, 2530 Dole St., Sakamaki Hall D–200, Honolulu, HI 96822. Contact: Dr. Norman Okamura, Telecommunications Specialist, (808) 956–2909. Funds Requested: $449,865. Total Project Cost: $525,343. To support public service and development telecommunications services in the Pacfic Island region, including the expansion of new digital services.

Dr. Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 00–20655 Filed 8–14–00; 8:45 am]

BILLING CODE 3510–60–P

COMMODITY FUTURES TRADING COMMISSION

Application of the Board of Trade of the City of Chicago (CBOT) for Designation as a Contract Market in Dow Jones Internet Composite Index Futures and Futures Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of proposed commodity futures and futures options contracts.

SUMMARY: The Board of Trade of the City of Chicago (CBOT or Exchange) has applied for designation as a contract market in Dow Jones Internet Composite Index futures and futures options. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

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

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521 or by electronic mail to *secretary@cftc.gov.* Reference should be made to the CBOT Dow Jones Internet Composite Index futures and futures options futures and futures options contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Thomas Leahy of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC (202) 418–5278. Facsimile number: (202) 418–5527. electronic mail: tleahy@cftc.gov

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the CBOT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1997)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBOT should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 by the specified date.

Dated: Issued in Washington, DC, on August 9, 2000.

John R. Mielke,

Acting Director.

[FR Doc. 00–20621 Filed 8–14–00; 8:45 am]

BILLING CODE 6351–01–M

CONGRESSIONAL BUDGET OFFICE

Notice of Transmittal of Sequestration Update Report for Fiscal Year 2001 to Congress and the Office of Management and Budget

Pursuant to Section 254(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(b)), the Congressional Budget Office hereby reports that it has submitted its Sequestration Update Report for Fiscal Year 2001 to the House of Representatives, the Senate, and the Office of Management and Budget.

Dan L. Crippen,

Director, Congressional Budget Office.

[FR Doc. 00–20640 Filed 8–14–00; 8:45 am]

BILLING CODE 0070–02–M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information; Comment Request—Amended Interim Safety Standard for Cellulose Insulation

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission requests comments on a proposed extension of approval of a collection of information from manufacturers and importers of cellulose insulation. The collection of information is in regulations implementing the Amended Interim Safety Standard for Cellulose Insulation (16 CFR Part 1209). These regulations establish testing and recordkeeping requirements for manufacturers and importers of cellulose insulation subject to the amended interim standard. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget.

DATES: Written comments must be received by the Office of the Secretary not later than October 16, 2000.

ADDRESSES: Written comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland, 20814. Alternatively, comments may be filed by telefacsimile to (301) 504–0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned ''Cellulose Insulation.''

FOR FURTHER INFORMATION CONTACT: For information about the proposed extension of approval of the collection of information, or to obtain a copy of 16 CFR Part 1211, call or write Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0416, extension 2226, or by e-mail to lglatz@cpsc.gov.

SUPPLEMENTARY INFORMATION: Cellulose insulation is a form of thermal insulation used in houses and other residential buildings. Most cellulose insulation is manufactured by shredding and grinding used newsprint and adding fire-retardant chemicals.

In 1978, Congress passed the Emergency Interim Consumer Product Safety Standard Act of 1978 (Pub. L. 95–319, 92 Stat. 386). That legislation is contained in section 35 of the Consumer Product Safety Act (15 U.S.C. 2080). This law directed the Commission to issue an interim safety standard incorporating the provisions for flammability and corrosiveness of cellulose insulation set forth in a purchasing specification issued by the General Services Administration (GSA). The law provided further that the interim safety standard should be amended to incorporate the requirements for flammability and corrosiveness of cellulose insulation in each revision to the GSA purchasing specification.

In 1978, the Commission issued the Interim Safety Standard for Cellulose Insulation in accordance with section 35 of the CPSA. In 1979, the Commission amended that standard to incorporate the latest revision of the GSA purchasing specification. The Amended Interim Safety Standard for Cellulose Insulation is codified at 16 CFR Part 1209.

The amended interim standard contains performance tests to assure that cellulose insulation will resist ignition from sustained heat sources, such as smoldering cigarettes or recessed light fixtures, and from small open-flame sources, such as matches or candles. The standard also contains tests to assure that cellulose insulation will not be corrosive to copper, aluminum, or steel if exposed to water.

Certification regulations implementing the standard require manufacturers, importers, and private labelers of cellulose insulation subject to the standard to perform tests to demonstrate that those products meet the requirements of the standard, and to maintain records of those tests. The certification regulations are codified at 16 CFR Part 1209, Subpart B.

The Commission uses the information compiled and maintained by manufacturers, importers, and private labelers of cellulose insulation subject to the standard to help protect the public from risks of injury or death associated with fires involving cellulose insulation. More specifically, this information helps the Commission determine whether cellulose insulation subject to the standard complies with all applicable requirements. The Commission also uses this information to obtain corrective actions if cellulose insulation fails to comply with the standard in a manner that creates a substantial risk of injury to the public.

The Office of Management and Budget (OMB) approved the collection of information in the certification regulations under control number 3041–0022. OMB's most recent extension of approval will expire on January 31, 2001. The Commission now proposes to request an extension of approval without change for the collection of information in the certification regulations.

A. Estimated Burden

The Commission staff estimates that not more than 45 firms manufacture or import cellulose insulation subject to the amended interim standard. The Commission staff estimates that the certification regulations will impose an average annual burden of about 1,320 hours on each of those firms. That burden will result from conducting the testing required by the regulations and maintaining records of the results of that testing. The total annual burden imposed by the regulations on manufacturers and importers of cellulose insulation is approximately 59,400 hours.

The hourly wage for the testing and recordkeeping required to conduct the testing and maintain records required by the regulations is about $13.50, for an estimated annual cost to the industry of no more than $802,000.

B. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission

specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: August 9, 2000.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00–20612 Filed 8–14–00; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 00–C0011]

Royal Sovereign Corp., a corporation, Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Produce Safety Commission.

ACTION: Notice.

SUMMARY: A Settlement Agreement provisionally accepted by the Consumer Produce Safety Commission was inadvertently published on August 9, 2000 (pages 48680–48682) separate from a preamble notice about the agreement published on August 8, 2000 (page 48488). This notice accurately publishes the Settlement Agreement and preamble together and sets the period for comment on the agreement.

It is the policy of the Commission to publish settlements which it provisionally accepts under the Federal Hazardous Substances Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Royal Sovereign Corp., a corporation, containing a civil penalty of $20,000.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by August 30, 2000.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 00–C0011, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Margaret H. Plank, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626, 1450.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: August 10, 2000.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. This Settlement Agreement and Order between Royal Sovereign Corporation (''Royal Sovereign''), a New Jersey corporation, and the staff of the United States Consumer Product Safety Commission (''the CPSC''), pursuant to 16 CFR 1118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act (''CPSA''), reflects a compromise resolution of the matter described herein, entered without a hearing or determination of issues of law and fact.

I. The Parties

2. The staff is the staff of the United States Consumer Product Safety Commission, an independent federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act, 15 U.S.C. 2051–2084.

3. Royal Sovereign is a corporation organized and existing under the laws of the State of New Jersey. Its principal corporate offices are located at 100 West Sheffield Ave., Englewood, NJ 07631. Royal Sovereign is an importer and distributor of small electronic appliances, including portable ceramic heaters.

II. Staff Allegations

4. Section 15(b) of the CPSA, 15 U.S.C. 2064(b) requires a manufacturer of a consumer product who, *inter alia,* obtains information that reasonably supports the conclusion that the product contains a defect which could create a substantial product hazard or creates an unreasonable risk of serious injury or death, to immediately inform the Commission of the defect or risk.

5. Between 1992 and 1996, Royal Sovereign imported and distributed within the United States approximately 39,300 model RST1200 oscillating ceramic portable heaters (''RST 1200 heaters''). The portable heaters are ''consumer products'' and Royal Sovereign is a ''distributor'' of ''consumer products'' that are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11).

6. The RST 1200 heaters are defective because the mechanism that rotates the heater side-to-side can wear through the insulation of electrical wiring inside the heater's base. In addition, some of the connections between the electrical wires and other components inside the heater are faulty. Either of these conditions can cause a fire.

7. Between 1994 and 1997, Royal Sovereign received at least thirteen reports of fires involving RST 1200 heaters. The fires resulted in property damage claims in excess of $70,000.

8. On October 24, 1995, CPSC field investigator William Robinson inspected the facilities of Royal Sovereign, and interviewed firm officials, seeking information about a fire involving an RST 1200 heater that had been reported to the Commission by the consumer. Mr. Robinson shared the staff's engineering evaluation of the unit involved in the fire, which concluded that faulty crimp connections may have led to arcing and overheating within the unit that caused ignition of the plastic housing. Firm officials informed Mr. Robinson at that time that they believed the RST 1200 heater involved in the fire had been tampered with, and that the faulty crimps were not of Royal Sovereign's manufacture.

9. Royal Sovereign also informed Mr. Robinson on October 24, 1995, that Royal Sovereign had received reports of two additional fires involving RST 1200 heaters. Firm officials states that one of those fires resulted from the heater being placed too close to combustibles, and that they believed the other fire had been deliberately set. Mr. Robinson was told that the other complaints the firm had received concerning the RST 1200 related to mechanical failures or product dissatisfaction.

10. At the conclusion of his inspection, Mr. Robinson left with Royal Sovereign copies of the CPSC statutes and regulations setting forth a distributor's obligations to report potential safety hazards to the Commission.

11. In 1996, Royal Sovereign undertook an ''upgrade'' program, pursuant to which it contacted those consumers of RST 1200 heaters from whom the firm had received warranty cards and informed them that they could return their heaters for ''reconfiguration to 1996 standards.''

The ''upgrade'' involved opening the units to evaluate the crimp connections and the installation of a sleeve over the power cord, which entered the unit in such a way as to rub up against an internal metal disc that provided the oscillating motion for the unit. The addition of the protective sleeve guarded against abrasion of the cord. Abrasion of the cord could result in the exposure of current-carrying wires, which, in turn, could result in arcing and fire. Royal Sovereign did not notify the staff of its upgrade program.

12. Between October 1995 and April 1997, Royal Sovereign became aware of ten additional fires involving RST 1200 heaters.

13. Royal Sovereign did not report the additional incidents of fire involving RST 1200 heaters to the Commission.

14. In October 1997, the staff executed an administrative search warrant on the facilities of Royal Sovereign and recovered several burned units of RST 1200 heaters, as well as a number of additional returned units exhibiting indicia of fire. The staff also collected new samples of RST 1200 heaters for evaluation. In addition, the staff collected documentation of fire incidents involving RST 1200 heaters, including insurance claim documentation, internal tracking records, and correspondence with consumers. Finally, the staff collected over 100 consumer complaints noting incidents of sparking, smoking, or flaming RST 1200 heaters.

15. The staff's evaluation of the returned units, as well as the new samples, indicated that the units utilized crimp connections similar to those identified as potentially hazardous by the staff in 1995. The staff also noted evidence of abrasion of the power cords in the burned units.

16. Although Royal Sovereign had obtained sufficient information to reasonably support the conclusion that the RST 1200 heaters contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury of death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. This is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

17. Royal Sovereign's failure to report to the Commission, as required by section 15(b) of the CSA, was committed ''knowingly,'' as that term is defined in section 20(d) of the CPSA, and Respondent is subject to civil penalties under section 20 of the CPSA.

III. Response of Royal Sovereign

18. Royal Sovereign denies it violated the CPSA. Royal Sovereign also denies that the RST 1200 heaters contain a defect which could create a substantial product hazard, or create an unreasonable risk of injury or death. Royal Sovereign also denies that the RST 1200 heaters caused any of the fires referred to in this document, or could cause a fire. Royal Sovereign also denies that it violated the reporting requirements of the CPSA.

IV. Agreement of the Parties

19. The Commission has jurisdiction over this matter under the CPSA, 15 U.S.C. 2051–2084.

20. Royal Sovereign agrees to pay to the Commission a civil penalty in the amount of $20,000, to be paid in four equal installments of $5000. The first payment shall become due immediately upon the CPSC's final acceptance of the attached Order. Subsequent payments shall be made thirty (30), sixty (60), and ninety (90) days after that date.

21. Respondent knowingly, voluntarily and completely waives any rights it may have (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the commission's Order, (3) to a determination by the Commission as to whether Respondent failed to comply with section 15(b) of the CPSA, as alleged, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

22. This Settlement Agreement and Order shall not be deemed or construed as an admission of liability or wrongdoing by Royal Sovereign or as evidence: (a) of any violation of law or regulation by Royal Sovereign; (b) of other wrongdoing by Royal Sovereign; (c) that RST 1200 heaters are defective, create a substantial product hazard, or are unreasonably dangerous; or (d) of the truth of any claims or other matters alleged or otherwise stated by the CPSC or any other person either against Royal Sovereign or with respect to RST 1200 heaters.

23. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order shall be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

24. This Settlement Agreement and Order becomes effective upon its final acceptance by the Commission and service upon Respondent.

25. The Commission may publicize the terms of the Settlement Agreement and Order.

26. The provisions of this Settlement Agreement and Order shall apply to Respondent, its successors and assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other business entity, or through any agency, device or instrumentality.

27. Royal Sovereign agrees to immediately inform the Commission if it learns of any additional incidents involving the RST 1200 heaters, or any additional information regarding the alleged defect and hazard identified in paragraph six, herein.

28. Nothing in this Settlement Agreement and Order shall be construed to preclude the Commission from taking such other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA.

29. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or contradict its terms.

Dated: May 16, 2000.
Ta K. Lim,
Royal Sovereign Corporation.
Dated: May 10, 2000.
Alan Schoem,
Assistant Executive Director, Office of Compliance.
Eric Stone, *Director,*
Legal Division, Office of Compliance.
Margaret H. Plank,
Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement entered into between Royal Sovereign Corporation, a corporation, and the staff of the U.S. Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Royal Sovereign Corporation, and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted, and it is

Further Ordered, Royal Sovereign Corporation shall pay the Commission a civil penalty in the amount of TWENTY

THOUSAND AND 00/100 dollars ($20,000). The penalty shall be paid in four equal installments of FIVE THOUSAND AND 00/100 dollars ($5,000). The first payment shall be due within ten (10) days after service of this Final Order upon Royal Sovereign Corporation. Subsequent payments shall be due thirty (30), sixty (60), and ninety (90) days thereafter.

In the event that Royal Sovereign Corporation fails to make a payment in accordance with the terms of this Order, or makes a payment that is at least days late, the outstanding balance of the civil penalty shall become due and payable within five days, and the interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

Provisionally accepted and Provisional Order issued on the 3rd day of August, 2000.

By Order of the Commission.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 00–20735 Filed 8–14–00; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Board of Visitors Meeting

AGENCY: Department of Defense Acquisition University.

ACTION: Board of Visitors meeting.

SUMMARY: The next meeting of the Defense Acquisition University (DAU) Board of Visitors (BoV) will be held at the Packard Conference Center, Building 184, Ft. Belvoir, Virginia on Wednesday September 6, 2000 from 0900 until 1500. The purpose of this meeting is to report back to the BoV on continuing items of interest.

The meeting is open to the public; however, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Mr. John Michel at 703–805–4575.

C.M. Robinson,

Alternate, OSD Federal Liaison Officer, Department of Defense.

[FR Doc. 00–20659 Filed 8–14–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense, Advisory Committee on Women in the Services.

ACTION: Notice.

SUMMARY: This notice is hereby given of a forthcoming Quarterly Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Executive Committee Meeting is to review the responses to the recommendations and requests for information adopted by the committee at the DACOWITS 2000 Spring Conference.

DATES: September 11, 2000, 8 a.m.–5 p.m.

ADDRESSES: Conference Room 5C1042, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Major Susan E. Kolb, ARNGUS, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: Meeting agenda: Monday, 11 September 2000.

Time	Event	Official
7:30 a.m.	DACOWITS Members Arrive	Military Staff.
8 a.m.	Chair Commences Meeting	Ms. McCall.
	ASD(FMP) Remarks	Hon. Maldon.
	Introduction of Executive Committee And MilReps/Liaisons (5C1042)	Ms. McCall.
8:30 a.m.	Impact of Outsourcing and Privatization on Quality of Life (Quality of Life RFI #2) (5C1042)	USA, USN, USMC, USAF, USCG.
10 a.m.	Break.	
10:15 a.m.	Army Transformation (Forces Development and Utilization RFI#1) (5C1042)	USA.
11 a.m.	Break.	
11:30 a.m.	Official Luncheon with DCSPERS/J–1 (OSD Blue Room-3D854)	OSD (Host).
1 p.m.	Break.	
1:15 p.m.	Pregnancy Policies (Executive Committee RFI#1) (5C1042)	USA, USN, USMC, USAF, USCG.
3:15 p.m.	Break.	
3:30 p.m.	Voting Session	Ms. McCall
4:30 p.m.	Fall Conference Overview and Wrap Up	Ms. McCall
5 p.m.	Depart the Pentagon..	

Dated: August 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–20660 Filed 8–14–00; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Jinapsan Beach Properties Access, Guam

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500 to 1508), and Air Force policy and procedures (32 CFR 989), the U.S. Air Force intends to prepare an EIS to consider the potential environmental impacts of providing an easement for access to the Jinapsan Beach Properties on the island of Guam. The U.S. Fish and Wildlife Service

(Service) has been invited to serve as a cooperating agency for this action.

The Air Force proposes to analyze a Proposed Action easement, an alternative easement route, and the No-Action Alternative as required by NEPA. The Proposed Action involves the granting of a 30-foot wide easement for the construction of a 24-foot wide access road with 3-foot shoulders (incorporating a 3-foot utility corridor) to the Jinapsan Beach property. The Proposed Action easement route crosses a portion of Northwest Field on Andersen Air Force Base (AFB). The easement passes north of the training exercise areas and runways before reaching the cliff face south of Pajon Point. The easement then proceeds down the cliff face between Pajon Point and Jinapsan Point to the south with a maximum grade of approximately 12 percent before reaching the Jinapsan properties at the foot of the cliff.

The alternative action easement also involves the granting of a 30-foot wide easement for the construction of a 24-foot wide access road with 3-foot shoulders (incorporating a 3-foot utility corridor) to the Jinapsan Beach property. This alternative accesses the Jinapsan Beach properties by using the existing road to the Guam National Wildlife Refuge Ritidian Point Unit. The easement would leave the existing road near the bottom of the cliff area at a point approximately 400 meters inside the main gate to the Refuge. From that point the easement would continue around Ritidian Point and then southeast along the coast past Pajon Point to the Jinapsan properties.

Under the No Action alternative, access would continue to be via the Main Gate at Andersen AFB with a route that passes near operational areas and through Tarague Beach to reach the Jinapsan Beach properties.

To provide a forum for public officials and for the community to provide information and comments on the project, the Air Force and the Service are holding two public scoping meetings on Wednesday, August 30, 2000. Both meetings will be held in the Building B Lecture Hall in the College of Arts and Sciences at the University of Guam. The first meeting will be from 2:00 to 4:00 p.m. and the second will be from 6:00 to 8:00 p.m.

The purpose of these meetings is to present information concerning the proposed action and alternatives under consideration and solicit public input on the scope of issues to be addressed in the EIS. The Air Force and Service will accept comments at the address below at any time during the environmental impact analysis process. However, to ensure the Air Force and the Service have sufficient time to consider public input in the preparation of the Draft EIS, comments should be submitted to the address below by October 13, 2000.

Please direct written comments or requests for further information concerning the Jinapsan Beach Properties Access EIS to Mr. Jonathan D. Farthing, HQ AFCEE/ECA, 3207 North Road, Brooks AFB, TX 78235–5363, (210) 536–3668.

Janet A. Long

Air Force Federal Register Liaison Officer.

[FR Doc. 00–20661 Filed 8–14–00; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Introduction of the Advanced Amphibious Assault Vehicle to First Marine Expeditionary Force, Marine Corps Base, Camp Pendleton, California

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy intends to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of introducing the Advanced Amphibious Assault Vehicle (AAAV) to First Marine Expeditionary Force, and replacing existing support facilities for maintenance and training of their crews at Marine Corps Base (MCB) Camp Pendleton.

DATES: Scoping comments are due by September 30, 2000.

ADDRESSES: The Marine Corps will hold public scoping meetings on August 29, 2000, from 7:00 pm to 10:30 pm, at the City of Oceanside Civic Center (Community Room) located at 300 North Coast Highway, Oceanside, California; on August 31, 2000, from 7:00 pm to 10:30 pm, at the City of San Clemente Community Center (Ole Hanson Room) located at 100 North Seville, San Clemente, California; and on September 7, 2000, from 5:00 pm to 8:30 pm, at the Coronado Public Library (Winn Room) located at 640 Orange Avenue, Coronado, California. The public can attend the meetings at Oceanside and San Clemente anytime between 7:00 and 10:30 pm, and at Coronado anytime between 5:00 pm and 8:30 pm to provide their comments.

FOR FURTHER INFORMATION CONTACT: Commander, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190 (Attn: Mrs. Jo Ellen Anderson, Telephone: 619–532–4142).

SUPPLEMENTARY INFORMATION: The AAAV represents a new technology in armored amphibious assault vehicles. It uses different propulsion systems when operating in the water and on land and will replace the aging Amphibious Assault Vehicle 7A1 currently used by the Marine Corps. The first AAAV is scheduled for delivery to the Marine Corps in 2005.

The AAAV mission will be to provide the principle means of land mobility, water mobility and fire support to Marine infantry units during operations in all terrain and climates. It will be capable of providing high-speed transport of embarked Marines from ships located beyond the horizon to inland objectives. It will operate in all climates and terrain, at night, on land, at sea and in all-weather conditions. The AAAV will function on land as an armored personnel carrier and as such the infantry carried inside will dismount to fight/engage.

It will be a tracked-amphibious vehicle possessing both land and water mobility and is designed to have an endurance of 250 miles after a high-speed water march of 25 nautical miles. The estimated weight of the AAAV is 38 tons and it will measure approximately 30 feet long, 12 feet wide, and 10 feet high. The vehicle mounts a 30mm Automatic Gun and a 7.62mm co-axial machine gun. The AAAV vehicle will be operated/maintained by a crew of 3 Marines and have a troop carrying capacity of up to 18 infantry Marines.

The Marine Corps intends to introduce the AAAV into the Fleet Marine Force in three phases, beginning with the First Marine Expeditionary Force. AAAV introduction to Second and Third Marine Expeditionary Forces would commence after introduction to the First Marine Expeditionary Force is complete.

The proposal being evaluated in this EIS is the replacement of existing Amphibious Assault Vehicle 7A1s with AAAVs in the First Marine Expeditionary Force, the replacement of the training facility used for the Amphibious Assault Vehicle 7A1, and renovation of the existing maintenance and testing facilities used for the Amphibious Assault Vehicle 7A1. Third Amphibious Assault Battalion would receive 169 AAAV vehicles,

Amphibious Assault Schools Battalion would receive 35 AAAV vehicles, and Amphibious Vehicle Test Branch would receive 7 AAAV vehicles.

Introduction of the AAAV to First Marine Expeditionary Force at MCB Camp Pendleton would involve conducting training exercises on existing ranges, roads and trails within existing training areas of MCB Camp Pendleton, expanding the ocean training area outward (past 24 nautical miles) from the MCB Camp Pendleton beaches to conduct over-the-horizon training, and conducting exercises and operations using AAAVs at San Clemente Island, Naval Amphibious Base (NAB) Coronado, and Naval Radio Receiving Facility (NRRF) Imperial Beach. No sea to sea, or sea to shore, live firing will be conducted at MCB Camp Pendleton. However, sea-to-shore live firing exercises are proposed for the Shore Bombardment Area of San Clemente Island. Finally, administrative landings on NAB Coronado and NRRF Imperial Beach are proposed; no extensive land maneuvering or live-fire would be conducted.

Alternatives identified so far include no action, and construction, designation and operation of facilities and training areas on several locations at Camp Pendleton.

Environmental issues to be addressed in the EIS include: geological resources, biological resources, water resources, noise, air quality, land use compatibility, cultural resources, socioeconomic, environmental justice, public health and safety, transportation/circulation, aesthetics, utilities, hazardous materials, and solid waste.

The Marine Corps is initiating a scoping process for the purpose of determining the extent of issues to be addressed and identifying the significant issues related to this action. The Marine Corps will hold public scoping meetings on August 29, 2000, from 7:00 pm to 10:30 pm, at the City of Oceanside Civic Center (Community Room) located at 300 North Coast Highway, Oceanside, California; on August 31, 2000, from 7:00 pm to 10:30 pm, at the City of San Clemente Community Center (Ole Hanson Room) located at 100 North Seville, San Clemente, California; and on September 7, 2000, from 5:00 pm to 8:30 pm, at the Coronado Public Library (Winn Room), located at 640 Orange Avenue, Coronado, California. The public can attend the meetings at Oceanside and San Clemente anytime between 7:00 pm and 10:30 pm, and at Coronado anytime between 5:00 pm and 8:30 pm to provide their comments. These meetings will be advertised in area newspapers.

Marine Corps representatives will be available at these meetings to receive comments from the public regarding issues of concern to the public. Federal, state and local agencies, and interested individuals are encouraged to take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. Agencies and the public are also invited and encouraged to provide written comment on scoping issues in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics that the commentor believes the EIS, should address. Written statements and or questions regarding the scoping process should be mailed to: Commander, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190 (Attn: Mrs. Jo Ellen Anderson, telephone 619–532–4142). All comments must be received no later than September 30, 2000.

Dated: August 9, 2000

Duncan Holaday,

Deputy Assistant Secretary of the Navy (Installations and Facilities).

[FR Doc. 00–20680 Filed 8–14–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 14, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wai-Sinn Chan, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Wai-Sinn_L._Chan@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 9, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: National Longitudinal Transition Study—2 (NLTS2).

Frequency: One time.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 432

Burden Hours: 354

Abstract: NLTS2 will provide nationally representative information about youth with disabilities in secondary school and in transition to adult life, including their characteristics, programs and services, and achievements in multiple domains (*e.g.*, postsecondary education, employment).

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_IMGlowbar;Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information

collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–20637 Filed 8–14–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 14, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wai-Sinn Chan, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Wai-Sinnlowbar;L._Chan@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 9, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New.

Title: Moving Standards to the Classroom: A Study of Standards-based Mathematics Instruction in Six States.

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 6,876
Burden Hours: 7,916

Abstract: Goals 2000 strives to help states develop high standards and then apply them toward improving instruction and student achievement. Based on information gathered from six diverse states, Moving Standards will evaluate the effectiveness of standards-based reform, focusing on the quality of supported activities and the effects of those activities on instructional practice and student achievement.

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. 00–20638 Filed 8–14–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Subsequent arrangement.

SUMMARY: This notice is being issued under the authority of section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed ''subsequent arrangement'' under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the United States and Canada and the Agreement for Cooperation Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy.

This subsequent arrangement concerns the retransfer of 3,700 kg of U.S.-origin natural uranium in the form of uranium dioxide from the Cameco Corporation, Ontario, Canada to the Japan Nuclear Fuel Co. (JNFC) for fabrication into blanket fuel pellets by JNFC. The material will be used as fuel by the Tokyo Electric Power Company. The uranium dioxide was originally transferred to the Cameco Corp. from Uranium Resources Inc. pursuant to export license number XSOU8726.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: August 9, 2000.

For the Department of Energy.

Trisha Dedik,

Director, International Policy and Analysis for Arms Control and Nonproliferation, Office of Defense Nuclear Nonproliferation.

[FR Doc. 00–20658 Filed 8–14–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3247–000]

Commonwealth Edison Company; Commonwealth Edison Company of Indiana; Notice of Filing

August 9, 2000.

Take notice that on July 24, 2000, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd), tendered filing to amend ComEd's Power Sales and Reassignment of Transmission Rights Tariff (PSRT–1) to include the costs of modifying generator maintenance schedules 10, Emergency Redispatch Service, and Schedule 11, Third-Party Redispatch Service. These proposals would expand the potential

redispatch options available under Schedules 10 and 11 of ComEd's PSRT–1).

ComEd requests an effective date of September 22, 2000.

Copies of the filing were served upon the ComEd's jurisdictional customers and interested state Commissions.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 21, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–20633 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–422–000]

El Paso Natural Gas Company; Notice of Application

August 9, 2000.

Take notice that on July 31, 2000, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas, 79978, filed an application at Docket No. CP00–422–000, pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and section 157.5, et seq., of the Federal Energy Regulatory Commission's (Commission) Regulations under the NGA, for permission and approval to abandon in place certain existing mainline compression facilities and for a phased certificate of public convenience and necessity authorizing El Paso to initiate the cleaning of the crude oil pipeline by September 15, 2000, and to initiate no later than February 1, 2001, the acquisition of a crude oil pipeline system, the conversion of the crude oil pipeline to a natural gas pipeline, the construction and operation of certain connection, extension, and miscellaneous appurtenant facilities and the operation of the converted pipeline in interstate commerce as a part of El Paso's existing interstate transmission system, all as more fully set forth in the application which is on file with the commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.us/online/rims.htm* (202–208–2222).

El Paso indicates that this project in its entirety including both the certification of new facilities and the abandonment of existing compressor facilities is hereinafter referred to as the ''Line No. 2000 Project.''

El Paso's application states that the Line No. 2000 Project constitutes an integral part of El Paso's ongoing comprehensive review of its interstate transmission pipeline system. It is indicated that this review, among other things, has taken into account: The existing configuration of El Paso's system; flow patterns and customer forecasted load growth; age of the system; operation and maintenance (O&M) costs; fuel usage; and the location and reliability of a large number of dated reciprocating compressors; as well as the potential for replacement and system enhancements. El Paso states that it undertook this review to specifically determine a pipeline infrastructure that would best position El Paso to provide future service and that would constitute a pipeline system that is environmentally sensitive, operationally flexible, efficient, safe, O&M sensitive, fuel efficient and, if necessary, expandable. Based upon this comprehensive review, El Paso indicates that it has determined that its customers would be best served if El Paso improved the operating characteristics of its interstate system by abandoning certain existing mainline compressor facilities on its South System and concurrently integrating into its system pipeline facilities to replace the abandoned compression. It is stated that this replacement of compression with pipeline is the essence of El Paso's Line No. 2000 Project.

El Paso proposes to acquire from EPNGPC, convert and operate approximately 785 miles of the 1,088-mile 30″ O.D. crude oil pipeline. The 785-mile segment would extend from a point near Ehrenberg, Arizona, to McCamey, Texas. It is stated that El Paso would convert this 785-mile segment from a crude oil transmission pipeline to a natural gas transmission pipeline. El Paso indicates that Line No. 2000 would be physically integrated as a loop of El Paso's existing low pressure South System pipelines. As part of such integration, El Paso states that it will internally clean the pipeline, replace certain segments of Line No. 2000, construct tie-ins and crossovers to the South System, replace and move certain existing valves, and install certain minor appurtenant facilities. Thereafter, El Paso indicates that it will hydrostatically test approximately 506 miles of various segments of Line No. 2000. It is then stated that integration of Line No. 2000 into El Paso's South System will permit El Paso to concurrently abandon in place six existing compressor facilities on the South System. Therefore, El Paso also proposes, as a part of the Line No. 2000 Project, to abandon in place six existing mainline compression facilities along El Paso's South System that will no longer be required for operation of the South System.

El Paso states that the Line No. 2000 Project will be a replacement of horsepower with pipeline and will not increase the existing transport capacity of El Paso's interstate transmission system. It is also indicated that the Line No. 2000 Project will, however, optimize El Paso's system by increasing operational flexibility, lowering O&M costs, saving on fuel, and, if necessary, providing for simple and economical expandability.

El Paso also states that the cost of acquiring and converting Line No. 2000 will be approximately $153,145,335. El Paso also indicates that, when the Line No. 2000 Project is implemented, however, it will continue to charge its existing Part 284 rates for transportation. It is stated that El Paso does not propose to recover the cost of the Line No. 2000 Project until it files its next general system-wide rate filing, which will take effect January 1, 2006. El Paso proposes to place the Line No. 2000 Project into service by July 1, 2001.

Any person desiring to be heard or to make protest with reference to said application should on or before August 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's

rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party 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.

A person obtaining intervenor status will be placed on the service list maintained by the Commission and will receive copies of all documents filed by the Applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the 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 El Paso to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–20631 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–429–000]

Kansas Pipeline Company; Notice of Revised Tariff Filing

August 9, 2000.

Take notice that on August 1, 2000, Kansas Pipeline Company (KPC) tendered for filing revised tariff sheets, to be effective March 26, 2000. The revised tariff sheets, listed below, reflect the lifting of the price cap for short-term capacity release transactions. The revised tariff sheets are:

Fourth Revised Sheet No. 15
Fourth Revised Sheet No. 21

KPC states that a copy of this filing is available for public inspection during regular business hours at KPC's offices at 8325 Lenexa Drive, Lenexa, Kansas 66214. The contact person for this filing is Donald Whittington ((913) 888–7139). In addition, copies of this filing have been served on all Kansas Pipeline Company customers and state commissions involved in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–20627 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–430–000]

Norteño Pipeline Company; Notice of Petition for Waiver of Orders No. 637 and 637–A

August 9, 2000.

Take notice that on August 3, 2000, Norteño Pipeline Company (Norteño), 504 Lavaca Street, Austin, Texas 78701, filed in Docket No. RP00–430–000 a Petition for Waiver of Orders No. 637 and 637–A and Request for Expedited Consideration. Norteño submits that its small size and limited customer base, along with a pending abandonment application for certain of its facilities, make compliance with these Orders prohibitively expensive and unnecessary. Moreover, Norteño states that no customer has asked for seasonal rates, capacity segmentation or revised scheduling procedures.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–20626 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–426–000]

ONEOK Midstream Pipeline Inc.; Notice of Application

August 9, 2000.

Take notice that on August 1, 2000, ONEOK Midstream Pipeline, Inc. (ONEOK Midstream), 100 West Fifth Street, Tulsa, P.O. Box 871, Oklahoma 74102, filed an application in Docket No. CP00–426–000, pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon all of its jurisdictional facilities and services, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc/us/online/rims.htm (call 202–208–2222).

ONEOK Midstream proposes to abandon its entire pipeline system which consists of 27-miles of 16-inch pipeline in Garvin county, Oklahoma. It is stated that the facilities extend downstream of the Rodman Plant to interconnects with Williams Gas Pipelines Central, Inc. (Williams), ONEOK Gas Transportation, L.L.C. (OGT), Transok, Inc. (Transok), and Reliant Interstate Gas Transmission Company. It is indicated that OGT and Transok are intrastate pipelines. ONEOK Midstream submits that its facilities qualify as a gathering system exempt from Commission jurisdiction under section 1(b) of the Natural Gas Act. ONEOK Midstream points out that the Commission previously determined in an order issued in Docket No. CP92–351–000 that the Rodman Plant and the facilities upstream of the plant were gathering facilities, and cites several Commission cases in which the Commission determined that facilities downstream of a processing plant were likewise gathering facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before August 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the 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 ONEOK Midstream to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–20634 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–057]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

August 9, 2000.

Take notice that on August 3, 2000, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet to be effective August 1, 2000:

Substitute Sixth Revised Sheet No. 8F

REGT states that the purpose of this filing is to replace Sixth Revised Sheet No. 8F submitted in this docket on July 31, 2000 and reflects additional Delivery Points that were inadvertently omitted in REGT's July 31 filing. REGT also states that there has not been any gas delivered to any of the additional Delivery Points prior to this filing.

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).

David P. Boergers,

Secretary.

[FR Doc. 00–20629 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–52–038]

Williams Gas Pipeline-Central, Inc.; Notice of Superseding Offer of Settlement

August 9, 2000.

Take notice that on August 7, 2000, the Missouri Public Services Commission, Williams Gas Pipelines-Central, Inc., formerly Williams Natural Gas Company, Missouri Gas Energy, a division of Southern Union Company, and forth-three working interest owners (collectively called Sponsoring Parties) filed a Superseding Offer of Settlement (Superseding Offer) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. Sponsoring Parties state the purpose of the Superseding Offer is to facilitate settlement and mitigate administrative burdens resulting from the Commission's implementation of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Public Service Company of Colorado*.[1] The Sponsoring Parties further state the Superseding Offer replaces and supersedes the Offer of Settlement filed in Docket No. RP98–52–000 on October 1, 1999. A copy of the Superseding Offer is on file with the Commission and is available for public inspection in the Public Reference Room. The Offer of Settlement may be viewed on the web at *http://*

[1] *Public Service Co. of Colorado, et al.*, 80 FERC ¶ 61,264 (1997), *reh'g denied*, 82 FERC ¶ 61,058 (1998). Appeal pending. *Anadarko Petroleum Corporation* v. *FERC*, Case No. 98–1227 et al.

www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

The Superseding Offer would increase the credit towards the Kansas *ad valorem* tax refund liability from $50,000 to $100,000 and apply the credit to 309 working interest owners identified by certain operators as well as to each operator that has not provided working interest owner information. Sponsoring Parties state that the Superseding Offer would eliminate the claimed refund obligation for 289 working interest owners and 27 operators who have not provided working interest owner data.

In accordance with section 385.602(f), initial comments on the Superseding Offer are due August 28, 2000, and any reply comments are due September 7, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–20663 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–35–000]

Williston Basin Interstate Pipeline Company; Notice of Filing

August 9, 2000.

Take notice that on August 1, 2000, Williston Basin Interstate Pipeline Company (Williston Basin), P.O. Box 5601, Bismarck, North Dakota 58506+5601, tendered for filing as part its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet to become effective August 1, 2000:

Second Revised Volume No. 1

Third Revised Sheet No. 374

Williston Basin states that it has revised the above-referenced tariff sheet found in Section 48 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), to rename a receipt point associated with its Pooling Service. Point ID No. 03366 is being renamed from (KNE-Bridger) to (KMI-Bridger). Such name change has no effect on Williston Basin's Pooling Service, but is being made simply to reflect a change in the name of the interconnecting pipeline.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–20630 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–375–013]

Wyoming Interstate Company, Ltd.; Notice of Compliance Filing

August 9, 2000.

Take notice that on July 28, 2000, Wyoming Interstate Company, Ltd. (WIC) tendered for filing Third Revised Sheet No. 4C as part of its FERC Gas Tariff, Volume No. 2, to become effective September 1, 2000.

WIC asserts that the purpose of this filing is to comply with the Commission's orders, issued October 13 and December 21, 1999 in Docket No. RP97–375.

Specifically, this filing calculates new Columbia Exit Fee Surcharge Credits which shall be flowed back to WIC's maximum rate firm and interruptible shippers effective September 1, 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).

David P. Boergers,

Secretary.

[FR Doc. 00–20628 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–232–000]

Iroquois Gas Transmission System, L.P.; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Eastchester Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting and Site Visit

August 9, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Eastchester Project involving construction and operation of facilities by Iroquois Gas Transmission System, L.P. (Iroquois).[1] The EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

The purpose of the proposed project is to deliver natural gas for distribution to the Bronx, New York. These facilities would consist of: (1) Approximately 30.3 miles of 24-inch diameter pipeline from Northport, New York to the Bronx, New York; (2) a new 20,000 horsepower (HP) compressor station at Boonville, New York; (3) a new 20,000 HP compressor station at Dover, New York; (4) a 3,300 HP increase at the existing Wright compressor station; (5) an 11,000 HP increase at the existing Croghan compressor station; (6) cooling units at the existing Wright and Athens compressor stations; (7) a new point of interconnection with the facilities of Consolidated Edison Company of New York, Inc. in the Bronx, New York; and (8) other appurtenant facilities.

Iroquois states that the estimated cost of the proposed facilities is $170.8 million. Iroquois proposes to place the facilities in service in two phases. The first phase would transport up to 70,000 dekatherms per day beginning April 1, 2002 and the remaining facilities would

[1] Iroquois' application was filed with the Commission on April 28, 2000, under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

be placed in service on November 1, 2002. The remaining facilities would enable Iroquois to transport about 220,000 to 230,000 dekatherms of natural gas per day.

The general location of the project facilities is shown in appendix 1.[2]

All entities that provided comments on the proposed project and included an address, receive this notice. If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

With this notice we are asking a number of federal and state agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS (see appendix 2). These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities.

Summary of the Proposed Project

The proposed project would extend the existing Iroquois Pipeline from Northport on Long Island to the Bronx, New York. Additional compression to support this extension would be constructed along the existing Iroquois Pipeline. New compressor stations would be constructed at Boonville and Dover, New York. The capacity of two existing compressor stations at Croghan and Wright, New York, would be increased and gas coolers would be installed at existing compressor stations at Athens and Wright, New York.

The proposed Boonville compressor station would be located in the Town of Boonville, Oneida County, New York on a parcel currently owned by Iroquois. The 20.9-acre parcel is between East Road, the Lewis County line and the Penn Central railroad tracks. Access to the site would be from East Road.

The proposed Dover compressor station would be located in the Town of Dover, Dutchess County, New York on a parcel that Iroquois currently has an option to purchase. The 16.4-acre parcel is immediately north of Dover Furnace and is contained by the Conrail railroad line and Swamp River on the east and a county road on the west. The site has been used as a gravel pit.

The length of the proposed pipeline extension is 30.3 miles. Approximately 27.4 miles of the proposed 24-inch diameter pipeline would be buried in Long Island Sound. The proposed routing of facilities would utilize existing right-of-way and open areas and require no displacement of existing homes.

The Eastchester Project would originate at the existing Iroquois Pipeline terminus in Northport, New York and extend north into Long Island Sound. In Long Island Sound, the buried pipeline would extend in a northwesterly direction from Northport, New York. Just south of the Connecticut border, it would turn west-southwest staying in New York State waters following the Connecticut and New York state border. It would continue in a southwesterly direction generally along the boundaries of Westchester, Nassau, and Bronx county lines to landfall at Pelham Bay Park in the Bronx, New York. The pipeline would cross Pelham Bay Park, go under the Hutchinson River, cross a New York Bus Service parking lot, cross under Connor Street, cut over to Tillotson Avenue at approximately Merritt Avenue, and proceed down Tillotson Avenue to its terminus and custody transfer station at Steenwick Avenue.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology, mineral resources, and soils;
- Water resources, fisheries, and wetlands;
- Coastal and marine resources;
- Vegetation and wildlife;
- Endangered and threatened species;
- Land ownership and land use;
- Recreation and public interest areas;
- Visual resources and aesthetics;
- Cultural resources;
- Air quality and noise;
- Hazardous waste;
- Socioeconomics;
- Pipeline safety; and
- Alternatives.

Our independent analysis of the issues will be in the draft EIS (DEIS) which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the DEIS. We will consider all comments on the DEIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to comments received and will be used by the Commission in its decision-making process to determine whether to approve the proposed project, approve a modified proposal, or to deny the application.

To ensure that your comments are considered, please carefully follow the instructions in the public participation section beginning on page 6.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. The FERC has identified a number of issues that may deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Iroquois. Some of these issues are listed below. This is a preliminary list of issues and may be changed based on your comments and further analysis. Currently identified environmental issues for the Eastchester Project include:

- Construction and operational impacts on fisheries and harvest in Long Island Sound;

[2] The appendices referenced in this notice: (1) project location map; (2) agencies invited to cooperate in preparation of EIS; (3) how to intervene in Commission proceedings; and (4) request to be retained on environmental mailing list or to request specific site map, are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

- Potential impacts associated with directional drilling, dredging, jetting, rock berm construction methods, and routing alternatives in Long Island Sound;
- Effect on landowners and future land use;
- Consistency with local land use plans and zoning including effect on future planned development areas;
- Erosion control and potential for sediment transport to water bodies and wetlands;
- Effect of construction on groundwater and surface water supplies;
- Effect of construction on coastal wetlands;
- Clearing of trees and maintenance of an access corridor on the right-of-way;
- Potential introduction and control of non-native species;
- Effect on wildlife, fisheries including essential fish habitat, and rare plant habitats;
- Impacts on federally listed endangered and threatened species;
- Effect on historic and prehistoric archaeological sites and historic structures;
- Effect on public lands and special use areas including Pelham Bay Park;
- Visual effect of aboveground facilities on surrounding urban areas;
- Effect on local air quality and noise environment as a result of compressor station operations; and
- Combined effect of the proposed project with other projects, including other natural gas pipelines, which have been or may be proposed in the same region and similar time frames.

Public Participation and Scoping Meetings

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the Comments for the attention of the Gas/Hydro Group, PJ 11.3.
- Reference Docket No. CP00–232–000.
- Mail your comments so that they will be received in Washington, DC on or before September 22, 2000.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The locations and times for these meetings are listed below.

SCHEDULE OF PUBLIC SCOPING MEETINGS FOR THE EASTCHESTER PROJECT ENVIRONMENTAL IMPACT STATEMENT

Date and time	Location	Phone
September 6, 2000; 7:30 pm	Adirondack Center School, Boonville, NY	(315) 942–9252
September 7, 2000; 7:30 pm	Dover High School, Dover, NY	(914) 832–4500
September 13, 2000; 7:30 pm	Harry S. Truman High School, Bronx, NY	(718) 904–5400
September 14, 2000; 7:30 pm	Prospect Hill School, Pelham Manor	(914) 738–6690

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. FERC representatives will open the formal meeting, discuss the application process, and request public comments. Then the comment period will begin. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the DEIS.

In addition, an Agency Scoping Meeting will be on September 14, 2000, at the Residence Inn, 35 Lecount Place, New Rochelle at 1:00 pm. While the public may attend, the primary purpose of the agency scoping meeting is to receive comments from federal, state, and local government agency representatives. A transcript of each scoping meeting will be made so that all comments are accurately recorded.

On the dates of the meetings, the staff will also be visiting some project areas. Anyone interested in participating in a site visit may contact Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 for details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding.[3] If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. As details of the project become established, representatives of Iroquois may also separately contact landowners, communities, and public agencies concerning project matters, including acquisition of permits and rights-of-way.

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to keep informed and receive copies of the DEIS and Final EIS, you must return the Information Request (appendix 4). If you do not send comments or return the Information

[3] The service list is updated routinely. Intervenors should consult the service list when a filing is made to ensure all appropriate entities are served. Copies of the service list may be obtained through the Commission's website or from the Commission's Secretary.

Request, you will be taken off the mailing list.

You may view the application which includes detailed maps of proposed Eastchester Project at local public libraries. Alternatively, maps may be viewed from the FERC website (www.ferc.fed.us). At the FERC website click on ''RAMS'', then click on ''Link to RIMS'', from the list in the left column select ''Docket #'', and at the Docket entry box type in ''CP00–232''. Maps were filed on April 28, 2000. Adjust the date range to include this date and click on ''Search''. The document containing maps is ''Iroquois Gas Transmission System, LP's Volume V Appendices to Volume II to its application to construct etc the proposed Eastchester Extension Project under CP00–232.'' To view the document, click on ''I=449'' located next to the document description. The first page of the document is displayed. Additional pages may be viewed using the arrow keys at the top of the screen or by selecting a page number at the upper left of the screen. Maps are found on pages 4 through 15 of this filing. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222. Finally, you may receive a copy of the same map available through RIMS by forwarding a request to the Secretary of the Commission using the form attached at appendix 4.

The ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS''link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088.

David P. Boergers,

Secretary.

[FR Doc. 00–20665 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–150–002]

Millennium Pipeline Company, L.P.; Notice of Intent To Prepare a Supplement to the Draft Environmental Impact Statement for the Proposed Millennium Pipeline Project, as Amended; Request for Comments on Environmental Issues; and Notice of Public Scoping Meeting and Site Visit

August 9, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare a supplement to the draft environmental impact statement (SDEIS) that will discuss the environmental impacts of the amended Millennium Pipeline Project involving construction, operation, and acquisition of facilities by Millennium Pipeline Company (Millennium) in New York.[1] The route for about 22.7 miles of the proposed Millennium Pipeline Project in Westchester County, New York, was amended by Millennium on June 28, 2000, in the above-referenced docket.

The route was amended because the original route which followed the Consolidated Edison Company (ConEd) electric transmission corridor was not a reasonable route. As a result of this change, the staff is preparing a SDEIS which will address the amended portion of the Millennium Pipeline Project. The SDEIS will also cover other changes to the project, evaluation of additional alternatives, and the results of technical analysis which have been completed since the publication of the DEIS (April 1999), as described below. By this Notice of Intent (NOI), we are seeking scoping comments on the amended portion of the route in Westchester County and the supplemental information.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' was attached to the project notice Millennium provided to landowners affected by the amended route. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.fed.us*).

Summary of the Amended Proposed Project

Millennium has proposed a reroute of the Millennium Pipeline Project from original project mileposts (MPs) 391 to 405 and MPs 408 to 417. The amended route is proposed to minimize construction in ConEd's electric transmission right-of-way. These facilities would transport up to 350,000 dekatherms per day of gas for shippers to Mount Vernon, New York. Millennium seeks authority to construct and operate the following amended facilities:

- 22.7 miles of 24-inch-diameter pipeline in Westchester County, New York; and
- Five mainline valves.

The location of the project facilities is shown in appendix 1.

Land Requirements for Construction

Construction of the proposed facilities in the amendment would require about 137.7 acres of land along construction rights-of-way that vary from 35 to 75 feet wide. This total requirement also includes extra work spaces at road, waterbody, and wetland crossings. Following construction, about 135.5 acres would be required for a 50-foot-wide permanent right-of-way. The total permanent land requirements after construction are only slightly less than the land requirements during construction, because of the reduced construction right-of-way widths of 35 feet that would be used for construction along about 4.2 miles of bike/hiking trails, and 50 feet that would be used for work along highways.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whatever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We

[1] Millennium Pipeline Company, L.P. and Columbia Gas Transmission Corporation filed their applications with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

call this ''scoping''. The main goal of the scoping process is to focus the analysis in the SDEIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues related to the amendment filing which it will address in the SDEIS. All comments received are considered. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The SDEIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Public safety.
- Land use.
- Cultural resources.
- Air quality and noise.
- Hazardous waste.

We will also evaluate possible alternatives to the amended route or portions of the route, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the SDEIS. The SDEIS will be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review of the SDEIS when it is published. We will consider all comments we receive before we issue the final environmental impact statement for this project and make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Millennium along the amended route. This preliminary list of issues may be changed based on your comments and our analysis.

- The amended route would cross 31 waterbodies, of which 27 are perennial and 4 are intermittent. Three of the waterbodies are tidal: a pond, a tributary to the Hudson River, and the Croton River.
- The Croton River is within the Croton River and Bay Significant Coastal Fish and Wildlife Habitat as designated under the New York State Coastal Management Program and is a part of the designated Haverstraw Bay/Lower Hudson River Essential Fish Habitat. It would be crossed by a horizontal directional drill beneath the riverbed.
- About 6.2 miles of the amended route would be within the New York Coastal Zone.
- The project would cross two National Historic Landmarks: Van Cortlandt Manor and the Old Croton Aqueduct. It would also cross two properties eligible for listing in the National Register of Historic Places: the New Croton Aqueduct (three crossing locations) and the FDR Veterans' Administration Hospital.
- The project would cross 12 wetlands affecting a total of about 3.3 acres of wetlands during construction and about 2.5 acres during operation of the proposed facilities.
- Blasting may be required along some portions of the proposed amended project route.
- About 22.1 acres of forest would be affected by construction of the proposed amended route. After construction, about 18.4 acres of previously forested land would be permanently maintained in herbaceous vegetation to operate the facilities.
- Nine public properties would be crossed by the amended route:

Senasqua Town Park (MPs 394.3 to 395.3);
Van Cortlandt Manor (MPs 396.5 to 396.8);
Old Croton Aqueduct State Historic Park (MPs 397.4 [158 feet]);
Briarcliff-Peekskill Trailway land (MPs 397.0 to 401.3, MPs 401.8 to 404.1, and MPs 406.8 to 406.9);
North County Trail (MPs 401.6 to 401.9 and MPs 404.0 to 404.1); South County Trail (MPs 409.1 to 410.1, MPs 410.1 to 411.3, and MPs 411.6 to 416.5);
West Rumbrook Park (MP 410.1 [53 feet]);
Sprain Ridge County Park (MPs 414.6 to 416.1); and
Sprain Brook Parkway (MPs 416.6 to 416.7).

- Four residences would be within 50 feet of the construction right-of-way.
- Thirty businesses would be within 50 feet of the construction right-of-way.
- There would be 6 crossings of the ConEd electric transmission right-of-way.
- Construction would be along or within about 13.5 miles of road and highway rights-of-way and would temporarily affect traffic.
- Construction would temporarily disrupt the use of about 4.2 miles of bike/hiking trails.

Updated Information that will be Included in the SDEIS

The SDEIS will also provide updates on some aspects of the originally proposed Millennium Pipeline Project including:

- The results of the ice scour study and revised turbidity plume modeling for the crossing of Lake Erie (MPs 0.0 to 32.9);
- The modified construction method for crossing the Neversink River (MP 341.0);
- The proposed route and construction methods for crossing the black dirt area in Orange County, New York (MPs 350.0 to 354.0);
- The modified construction method and revised turbidity model for crossing the Hudson River (MP 387.9);
- The modified site-specific plan for crossing the Catskill Aqueduct (MP 418.2); and
- Evaluation of route alternatives proposed by various commentors since publication of the DEIS including:

Little Valley Variations (MPs 89.5 to 91.9);
Moore Variation (MPs 94.0 to 94.4);
Grimins Variation (MPs 185.0 to 186.0);
Moss Hill Road Variation (MPs 204.3 to 204.4);
Micha Variation (MPs 243.4 to 244.7);
Town Line Road Variation (MPs 243.0 to 244.0);
Bradley Creek Road Variations (MPs 241.1 to 242.6);
Fava Variation (MP 249.4);
Trader Variation (MP 314.4 to 314.5);
Mission Land Variation (MPs 350.4 to 350.5); and
Yonkers Parkway Variation (MPs 418.3 to 420.5).

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the SDEIS and considered by the Commission. You should focus on the potential environmental effects of the proposed route, alternatives to the proposed route (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of Gas Group 2.

• Reference Docket No. CP98–150–002.

• Mail your comments so that they will be received in Washington, DC on or before September 8, 2000.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meeting the FERC will conduct in the project area. The location and time for this meeting are listed below:

Date and time	Location
August 29, 2000, 7 p.m.	Croton-on-Hudson Municipal Building, Van Wyck Street, Croton-on-Hudson, New York, 914–271–4781.

The public meeting is designed to provide you with another opportunity to offer your comments on the proposed amendment to the Millennium Pipeline Project. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the SDEIS. A transcript of the meeting will be made so that your comments will be accurately recorded.

Our staff will also be visiting some project areas on August 30 and 31, 2000. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs, as identified, below, for more details. You must provide your own transportation.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 2). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors have a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 00–20632 Filed 8–14–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6852–2]

Notice of Availability for Draft Guidance on Design of Flexible Air Permits (White Paper Number 3)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: As part of EPA's ongoing efforts to improve implementation of the air permitting programs, we are making available for public review a draft of our pending guidance on the design of flexible air permits (White Paper Number 3). This document provides guidance to State and local permitting authorities on how they can choose to design air permits that provide sources with more operational flexibility while ensuring that they still meet all substantive and procedural requirements of title V of the Clean Air Act and the operating regulations EPA promulgated at part 70 of title 40, chapter I of the Code of Federal Regulations. While not mandatory, we would encourage permitting authorities to use this guidance where allowed by their regulations and as their resources and needs dictate.

In no instance would this guidance allow sources to not comply fully with any applicable requirement; it only presents more flexible approaches for doing so. Where State regulations allow, the guidance is potentially useful in designing permits for sources that make frequent operational changes which must be made in a timely manner, generally to meet changing demands in the marketplace. We believe that the draft will also advance high priority goals within the Agency to: Encourage pollution prevention; assure adequate public participation; promote equal or better environmental protection; and facilitate opportunities for sources to comply in a smarter, more efficient fashion.

A draft of this guidance is available for public review for downloading off the internet (*see* **ADDRESSES**). We do not intend to respond to individual comments, but rather to consider comments and information from the public in the preparation of a final guidance document. In addition to comments about the appropriateness of the guidance itself, we welcome ideas about how to communicate its approaches in a clear, concise way. We recognize that this guidance addresses issues of a very complex nature and will work, where possible, to incorporate more plain language concepts in the final version.

DATES: The review period for this document will close on September 14, 2000. Any comments on the draft guidance must be submitted to EPA by that date.

ADDRESSES: The draft guidance can be accessed at *http://www.epa.gov/ttn/oarpg/*. Comments should be sent to

Michael Trutna, Information Transfer and Program Integration Division (MD–12), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone 919–541–5345, telefax 919–541–4028, or E-mail *trutna.mike@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Trutna at the above address or Roger Powell, Information Transfer and Program Integration Division (MD–12), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone 919–541–5331, telefax 919–541-5509, or E-mail *powell.roger@epa.gov.*

Dated: August 7, 2000.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 00–20791 Filed 8–14–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 00–132, FCC 00–270]

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission is required to report annually to Congress on the status of competition in markets for the delivery of video programming. On July 25, 2000, the Commission adopted a *Notice of Inquiry* to solicit information from the public for use in preparing the competition report that is to be submitted to Congress in December 2000. The *Notice of Inquiry* will provide parties with an opportunity to submit comments and information to be used in conjunction with publicly available information and filings submitted in relevant Commission proceedings to assess the extent of competition in the market for the delivery of video programming.

DATES: Comments are due by September 8, 2000, and reply comments are due by September 29, 2000.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman or Donnajean Ward, Cable Services Bureau, (202) 418–7200 or TTY (202) 418–7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Inquiry* in CS Docket No. 00–132, FCC 00–270, adopted July 25, 2000, and released August 1, 2000. The complete text of this *Notice of Inquiry* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, D.C. 20036, or may be viewed via internet at http://www.fcc.gov/csb/.

Synopsis of Notice of Inquiry

Section 628(g) of the Communications Act of 1934, as amended, directs the Commission to annually report to Congress on the status of competition in the market for the delivery of video programming. This *Notice of Inquiry* (''Notice'') is designed to assist the Commission in gathering data and information on the status of competition in markets for the delivery of video programming for our seventh annual report (''2000 Competition Report''). The Commission will report on the current state of competition and report on changes in the competitive environment since our *1999 Competition Report* was submitted to Congress.

We seek information that will allow us to evaluate the status of competition in the video marketplace, prospects for new entrants to that market, and its effect on the cable television industry and consumers. We are interested in evaluating the extent to which consumers have choices among video programming distributors and delivery technologies. We seek to compare video distribution alternatives available to consumers. In particular, we seek data that will allow us to compare video programming offerings, prices for programming services and associated equipment, and any other services provided (*e.g.,* telephony, data access). Industry members, interested parties, and members of the public should submit information, comments, and analyses regarding competition in markets for the delivery of video programming.

In order to facilitate our analysis of competitive trends over time, we request data as of June 30, 2000, and ask parties, to the extent feasible, to submit data and information that is current as of that date. Comments submitted in this proceeding will be augmented with information from publicly available sources. In addition, we expect to use data collected in recent Commission proceedings and reports such as the broadband inquiry pursuant to Section 706, the annual report of cable television systems (Form 325), and the annual report on cable industry prices.

Video distributors using both wired and wireless technologies serve the market for the delivery of video programming. Video programming distributors include cable systems, direct broadcast satellite (''DBS'') service, home satellite dish (''HSD'') service, private cable or satellite master antenna television (''SMATV'') systems, open video systems (''OVS''), multichannel multipoint distribution service (''MMDS''), and over-the-air broadcast television service.

We seek to evaluate video programming distributors in the context of an overall video programming marketplace. For this assessment, we solicit data and information that will show how broadcast television, cable television, telephone, satellite, equipment suppliers and other competitors compare in terms of relative size and resources (*e.g.,* revenues) and indicate the extent to which participants have the ability to enter each others' markets. We request data that measures the audience reach of large video programming distribution firms as well as their control over the video market and information on the ability of video distributors to expand into new markets such as local telephony and data services.

Congress and the Commission have sought to eliminate barriers to competitive entry and establish market conditions that promote competition to foster more and better options for consumers at reasonable prices. Beginning with the 1992 Cable Television Consumer Protection and Competition Act of 1992 (''1992 Act''), Congress removed several barriers to competition. The Telecommunications Act of 1996 (''1996 Act'') seeks to extend the pro-competitive provisions of the 1992 Act and to establish a ''pro-competitive de-regulatory national policy framework'' for the telecommunications industry by increasing opportunities for firms not traditionally associated with the provision of video services to enter into the video marketplace. The 1996 Act repealed the prohibition against an entity holding attributable interests in a cable system and a local exchange carrier (''LEC'') with overlapping service areas as well as removing regulatory barriers to the entry of public utility holding companies into telecommunications, information services.

For this year's report, we seek comment and information on the extent to which changes in the Communications Act and the

Commission's rules have encouraged new competitors in the market for the delivery of video programming. We also seek comment on any remaining, or impending, statutory or regulatory barriers to new entrants in the video market. For example, the prohibition on cable exclusivity in the program access rules ceases to be effective on October 5, 2002, unless the Commission finds that the prohibition continues to be necessary to preserve and protect competition and diversity in the distribution of video programming. The Commission is required to begin a proceeding to review these rules in 2001, therefore, we seek comment on the standards that should be employed in this review and on the process for undertaking it.

In addition, Section 612(g) of the Communications Act provides that at such time as cable systems with 36 or more activated channels are available to 70% of households within the United States and are subscribed to by 70% of those households, the Commission may promulgate any additional rules necessary to provide diversity of information sources. We seek, through data gathered in this proceeding, to determine if the cable industry has reached the benchmarks specified in this provision and seek comment on how the requirements of this provision should be met.

As in previous reports, we seek factual information and statistical data about the current status of incumbent video programming distributors and any changes that have occurred during the past year. We also seek the following financial information for each video distribution firm.

In addition, we seek information and analysis on the degree to which viewers or consumers consider the different types of video programming distributors to be substitutes. We request any information available on the extent to which customers have switched from one provider or technology to another one. We request that commenters provide information on those factors responsible for the switch, such as relative prices, service offerings, availability or lack of ''favorite'' programming, technical problems, ease of use, or special features available with a specific technology. Finally, we invite comment on a variety of issues associated with specific segments of the video programming distribution industry as well as any other relevant comments.

Cable Television

Last year, we reported that franchised cable operators had approximately 67 million subscribers and an 82% share of the multichannel video programming distribution market. We also reported increases in cable subscribership, channel capacity, and viewership. Have these increases recurred this year? We seek to update and refine our report on the performance of the cable television industry and request data and comments on the current state of competition in this segment of the video programming distribution market. We invite comment and request data on cable television's financial performance, capital acquisition and disposition, system transactions, rates, programming costs, subscribership, viewership, and new service offerings.

We further seek comment on how cable operators package programming for consumers. Are cable operators restructuring their programming tiers now that cable programming service tier (''CPST'') rate regulation has ended? If so, to what extent are operators shifting programming from the basic service tier (''BST'') to the CPST and creating smaller basic tiers (i.e., ''lifeline'' tiers)? To what extent are operators shifting services to create uniform program offerings across their regional or clustered systems? We are interested in information on whether, and if so how, cable operators are restructuring their programming packages and tiers of service as a result of actual or potential competition. We also seek comment on whether, and to what extent, these efforts are intended to differentiate cable service from that of competing video services.

Direct-to-Home Satellite Services

We seek updated information about direct-to-home (''DTH'') satellite services, which includes direct broadcast satellite (''DBS'') and home satellite dish (''HSD'' or ''C-Band'') services. Previous reports have noted the continued growth of DBS subscribership and the increased proportion of video programming subscribers choosing alternatives to cable television. We also observed a decline in the number of HSD subscribers. Are these trends continuing? Are there identifiable differences between consumers who choose to subscribe to DBS rather than cable or another video programming distributor? How do DBS rates for a package of programming and equipment compare to equivalent packages offered by cable?

On November 29, 1999, the Satellite Home Viewer Improvement Act of 1999 (''SHVIA'') became law. One of the key elements of the SHVIA is that it permits satellite carriers to offer their subscribers local TV broadcast signals in their local markets, through an option referred to as ''local-into-local.'' We seek data and information on the number of markets where local-into-local service is offered, or will be offered in the near future, including the number and affiliation of the stations carried.

Broadcast Television

In this *Notice,* we seek information on the role of broadcast television in market for distributing video programming. We request information regarding the extent to which broadcast television competes as a distribution medium with multichannel video programmers for audiences or for advertising revenue.

Broadcasters are in the process of rolling out digital television (''DTV''). Currently, there are close to one hundred television stations broadcasting over-the-air in digital format. While the Commission undertakes a review of the digital television rollout every two years, its focus is on the technical buildout of systems rather than the role of DTV in markets for the delivery of video programming that is our focus.

Wireless Cable

In the *1999 Competition Report,* we reported an almost 18% decline in MMDS video subscribers. The decline in subscribership is a trend that has continued from previous years. However, the industry is in the process of expanding service offerings to include two-way communications services, such as Internet. What effect will this have on MMDS subscribership trend and what effect does the decline of MMDS subscribership have on the status of video competition and consumer choice? We request fact-based projections and forecasts on the future of video programming distribution via MMDS technology.

Satellite Master Antenna Systems

Video distribution facilities that use closed transmission paths without using any public right-of-way known as SMATV or private cable systems, primarily serve multiple dwelling units (''MDUs'') such as apartment buildings. The *1999 Competition Report* noted growth in SMATV subscribership based on the comments of the National Cable Television Association. As was reported, the increase in SMATV subscribers may be attributable to the inexact method used for estimating SMATV subscribers. In order to provide the most accurate and reliable estimate of SMATV subscribership, we request data for SMATV markets, including subscribership levels, service areas, and

the identities of the largest operators. We also request information on the types of services offered by SMATV providers and the price charged for those services. How do the programming packages offered and the price of SMATV service compare to those of incumbent cable operators?

Open Video Systems

We request information on the operation of open video systems, including the number of homes passed, the number of subscribers, and the types of services being offered on OVS. To what extent are open video systems joint ventures between video service providers and other entities (e.g., utility companies, Internet service providers) and what are the arrangements among the participants in such ventures? An OVS operator must make channel capacity available for use by unaffiliated programmers. Are unaffiliated programmers seeking carriage on open video systems? How many programmers and what type of programming is being offered on this basis?

Local Exchange Carriers and Utilities

For the 2000 Competition Report, we request information regarding LECs, long distance telephone companies, and utility companies that provide video services. What delivery technologies are being used? Is the entity providing video services as part of a joint venture? With respect to LECs, we request information about the current status of their activities and any changes that have occurred since the *1999 Competition Report.* In addition, we request updated information on franchised cable systems operated by LECs, both within their telephone services areas and outside those regions.

Home Video

In 1990, the Commission concluded that home video provides competition to cable television, at least with respect to the premium and pay-per-view programming services. Subsequently, we have reported on developments in the home video marketplace in our annual reports. We seek comment on whether these technologies should continue to be considered competitors with broadcasting and multichannel video programming distributors given the changes in the marketplace. We also seek information and updated statistics regarding home video sales and rental market.

Internet Video

We also seek comment and fact-based projections as to when and if Internet video will become a viable competitor in the market for the delivery of video programming. We request information on the technological, legal, and competitive factors that may promote or impede the provision of video over the Internet. What technical parameters must be established and what technical, economic, or regulatory barriers exist to prevent Internet or DSL delivered video becoming an effective competitor to the more established distribution systems?

Programming Issues

In past years, we have relied heavily on publicly available information and data from a variety of sources to compile our profile of video programming practices and ownership. For this year's report, in order to get the most accurate picture of MSO ownership in national video programming services, we ask video distributors to supply us directly with programming information.

We request information on recently launched programming and planned programming launches. We seek ownership information for each new and planned programming service. We also ask commenters to provide the actual launch date for new services and the currently scheduled launch date for planned services? To what extent does the success of a new programming service depend on the tier of service on which it is placed? To what extent does the success of a new programming service depend on its being associated with one of the largest cable system operators? To what extent does the success of a new programming service depend on its being associated with the brand name of an existing channel?

As in previous reports, we will continue to report on the effectiveness of our program access, program carriage and channel occupancy rules that govern the relationships between cable operators and programming providers.

Technical Advances

Cable operators and other video programming distributors continue to develop and deploy advanced technologies that allow them to deliver additional video programming and options, high speed data access, telephony service and other services to consumers. In this section, we request information on the various aspects of these technical advances and how they affect competition in the markets for video programming.

System Upgrades

Cable operators have made substantial investments to upgrade their plant and equipment to increase channel capacity, create digital services, or offer advanced services such as high-speed, switched, broadband telecommunications capability. We seek information on whether these investments are continuing at the same pace as in previous years and what role, if any, the ability to provide advanced broadband services plays in attracting and retaining subscribers to cable firms.

Convergence

In the *1999 Competition Report,* we observed that the most significant convergence of service offerings has been the pairing of Internet service with video services. One method of implementing this convergence is through the widespread deployment of modems by cable operators. Cable firms have begun finalizing the technical standards (Data Over Cable Service Interface Specification or ''DOCSIS'') intended to provide manufacturers with a set of standards that will enable the production of interoperable cable modems. We seek comment on the current and future effect of video programming distributors providing Internet and other data services to their subscribers.

Consumer Equipment

As digital services and other new technologies are deployed by video programming distributors, changes in consumer premises equipment design, function, and availability may affect consumer choice and competition between firms in the video programming market.

Along with cable modems, cable operators are also deploying set-top boxes, integrated receiver/decoders, and navigation devices or receivers that facilitate or differentiate video distributors' service offerings. Thus, we seek comment on the compatibility and availability of customer premises equipment used to provide video programming services. Specifically, we ask commenters to provide information regarding the development of specifications for interoperable set-top boxes, including updated information on the progress of Cable Television Laboratories, Inc.'s OpenCable process. We also seek information on the retail availability of navigation devices to consumers. What types of devices are available at retail and what are their capabilities? Is existing equipment compatible with the OpenCable? Finally, to what extent are consumers now purchasing equipment, including DOCSIS compliant cable modems rather than renting from video programming distributors?

Electronic Programming Guides

An electronic programming guide (''EPG'') is a software-based service or device offered by cable operators and other video programming distributors to consumers to navigate, organize, and differentiate video program offerings. For this year's report, we request updated information on the extent to which video programming distributors offer or plan to offer EPGs to their subscribers. We ask commenters to provide data on the number and different types of available electronic programming guides. We are interested in whether each EPG is nationally or locally produced and whether nationally distributed EPGs can be customized for local program offerings. We seek information regarding the ownership of nationally distributed EPGs, particularly with respect to their affiliation with video programming distributors.

Case Studies

In recent *Competition Reports,* we presented several case studies of local markets where cable operators faced actual competition from new entrants. This year, we request information on the effects of actual and potential competition in local markets where consumers have a choice among video programming distributors. In particular, we seek updated information on video programming services in those areas included in our previous case studies to determine whether the initial effects of competition continue. We also seek data regarding other areas where head-to-head competition exists, or is expected to exist in the near future, between cable and other video programming distributors, or among various types of video programming distributors. How has such competition affected prices, service offerings, quality of service, and other relevant factors? What regulatory changes have facilitated head-to-head competition in local markets between or among video programming distributors? What barriers still exist which inhibit further competition?

Ex Parte

There are no *ex parte* or disclosure requirements applicable to this proceeding pursuant to 47 CFR 1.1204(b)(1).

Filing of Comments and Reply Comments

Pursuant to applicable procedures set forth in 47 CFR 1.415 and 1.419, interested parties may file comments on or before September 8, 2000 and reply comments on or before September 29, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.'' A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. The Cable Services Bureau contact for this proceeding is is Marcia Glauberman at (202) 418–7200, TTY (202) 418–7172, or at mglauber@fcc.gov.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Marcia Glauberman, 445 12th Street, S.W., Room 3–A738, Washington, D.C. 20554. Such a submission should be on 3.5 inch diskette formatted in an IBM compatible format using Microsoft Word for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case [CS Docket No. 00–132]), type of pleading (comment or reply comment), date of submission and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferable in a single electronic file. In addition commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036.

Ordering Clause

This *Notice* is issued pursuant to authority contained in Sections 4(i), 4(j), 403, and 628(g) of the Communications Act of 1934, as amended.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–20666 Filed 8–14–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 00–10]

Universal Logistic Forwarding Co., Ltd.—Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984; Notice of Investigation and Hearing

Notice is given that the Commission, on August 10, 2000, served an Order of Investigation and Hearing on Universal Logistic Forwarding Co., Ltd. (''Universal''), which is a tariffed and bonded non-vessel-operating common carrier (''NVOCC''). It appears that, on at least 22 shipments during the time period May 9 through July 3, 1998, Universal obtained or attempted to obtain ocean transportation at less than the applicable rates through accessing a service contract to which it was not a signatory or affiliate. Further, it appears that, on at least 23 shipments during the same time period, Universal did not charge the rates set forth in its tariff. This proceeding therefore seeks to determine (1) whether Universal violated section 10(a)(1) of the Shipping Act of 1984 (''Shipping Act''), 46 U.S.C. app. 1709(a)(1), by knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise have been applicable; (2) whether Universal violated section 10(b)(1) of the Shipping Act by charging, demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its NVOCC tariff; (3) whether, in the event violations of sections 10(a)(1) or section 10(b)(1) of the Shipping Act are found, civil penalties should be assessed

against Universal and, if so, the amount of penalties to be assessed; (4) whether, in the event violations of section 10(b)(1) of the Shipping Act are found, Universal's tariff should be suspended; and (5) whether, in the event violations are found, an appropriate cease and desist order should be issued. The full text of the Order may be viewed on the Commission's home page at www.fmc.gov, or at the Office of the Secretary, Room 1046, 800 N. Capitol Street, NW, Washington, DC. Any person may file a petition for leave to intervene in accordance with 46 CFR 502.72.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–20682 Filed 8–14–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, August 16, 2000.

The business of the Board requires that this meeting be held with less than one week's advance notice to the public and no earlier announcement of the meeting was practicable.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA: Because of its routine nature, no substantive discussion of the following item is anticipated. The matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Request by a state member bank for a determination that it may establish a less than wholly-owned operations subsidiary.

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: August 10, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–20738 Filed 8–10–00; 4:57 pm]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 12 noon, Monday, August 21, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: August 11, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–20853 Filed 8–11–00; 3:50 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary; Meeting of the Secretary's Council on National Health Promotion and Disease Prevention Objectives for 2010

AGENCY: Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

ACTION: Notice of fourth meeting.

SUMMARY: The Department of Health and Human Services (HHS) is providing notice that the Secretary's Council on National Health Promotion and Disease Prevention Objectives for 2010 will hold its fourth annual meeting, as mandated by its charter. Council members are charged with advising the Secretary on the development and implementation of objectives for the Healthy People 2010 initiative. In this meeting, they will discuss with invited non-Federal representatives ways to engage the energies of partnering organizations in collaboration to achieve the objectives, with a particular focus on the elimination of disparities in health.

DATES: The Council will hold its next meeting on September 12, 2000 from 9:00 a.m. to approximately 4:30 p.m. E.D.T.

ADDRESSES: Department of Health and Human Services, Sixth floor conference room, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. The meeting is open to the public; seating is limited.

FOR FURTHER INFORMATION CONTACT: Ellis Davis, Office of Disease Prevention and Health Promotion, Room 738G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 260–2873. The electronic mail address is: edavis@osophs.dhhs.gov

SUPPLEMENTARY INFORMATION: The Council was established by charter on September 5, 1996 to provide assistance to the Secretary and the Department of Health and Human Services in the development and implementation of health promotion and disease prevention objectives to enhance the health of Americans by 2010. The charter was renewed on September 4, 1998 and is scheduled for a further renewal on September 5, 2000. The Council meets approximately once a year and will terminate on September 5, 2002.

The Council is charged to advise the Secretary on the achievement of national health promotion and disease prevention goals and objectives and to provide links with States, communities,

and the private sector to ensure their involvement as collaborators in the on-going process. The Secretary of Health and Human Services chairs the Council, with the Assistant Secretary for Health as Vice Chair. Other members include the Operating Division Heads of the Department and the former Assistant Secretary for Health. Management and support services are provided by the Office of Disease Prevention and Health Promotion, Office of Public Health and Science, Office of the Secretary.

During its tenure, the Council has overseen the development of Healthy People 2010, the third generation of a national initiative to prevent disease and promote the health of the American people. The 2010 initiative was released to the public on January 25, 2000. At its fourth meeting, the Council will address plans for implementing the initiative over the next ten years and strategies for involving the widest possible range of public and private sector organizations in efforts to realize the aims of the initiative. Joining the members in their discussions will be panelists representing State and local governments, voluntary and professional associations, the business world, and schools, civic and faith-based organizations. The meeting will give special attention to the challenge of eliminating by the year 2010 disparities between U.S. population groups with respect to health status.

If time permits at the conclusion of the formal agenda of the Council, the Chair may allow brief oral statements of no more than three minutes in length from interested parties and persons in attendance. The meeting is open to the public; however, seating is limited. Because of strict security in the Humphrey Building, members of the public who do not have a Federal government identification card should call Ms. Phyllis Carroll (202–205–8611) when they arrive in the building lobby to arrange for an escort to the meeting. If you will require a sign language interpreter, please call Ms. Carroll by 4:30 p.m. E.D.T. on August 29, 2000 to inform her of this need.

Dated: August 4, 2000.

Randolph F. Wykoff,

Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion).

[FR Doc. 00–20620 Filed 8–14–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

PHS Policy for Instruction in the Responsibile Conduct of Research; Extension of Comment Period

AGENCY: Office of the Secretary, HHS.

ACTION: Extension of comment period on ''Draft PHS Policy for instruction in the responsible conduct of research.''

SUMMARY: The Office of Research Integrity (ORI) in collaboration with the Agency Research Integrity Liaison Officers for each of the PHS Operating Divisions, announced on July 21, 2000, (65 Fed. Reg. 45381) the availability for public comment of a new Draft PHS Policy for Instruction in the Responsible Conduct of Research for extramural institutions receiving PHS funds for research or research training. This comment period is being extended until September 21, 2000.

Institutions and individuals interested in commenting on the proposed policy may obtain it on the ORI web site at <http://ori.dhhs.gov> by clicking on ''What's New'' or by contacting ORI. To be considered, all comments must be received by ORI at the address below or by E-mail to jegan@osophs.dhhs.gov no later than September 21, 2000.

FOR FURTHER INFORMATION CONTACT: Chris B. Pascal, J.D., Acting Director, Office of Research Integrity, Rockwall II, Suite 700, 5515 Security Lane, Rockville, MD 20852, 301–443–3400.

Chris B. Pascal, J.D.,

Acting Director, Office of Research Integrity.

[FR Doc. 00–20617 Filed 8–14–00; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–58–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

National Surveillance for Hospital Health Care Workers (NaSH)—Reinstatement—National Center for Infectious Diseases (NCID)—has developed a surveillance system called the National Surveillance System for Health Care Workers (NaSH) that focuses on surveillance of exposures and infections among hospital-based health care workers (HCWs). NaSH (OMB 0920–0417) includes standardized methodology for various occupational health issues. It is a collaborative effort of the Hospital Infections Program, National Center for Infectious Diseases (NCID); the Hepatitis Branch, Division of Viral and Rickettsial Diseases, NCID; the Division of Tuberculosis (TB) Elimination, National Center for HIV, STD, and TB Prevention (NCHSTP); the National Immunization Program (NIP), and the National Institute for Occupational Safety and Health (NIOSH).

NaSH consists of modules for collection of data about various occupational issues. Baseline information about each HCW such as demographics, immune-status for vaccine-preventable diseases, and TB status is collected when the HCW is enrolled in the system. Results of routine tuberculin skin test (TST) are collected and entered in the system every time a TST is placed and read; follow-up information is collected for HCWs with a positive TST. When an HCW is exposed to blood/bloodborne pathogen, to a vaccine-preventable disease (VPD), or to an infectious TB patient/HCW, epidemiologic data are collected about the exposure. For HCWs exposed to a bloodborne pathogen (i.e., HIV, HCV, or HBC) and for susceptible HCWs exposed to VPDs, additional data are collected during follow-up visits. Once a year, hospitals complete a survey to provide denominator data and every 2–5 years, the hospitals perform a survey to assess the level of underreporting of needlesticks (HCW Survey). Optionally, hospitals may collect information about HCW noninfectious occupational injuries such as acute musculoskeletal injuries.

Data are entered into the software and transmitted on diskette to CDC. No HCW identifiers are sent to CDC. This system is protected by the Assurance of Confidentiality (308d).

Data collected in NaSH will assist hospitals, HCWs, health care organizations, and public health agencies. This system will allow CDC to

monitor national trends, to identify newly emerging hazards for HCWs, to assess the risk of occupational infection, and to evaluate preventive measures, including engineering controls, work practices, protective equipment, and postexposure prophylaxis to prevent occupationally acquired infections. Hospitals that volunteer to participate in this system benefit by receiving technical support and standardized methodologies, including software, for conducting surveillance activities on occupational health.

This system was developed and piloted in large teaching hospitals (RFP–200–94–0834(P) and RFP–200–96–0524(P)). The first pilot included four hospitals and the second, five. After the refinement pilot in an additional 13 hospitals (PA–786 and interagency agreements), participation in NaSH became voluntary. The system is being made available to all acute-care hospitals in the United States wishing to participate voluntarily in the project. We anticipate no more than 100 hospitals participating by the end of fiscal 2000 and potentially 150 by fiscal 2002. To participate in NaSH, hospitals are required to provide information on all exposures to infectious agents, baseline information on the exposed HCWs, as well as the underreporting and hospital surveys.

A new component of NaSH will be a web-based surveillance for occupational exposures to blood that can be used by any health care facility and will meet OSHA requirements and needs mandated by national and state legislation. Referred to as NaSH Lite, this module is an abbreviated version of the bloodborne pathogen exposure module. Data collected through NaSH Lite will help create a national database for benchmarking and for tracking trends in sharps-injuries as well as help health care facilities to record and prevent exposures. This module will be developed with OSHA input and in conjunction with state health departments. In addition, data collected through NaSH Lite will assist health care facilities to select, implement, and evaluate strategies (including safety devices) to prevent percutaneous exposures.

The average total burden hours are 37,397.

Form	Number of respondents (hospitals)	Number of responses/ respondent	Average burden/ response (in hrs.)
Baseline Information			
(Hospitals providing information only about exposed HCWs)	70	300	5/60
(Hospitals providing information about all HCWs)	35	1,000	20/60
TST:			
TST Result	35	1,000	10/60
TST Evaluation	35	100	10/60
Exposure to Blood:			
Exposure Event	105	125	25/60
Exposure (NaSH Lite or web version)	600	10	10/60
Follow-up	105	60	5/60
PEP	105	60	10/60
Exposure to VPD:			
Summary	105	3	20/60
HCW	105	10	20/60
Exposure to TB:			
Summary	105	3	20/60
Noninfectious Injury	35	1,000	10/60
HCW Survey	35	500	10/60
Hospital Survey	105	1	2

Dated: August 8, 2000.

Kathy Cahill,

Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–20642 Filed 8–14–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–52]

Notice of Submission of Proposed Information Collection to OMB; Fair Housing Initiatives Program Application Kit

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* September 14, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2529–0033) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will

be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Fair Housing Initiatives Program Application Kit.

OMB Approval Number: 2529–0033.

Form Numbers: SF–269a, SF–424/A/B/D/M, SF–LLL, HUD–2880, HUD–50070, HUD–50071, HUD–2992, HUD–2991, and HUD–2990.

Description of the Need for the Information and its Proposed Use: This information required by the application kit will assist the Department in selecting the highest ranking applicants to receive funds under the Fair Housing Initiatives program and carry out fair housing enforcement and/or education and outreach activities under following initiatives; Administrative Enforcement, Private Enforcement, Education and Outreach, and Fair Housing Organizations. The information collected from quarterly and final progress reports and enforcement logs will enable the Department to evaluate the performance of agencies that receive funding and determine the impact of the program on preventing and eliminating discriminator housing practices.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

Frequency of Submission: Quarterly.

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Reporting Burden	400		4		17.8		28,410

Total Estimated Burden Hours: 28,410.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 8, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–20694 Filed 8–14–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–94561–N–51]

Notice of Submission of Proposed Information Collection to OMB; Comprehensive Needs Assessment (CNA)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* September 14, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0505) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Comprehensive Needs Assessment (CNA).

OMB Approval Number: 2502–0505.

Form Numbers: HUD–96001, 96002, and 96003.

Description of the Need for the Information and Its Proposed Use: The Comprehensive Needs Assessment is a description of current and future financial resources and needs of certain multifamily developments.

Respondents: Business or other for-profit; not-for-profit.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
26,000		1		42		53,500

Total Estimated Burden Hours: 53,500.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 8, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–20695 Filed 8–14–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–50]

Notice of Submission of Proposed Information Collection to OMB; Study of Rent Burden of Residents Living in HOME-Assisted Rental Units

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* September 14, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2528–XXXX) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the officer of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and of hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Study of Rent Burden of Residents Living in Home-Assisted Rental Units.

OMB Approval Number: 2528–XXXX.

Form Numbers: None.

Description of the Need For the Information and Its Proposed Use: It is a study of the rent burden of residents living in rental hosing developed under the HOME program.

Respondents: Individuals or households, Business or other for-profit, not-for-Profit institutions, State, Local or Tribal Government.

Frequency of Submission: One Time.

Reporting Burden:

Number of respondents	×	Frequency of responses	×	Hours per response	=	Burden hours
1,000		0.6		0.08		50

Total Estimated Burden Hours: 50.

Status: New Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 8, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–20696 Filed 8–14–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4410–FA–14]

Announcement of Funding Awards for FY 1999 Public and Indian Housing New Approach Anti-Drug Program (Formerly Known as the Safe Neighborhood Grant Program)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the FY 1999 Super Notice of Funding Availability (SuperNOFA) for the New Approach Anti-Drug Program. This announcement contains the consolidated names and addresses of those award recipients under the New Approach Anti-Drug Program (NAAD) and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: For questions concerning the NAAD funding awards, contact the Office of Public and Indian Housing's Grant Management Center Director Michael E. Diggs, Department of Housing and Urban Development, Washington, DC; telephone (202) 358–0221. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1 (800) 877–8339. (Other than the ''800'' TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: This program is a comprehensive neighborhood/community-based approach to crime. The purpose of these competitive grants under the New Approach Anti-Drug Program, is to assist entities managing or operating Federally assisted multifamily housing developments, public and Indian housing developments or other multifamily-housing developments for low-income families supported by non-Federal governmental housing entities or similar housing developments supported by nonprofit private sources, to augment security (including personnel costs), assist in the investigation and/or prosecution of drug-related criminal activity in and

around such developments, and provide for the development of capital improvements directly related to security.

Crime fighting efforts are most effective when partnering takes place with law-enforcement agencies at various levels and with a full range of community stakeholders (such as public housing agencies (PHAs) and Tribally Designated Housing Entities (THDEs)).

The 1999 awards announced in this Notice were selected for funding in a competition announced in a **Federal Register** Notice published on February 26,1999 (64 FR 9759). Applications were scored and selected for funding based on the selection criteria in that Notice.

A total of $18,583,075 was awarded to 84 New Approach grantees who have submitted comprehensive implementation plans with specific measurable goals to promote self sufficiency of public and Native American housing residents. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of those awards provided in Appendix A to this document.

Dated: August 7, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Appendix A

FUNDING AWARDS RECIPIENTS FOR THE FY 1999 PUBLIC AND INDIAN HOUSING NEW APPROACH ANTI-DRUG PROGRAM

[Formerly known as the Safe Neighborhood Grant Program]

Applicant name	Applicant address	City	State	Zip Code	Amount
Cedar Hill Apartments Limited Partnership.	801 South Gabbert	Monticello	Arkansas	71655–	$206,480
Casa Community Association	7225 Cartwright Avenue	Sun Valley	California	91352–	102,824
Mercy Charities Housing	1038 Howard	San Francisco	California	94103–	207,000
Los Angeles County Housing Development Corporation.	2 Coral Circle	Montery Park	California	91755–	250,000
LA Gardens Community Association.	7225 Cartwright Avenue	Sun Valley	California	91352–	250,000
Chinatown Community Development Center.	1525 Grant Avenue	San Francisco	California	94133–3323	235,950
Norwood Sound Limited Partnership.	245 Homeadow Street	Weatogue	Connecticut	06089–	250,000
Talcott Gardens Limited Partnership.	135 West St	New Britain	Connecticut	06051–	242,778
Capital Green Housing Corporation.	18 The Green PO Box 1401	Dover	Delaware	19901–	124,036
Housing Authority of the City of Fort Myers.	3701 Sabal Palm Boulevard	Fort Myers	Florida	33916–	145,918
Hickory Knoll Apartments, Limited.	507 NE 22nd Ave	Ocala	Florida	34470–	185,260
Cambridge Square of Lauderdale Lakes/Associates II.	3841 NW 21st Street	Lauderdale Lakes	Florida	33311–	250,000
Flagler Village Partnership	200 South Woodlawn Street	St. Augustine	Florida	32095–	250,000
Hispanic Housing	205 West Wacker Drive, Suite 2300.	Chicago	Illinois	60606–	215,272
Gateway to the West Sertoma Club, Parkside Development Corp.	198 A Kingston Drive	St. Louis	Illinois	63125–	200,800
Eastside Community Investments, Incorporated.	26 North Arsenal	Indianapolis	Indiana	46201–	250,000
Antioch Joint Venture	2201 Green St	Fort Wayne	Indiana	46803–	249,960
Century Pacific Housing Properties III.	2351 SE Bellview	Topeka	Kansas	66605–	185,735
Chelsea Plaza Homes, Limited.	1021 North Seventh Street	Kansas City	Kansas	66101–	217,448
Cabell Corporation	P.O. Box 399	Denton	Maryland	21629–	120,015
Hartland Run Limited Partnership.	1025 Cranbrook Road	Cockeysville	Maryland	21030–0394	250,000
Edgewater Village Apartments	1881 C Edgewater Drive	Edgewood	Maryland	21040–	78,446
Brentwood Associates Limited Partnership.	8403 Colesville Road, Suite 400.	Silver Spring	Maryland	20910–	249,795
Lexwood Apartment Associates Limited.	Governmental Center, PO Box 653.	Leonardtown	Maryland	20650–	237,930
Cambridge Park Apartments	630 Greenwood Avenue, 102	Cambridge	Maryland	21613–	179,800
Dorchester Bay Economic Development Corporation.	594 Columbia Road	Dorcester	Massachusetts	02125–	250,000
Nueva Esparanza, Incorporated.	401 Main Street	Holyoke	Massachusetts	01040–	89,100
Sargent West Associates	151 West Street	Holyoke	Massachusetts	01040–	178,000
Jarvis Heights Apartments/ Marken Properties.	667 Main St	Holyoke	Massachusetts	01040–	198,916

FUNDING AWARDS RECIPIENTS FOR THE FY 1999 PUBLIC AND INDIAN HOUSING NEW APPROACH ANTI-DRUG PROGRAM—Continued

[Formerly known as the Safe Neighborhood Grant Program]

Applicant name	Applicant address	City	State	Zip Code	Amount
Harbor Point Community Task Force/Corcoran Mullins Jennison.	1 North Point Community Task Force.	Dorchester	Massachusetts	02125–	243,100
Cranbrook Manor Association	32605 W. Twelve Mile Rd., Ste. 350.	Farmington Hills	Michigan	48334–	225,800
Dwelling Place of Grand Rapids, Incorporated.	339 Division South, Kent County.	Grand Rapids	Michigan	49503–	233,000
McCormack Baron Management Services.	1101 Lucas Avenue	St. Louis	Missouri	63101–	250,000
Greenleaf Association Limited Partnership.	1 East Stow Road	Marlton	Missouri	08053–	212,831
Midland Property Management, Incorporation.	2001 Shawnee Mission Parkway.	Shawnee Mission	Missouri	66205–	237,270
Magnolia Arms Associates Limited.	1 East Stow Rd	Marlton	New Jersey	08053–	246,987
Delsea Village Apartments	2223 South Second Street	Millville	New Jersey	08332–	250,000
Wade East Apartments, d.b.a. Broad Street Association.	1701 East Broad Street, #710.	Millville	New Jersey	08332–	250,000
Westfield Garden Apartments Limited Liability Corporation.	33rd Street Corner of Westfield Ave.	Camden	New Jersey	08105–	250,000
Bridgeton Villas 1 & 2	1 East Stow Road	Marlton	New Jersey	08053–	250,000
Penn Village Associates	200 South Smith Ave., P.O. Box 391, Salem County.	Penns Grove	New Jersey	08069–	249,309
Sebastian Village Associates	1 E. Stow Road, P.O. Box 994.	Marlton	New Jersey	08053–	250,000
Williamsport Family Associates.	1 East Stow Rd.	Marlton	New Jersey	08053–	250,000
Town and Country Associates	1 East Stow Road	Marlton	New Jersey	08053–	222,000
Roosevelt Manor	1 East Stow Road	Marlton	New Jersey	08053–	243,010
Vita Gardens/Bethel Non Profit Housing.	B–1 Management Office, 120 Monmouth Avenue.	Asbury Park	New Jersey	07712–	250,000
Asbury Towers Associated Limited Partnership.	1701 Ocean Ave.	Asbury Park	New Jersey	07712–5625	250,000
Continental Management Company.	955 West Side Avenue, Suite 200.	Jersey City	New Jersey	07306–	214,560
Jersey City Management, Incorporated.	955 West Side Avenue, Suite 200.	Jersey City	New Jersey	07306–	222,760
Northland Associates	1 East Stow Road	Marlton	New Jersey	08053–	249,330
Brigantine Homes Associates	1 East Stow Road, Burlington County.	Marlton	New Jersey	08053–	250,000
Affirmative Equities Company, Incorporated.	120 Wooster St.	New York	New York	10012–	250,000
Whitney Young Associates	217–02 Jamaica Avenue	Queens Village	New York	11428–	168,300
Thetford Properties Limited Partnership IV.	7610 Falls of Neuse, Suite 290.	Raleigh	North Carolina	27624–	250,000
Newgate Garden Apartments, A Limited Partnership.	Westminster Company, P.O. Box 26560.	Greensboro	North Carolina	27415–6560	250,000
Statesville Housing Authority	110 West Allison Street	Statesville	North Carolina	28677–	250,000
Holly Ridge Apartments	Westminster Company, P.O. Box 26560.	Greensboro	North Carolina	27415–6560	250,000
Oakview Village, A Limited Partnership.	P.O. Box 26560	Greensboro	North Carolina	27415–6560	250,000
Hart Realty, Incorporated	1534 Race St.	Cincinnati	Ohio	45210–	206,000
Colonial American Development Corporation.	400 S Fifth St, Suite 400	Columbus	Ohio	43215–	250,000
Normandy Apartments, Limited.	6221 East 38th Street	Tulsa	Oklahoma	74135–	223,500
Woodland Apartments Preservation, Incorporated.	1700 Monroe Street	North Bend	Oregon	97459–	250,000
Southfair Limited Partnership	P.O. Box 808	Salem	Oregon	97308–0808	184,800
Franciscan Enterprise of Oregon.	1478 NE Killingsworth, P.O Box 11268.	Portland	Oregon	97211–	250,000
Office for the Liquidation of the Accounts of the CRUV.	Barbosa Ave. #429	Hato Rey	Puerto Rico	00918–	220,000
Torres de Carolina Housing Cooperative.	Valla Arriba Heights Station, Apartado 2454.	Carolina	Puerto Rico	00983–	205,000
Puerto Rico Urban Renewal and Housing Corporation.	Barbosa Ave. #429	Hato Rey	Puerto Rico	00918–	220,000

FUNDING AWARDS RECIPIENTS FOR THE FY 1999 PUBLIC AND INDIAN HOUSING NEW APPROACH ANTI-DRUG PROGRAM—Continued

[Formerly known as the Safe Neighborhood Grant Program]

Applicant name	Applicant address	City	State	Zip Code	Amount
Las Camelias Limited Partnership.	P.O. Box 195288	San Juan	Puerto Rico	00919–5288	190,160
Oak Grove Limited Liability Partnership.	P.O. Box 1302	Johns Island	South Carolina	29457–	250,000
Greenfield Meadows Limited	1504 Riverview Tower, 900 South Gay Street.	Knoxville	Tennessee	37902–	250,000
Tabernacle Baptist Church, d.b.a. Tabernacle Apartments.	1504 Riverview Tower	Knoxville	Tennessee	37902–	250,000
Housing Authority of El Paso for Sitgraves Manor.	5300 E Paisano Dr.	El Paso	Texas	79905–	250,000
Pilgrim Valley Manor Trust	1701 East Robert Street	Fort Worth	Texas	76104–	250,000
Dallas Housing Corporation	3939 N Hampton Rd	Dallas	Texas	75212–	250,000
West Durango Plaza Trust, Incorporated.	5635 West Durango	San Antonio	Texas	78237–	240,000
Cleme Manor Chartible Trust for Cleme Manor.	1112 S. Ewing	Dallas	Texas	75216–	238,000
Community Development Properties/Royal Crest.	3558 Wilhurt	Dallas	Texas	75216–	250,000
Housing Authority of El Paso for Hervey, Munoz, & Henderson.	5300 E Paisano Dr	El Paso	Texas	79905–	250,000
Meadowview Apartments	107 Hidden Valley Court	Pulaski	Virginia	24301–	248,097
Willow Woods Associates	222 Allen Avenue	Radford	Virginia	24141–	203,345
Housing Authority of the City of Tacoma.	902 South L Street, Suite 1A	Tacoma	Washington	98405–	250,000
South East Effective Development.	3405 South Alaska Street	Seattle	Washington	98118–	250,000
Housing Authority of the City of Bremerton.	110 Russell Road, PO Box 4460.	Bremerton	Washington	98312–	51,622
West Burke Apartment Association Limited.	700 West Burke St.	Martinsburg	West Virginia	25401–	82,831
Total					18,583,07

[FR Doc. 00–20693 Filed 8–14–00; 8:45 am]
BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection submitted to the Office of Management and Budget (OMB) for Renewal Approval Under the Paperwork Reduction Act (PRA)

SUMMARY: The Service submitted the forms for the collection of information listed below to OMB for renewal approval under the Paperwork Reduction Act. Copies of the forms and related material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: Comments must be submitted on or before September 14, 2000.

ADDRESSES: Interested parties should send comments and suggestions on the requirement directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer, 725 17th Street, NW., Washington, DC 20503; and they should send a copy of the comments to Rebecca A. Mullin, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203, (703) 358–2278 or *Rebecca_Mullin@fws.gov* E-mail.

FOR FURTHER INFORMATION CONTACT: Jack Hicks, (703) 358–1851, fax (703) 358–1837, or *Jack_Hicks@fws.gov* E-mail.

SUPPLEMENTARY INFORMATION: The Service invites comments on:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Ways to enhance the quality, utility, and clarity of the information being collected;

(3) The accuracy of the agency's estimate of the time burden of the collection of information; and

(4) Ways to reduce the time burden of the collection of information on respondents.

Title: Grant Agreement and Amendment to Grant Agreement

OMB Approval Number: 1018–0049 (covers both forms)

Service Form Numbers:

3–1552 Grant Agreement, and

3–1591 Amendment to Grant Agreement

The U.S. Fish and Wildlife Service has submitted to OMB a request to renew its approval of the collection of information for the Federal Aid program. The Service is requesting a three year term of approval for this information collection. A previous 60 day notice on this information collection requirement was published on May 1, 2000 (65 FR 25354) **Federal Register** requesting comment. No comments on the previous notice were received as of July 24, 2000. This notice provides an additional 30 days in which to comment on the following information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 1018–0049.

Description and Use: The Federal Grants and Cooperative Agreement Act of 1977 requires Federal agencies to use some type of grant agreement as the legal instrument to transfer money, property, or services to state or local governments. The U.S. Fish and Wildlife Service uses these forms to make or amend awards for approved grant projects. This includes determining if the estimated cost is reasonable, the cost sharing is consistent with the applicable program statutes, and whether sufficient federal funds are available for obligation. The state uses the information to request funds and identify proposed cost sharing. Federal cost distribution provides the State an opportunity to consolidate work under a single project for funding by more than one grant program and distribute the Federal share among applicable programs. The information collected on the amendment form is used to identify and approve proposed changes in the grant agreement.

Frequency of Collection: Generally annually.

Description of Respondents: State, Territorial (the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa), local governments, and certain others receiving grant funds.

Estimated Burden To Complete Form: One hour.

Form used	Number of requests annually	Average response time in hours	Annual burden in hours
Grant Agreement	*3500	*1	3500
Amendment to Grant Agreement	*1750	*1	1750
Totals	5250	1	5250

UNITED STATES
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

GRANT AGREEMENT

State:	Grant No.:
(reserved)	Segment No.:
Agreement Period From: To:	

GRANT TITLE:

GRANT COST DISTRIBUTION:	Private Third Party	%	State Share	%	Federal Share	%	Total Cost	%
Sport Fish Restoration Act (16 U.S.C. 777-777k)								
Wildlife Restoration Act (16 U.S.C. 669-669i)								
Other (specify): _____								
TOTAL COST								

OTHER GRANT PROVISIONS:

Estimated Program Income: $_____
Method of Crediting Program Income: ___ Additive ___ Deductive

Coastal States Allocation:
Freshwater: _____% Marine: _____%

The State agrees to execute this grant in accordance with the appropriate Acts above, the pertinent rules and regulations of the Secretary of the Interior contained in the Code of Federal Regulations, and the previously approved Grant Proposal to the extent encompassed by this Agreement.

STATE AGENCY (Name and Address)

Signature:	Title:	Date:

SPECIAL GRANT CONDITIONS:

APPROVED FOR THE SECRETARY OF THE INTERIOR

Signature:	Title:	Date:

Form 3 – 1552
(Revised January 2000)

OMB Approval No. 1018 – 0049
Approval Expires _____

INSTRUCTIONS FOR COMPLETION OF GRANT AGREEMENT

1. STATE – Self-explanatory.

2. GRANT NO. – Self-explanatory.

3. SEGMENT NO. – Enter the number of the segment of work covered by this agreement.

4. AGREEMENT PERIOD – Enter the inclusive dates for the work covered by this agreement and for which costs will be incurred.

5. GRANT TITLE – Enter the title of the grant shown in Item 11 of the Application for Federal Assistance (SF-424).

6. GRANT COST DISTRIBUTION – Enter the State and Federal shares of the total grant cost for each source of grant funding covered by this Grant Agreement along with the percentage of each share in the total cost rounded to the nearest tenth of a percent (i.e. 28.9%). If the grant is funded, in whole or in part, under an Act other than the Federal Aid in Sport Fish Restoration or Federal Aid in Wildlife Restoration Acts; e.g. Endangered Species Act, enter the name of the Act on the line following Other (specify).

7. OTHER GRANT PROVISIONS – Enter funding or other special provisions, not otherwise included in the Application for Federal Assistance. Examples are pre-agreement or preliminary costs, project costs derived from in-kind contributions, and items of cost requiring prior approval. If program income is anticipated during this segment, include a statement of the source, estimated amount, and disposition (see 43 CFR 12.65 and 522 FW 1.14). If the grant involves Federal Aid in Sport Fish Restoration Act funding in a Coastal State, indicate the allocation of funds between marine and freshwater fisheries. (Attach additional sheet if needed.)

8. STATE AGENCY, SIGNATURE, TITLE, and DATE – Self-explanatory.

9. SPECIAL GRANT CONDITIONS, SIGNATURE, TITLE, and DATE – For Regional Office use.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350 1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to gain benefits is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k) and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i). Information from this form will be used to formalize and execute Grant Agreements and Amendment to Grant Agreements issued under these and other Acts. Your participation in completing this form is required to obtain benefits. Once submitted this form becomes public information and is not protected under the Privacy Act. The public reporting burden for this form is estimated at one hour per response, including time for gathering information, completing, reviewing and obtaining signature. Direct comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ; 1849 C Street N.W., Washington, D.C. 20240, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention Desk Officer for the Department of the Interior, (1018-0049), 725 17th Street N.W., Washington, D.C. 20503.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

AMENDMENT TO GRANT AGREEMENT

State:	Grant No.:
Amendment No.:	Segment No.:
Agreement Period From: To:	

GRANT TITLE:

The above stated Grant Agreement is amended as set forth below. The parties agree that all other terms and conditions as set forth in the Agreement, the Grant Proposal, and any amendments thereto shall remain in force.

PURPOSE OF AMENDMENT:

☐ Extend Agreement Period To: _____
☐ Other: _____
☐ Revise Grant Cost (see below):
☐ Revise Percentage (see below):

Describe reason for amendment:

REVISION OF GRANT COST:		Private Third Party	%	State Share	%	Federal Share	%	Total Cost	%
Previous Grant Cost	Sport Fish								
	Wildlife								
	Other:								
Changes	Sport Fish								
	Wildlife								
	Other:								
Amended Grant Cost	Sport Fish								
	Wildlife								
	Other:								
REVISED TOTAL COST									

STATE AGENCY (Name and Address):

Signature:	Title:	Date:

SPECIAL GRANT CONDITIONS:

APPROVED FOR THE SECRETARY OF THE INTERIOR

Signature:	Title:	Date:

Form 3 – 1591
(Revised January 2000)

OMB Approval No. 1018 – 0049
Approval Expires _____

INSTRUCTIONS FOR COMPLETION OF AMENDMENT TO GRANT AGREEMENT

1. STATE – Self-explanatory.

2. GRANT NO. and SEGMENT NO. – Enter the numbers as they appear on the Grant Agreement.

3. AMENDMENT NUMBER – Self-explanatory.

4. AGREEMENT PERIOD – If the purpose of the amendment is to extend the agreement period, the "To:" date must be the same as the "To:" date indicated in the Purpose of Amendment section of this form. If the purpose of the amendment does not include an extension in the agreement period, then enter the "From:" and "To:" dates from the Grant Agreement (if first amendment) or the dates from the previous amendment.

5. GRANT TITLE – Enter the title of the grant as it appears on the Grant Agreement.

6. PURPOSE OF AMENDMENT – Place an X in the box beside the applicable purpose(s) of the amendment. If the purpose is to extend the agreement period, enter the revised ending date. Regardless of the purpose of the amendment, in the space below "Other" describe the circumstance(s) or reason(s) for the amendment.

7. REVISION OF GRANT COST – If the purpose of this amendment is to revise the grant costs and/or percentage of shares:

   - Enter in the "Previous Grant Cost" section the cost and percentage information from the Grant Agreement (or, if already amended, from the "Amended Grant Cost" section of the most recent amendment).

   - Enter in the "Changes" section the amounts of increase and/or decreases to be made in previous grant costs and/or percentages. Precede increases with a plus (+) sign and decreases with a negative (-) sign.

   - Enter in the "Amended Grant Cost" section the new grant cost and/or percentages information after the adjustments shown in the "Changes" section have been made.

8. STATE AGENCY, SIGNATURE, TITLE, and DATE – Self-explanatory.

9. SPECIAL GRANT CONDITIONS, SIGNATURE, TITLE, and DATE – For Regional Office use.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350 1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to gain benefits is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k) and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i). Information from this form will be used to formalize and execute Grant Agreements and Amendment to Grant Agreements issued under these and other Acts. Your participation in completing this form is required to obtain benefits. Once submitted this form becomes public information and is not protected under the Privacy Act. The public reporting burden for this form is estimated at one hour per response, including time for gathering information, completing, reviewing and obtaining signature. Direct comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ; 1849 C Street N.W., Washington, D.C. 20240, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention Desk Officer for the Department of the Interior, (1018-0049), 725 17th Street N.W., Washington, D.C. 20503.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

Dated: July 25, 2000.

Rebecca Mullin,

Information Collection Officer, Fish and Wildlife Service.

[FR Doc. 00–20618 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Extension Approval Under the Paperwork Reduction Act (PRA)

ACTION: Notice.

SUMMARY: The Service submitted the forms for the collection of information listed below to OMB for renewal approval under the Paperwork Reduction Act. Copies of the forms and related material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: Comments must be submitted on or before September 14, 2000.

ADDRESSES: Interested parties should send comments and suggestions on the requirement directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer; 725 17th Street, NW., Washington, DC 20503; and they should send a copy of the comments to Rebecca A. Mullin, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203, (703) 358–2278 or *Rebecca__Mullin@fws.gov* E-mail.

FOR FURTHER INFORMATION CONTACT: Jack Hicks, (703) 358–1851, fax (703) 358–1837, or *Jack__Hicks@fws.gov* E-mail.

SUPPLEMENTARY INFORMATION: The Service invites comments on:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Ways to enhance the quality, utility, and clarity of the information being collected;

(3) The accuracy of the agency's estimate of the time burden of the collection of information; and

(4) Ways to reduce the time burden of the collection of information on respondents.

Title: Part I—Certification and Part II—Summary of Hunting and Sport Fishing Licenses Issued

OMB Approval Number: 1018–0007 (covers both forms)

Service Form Numbers: 3–154a Part I—Certification, and 3–154b Part II—Summary of Hunting and Sport Fishing Licenses Issued

The U.S. Fish and Wildlife Service has submitted to OMB a request to renew its approval of this information collection for the Federal Aid program. The Service is requesting a 3-year term of approval for this information collection. A previous 60-day notice on this information collection requirement was published in the **Federal Register** on May 1, 2000 (65 FR 25359) inviting public comment. No comments on the previous notice were received as of July 24, 2000. This notice provides an additional 30 days in which to comment on the following information.

An agency 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. The OMB control number for this collection of information is 1018–0007.

Description and Use: The Federal Aid in Wildlife and Sport Fish Restoration Acts require State agencies that receive grants under these Acts to certify license sales. The U.S. Fish and Wildlife Service uses these forms to certify number and amount of sales as required under the Acts. The information is then used in a formula described in the Acts to apportion grant funds to each State or territory.

Frequency of Collection: Generally annually.

Description of Respondents: State, Territorial (the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa), local governments, and certain others receiving grant funds.

Completion Time and Annual Response Estimate:

Form name	Completion time per form (in hrs)	Annual response	Annual burden (in hrs)
Certification Part 1.	½	56 forms.	28
Certification Part 2.	½	56 forms.	28
Totals	.....	112 forms.	56

BILLING CODE 4310–55–M

UNITED STATES
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

PART I – CERTIFICATION

A. Hunting License Holders

Pursuant to the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 917; 16 U.S.C. Sec. 669), and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, I CERTIFY that in the State of _____, during the year ending _____, there were _____ persons holding paid licenses to hunt.

B. Fishing License Holders

Pursuant to the Federal Aid in Sport Fish Restoration Act, as amended (64 Stat. 430; 16 U.S.C. Sec. 777), and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, I CERTIFY that in the State of _____, during the year ending _____, there were _____ persons holding paid licenses to fish for sport or recreation.

_____ (Date)

_____ (Signature)

_____ (Title)

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350 1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to gain benefits is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k) and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i). Information from this form will be used to apportion funds to States using formulas in the Acts. Your participation in completing this form is required to obtain benefits. Once submitted this form becomes public information and is not protected under the Privacy Act. The public reporting burden for this form is estimated at one half hour per response, including time for gathering information, completing, reviewing and obtaining signature. Direct comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ; 1849 C Street N.W., Washington, D.C. 20240, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention Desk Officer for the Department of the Interior, (1018-0007), 725 17th Street N.W., Washington, D.C. 20503.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

Form 3-154a
(Revised 4/00)

OMB Approval No. 1018-0007
Approval Expires _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

PART II – SUMMARY OF HUNTING AND SPORT FISHING LICENSES ISSUED

State: _____ Year Ending: _____

NOTE: Include all paid and nonpaid licenses, tags, stamps, and permits issued for hunting, both firearm and bow, and for sport fishing.

TYPE 1/	HUNTING		FISHING	
	Number 2/	Cost 3/	Number 2/	Cost 3/
Resident				
Nonresident				
Total				

1/ Where a type of license is issued to both residents and nonresidents, your best estimate of the distribution between these two categories will suffice.

2/ Include the total number of combination licenses issued for both hunting and fishing.

3/ Enter gross aggregate cost. The cost of combination licenses should be divided equally between hunting and fishing.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350 1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to gain benefits is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k) and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i). Information from this form will be used to apportion funds to States using formulas in the Acts. Your participation in completing this form is required to obtain benefits. Once submitted this form becomes public information and is not protected under the Privacy Act. The public reporting burden for this form is estimated at one half hour per response, including time for gathering information, completing, reviewing and obtaining signature. Direct comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ; 1849 C Street N.W., Washington, D.C. 20240, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention Desk Officer for the Department of the Interior, (1018-0007), 725 17th Street N.W., Washington, D.C. 20503.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

Form 3-154b
(Revised 4/00)

OMB Approval No. 1018-0007
Approval Expires _____

Dated: July 25, 2000.

Rebecca Mullin,

Information Collection Officer—Fish and Wildlife Service.

[FR Doc. 00–20619 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–931–1220–PA]

Invitation of the Public To Review and Comment on Recommended Recreation Guidelines To Meet Land Health Standards

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice.

SUMMARY: The BLM has recommended recreation guidelines to meet land health standards for lands administered by BLM in Colorado. This notice serves to announce that the recommended recreation guidelines are available for review and comment by the public.

DATES: The deadline for comment on the recommended recreation guidelines is September 22, 2000.

SUPPLEMENTAL INFORMATION: In February 1997, Standards for Public Land Health in Colorado (Standards) were approved by the Secretary of Interior and adopted as decisions in all of BLM's land use plans, commonly referred to as Resource Management Plans (RMP). The Standards describe natural resource conditions that are needed to sustain public land health. The Standards encompass upland soils; riparian systems; plant and animal communities; special, threatened, and endangered species; and water quality. The Standards relate to *all* uses of the public lands, including recreational use.

Guidelines are tools, methods, and techniques that can be used by managers to maintain or meet the standards as they implement various programs on the public lands. Previously, livestock grazing guidelines were developed concurrent with the Standards. Colorado BLM now has recreation guidelines designed to meet public land health standards.

In 1999, all three of Colorado's BLM Resource Advisory Councils (RACs) hosted a series of open houses throughout the state to solicit public comment on draft recreation guidelines. The draft guidelines, developed in consultation with the RACs, addressed problems and issues caused by all recreational activities. A major concern that surfaced during the development of the guidelines was that of the adverse impacts from improperly managed off-highway vehicle (OHV) travel. The RACs sent a clear message to BLM in the draft guidelines that addressing OHV issues needs to be a high priority.

In January 2000, BLM formed an implementation team to analyze public input and RAC recommendations for adopting recreation guidelines and addressing OHV use on public lands. The team used the recommendations from the RACs as the framework for preparing the BLM-recommended version of the guidelines. The team is also developing a strategy, to be announced later, that will address issues related to OHVs.

With an awareness and understanding of the social and environmental impacts of outdoor recreation, the recreation guidelines were developed to help achieve and maintain healthy public lands as defined by the Standards. The guidelines are tools, methods, and techniques that can be used by managers to meet the Standards as they implement recreation action and decisions on the ground.

The intent of the recreation guidelines is to encourage and permit a variety of recreational opportunities and enjoyable experiences that are managed to avoid conflicts and serve diverse recreational interests, while at the same time minimizing and preventing adverse impacts to land health, ecosystems, and cultural or natural resources, including historic and archaeological sites, soils, water, air, vegetation, scenery, wildlife habitats, riparian areas, endangered or threatened species, and wilderness areas.

FOR FURTHER INFORMATION CONTACT: Dennis Zachman, Project Management Specialist, Colorado State Office, 2850 Youngfield, Lakewood, Colorado 80215 (303) 239–3883.

A summary of the recommended recreation guidelines is available upon request. Persons can also access this information on the Colorado BLM internet website (www.co.blm.gov).

Dated: August 4, 2000.

Ann J. Morgan,

State Director.

[FR Doc. 00–20648 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–910–00–0777–XQ]

Utah Resource Advisory Council Meeting

SUMMARY: The Bureau of Land Management's Utah Statewide Resource Advisory Council (RAC) will be meeting on August 30, in Provo, Utah.

The purpose of this meeting is to finalize the guidelines for recreation management on BLM lands in Utah.

The meeting will be held at the Provo Marriott Hotel, Maple Room (Mezzanine Level), 101 West 100 North, Provo, Utah. It is scheduled to begin at 8 a.m. and conclude at 4 p.m. A public comment period, where members of the public may address the Council, is scheduled from 1 p.m. to 1:30 p.m. on August 30. All meetings of the BLM's Resource Advisory Council are open to the public.

FOR FURTHER INFORMATION CONTACT: Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, UT 84111; phone (801) 539–4195.

Dated: August 9, 2000.

Sally Wisely,

Utah BLM State Director.

[FR Doc. 00–20647 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–$$–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–930–1430–01;AZA–31344]

Notice of Proposed Withdrawal; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior proposes to withdraw approximately 299,952.41 acres of Federal lands and minerals to protect the native biodiversity and the ecological richness of the Paria Plateau area in northwestern Arizona. This notice segregates the lands described below for up to 2 years from location and entry under the general land laws, including the mining laws. The lands will remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Becky Hammond, Bureau of Land Management, Arizona Strip Field Office, 345 E. Riverside Drive, St. George, Utah 84790, 435–688–3200.

SUPPLEMENTARY INFORMATION: The purpose of the proposed withdrawal is to temporarily protect the native biodiversity and the ecological richness of the Paria Plateau area while the lands are under study for a possible national monument designation. The proposal, if finalized, would withdraw the following described Federal lands and minerals from location and entry under the general land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights.

GILA AND SALT RIVER MERIDIAN

	Acres
T. 38 N., R. 3 E.,	
Sec. 1, lots 1 to 4, inclusive, S½NE¼, and SE¼NW¼;	280.16
Sec. 2, lot 1 (State Surface and Subsurface)	40.10
T. 38 N., R. 4 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	640.72
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	641.32
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	641.20
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	641.00
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	640.80
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;	557.81
Sec. 8, N½NE¼;	80.00
Sec. 9, NE¼, N½NW¼, and SE¼NW¼;	280.00
Sec. 10, N½, NE¼SW¼, and N½SE¼;	440.00
Secs. 11 and 12;	1,280.00
Sec. 13, N½N½ and SE¼NE¼;	200.00
T. 38 N., R. 5 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	640.40
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	641.08
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	641.32
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	640.88
Sec. 5, lots 1 to 8, inclusive, S½NE¼, SE¼NW¼, W½SW¼, N½SE¼, and SE¼SE¼;	624.54
MS2118A and MS2118B; (Private Surface and Subsurface)	16.66
Sec. 6, lots 3 to 8, inclusive, SE¼NW¼, SE¼SW¼, and SE½;	469.51
Lots 1 and 2, MS2118B, SW¼NE¼, and NE¼SW¼; (Private Surface and Subsurface)	163.67
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	633.32
Sec. 8, lot 1, W½NE¼, W½, and SE¼;	594.94
Lot 2, and MS2141; (Private Surface and Subsurface)	45.10
Sec. 9, lots 1 and 2, E½, E½NW¼, and SW¼;	634.48
MS2141; (Private Surface and Subsurface)	3.56
Secs. 10, 11, and 12;	1,920.00
Sec. 13, N½NE¼, SW¼NE¼, NW¼, and N½SW¼;	360.00
Secs. 14, 15, and 16;	1,920.00
Sec. 17, N½, N½SW¼, and SE¼;	560.00
Sec. 18, lots 1 and 2, NE¼, E½NW¼, and NE¼SE¼;	356.77
Sec. 21, N½NE¼;	80.00
Sec. 22, N½N½;	160.00
Sec. 23, NW¼NW¼	40.00
T. 38 N., R. 6 E.,	
Sec. 4, lots 3 and 4, SW¼NW¼;	119.94
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼, and SW¼SE¼;	600.08
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	632.54
Sec. 7, lots 1 to 4, inclusive, E½W½ and E½;	633.40
Sec. 8, N½NW¼, SW¼NW¼ and NW¼SW¼;	160.00
Sec. 18, lot 4.	38.57
T. 39 N., R. 3 E.,	
Sec. 1, lots 1 to 4 inclusive, S½N½, and S½;	640.36
Sec. 2, lots 1 to 6, inclusive, S½N½, E½SW¼, and SE¼;	636.14
MS2140; (Private Surface and Subsurface)	5.39
Sec. 3, lots 1 to 6, inclusive, S½N½, SW¼, and NW¼SE¼;	592.37
MS2140 and SW¼SE¼; (Private Surface and Subsurface)	50.11
Sec. 4, SE¼;	160.00
Sec. 9, NE¼, N½SE¼, and SE¼SE¼;	280.00
Sec. 10, N½NE¼, SW¼NE¼, W½, and SE¼;	600.00
SE¼NE¼; (Private Surface and Subsurface)	40.00
Sec. 11, N½; W½SW¼, N½SE¼, and SE¼SE¼;	520.00
E½SW¼ and SW¼SE¼; (Private Surface and Subsurface)	120.00
Secs. 12 and 13;	1,280.00
Sec. 14, E½NE¼, SW¼NE¼, W½, and SE¼;	600.00
NW¼NE¼; (Private Surface and Subsurface)	40.00
Sec. 15, E½SE¼;	80.00
Sec. 22; E½ and S½NW¼;	400.00
Secs. 23, 24, 25, and 26;	2,560.00
Sec. 27, E½;	320.00
Sec. 35, N½, W½SW¼, NE¼SW¼, E½SE¼SW¼, SE¼SE¼SW¼, N½SE¼, and SE¼SE¼;	590.00
Sec. 36.	640.00

GILA AND SALT RIVER MERIDIAN—Continued

	Acres
T. 39 N., R. 4 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	640.28
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	640.76
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	641.04
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	640.72
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	640.56
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	635.01
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	634.96
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;	6,400.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	635.72
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	635.84
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	635.66
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	636.32
Secs. 32, 33, 34, 35, and 36.	3,200.00
T. 39 N., R. 5 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	639.32
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	639.16
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	639.76
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	639.96
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	640.72
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	627.92
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	628.76
Secs. 8, 9, 10, 11, 12, 13, 14, and 15;	5,120.00
Sec. 16, N½, SW¼, N½SE¼, and SW¼SE¼;	640.00
SE¼SE¼; (State Surface and Subsurface)	40.00
Sec. 17; (State Surface)	640.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½; (State Surface)	630.36
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	630.68
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	630.92
Sec, 31, lots 1 to 4, inclusive, E½, and E½W½;	631.36
Secs. 32, 33, 34, 35, and 36.	3,200.00
T. 39 N., R. 6 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	639.64
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	639.47
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	640.48
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	640.32
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	639.66
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	627.52
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	628.72
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;	6,400.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	629.76
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	630.04
Secs. 20, 21, 22, and 23;	2,560.00
Sec. 24, W½NE¼, NW¼, and W½SW¼;	320.00
Sec. 26, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼;	320.00
Sec. 27, N½, SW¼, and N½SE¼;	560.00
Sec. 28, NE¼, E½NW¼, NW¼NW¼, and NW¼SE¼;	320.00
Sec. 29;	640.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	630.16
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	630.84
Sec. 32;	640.00
Sec. 33, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼.	320.00
T. 39 N., R. 7 E.,	
Sec. 4, lot 4 and SW¼NW¼;	79.84
Sec. 5, lots 1 to 4, inclusive, S½N½, N½SW¼, SW¼SW¼, and NW¼SE¼;	479.24
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	627.01
Sec, 7, lots 1 to 5, inclusive, NE¼, E½W½, and NW¼SE¼;	508.70
Sec. 18, lots 2 and 3, SE¼NW¼	114.78
T. 40 N., R. 3 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	638.80
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	638.68
Sec. 3, lots 1 and 2, S½NE¼, and SE¼;	319.44
Sec. 10, E½;	320.00
Secs. 11, 12, 13, and 14;	2,560.00
Sec. 15, E½;	320.00
Sec. 22, E½;	320.00
Secs. 23, 24, 25, and 26;	2,560.00
Sec. 27, E½, SE¼NW¼, and E½SW¼;	440.00
Sec. 34, N½, SW¼, W½SE¼, and SE¼SE¼;	600.00
NE¼SE¼; (Private Surface and Subsurface)	40.00

GILA AND SALT RIVER MERIDIAN—Continued

	Acres
Sec. 35;	640.00
Sec. 36; N½ and SW¼;	480.00
SE¼ (State Surface and Subsurface)	160.00
T. 40 N., R. 4 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	640.20
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	639.88
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	639.60
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	639.48
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	639.76
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	631.08
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	632.76
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;	6,400.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	633.40
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	634.08
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	634.96
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	634.92
Secs. 32, 33, 34, and 35;	2,560.00
Sec. 36.	640.00
T. 40 N., R. 5 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½; (State Surface)	644.76
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½; (State Surface and Subsurface)	643.20
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	642.32
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	641.92
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	641.16
Sec, 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	642.23
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	642.20
Secs. 8, 9, and 10;	1,920.00
Secs. 11 and 12; (State Surface)	1,280.00
Secs. 13, 14, and 15;	1,920.00
Sec. 16;	640.00
Sec. 17;	640.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	624.92
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	624.80
Secs. 20, 21, 22, 23, and 24;	3,200.00
Sec. 25; (State Surface)	640.00
Secs. 26, 27, 28, and 29;	2,560.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	625.20
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	626.44
Sec. 32;	640.00
Secs. 33, 34, and 35;	1,920.00
Sec. 36 (State Surface and Subsurface)	640.00
T. 40 N., R. 6 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	646.04
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½; (State Surface and Subsurface)	646.84
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	646.84
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	646.64
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	645.76
Sec, 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	628.23
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	623.60
Secs. 8, 9, 10, 11, 12, 13, 14, and 15;	5,120.00
Sec. 16;	640.00
Sec. 17;	640.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	623.44
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	624.16
Secs. 20, 21, 22, 23, 24, 25, 26, 27, and 28;	5,760.00
Sec. 29, N½ and N½S½;	480.00
S½S½; (State Surface)	160.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½; (State Surface)	625.40
Sec. 31, lots 1 to 4, inclusive, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, S½SE¼, and NE¼SE¼; (State Surface)	466.60
SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE14; (Private Surface and Subsurface)	160.00
Sec. 32 (State Surface and Subsurface)	640.00
Secs. 33, 34, 35, and 36.	2,560.00
T. 40 N., R. 7 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	645.48
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;	646.12
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	647.00
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	639.48
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	646.48
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	628.72
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	624.36
Secs. 8, 9, and 10;	1,920.00

GILA AND SALT RIVER MERIDIAN—Continued

	Acres
Secs. 16 and 17;	1,280.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	625.28
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	625.60
Sec. 20;	640.00
Sec. 21, N½ and SW¼;	480.00
Sec. 29;	640.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	626.16
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	626.72
Sec. 32;	640.00
Sec. 33, S½SW¼	80.00
T. 40 N., R. 8 E.,	
Sec. 6	640.00
T. 41 N., R. 3 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	639.88
Sec. 11, SE¼NE¼, E½SE¼, and SW¼SE¼;	160.00
Secs. 12 and 13;	1,280.00
Sec. 14, NE¼, SE¼NW¼, and S½;	520.00
Sec. 15, E½SE¼SE¼;	20.00
Sec. 22, E½NE¼, and SE¼;	240.00
Secs. 23, 24, 25, and 26;	2,560.00
Sec. 27, E½E½;	160.00
Sec. 34, SE¼SE¼SE¼;	10.00
Sec. 35;	640.00
Sec. 36 (State Surface and Subsurface)	640.00
T. 41 N., R. 4 E.,	
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;	639.36
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;(State Surface and Subsurface)	639.08
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;	639.08
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;	638.52
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	638.48
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	636.99
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	637.60
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;	6,400.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	638.00
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	639.44
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	639.16
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	639.24
Sec. 32; (State Surface and Subsurface)	640.00
Sec. 33, 34, and 35;	1,920.00
Sec. 36 (State Surface and Subsurface)	640.00
T. 41 N., R. 5 E.,	
Sec. 1, N½ (unsurveyed) and S½;	640.00
Sec. 2, N½ (unsurveyed) and S½;	639.00
Sec. 3, N½ (unsurveyed) and S½;	638.00
Sec. 4, lots 1 and 2, NE¼ (unsurveyed), S½NW¼, and S½;	637.60
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	637.40
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	635.77
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	637.36
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;	6,400.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	637.52
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	637.44
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	637.56
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	638.92
Sec. 32; (State Surface and Subsurface)	640.00
Secs. 33 and 34;	1,280.00
Sec. 35; (State Surface)	640.00
Sec. 36 (State Surface and Subsurface)	640.00
T. 41 N., R. 6 E.,	
Secs. 1 to 36, inclusive (unsurveyed)	23,027.00
T. 41 N., R. 7 E.,	
Sec. 3, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;	320.00
Sec. 4, lots 3 and 4, S½N½, and S½;	560.49
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;	639.86
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;	630.78
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;	632.74
Secs. 8, 9 and 10;	1,920.00
Sec. 11, S½NE¼, W½, and SE¼;	560.00
Sec. 12, W½SW¼ and SE¼SW¼;	120.00
Secs. 13, 14, 15, 16, and 17;	3,200.00
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;	633.63

GILA AND SALT RIVER MERIDIAN—Continued

	Acres
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;	634.74
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29;	6,400.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	635.56
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	638.02
Sec. 32, 33, 34, 35, and 36	3,200.00
T. 41 N., R. 8 E.,	
Sec. 18, lots 1 to 4, inclusive, SE¼NW¼, E½SW¼, and SW¼SE¼;	317.40
Sec. 19, lots 1 to 4, inclusive, W½NE¼, E½W½, and SE¼;	558.20
Sec. 20, SE¼NE¼, E½SW¼, SW¼SW¼, and SE¼;	320.00
Sec. 21, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;	320.00
Secs. 28 and 29;	1,280.00
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;	638.80
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;	639.60
Sec. 32 (State Surface and Subsurface)	640.00
T. 42 N., R. 3 E.,	
Sec. 36; lots 1 to 4, inclusive, and S½	471.84
T. 42 N., R. 4 E.,	
Sec. 31, lots 1 to 6, inclusive, E½SW¼, and SE¼;	470.30
Sec. 32, lots 1 to 4, inclusive, and S½;	471.28
Sec. 33, lots 1 to 4, inclusive, and S½;	471.96
Sec. 34, lots 1 to 4, inclusive, and S½;	472.76
Sec. 35, lots 1 to 4, inclusive, and S½;	474.00
Sec. 36, lots 1 to 4, inclusive, and S½	474.80
T. 42 N., R. 5 E.,	
Sec. 31, lots 1 to 6, inclusive, E½SW¼, and SE¼;	471.27
Sec. 32, lots 1 to 4, inclusive, and S½;	476.12
Sec. 33, S½N½ (unsurveyed) and S½ (unsurveyed);	477.00
Sec. 34, S½N½ (unsurveyed) and S½ (unsurveyed);	477.00
Sec. 35, S½N½ (unsurveyed) and S½ (unsurveyed);	476.00
Sec. 36, S½N½ (unsurveyed) and S½ (unsurveyed);	476.80
T. 42 N., R. 6 E.,	
Sec. 31, S½N½ (unsurveyed) and S½ (unsurveyed);	473.00
Sec. 32, lots 1 to 4, inclusive, and S½;	476.48
Sec. 33, S½N½ (unsurveyed) and S½ (unsurveyed);	478.00
Sec. 34, S½N½ (unsurveyed) and S½ (unsurveyed);	479.00
Sec. 35, S½N½ (unsurveyed) and S½ (unsurveyed);	480.00
Sec. 36, lots 1 to 4, inclusive, and S½ (State Surface and Subsurface)	481.68
T. 42 N., R. 7 E.,	
Sec. 31, lots 3 to 6, inclusive, E½SW¼, and SE¼;	393.55
Sec. 32, S½SW¼	80.00

The areas described aggregate 299,952.41 acres in Coconino County. All lands are Federally owned surface and subsurface unless otherwise noted.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from location and entry under the general lands laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights, unless the proposal is canceled or unless the withdrawal is finalized prior to the end of the segregation period.

Existing uses of the segregated lands may be continued in accordance with their terms except for the location or relocation of mining claims during the pendency of the 2-year segregative period, including but not limited to livestock grazing, legal ingress and egress to any valid mining claims and patented claims that may exist, rights-of-way, access to non-Federal lands and interests in lands, current recreational uses, and commercial uses being conducted under special use permits.

Dated: August 3, 2000.

Roger G. Taylor,

Arizona Strip Field Manager.

[FR Doc. 00–20678 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Minerals Management Service (MMS) Outer Continental Shelf (OCS), Gulf of Mexico (GOM) Region, Proposed Use of Floating Production, Storage and Offloading Systems on the Central and Western GOM OCS

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement (EIS) and locations and dates of public hearings for the EIS on the proposed use of floating production, storage and offloading (FPSO) systems in the central and western GOM OCS.

The MMS prepared a draft EIS on ship-shaped FPSO systems which will be used mostly in deepwater areas of the OCS in the Central and Western GOM. The MMS based the EIS analyses on estimates of the kinds and amounts of activity onshore and offshore that could result from the deployment and use of FPSO systems to produce oil and gas in areas of the Central and Western GOM where the present day oil pipeline system does not yet extend. The FPSO systems will produce the oil in the conventional fashion, but will store it on board rather than direct it into pipelines. The FPSO systems will be unloaded regularly by tankers which will transport the oil to Gulf Coast seaports. You may obtain single copies of the draft EIS from the MMS, Gulf of Mexico OCS Region, Attention: Public Information Office (MS–5034), 1201

Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

You may look at copies of the draft EIS in the following libraries:

Texas

Abilene Christian University, Margaret and Herman Brown Library, 1600 Campus Court, Abilene;
Alma M. Carpenter Public Library, 330 South Ann, Sourlake;
Aransas Pass Public Library, 110 North Lamont Street, Aransas Pass;
Austin Public Library, 402 West Ninth Street, Austin;
Bay City Public Library, 1900 Fifth Street, Bay City;
Baylor University, 13125 Third Street, Waco;
Brazoria County Library, 410 Brazoport Boulevard, Freeport;
Calhoun County Library, 301 South Ann, Port Lavaca;
Chambers County Library System, 202 Cummings Street, Anahuac;
Comfort Public Library, Seventh & High Streets, Comfort;
Corpus Christi Central Library, 805 Comanche Street, Corpus Christi;
Dallas Public Library, 1513 Young Street, Dallas;
East Texas State University Library, 2600 Neal Street, Commerce;
Houston Public Library, 500 McKinney Street, Houston;
Jackson County Library, 411 North Wells Street, Edna;
Lamar University, Gray Library, Virginia Avenue, Beaumont;
LaRatama Library, 505 Mesquite Street, Corpus Christi;
Liberty Municipal Library, 1710 Sam Houston Avenue, Liberty;
Orange Public Library, 220 North Fifth Street, Orange;
Port Arthur Public Library, 3601 Cultural Center Drive, Port Arthur;
Port Isabel Public Library, 213 Yturria Street, Port Isabel;
R.J. Kleberg Public Library, Fourth and Henrietta, Kingsville;
Reber Memorial Library, 193 North Fourth, Raymondville;
Refugio County Public Library, 815 South Commerce Street, Refugio;
Rice University, Fondren Library, 6100 South Main Street, Houston;
Rockwall County Library, 105 South First Street, Rockwall;
Rosenberg Library, 2310 Sealy Street, Galveston;
Sam Houston Regional Library & Research Center, 1011 Governors Road, Liberty;
Stephen F. Austin State University, Steen Library, Wilson Drive, Nacogdoches;
Texas A & M University, Corpus Christi Library, 630 Ocean Drive, Corpus Christi;
Texas A & M University, Evans Library, Spence and Lubbock Streets, College Station;
Texas Southmost College Library, 1825 May Street, Brownsville;
Texas State Library, 1200 Brazos Street, Austin;
Texas Tech University Library, 18th and Boston Avenue, Lubbock;
University of Houston Library, 4800 Calhoun Boulevard, Houston;
University of Texas at Arlington, Library, 701 South Cooper Street, Arlington;
University of Texas at Austin, Library, 21st and Speedway Streets, Austin;
University of Texas at Brownsville, Oliveria Memorial Library, 80 Fort Brown, Brownsville;
University of Texas at Dallas, McDermott Library, 2601 North Floyd Road, Richardson;
University of Texas at El Paso, Library, Wiggins Road and University Avenue, El Paso;
University of Texas at San Antonio, Library, 6900 North Loop 1604 West, San Antonio;
University of Texas Law School, Tarlton Law Library, 727 East 26th Street, Austin;
University of Texas, LBJ School of Public Affairs Library, 2313 Red River Street, Austin;
Victoria Public Library, 320 North Main, Victoria;

Louisiana

Calcasieu Parish Library, 327 Broad Street, Lake Charles;
Cameron Parish Library, Marshall Street, Cameron;
Grand Isle Branch Library, Highway 1, Grand Isle;
Government Documents Library, Loyola University, 6363 St. Charles Avenue, New Orleans;
Iberville Parish Library, 24605 J. Gerald Berret Boulevard, Plaquemine;
Jefferson Parish Regional Branch Library, 4747 West Napoleon Avenue, Metairie;
Jefferson Parish West Bank Outreach Branch Library, 2751 Manhattan Boulevard, Harvey;
Lafayettte Public Library, 301 W. Congress Street, Lafayette;
Lafitte Branch Library, Route 1, Box 2, Lafitte;
Lafourche Parish Library, 303 West 5th Street, Thibodaux;
Louisiana State University Library, 760 Riverside Road, Baton Rouge;
Louisiana Tech University, Prescott Memorial Library, Everet Street, Ruston;
LUMCON, Library, Star Route 541, Chauvin;
McNeese State University, Luther E. Frazar Memorial Library, Ryan Street, Lake Charles;
New Orleans Public Library, 219 Loyola Avenue, New Orleans;
Nicholls State University, Nicholls State Library, Leighton Drive, Thibodaux;
Plaquemines Parish Library, 203 Highway 11, South Buras;
St. Bernard Parish Library, 1125 East St. Bernard Highway, Chalmette;;
St. Charles Parish Library, 105 Lakewood Drive, Luling;
St. John The Baptist Parish Library, 1334 West Airline Highway, LaPlace;
St. Mary Parish Library, 206 Iberia Street, Franklin;
St. Tammany Parish Library, Covington Branch, 310 West 21st Street, Covington;
St. Tammany Parish Library, Slidell Branch, 555 Robert Boulevard, Slidell;
Terrebonne Parish Library, 424 Roussell Street, Houma;
Tulane University, Howard Tilton Memorial Library, 7001 Freret Street, New Orleans;
University of New Orleans Library, Lakeshore Drive, New Orleans;
University of Southwestern LA, Dupre Library, 302 East St. Mary Boulevard, Lafayette;
Vermilion Parish Library, Abbeville Branch, 200 North Street, Abbeville;

Mississippi

Gulf Coast Research Laboratory, Gunter Library, 703 East Beach Drive, Ocean Springs;
Hancock County Library System, 312 Highway 90, Bay St. Louis;
Harrison County Library, 14th and 21st Avenues, Gulfport;
Jackson George Regional Library System, 3214 Pascagoula Street, Pascagoula;

Alabama

Dauphin Island Sea Lab, Marine Environmental Science Consortium, Library, Bienville Boulevard, Dauphin Island;
Gulf Shores Public Library, Municipal Complex, Route 3, Gulf Shores;
Mobile Public Library, 701 Government Street, Mobile;
Thomas B. Norton Public Library, 221 West 19th Avenue, Gulf Shores;
University of South Alabama, University Boulevard, Mobile;
Montgomery Public Library, 445 South Lawrence Street, Montgomery;

Florida

Bay County Public Library, 25 West Government Street, Panama City;
Charlotte-Glades Regional Library System, 18400 Murdock Circle, Port Charlotte;

Collier County Public Library, 650 Central Avenue, Naples;
Environmental Library, Sarasota County, 7112 Curtis Avenue, Sarasota;
Florida A & M University, Coleman Memorial Library, Martin Luther King Boulevard, Tallahassee;
Florida Northwest Regional Library System, 25 West Government Street, Panama City;
Florida State University, Strozier Library, Call Street and Copeland Avenue, Tallahassee;
Fort Walton Beach Public Library, 105 Miracle Strip Parkway, Fort Walton Beach;
Leon County Public Library, 200 West Park Avenue, Tallahassee;
Marathon Public Library, 3152 Overseas Highway, Marathon;
Monroe County Public Library, 700 Fleming Street, Key West;
Port Charlotte Public Library, 2280 Aaron Street, Port Charlotte;
Selby Public Library, 1001 Boulevard of the Arts, Sarasota;
St. Petersburg Public Library, 3745 Avenue North, St. Petersburg;
Tampa-Hillsborough County Library, Documents Division, 900 North Ashley Drive, Tampa;
University of Florida Library, University Avenue Gainesville;
University of Florida, Holland Law Library, Southwest 25th Street and 2nd Avenue, Gainesville;
West Florida Regional Library, 200 West Gregory Street, Pensacola.

There will be four public hearings held to receive comments on the draft EIS. The hearings will provide us with information that will help in the evaluation of the potential effects of the use of FPSO systems in the Gulf.

August 21, 2000, Adams Mark Hotel, 64 South Water Street, Mobile, Alabama;
August 22, 2000, Radisson Inn New Orleans Airport, 2150 Veterans Boulevard, Kenner, Louisiana;
August 23, 2000, Radisson Hotel and Conference Center, Hobby Airport Houston, 9100 Gulf Freeway, Houston, Texas; and
August 24, 2000, Best Western Hotel, Lake Charles, Lousiana.

If you wish to testify at a hearing, you may register beginning 30 minutes prior to the meeting. Speakers will be limited to 5 minutes. Each hearing will be open for testimony from 2 p.m. to 4 p.m. in the afternoon, and 6 p.m. to 8 p.m. in the evening, and will recess when all speakers have had an opportunity to testify. If there are no additional speakers, we will adjourn the hearing immediately after the recess. Written statements submitted at a hearing will be considered part of the hearing record. If you are unable to attend, you may submit written statements until October 10, 2000. Send written statements to the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, MS–5410, New Orleans, Louisiana 70123–2394.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish to withhold your name and/or address, you must state this prominently at the beginning of your comment.

However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: August 9, 2000.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 00–20689 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Memorial Commission; Notice of Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission (the Commission) will be held at 1 p.m. on Tuesday, September 5, at the National Building Museum, Room 312, 5th and F Streets, NW., Washington, DC.

The purpose of the meeting will be to discuss currently authorized and proposed memorials in the District of Columbia and environs.

In addition to discussing general matters and routine business, the Commission will consider:

Action Items

(a) H.R. 4800, A bill to require the Secretary of the Interior to identify appropriate lands within the area designated as Area I of the Mall in Washington, DC, as the location of a future memorial to former President Ronald Reagan.
(b) H.R. 4581, a bill to authorize the Homeward Bound Foundation to establish the Middle Passage National Monument.
(c) National Capital Planning Commission Memorials and Museums Master Plan.
(d) S. 2919 and H.R. 4957, bills to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.
(e) H.R. 4583, a bill to extend the legislative authority for the Air Force Memorial Foundation to establish a memorial to the United States Air Force.

Informational Items

(A) Public Law 106–214, authorizing the placement of a plaque within the site of the Vietnam Veterans Memorial to honor those Vietnam Veterans who died after their service in the Vietnam War, but as a direct result of that service.
(a) Public Law 106–19, establishing the Dwight D. Eisenhower Memorial Commission.

The Commission was established by Public Law 99–652, the Commemorative Works Act, to advise the Secretary and the Administrator, General Services Administration (the Administrator) on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC and its environs.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration
Secretary of Defense

The meeting will be open to the public. Any person may file with the Commission a written statement

concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Nancy Young, Executive Secretary to the Commission, at (202) 619–7097.

Dated: August 8, 2000.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 00–20636 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from San Diego County, CA in the Possession of the Marine Corps Base Camp Pendleton, U.S. Marine Corps, San Diego County, CA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from San Diego County, CA in the possession of the Marine Corps Base (MCB) Camp Pendleton, U.S. Marine Corps, San Diego County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by MCB Camp Pendleton Environmental Security Archaeology professional staff, San Diego State University professional staff, and San Diego Archaeological Center professional staff in consultation with representatives of the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California; the Pala Band of Luiseno Mission Indians of the Pala Reservation, California; the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California; and the Kumeyaay Cultural Repatriation Committee, authorized NAGPRA representative of the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California. Consultation also was conducted with the Juaneno Band of Mission Indians and the San Luis Rey Band of Mission Indians, both non-Federally recognized Indian groups.

During 1972–1974, human remains representing 14 individuals were recovered from site CA–SDI–4526 in Las Pulgas Canyon, along the interior western edge of Camp Pendleton, San Diego County, CA during excavations conducted by Dr. Paul H. Ezell following their disturbance during construction of a wildlife sanctuary. No known individuals were identified. The approximately 488 associated funerary objects include metates, cores, flakes, pebbles, unworked shell, hammerstones, choppers, knives, scrapers, rodent bones, whale bones, and soil samples.

Based on the associated funerary objects and radiocarbon dating, these individuals have been identified as Native American, dating to approximately A.D. 194–362. Consultation evidence presented by representatives of the Luiseno tribes have identified the Las Pulgas Canyon area as a pre-contact gathering, occupation, and burial area. Ethnographic sources and present archeological theory place the Luiseno within this geographic area of San Diego County from about 2000 B.P. to the present-day. The geographical location within ethnographically-recorded Luiseno territory as well as the late time period archeologically associated with the Luiseno strongly identifies the human remains from site CA–SDI–4536 as Luiseno.

Based on the above-mentioned information, officials of MCB Camp Pendleton have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 14 individuals of Native American ancestry. Officials of MCB Camp Pendleton also have determined that, pursuant to 43 CFR 10.2 (d)(2), the approximately 488 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of MCB Camp Pendleton have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California; the Pala Band of Luiseno Mission Indians of the Pala Reservation, California; the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; and the Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California.

This notice has been sent to officials of the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California; the Pala Band of Luiseno Mission Indians of the Pala Reservation, California; the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California; and the Kumeyaay Cultural Repatriation Committee, authorized NAGPRA representative of the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande

Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Stan Berryman, Base Archeologist, AC/S Environmental Security, Marine Corps Base, Box 555008, Camp Pendleton, CA 92055–5008, telephone (760) 725–9738, before September 14, 2000. Repatriation of the human remains and associated funerary objects to the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California; the Pala Band of Luiseno Mission Indians of the Pala Reservation, California; the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; and the Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California may begin after that date if no additional claimants come forward.

Dated: June 28, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–20699 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and an Associated Funerary Object from Rhode Island in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary object from Rhode Island in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Narragansett Indian Tribe of Rhode Island; the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group); and a non-Federally recognized Indian group, the Nipmuc Nation.

In 1878, human remains representing two individuals were donated to the Peabody Museum by Dr. S. Kneeland, as part of a large collection. No known individuals were identified. No associated funerary objects are present.

Museum documentation indicates that these human remains came from Cumberland, RI. Based on cranial morphology, one individual has been determined to be Native American, and the other has been determined to be of Native American and European ancestry. Osteological examination of the cranial remains of these individuals has revealed cut marks of a sharp metal blade, probably a result of scalping. Based on this evidence, these individuals are estimated to date to the contact period or later (post-A.D. 1524). Historical and ethnographic information indicates that the area of Rhode Island west of Narragansett Bay, including the Cumberland area, is the aboriginal and historic homeland of the Narragansett Indian Tribe of Rhode Island.

In 1963, human remains representing two individuals were donated to the Peabody Museum of Archaeology and Ethnology by the Robert S. Peabody Foundation, Andover, MA. No known individuals were identified. No associated funerary objects are present.

Museum documentation indicates that these human remains were collected from Conanicut Island, Jamestown, RI by Ferdinand Amburst. Conanicut Island is a well-known historic center of the Narragansett Indian Tribe of Rhode Island, and hundreds of Native American burials from the contact period or later (post-A.D. 1524) have been identified on the island. Additionally, the manner of interment of Archaic period burials from Conanicut Island is cremation. Based on the historical context of Conanicut Island and the non-cremated state of these human remains, it is likely these individuals date to the contact period or later (post-A.D. 1524).

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Narragansett Indian Tribe of Rhode Island.

In 1869, human remains representing one individual were donated to the Peabody Museum by Henry Brown. No known individual was identified. The one associated funerary object is a string of wampum and glass beads.

Museum documentation describes these human remains as having come from the Stone Bridge burial place in Tiverton, RI. Based on the glass beads, this burial is estimated to date to the contact period (A.D. 1524–1680). Oral tradition and historic documentation indicate that Tiverton, RI is within the aboriginal and historic homeland of the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee

Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group).

In 1869, human remains representing three individuals were donated to the Peabody Museum by Andre Robeson. No known individuals were identified. No associated funerary objects are present.

During a Peabody Museum expedition to Anaquaket Neck, Tiverton, RI, these human remains were collected by Jefferies Wyman. Based on the type of copper staining and osteological examination, these individuals have been identified as Native American and are estimated to date to the contact period or later (post-A.D. 1524). Tiverton, RI is within the aboriginal and historic homeland of the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group).

In 1946, human remains representing one individual were donated to the Peabody Museum by R.P. Bullen of Andover, MA, and Mr. and Mrs. Malcolm Beattie of Tiverton, RI. No known individual was identified. No associated funerary objects are present.

Museum documentation indicates that these human remains were recovered from Beattie Point, Tiverton, RI. A letter from the donor describes this individual as having been ''buried in a casket and wrapped in shawls pinned with copper (or brass) pins...estimated date of burial 1750 +/-.'' Osteological examination indicated this individual to be of Native American and African American ancestry. Tiverton, RI is within the aboriginal and historic homeland of the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group).

In 1959, human remains representing one individual were placed on permanent loan to the Peabody Museum of Archaeology and Ethnology from the Warren Anatomical Museum, Harvard Medical School, Cambridge, MA. No known individual was identified. No associated funerary objects are present.

Museum documentation indicates that these human remains came from Tiverton, RI. The type of copper staining present indicates that this individual dates to the contact period or later (post-A.D. 1524). Based on osteological examination, this individual has been identified as Native American. Tiverton, RI is within the aboriginal and historic homeland of the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group).

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of six individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnlology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group).

In 1942, human remains representing six individuals were received by the Peabody Museum through an exchange with Mt. Pleasant High School, Providence, RI. No known individuals were identified. No associated funerary objects are present.

Museum documentation indicates that these human remains are from Rhode Island, and were donated to Mt. Pleasant High School by Brown University. No further information is available. Based on the type of copper stains present on the human remains, these individuals have been identified as Native American dating to the contact period or later (post-A.D. 1524). Oral tradition, historical, and ethnographic information indicates that the present-day State of Rhode Island comprised the historic homeland of the Narragansett Indian Tribe of Rhode Island west of Narragansett Bay; the historic homeland of the Nipmuc Nation (a non-Federally recognized Indian group) in northwestern Rhode Island; and the historic homeland of the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group) east of Narragansett Bay.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of six individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Narragansett Indian Tribe of Rhode Island; the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group); and a non-Federally recognized Indian group, the Nipmuc Nation. This notice has been sent to officials of the Narragansett Indian Tribe of Rhode Island; the Wampanoag Repatriation Confederation, representing the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Indian Tribe (a non-Federally recognized Indian group), and the Assonet Band of the Wampanoag Nation (a non-Federally recognized Indian group); and a non-Federally recognized Indian group, the Nipmuc Nation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before September 14, 2000. Repatriation of the human remains and associated funerary object to the respective culturally affiliated tribes may begin after that date if no additional claimants come forward.

Dated: August 3, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–20700 Filed 8–14–00 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University Museum, University of Arkansas, Fayetteville, AR

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the University Museum, University of Arkansas, Fayetteville, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by University Museum professional staff in consultation with representatives of the Quapaw Tribe of Indians, Oklahoma; and the Tunica-Biloxi Indian Tribe of Louisiana.

In 1932, human remains representing a minimum of 26 individuals were recovered from the Bradley site (3CT7), Crittenden County, AR during excavations conducted by the University Museum. No known individuals were identified. The 37 associated funerary objects include ceramic vessels, bone dice, a stone discoidal, a shell pendant, a fossilized tooth pendant, a sheet copper object, and animal bones.

Based on the associated funerary objects, and skeletal and dental morphology, these individuals have been identified as Native American. Based on ceramic styles and construction, these human remains and associated funerary objects have been identified as belonging to the Nodena phase of the Late Mississippian and proto-historic periods (A.D. 1350–1650).

Based on historical documents and archeological evidence (early European trade beads at the site), the Bradley site has been identified as Pacaha, the principal town of the Pacaha chiefdom during the DeSoto entrada in Arkansas (A.D. 1541–43). Linguistic evidence indicates a possible link between the ''Capaha'' in a Spanish account, and a late 17th century Quapaw Indian village name ''Kappa'' or ''Kappah.'' French maps and documents during A.D. 1673–1720 indicate that only the Quapaw had villages in this area of eastern Arkansas above the mouth of the Arkansas River, and the area of northeastern Arkansas was used as a hunting territory.

Based on the above-mentioned information, officials of the University Museum, University of Arkansas have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 26 individuals of Native American ancestry. Officials of the University Museum, University of Arkansas also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 37 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University Museum, University of Arkansas have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Quapaw Tribe of Indians, Oklahoma. This notice has been sent to officials of the Quapaw Tribe of Indians, Oklahoma; and the Tunica-Biloxi Indian Tribe of Louisiana. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Michael P. Hoffman, Curator of Anthropology, University Museum, University of Arkansas, Fayetteville, AR 72702, telephone (501) 575–3855, e-mail mhoffma@comp.uark.edu, before September 14, 2000. Repatriation of the human remains and associated funerary objects to the Quapaw Tribe of Indians, Oklahoma may begin after that date if no additional claimants come forward.

Dated: August 3, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–20698 Filed 8–14–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval; COPS School-Based Partnership Implementation Report.

The Department of Justice, Office of Community Oriented Policing Services (COPS) has submitted the following information collection request utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by August 23, 2000. If granted, the emergency approval is only valid for 180 days.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. In addition to comments and/or questions pertaining to this pending request for emergency approval, written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged and will be accepted for 60 days from the date listed at the top of this page in the **Federal Register**.

Comments 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 technology, *e.g.*, permitting electronic submission of responses.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the emergency approval request, estimated public burden and associated response time, should be directed to the COPS Office, PPSE Division, 1100 Vermont Ave., NW., Washington, DC 20530–

0001; Attn: Matthew Scheider. Additionally, comments may be submitted to COPS via facsimile to 202–633–1386, Attn: Matthew Scheider. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attn: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Overview of this information collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* COPS School-Based Partnership Implementation Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS PPSE/04. 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:* Approximately 500 grant project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project, will be asked to respond. The COPS School-Based Partnership Report will allow the COPS office to collect information from COPS School-Based Partnership '98 grantees on the implementation of collaborative problem-solving techniques used to address crime and disorder in and around schools. The COPS office will use the information collected to examine the processes undertaken by SBP grantees in implementing collaborative problem-solving techniques. A report of these findings will identify lessons learned and will provide recommendations to policing agencies and schools seeking to implement similar problem-solving partnerships.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Surveys will be administered by mail to approximately 500 project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project. Survey completion will take approximately 0.25 hours per respondent (there is no recordkeeping burden for this collection).

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 125 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, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: August 8, 2000.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 00–20613 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–AT–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; new collection COPS School-Based Partnership Response Phase Report.

The Department of Justice, Office of Community Oriented Policing Services (COPS) has submitted the following information collection request utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by August 23, 2000. If granted, the emergency approval is only valid for 180 days.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. In addition to comments and/or questions pertaining to this pending request for emergency approval, written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged and will be accepted for 60 days from the date listed at the top of this page in the **Federal Register**. Comments 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 technology, e.g., permitting electronic submission of responses.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the emergency approval request, estimated public burden and associated response time, should be directed to the COPS Office, PPSE Division, 1100 Vermont Avenue, NW., Washington, DC 20530–0001; Attn: Matthew Scheider. Additionally, comments may be submitted to COPS via facsimile to 202–633–1386, Attn: Matthew Scheider: Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attn: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Overview of This Proposed Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* COPS School-Based Partnership Response Phase Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS PPSE/03. 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:* Approximately 275 COPS School-Based Partnership '98 and '99 grant recipients will be asked to respond. The COPS School-Based Partnership Response Phase Report will allow the COPS office to collect information on the responses utilized by these grantees to tackle the crime and disorder problems being addressed through the problem-solving model.

The COPS Office will use the information collected to examine issues grantees have faced with respect to generating, selecting and implementing effective responses. A report on these findings may prove vital to other grantees in implementing their own responses. Additionally, the information will help the COPS Office anticipate challenges of current and future School-Based Partnership grantees and will help inform future program design.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Surveys will be administered

by mail to approximately 275 COPS School-Based Partnership '98 and '99 grant recipients. Administrative preparation and survey completion will take approximately 0.75 hours per respondent (there is no record keeping burden for this collection).

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 207 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, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: August 3, 2000.

Brenda E, Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 00–20614 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Consistent with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *E. I. du Pont de Nemours*, (''DuPont'') C.A. No. 97–191 was lodged with the United States District Court for the Eastern District of Kentucky on August 1, 2000. This proposed Consent Decree settles claims brought against DuPont pursuant to section 112(r) of the Clean Air Act, 42 U.S.C. 7412(r) for violations of its general duty of care, and pursuant to Section 109(c) of the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. 9609(c) and section 325(a)(3) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11045(a)(3) for notice violations, with respect to DuPont's sulfuric acid manufacturing plant in Wurtland, Kentucky.

The settlement provides for payment of $850,000 in civil penalties and performance of a Supplemental Environmental project (''SEP'') valued at $650,000. Under the proposed SEP, DuPont will upgrade the emergency notification systems of the ten counties surrounding the Wurtland facility. The total penalty under this settlement is $1,500,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, D.C. 20044; and refer to *United States* v. *E. I. du Pont de Nemours*, (''DuPont'') C. A. No. 97–191, DOJ Ref. # 90–5–2–1 –2099.

The proposed settlement agreement may be examined at the Office of the United States Attorney, U.S. Department of Justice, 110 West Vine Street, P.O. Box 3077 Lexington, KY 40507, and at the office of the Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of $6.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–20624 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (''CERCLA'')

Consistent with Departmental policy, 28 CFR 50.7, and under Section 122(d) of CERCLA, 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United States* v. *Yaworski,Inc., et al.,* Civ. No. 3:99cv626 (PCD), was lodged on August 2, 2000 with the United States District Court for the District of Connecticut. The Consent Decree concerns hazardous waste contamination at the Yaworski Lagoon Superfund Site (the ''Site''), located off Packer Road in Canterbury, Connecticut. The Consent Decree would resolve the liability for reimbursement of response costs incurred and to be incurred by the United States in connection with the Site as to the defendants against whom the United States filed a complaint on behalf of the United States Environmental Protection Agency (''EPA'') as well as two other related entities and would also resolve certain claims that the United States asserted under the Federal Debt Collection Act, 28 U.S.C. 3001 *et seq.,* and the Federal Priority Statute, 31 U.S.C. 3701 *et seq.* The Consent Decree requires the settling defendants to reimburse the EPA Hazardous Substance Superfund $1,425,000 for its costs pertaining to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and should refer to *United States* v. *Yaworski, Inc., et al.,* DOJ Ref. #90–11–2–307/1.

The proposed consent decree may be examined at the office of the United States Attorney for the District of Connecticut, 157 Church Street, 23rd Floor, New Haven, Connecticut 06510 (contact Assistant United States Attorney Christine Sciarrino); and the Region I Office of the Environmental Protection Agency, 1 Congress Street (SES), Suite 1100, Boston, MA 02114–2023 (contact Senior Enforcement Counsel, Lloyd Selbst). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044–7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of $9.50 (25 cents per page reproduction costs) for the Consent Decree without Appendices, or in the amount of $11.50 for the Consent Decree with all Appendices, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–20623 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of Justice Programs, Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; (new collection) State Police traffic stop data collection procedures, 2000.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and

will be accepted for ''sixty days'' until October 16, 2000.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kevin Strom, (202) 616–9491, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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 technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* New Collection.

(2) *The title of the form/collection:* State Police Traffic Stop Data Collection Procedures, 2000.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is SP–1, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State government.

Other: None.

42 U.S.C. 3711, *et. seq.* authorizes the Department of Justice to collect and analyze statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 50 respondents will complete a 30-minute data collection form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total hours burden to complete the forms is 25 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 Building, 1331 Pennsylvania, NW., Washington, DC 20530, or via facsimile at (202) 514–1534.

Dated: August 8, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 00–20615 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Statistics; Agency Information Collection Activities: Revision of a Currently Approved Collection

ACTION: Notice of review of a revision of a currently approved collection school crime survey (SCS).

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until October 16, 2000.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael Rand, (202) 616–3494, Bureau of Justice Statistics, Office of Justice Statistics, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* School Crime Survey (SCS).

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* SCS–1.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals. The School Crime Survey will collect, analyze, publish, and disseminate statistics on the amount and type of crime committed against Middle or High School age persons residing within the United States.

Other: None.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 12,200 respondents at 0.167 (10 minutes) hours per interview.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,038 hours annual burden.

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 850, Washington Center, 1001 G Street NW., Washington, DC 20530.

Dated: August 9, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 00–20616 Filed 8–14–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

August 9, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable support documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contract Karin Kurz {{202} 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King {{202} 219–5096 ext. 151 or by E-mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC ({202} 395–7316), on or before September 14, 2000.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: New Collection.

Agency: Employment and Training Administration.

Title: MIS Requirements for Youth Opportunity Grants.

OMB Number: 1205–0New.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Government.

Form	Total respondents	Frequency	Total reponses	Average time per response (in hrs)	Estimated total burden hours
ETA 9086	40	Monthly	480	104	49,920
ETA 9087	40	Quarterly	160	48	7680
Totals	.....	.....	640	.....	57,600

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Youth Opportunity Grants are expected to serve about 45,000 youth each year in 40 high-poverty communities. The Management Information System (MIS) requirements for the grantees will include collecting demographic information on enrollees, documenting services received by enrollees, and following up enrollees as prescribed by law for at least two years after placement. Grantees will be required to provide monthly reports to the Department of Labor on participant characteristics, services being provided, and placement rates, and quarterly reports on employment and earnings at follow-up.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–20677 Filed 8–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,451A and TA–W–37,451C]

Cross Creek Apparel, Inc., Walnut Cove, North Carolina and Hillsville Sewing Plant, Hillsville, Virginia; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on April 4, 2000, applicable to workers of Cross Creek Apparel, Inc., Walnut Cove, North Carolina. The notice was published in the **Federal Register** on April 21, 2000 (65 FR 21473).

At the request of the company, the Department reviewed the determination for workers of the subject firm. New information provided by the company shows that worker separations will occur at the Hillsville Sewing Plant of Cross Creek Apparel, Hillsville, Virginia when it closes at the end of August, 2000. The workers are engaged in employment related to the production of knit apparel. Accordingly, the Department is amending the determination to cover workers of Cross Creek Apparel, Inc., Hillsville Sewing Plant, Hillsville, Virginia.

The intent of the Department's certification is to include all workers of Cross Creek Apparel, Inc. adversely affected by increased imports.

The amended notice applicable to TA–W–37,451A is hereby issued as follows:

''All workers of Cross Creek Apparel, Inc., Walnut Cove, North Carolina (TA–W–37,451A) and Hillsville Sewing Plant, Hillsville, Virginia (TA–W–37,451C) who became totally or partially separated from employment on or after February 21, 1999 through April 4, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 31st day of July, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–20676 Filed 8–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4013]

AII Technologies, Inc.; El Paso, Texas; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on July 7, 2000, in response to a petition filed on June 30, 2000 on behalf of workers at AII Technologies, Inc., El Paso, Texas.

The petition was not filed by a duly authorized representative and is thus invalid. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–20675 Filed 8–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Open Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of a meeting of the Advisory Committee on Construction Safety and Health (ACCSH).

SUMMARY: OSHA is notifying the public that ACCSH will meet September 14–15, 2000 at the Holiday Inn Capital at the Smithsonian, 550 C Street SW., Washington, DC. This meeting is open to the public.

Dates, Times and Rooms

ACCSH will meet 8:30 a.m. to 5 p.m. Thursday, September 14 and 8:30 a.m. to Noon Friday, September 15 in the Discovery II conference room. ACCSH work groups will meet September 11–12 in the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Veneta Chatmon, Office of Public Affairs, Room N–3647, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–1999.

SUPPLEMENTARY INFORMATION: An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625 of the Frances Perkins Building, at the address above, telephone (202) 693–2350. All ACCSH meetings and those of its work groups are open to the public. Individuals needing special accommodation should contact Veneta Chatmon no later than August 30, 2000, at the above address.

The agenda items for this meeting include:

- Remarks by the Assistant Secretary for the Occupational Safety and Health Administration, Charles N. Jeffress.
- ACCSH work group updates, including:
- Data Collection.
- Musculoskeletal Disorders.
- Fall Protection.
- Hexavalent Chromium.
- Safety and Health Programs and Training.
- OSHA Form 170.
- Directorate of Construction Reports.
- Special Presentations, including:
- Ergonomic Interventions for Domestic Maritime Industries.
- Communication Tower Erection.
- Comments on the ACCSH draft document on Preventing Musculoskeletal Disorders.

The following ACCSH work groups will meet in the Frances Perkins Building, at the address above:

Hexavalent Chromium: 10 a.m. to Noon, Tuesday, September 12, room N–3437 B.

Safety and Health Programs and Training: 1–3 p.m., Tuesday, September 12, room N–3437 B.

OSHA Form 170: 1–4 p.m., Tuesday, September 12, room N–3437 A.

Data Collection: 8:30 a.m. to Noon, Wednesday, September 13, room N–3437 D.

Musculoskeletal Disorders: 1:30–4:30 p.m., Wednesday, September 13, room N–3437 D.

For up-to-date information on ACCSH activities and scheduling please refer to the OSHA Web site at *http://www.osha.gov,* or call Jim Boom in OSHA's Directorate of Construction at (202) 693–1839.

Interested parties may submit written data, views or comments, preferably with 20 copies, to Veneta Chatmon, at the address above. Submissions received prior to the meeting will be provided to ACCSH members and will be included in the record of the meeting. Attendees may also request to make an oral presentation by notifying Veneta Chatmon in writing before the meeting. The request must state the amount of time desired, the interest represented by the presenter (*e.g.,* the names of the business, trade association, government agency) if any, and a brief outline of the presentation. The Chair of ACCSH may grant request at his/her discretion and as time permits.

Authority: Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), and Secretary of Labor's Order No. 6–96 (62 FR 181).

Signed at Washington, DC, on August 8, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–20674 Filed 8–14–00; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, August 22, 2000.

PLACE: NTSB Board Room, 429 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 6788G Aviation Accident Report: In-flight Breakup over the Atlantic Ocean, Trans World Airlines (TWA 800), Boeing 747–137, N93119, East Moriches, New York, July 17, 1996.

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314–6220 by Friday, August 19, 2000.

FOR FURTHER INFORMATION CONTACT: Rhonda Underwood (202) 314–6065.

August 11, 2000.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 00–20844 Filed 8–11–00; 3:50 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued two new guides in its

Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.184, ''Decommissioning of Nuclear Power Reactors,'' in conjunction with other guides, describes methods and procedures that are acceptable to the NRC staff for implementing the NRC's regulations on the initial activities and the major phases of the decommissioning process. Regulatory Guide 1.185, ''Standard Format and Content for Post-Shutdown Decommissioning Activities Report,'' provides guidance on the type of information that is to be included in the licensee's Post-Shutdown Decommissioning Activities Report, and it establishes a standard format for the information in this report.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection or downloading at the NRC's Public Electronic Reading Room at <*WWW.NRC.GOV*>. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to (301) 415–2289, or by email to <*DISTRIBUTION@NRC.GOV*>. Issued guides may also be purchased from the National Technical Information Service on a standard order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 7th day of August 2000.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 00–20688 Filed 8–14–00; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in August 2000. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in September 2000.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in August 2000 is 4.97 percent (*i.e.,* 85 percent of the 5.85 percent yield figure for July 2000).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between September 1999 and August 2000.

For premium payment years beginning in:	The assumed interest rate is:
September 1999	5.16
October 1999	5.16
November 1999	5.32
December 1999	5.23
January 2000	5.40
February 2000	5.64
March 2000	5.30
April 2000	5.14
May 2000	4.97
June 2000	5.23
July 2000	5.04
August 2000	4.97

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in September 2000 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 10th day of August 2000.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–20704 Filed 8–14–00; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMIMSSION

[File No. 1–08597]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (The Cooper Companies, Inc., Common Stock, $.10 Par Value,)

August 8, 2000.

The Cooper Companies, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Security Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $.10 par value

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

(''Security'') from listing and registration on the Pacific Exchange, Inc. (''PCX'').

In its filing with the Commission, the Company cited the following factors in making the determination to withdraw its Security from listing and registration on the PCX:

The Security is currently listed and registered on both the PCX and the New York Stock Exchange, Inc. (''NYSE''). The Company believes that no advantage exists in maintaining listings for the Security on both exchanges and that the continuation of such dual listing might result in fragmentation of the marketplace for the Security. Finally, the Company notes that trading volume in its Security on the PCX has been very low, making the continuing costs associated with the maintenance of such listing unjustifiable.

The Company has stated that it has complied with the rules of the PCX governing the withdrawal of its Security, and that the PCX has in turn indicated that it does not oppose such withdrawal.

The Company's application relates solely to the withdrawal of the Security from listing and registration on the PCX and shall have no effect upon the Security's continued listing and registration on the NYSE. By reason of section 12(b) of the Act [3] and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports with the Commission under section 13 of the Act.[4]

Any interested person may, on or before August 29, 2000, submit by letter to the Secretary of the Security and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the PCX and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–20635 Filed 8–14–00; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78*l*(b).

[5] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43133; File No. SR–NASD–99–53]

Self-Regulatory Organizations; Notice of Filing of Amendment Nos. 5, 6, and 7 to Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Establishment of Nasdaq Order Display Facility and to Modifications of the Nasdaq Trading Platform

August 10, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that the National Association of Securities Dealers, Inc. (''NASD''), through its wholly-owned subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') Amendment Nos. 5, 6, and 7 to the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On May 16, 2000, Nasdaq filed Amendment No. 5 to the proposal.[3] On July 6, 2000, Nasdaq filed Amendment No. 6 to the proposal.[4] On August 7, 2000, Nasdaq filed Amendment No. 7 to the proposal.[5] The proposed rule change and Amendment Nos. 1 and 2 were published for comment in the **Federal Register** on December 6, 1999.[6] On March 16, 2000, Nasdaq filed Amendment No. 3 to the proposal.[7] On March 30, 2000 Amendment No. 4 was published for comment in the **Federal Register**.[8] The Commission is publishing this notice to solicit comments on Amendment Nos. 5, 6, and 7 to the proposed rule change from interested persons.[9]

[3] *See* letter from Richard G. Ketchum, President, NASD, to Belinda Blaine, Associate Director, Division of Market Regulation (''Division''), Commission (May 16, 2000) (''Amendment No. 5'').

[4] *See* letter from Richard G. Ketchum, President, NASD, to Belinda Blaine, Associate Director, Division of Market Regulation (''Division''), Commission (July 6, 2000) (''Amendment No. 6'').

[5] *See* letter from Richard G. Ketchum, President, NASD, to Belinda Blaine, Associate Director, Division of Market Regulation (''Division''), Commission (August 7, 2000) (''Amendment No. 7'').

[6] *See* Securities Exchange Act Release No. 42166 (Nov. 22, 1999), 64 FR 69125.

[7] *See* letter from Richard G. Ketchum, President, NASD, to Belinda Blaine, Associate Director, Division of Market Regulation (''Division''), Commission (March 15, 2000) (''Amendment No. 3''). In Amendment No. 3, the NASD responded to comment letters and submitted substantive, clarifying, and technical amendments to the proposal.

[8] *See* Securities Exchange Act Release No. 42573 (March 23, 2000), 65 FR 16981.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq and the NASD propose the following amendments in response to comment letters submitted to the Commission regarding the proposal as originally noticed. The amended rule language is as follows: [10]

Proposed additions are *italicized* and proposed deletions are placed in [brackets].

4720. SelectNet Service—Deleted

* * * * *

4611. Registration as a Nasdaq Market Maker

(a)–(e) No Change

(f) Unless otherwise specified by the Association, each Nasdaq market maker that is registered as a market maker in a Nasdaq [National Market security]-*listed security* shall also at all times be registered as a market maker in the Nasdaq National Market Execution System (NNMS) with respect to that security and be subject to the NNMS Rules as set forth in the Rule 4700 Series. [Participation in the Small Order Execution System (SOES) shall be voluntary for any Nasdaq market maker registered to make a market in a Nasdaq SmallCap security.]

(g) No Change

* * * * *

4613. Character of Quotations

(a) Two-Sided Quotations

(1) For each security in which a member is registered as a market maker, the member shall be willing to buy and sell such security for its own account on a continuous basis and shall enter and maintain *a* two-sided quotation[s] *(''Principal Quote''), which is attributed to the market maker by a special maker participant identifier (''MMID'') and is displayed in the Nasdaq Quotation Montage* [in The Nasdaq Stock Market]

[9] This 19b–4 filing, representing Amendment Nos. 5, 6, and 7 to SR–NASD–99–53, reflect the substantive amendments to the filing, and contains some technical changes and clarifying information to the proposal.

[10] The amended rule language contained in this notice reflects the Commission's approval of SR–NASD–99–11, regarding the establishment of the Nasdaq National Market System (''NNMS''). *See* Securities Exchange Act Release No. 42344 (January 14, 2000), 65 FR 3987 (January 25, 2000) (Order for File No. SR–NASD–99–11 functionally integrating the Small Order Execution System (''SOES'') and SelectNet system to become the foundation of the NNMS.) In addition, the amended rule language replaces, in the entirety, the rule language contained in the original filing, as well as Amendment Nos. 1, 2, 3 and 4.

at all times, subject to the procedures for excused withdrawal set forth in Rule 4619.

(A) A registered market maker in a *Nasdaq-listed* security [listed in The Nasdaq Stock Market] must display a quotation size for at least one normal unit of trading (or a larger multiple thereof) when it is not displaying a limit order in compliance with SEC Rule 11Ac1–4, provided, however, that a registered market maker may augment its displayed quotation size to display limit orders priced at the market maker's quotation. *Unless otherwise designated, a ''normal unit of trading'' shall be 100 shares.*

(b) Agency Quote—Amendments Pending Pursuant to SR–NASD–99–09.

(c)–(e) No Change

IM–4613. Autoquote Policy—No Change

4618. Clearance and Settlement

(a)–(b) No Changes

(c) All transactions through the *facilities of the* Nasdaq National Market Execution System[, SOES, and SelectNet services] shall be cleared and settled through a registered clearing agency using a continuous net settlement system.

* * * * *

4619. Withdrawal of Quotations and Passive Market Making

(a)–(b) No Change

(c) Excused withdrawal status may be granted to a market maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn from participation in the Automated Confirmation Transaction service, thereby terminating its registration as a market maker in Nasdaq issues. Provided however, that if the Association finds that the market maker's failure to maintain a clearing arrangement is voluntary, the withdrawal of quotations will be considered voluntary and unexcused pursuant to Rule 4620[, the Rules for the Small Order Execution System, as set forth in the Rule 4750 Series,] and the Rule 4700 Series governing the Nasdaq['s] National Market Execution System.

(d) No Change

* * * * *

4620. Voluntary Termination of Registration

(a) A market maker may voluntarily terminate its registration in a security by withdrawing its *Principal* [quotations] *Quote* from The Nasdaq Stock Market. A market maker that voluntarily terminates its registration in a security may not re-register as a market maker in that security for twenty (20) business days. Withdrawal from participation as a market maker in a Nasdaq [National Market]-*listed* security in the Nasdaq National Market Execution System shall constitute termination of registration as a market maker in that security for purposes of this Rule; provided, however, that a market maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn from participation in the Automated Confirmation Transaction System and thereby terminates its registration as a market maker in Nasdaq-*listed* [National Market and SmallCap] issues may register as a market maker at any time after a clearing arrangement has been reestablished and the market maker has complied with ACT participant requirements contained in Rule 6100.

* * * * *

4632. Transaction Reporting

(a)–(d) No Change

(e) Transactions Not Required To Be Reported

The following types of transactions shall not be reported:

(1) Transactions executed through the Computer Assisted Execution System (CAES), *or* the *facilities of the* Nasdaq National Market Execution System (''NNMS'')[, or the SelectNet service];

(2)–(6) No Change.

(f) No Change.

4642. Transaction Reporting

(a)–(d) No Change.

(e) Transactions Not Required To Be Reported.

The following types of transactions shall not be reported:

(1) Transactions executed through the Computer Assisted Execution System (CAES)[; the Small Order Execution System (SOES) or the SelectNet Service] *or facilities of the facilities of the Nasdaq National Market Execution System (''NNMS'')*.

(2)–(5) No Change.

(f) No Change.

* * * * *

4700. Nasdaq National Market Execution System (NNMS)

4701. Definitions—*Unless stated otherwise, the terms described below shall have the following meaning.*

[(d)] (*a*) The term ''active NNMS securities'' shall mean those NNMS eligible securities in which at least one NNMS Market Maker is currently active in NNMS.

[(i)] (*b*) The term ''Agency Quote'' shall mean the quotation that a registered NNMS Market Maker is permitted to display pursuant to the requirements of NASD Rule 4613(b).

(c) The term ''Attributable Quote/Order'' shall have the following meaning:

(1) For NNMS Market Makers and NNMS ECNs, a bid or offer Quote/Order that is designated for display (price and size) next to the participant's MMID in the Nasdaq Quotation Montage once such Quote/Order becomes the participant's best attributable bid or offer.

(2) For UTP Exchanges, the best bid and best offer quotation with price and size that is transmitted to Nasdaq by the UTP Exchange, which is displayed next to the UTP Exchange's MMID in the Nasdaq Quotation Montage.

[(h)] (*d*) The term ''Automated Confirmation Transaction'' service or ''ACT'' shall mean the automated system owned and operated by The Nasdaq Stock Market, Inc. which compares trade information entered by ACT Participants and submits ''locked-in'' trades to clearing.

[(g)] (*e*) The term ''automatic refresh size'' shall mean the default size to which an NNMS Market Maker's quote will be refreshed pursuant to NASD Rule 4710(b)(2), if the market maker *elects to utilize the Quote Refresh Functionality and* does not designate to Nasdaq an alternative refresh size, *which must be at least one normal unit of trading.* The [maximum order] automatic refresh size default [size] *amount* shall be 1,000 shares.

(f) The term ''Directed Order'' shall mean an order that is entered into the system by an NNMS participant that is directed to a particular Quoting Market Participant.

(g) The term ''Displayed quote/Order'' shall mean both Attributable and Non-Attributable (as applicable) Quotes/Orders transmitted to Nasdaq by Quoting Market Participants.

(h) The term ''Firm Quote Rule'' shall mean SEC Rule 11Ac1–1.

(i) The term ''Liability Order'' shall mean an order that when delivered to a Quoting Market Participant imposes an obligation to respond to such order in a manner consistent with the Firm Quote Rule.

(j) The term ''limit order'' shall mean an order to buy or sell a stock at a specified price or better.

(k) The term ''market order'' shall mean an unpriced order to buy or sell a stock at the market's current best price.

(l) The term ''marketable limit order'' shall mean a limit order that, at the time

it is entered into the NNMS, if it is a limit order to buy, is priced at the current inside offer or higher, or if it is a limit order to sell, is priced at the inside bid or lower.

(m) The term ''mixed lot'' shall mean an order that is for more than a normal unit of trading but not a multiple thereof.

(n) The term ''Non-Attributable Quote/Order'' shall mean a bid or offer Quote/Order that is entered by a Nasdaq Quoting Market Participant and is designated for display (price and size) on an anonymous basis in the Nasdaq Order Display Facility.

(o) The term ''Non-Directed Order'' shall mean an order that is entered into the system by an NNMS participant and is not directed to any particular Quoting Market Participants.

(p) The term ''Non-Liability Order'' shall mean an order that when delivered to a Quoting Market Participant imposes no obligation to respond to such order under the Firm Quote Rule.

[(a)] *(q)* The term ''Nasdaq National Market Execution System,'' [or] ''NNMS,'' or *''system''* shall mean the automated system owned and operated by The Nasdaq Stock Market, Inc. which enables NNMS Participants to execute transactions in active NNMS authorized securities; to have reports of the transactions automatically forwarded to the National Market Trade Reporting System, if required, for dissemination to the public and the industry, and to ''lock in'' these trades by sending both sides to the applicable clearing corporation(s) designated by the NNMS Participant(s) for clearance and settlement; and to provide NNMS Participants with sufficient monitoring and updating capability to participate in an automated execution environment.

[(c)] *(r)* The term ''NNMS eligible securities'' shall mean designated Nasdaq-*listed* [National Market (NNMS)] equity securities.

(s) The term ''NNMS ECN'' shall mean a member of the Association that meets all of the requirements of NASD Rule 4623, and that participants in the NNMS with respect to one or more NNMS eligible securities.

(1) The term ''NNMS Auto-Ex ECN'' shall mean an NNMS ECN that participates in the automatic-execution functionality of the NNMS system, and accordingly executes Non-Directed Orders via automatic execution for the purchase or sale of an active NNMS security at the Nasdaq inside bid and/or offer price.

(2) The term ''NNMS Order-Delivery ECN'' shall mean an NNMS ECN that participates in the order-delivery functionality of the NNMS system, accepts delivery of Non-Directed Orders that are Liability Orders, and provides an automated execution of Non-Directed Orders (or an automated rejection of such orders if the price is no longer available) for the purchase or sale of an active NNMS security at the Nasdaq inside bid and/or offer price.

[(e)] *(t)* The term ''NNMS Market Maker'' shall mean a member of the Association that is registered as a Nasdaq Market Maker and as a Market Maker for purposes of participation in NNMS with respect to one or more NNMS eligible securities, and is currently active in NNMS and obligated to execute orders *through the automatic-execution functionality of the NNMS system* for the purchase or sale of an active NNMS security at the Nasdaq inside bid and/or [ask] *offer* price.

[(b)] *(u)* The term ''NNMS Participant'' shall mean [either] an NNMS Market Maker*, NNMS ECN, UTP Exchange,* or NNMS Order Entry Firm registered as such with the Association for participation in NNMS.

[(f)] *(v)* The term ''NNMS Order Entry Firm'' shall mean a member of the Association who is registered as an Order Entry Firm for purposes of participation in NNMS which permits the firm to enter orders [of limited size] for execution against NNMS Market Makers.

(w) The term ''Nasdaq Quotation Montage'' shall mean the portion of Nasdaq WorkStation presentation that displays for a particular stock two columns (one for bid, one for offer), under which is listed in price/time priority the MMIDs for each NNMS Market Maker, NNMS ECN, and UTP Exchange registered in the stock and the corresponding quote (price and size) next to the related MMID.

(x) The term ''Nasdaq Quoting Market Participant'' shall include only the following: (1) NNMS Market Makers; or (2) NNMS ECNs.

(y) The term ''odd-lot order'' shall mean an order that is for less than a normal unit of trading.

(z) The term ''Quote/Order'' shall mean a single quotation or shall mean an order or multiple orders at the same price submitted to Nasdaq by a Nasdaq Quoting Market Participant that is displayed in the form of a single quotation. Unless specifically referring to a UTP Exchange's Agency Quote/Order (as set out in Rule 4710(f)(2)(b)), when this term is used in connection with a UTP Exchange, it shall mean the best bid and/or best offer quotation transmitted to Nasdaq by the UTP Exchange.

(aa) The term ''Quoting Market Participant'' shall include any of the following: (1) NNMS Market Makers; (2) NNMS ECNs; and (3) UTP Exchange Specialists.

(bb) The term ''Reserve Size'' shall mean the system-provided functionality that permits a Nasdaq Quoting Market Participant to display in its Displayed Quote/Order part of the full size of a proprietary or agency order, with the remainder held in reserve on an undisplayed basis to be displayed in whole or in part after the displayed part is executed.

(cc) The term ''Nasdaq Order Display Facility'' shall mean the portion of Nasdaq Workstation presentation that displays without attribution to particular Quoting Market Participant's MMID the three best price levels in Nasdaq on both the bid and offer side of the market and the aggregate size of Attributable and Non-Attributable Quotes/Orders at each price level.

(dd) The term ''UTP Exchange'' shall mean any registered national securities exchange that has unlisted trading privileges in Nasdaq National Market securities pursuant to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination Of Quotation and Transaction Information For Exchange-Listed Nasdaq/National Market System Securities Traded On Exchanges On An Unlisted Trading Privilege Basis (''Nasdaq UTP Plan'').

4705. NNMS Participant Registration

(a) Participation in NNMS as an NNMS Market Maker requires current registration as such with the Association. Such registration shall be conditioned upon the NNMS Market Maker's initial and continuing compliance with the following requirements:

(1) execution of an NNMS Participant application agreement with the Association;

(2) membership in, or access arrangement with, a clearing agency registered with the Commission which maintains facilities through which NNMS compared trades may be settled;

(3) registration as a market maker in The Nasdaq Stock Market pursuant to the Rule 4600 Series and compliance with all applicable rules and operating procedures of the Association and the Commission;

(4) maintenance of the physical security of the equipment located on the premises of the NNMS Market Maker to prevent the *improper use or access to Nasdaq systems, including* unauthorized entry of information into NNMS; and

(5) acceptable and settlement of each NNMS trade that NNMS identifies as having been effected by such NNMS Market Maker, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified NNMS trade by the clearing member on the regularly scheduled settlement date.

(b) Pursuant to Rule 4611(f), participation as an NNMS Market Maker is required for any Nasdaq market maker registered to make a market in an NNM*S* security.

(c) Participation in NNMS as an NNMS Order Entry Firm requires current registration as such with the Association. Such registration shall be conditioned upon the NNMS Order Entry Firm's initial and continuing compliance with the following requirements:

(1) execution of an NNMS Participant application agreement with the Association;

(2) membership in, or access arrangement with, a clearing agency registered with the Commission which maintains facilities through which NNMS compared trades may be settled;

(3) compliance with all applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

(4) maintenance of the physical security of the equipment located on the premises of the NNMS Order Entry Firm to prevent the *improper use or access to Nasdaq systems, including* unauthorized entry of information into NNMS; and

(5) acceptance and settlement of each NNMS trade that NNMS identifies as having been effected by such NNMS Order Entry Firm or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified NNMS trade by the clearing member on the regularly scheduled settlement date.

(d) Participation in NNMS as an NNMS requires current registration as an NASD member and shall be conditioned upon the following:

(1) the execution of an NNMS Participant application agreement with the Association;

(2) compliance with all requirements in NASD Rule 4623 and all other applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

(3) membership in, or access arrangement with, a clearing agency registered with the Commission which maintains facilities through which NNMS compared trades may be settled;

(4) maintenance of the physical security of the equipment located on the premises of the NNMS ECN to prevent the improper use or access to Nasdaq systems, including unauthorized entry of information into NNMS; and

(5) acceptance and settlement of each trade that is executed through the facilities of the NNMS, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified NNMS trade by the clearing member on the regularly scheduled settlement date.

[(d)] *(e)* The registration required hereunder will apply solely to the qualification of an NNMS Participant to participate in NNMS. Such registration shall not be conditioned upon registration in any particular eligible or active NNMS securities.

[(e)] *(f)* Each NNMS Participant shall be under a continuing obligation to inform the Association of noncompliance with any of the registration requirements set forth above.

(g) The Association and its subsidiaries shall not be liable for any losses, damages, or other claims arising out of the NNMS or its use. Any losses, damages, or other claims, related to a failure of the NNMS to deliver, display, transmit, execute, compare, submit for clearance and settlement, or otherwise process an order, Quote/Order, message, or other data entered into, or created by, the NNMS shall be absorbed by the member, or the member sponsoring the customer, that entered the order, Quote/Order, message, or other data into the NNMS.

4706. Order Entry Parameters

(a) Non-Directed Orders—An NNMS Participant may enter a Non-Directed Order into the NNMS in order to access the best bid/best offer as displayed in Nasdaq. A Non-Directed Order must be a market or marketable limit order, must be a round lot or a mixed lot, and must indicate whether it is a short sale, short-sale exempt, or long sales. If after entry but before delivery, a Non-Directed Order becomes non-marketable, the system will hold the order for 90 seconds, after which the order will be returned to the NNMS participant entering the order. The system will not process a Non-Directed Order to sell short if the execution of such order would violate NASD Rule 3350. Limit orders may be entered into the system prior to the market's open, but will be held in queue, and if not marketable on the open, will be returned to the participant entering the order. Non-Directed Orders will be processed as described in Rule 4710(b). The NNMS shall not accept Non-Directed Orders that are All-or-None or have a minimum size of execution.

(b) Directed Orders—A participant may enter a Directed Order into the NNMS to access a specific Attributable/Order displayed in the Nasdaq Quotation Montage, subject to the following conditions and requirements:

(1) Unless the Quoting Market Participant to which a Directed Order is being sent has indicated that it wishes to receive Directed Orders that are Liability Orders, a Directed Order must be a Non-Liability Order, and as such, at the time of order entry must be designated as:

(A) an ''All-or-None'' order (''AON'') that is at least one normal unit of trading (e.g. 100 shares) in excess of the Attributable Quote/Order of the Quoting Market Participant to which the order is directed; or

(B) a ''Minimum Acceptable Quantity'' order (''MAQ''), with a MAQ value of at least one normal unit of trading in excess of Attributable Quote/Order of the Quoting Market Participant to which the order is directed. Nasdaq will append an indicator to the quote of a Quoting Market Participants that has indicated to Nasdaq that it wishes to receive directed orders that are Liability Orders.

(2) A Directed Order may have a time in force of 1 to 99 minutes.

(c) Entry of Agency and Principal Orders—NNMS Participants are permitted to enter into the NNMS both agency and principal orders for delivery and execution processing.

(d) Order Size—Any round or mixed lot order up to 999,999 shares may be entered into the NNMS for normal execution processing. Odd-lot orders, and the odd-lot portion of a mixed lot, are subject to a separate execution process, as described in Rule 4710(e).

(e) Open Quotes—The NNMS will only deliver an order or an execution to a Quoting Market Participant if that participant has an open quote.

(f) Odd-Lot Orders—The system will accept odd-lot orders for processing through a separate facility. Odd-lot orders must be Non-Directed Orders, and may be market, marketable limit or limit orders. The system shall accept odd-lot orders at a rate no faster than one order per/second from any single participant. Odd-lot orders, and the odd-lot portion of a mixed lot order, shall be processed as described in Rule 4710(e).

4707. Entry and Display of Quotes/Orders

(a) Entry of Quotes/Orders—Nasdaq Quoting Market Participants may enter Quotes/Orders into the NNMS subject to

the following requirements and conditions:

(1) Nasdaq Quoting Market Participants shall be permitted to transmit to the NNMS multiple principal and Agency Quotes/Orders at a single as well as multiple price levels. Such Quote/Order at a single as well as multiple price levels. Such Quote/Order shall indicate whether it is an ''Attributable Quote/Order'' or ''Non-Attributable Quote/Order,'' and the amount of Reserve Size (if applicable).

(2) Upon entry of a Quote/Order into the system, the NNMS shall time-stamp it, which time-stamp shall determine the ranking of the Quote/Order for purposes of processing Non-Directed Orders as described in Rule 4710(b).

(3) Consistent with Rule 4613, an NNMS Market Maker is obligated to maintain a two-sided Attributable Quote/Order (other that an Agency Quote) at all times, for a least one normal unit of trading.

(4) Nasdaq Quoting Market Participants may continue to transmit to the NNMS only their best bid and best offer Attributable Quotes/Orders, Notwithstanding NASD Rule 4613 and subparagraph (a)(1) of this rule, nothing in these rules shall require a Nasdaq Quoting Market Participant to transmit to the NNMS multiple Quotes/Orders.

(b) Display of Quotes/Orders in Nasdaq—The NNMS will display a Nasdaq Quoting Market Participant's Quotes/Orders as follows:

(1) Attributable Quotes/Orders—The price and size of a Nasdaq Quoting Market Participant's best priced Attributable Quote/Order on both the bid and offer side of the market will be displayed in the Nasdaq Quotation Montage under the Nasdaq Quoting Market Participant's MMID, and also will be displayed in the Nasdaq Order Display Facility as part of the aggregate trading interest at a particular price when the price of such Attributable Quote/Order falls within the best three price levels in Nasdaq on either side of the market. Upon execution or cancellation of the Nasdaq Quoting Market Participant's best-priced Attributable Quote/Order on a particular side of the market, the NNMS will automatically display the participant's next best Attributable Quote/Order on that side of the market.

(2) Non-Attributable Quotes/Orders—The price and size of a Nasdaq Quoting Market Participant's Non-Attributable Quote/Order on both the bid and offer side of the market will be displayed in the Nasdaq Order Display Facility as part of the aggregate trading interest at a particular price when the price of such Non-Attributable Quote/Order falls within the best three price levels in Nasdaq on either side of the market. A Non-Attributable Order will not be displayed in the Nasdaq Quotation Montage under the Nasdaq Quoting Market Participant's MMID. Non-Attributable Quotes/Orders that are the best priced Non-Attributable bids or offers in the system will be displayed in the Nasdaq Quotation Montage under an anonymous MMID, which shall represent and reflect the aggregate size of all Non-Attributable Quotes/Orders in Nasdaq at that price level. Upon execution or cancellation of a Nasdaq Quoting Market Participant's Non-Attributable Quote/Order, the NNMS will automatically display Non-Attributable Quote/Order in the Nasdaq Order Display Facility (consistent with the parameters described above) if it falls within the best three price levels in Nasdaq on either side of the market.

(c) Reserve Size—Reserve Size shall not be displayed in Nasdaq, but shall be electronically accessible as described in Rule 4710(b).

(d) Summary Scan—The ''Summary Scan'' functionality, which is a query-only non-dynamic functionality, displays without attribution to Quoting Market Participants' MMIDs the aggregate size of Attributable and Non-Attributable Quotes/Orders for all levels (on both the bid and offer side of the market) below the three price levels displayed in the Nasdaq Order Display Facility.

4710. Participant Obligations in NNMS

(a) Registration. Upon the effectiveness of registration as an NNMS Market Maker, NNMS ECN, or NNMS Order Entry Firm, the NNMS Participant may commence activity within NNMS for exposure to orders or entry of orders, as applicable. The operating hours of NNMS may be established as appropriate by the Association. The extent of participation in Nasdaq by an NNMS Order Entry Firm shall be determined solely by the firm in the exercise of its ability to enter orders into Nasdaq.

(b) [Market Makers] *Obligations to and Processing of Non-Directed Orders*

(1) [An NNMS Market Maker] *General Provisions—A Quoting Market Participant* in an NNMS Security shall be subject to the following requirements *for Non-Directed Orders:*

(A) For each NNM*S* security in which it is registered [as an NNMS Market Maker, the market maker], *a Quoting Market Participant* must *accept and* execute individual *Non-Directed* orders against its quotation including its Agency Quote (if applicable), in an amount equal to or smaller than the combination of the Displayed [quotation] *Quote/Order* and Reserve Size *(if applicable)* of such [quotation(s)] *Quote/Order, when the Quoting Market Participant is at the best bid/best offer in Nasdaq.* [For purposes of this rule, the term ''reserved size'' shall mean that an NNMS Market Maker or a customer thereof wishes to display publicly part of the full size of its order or interest with the remainder held in reserve on an undisplayed basis to be displayed in whole or in part as the displayed part is executed. To utilize the reserve size function, a minimum of 1,000 shares must initially be displayed in the market maker's quote (including the Agency Quote), and the quotation must be refreshed to 1,000 shares consistent with subparagraph (b)(2)(A) of this rule.] *Quoting Market Participants shall participate in the NNMS as follows:*

(i) NNMS Market Makers and NNMS Auto-Ex ECNs shall participate in the automatic-execution functionality of the NNMS, and shall accept the delivery of an execution up to the size of the participant's Displayed Quote/Order and Reserve Size.

(ii) NNMS Order-Delivery ECNs shall participate in the order-delivery functionality of the NNMS, and shall accept the delivery of an order up to the size of the NNMS Order-Delivery ECN's Displayed Quote/Order and Reserve Size. The NNMS Order-Delivery ECN shall be required to execute such order in a manner consistent with the Firm Quote Rule.

(iii) UTP Exchanges shall participate in the NNMS as described in subparagraph (f) of this rule and as otherwise described in the NNMS rules and the UTP Plan.

(B) Processing of Non-Directed Orders—Upon entry of a Non-Directed Order into the system, the NNMS will ascertain who the next Quoting Market Participant in queue to receive an order is and shall deliver an execution to Quoting Market Participants that participate in the automatic-execution functionality of the system, or shall deliver a Liability Order to Quoting Market Participants that participate in the order-delivery functionality of the system; provided however, that the system always shall deliver an order (in lieu of an execution) to the Quoting Market Participant next in queue when the participant that entered the Non-Directed Order into the system is a UTP Exchange that does not provide automatic execution against its Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry Firms. Non-Directed Orders entered into

the NNMS system shall be delivered to or *automatically executed against* Quoting Market Participants' *Displayed [quotations]* Orders/Quotes *and Reserve Size, including Agency Quotes (if applicable), in price[/]* and then *time priority, subject to the following processing.* For Quotes/Orders *[quotations] at the same price level, the NNMS system will* attempt to access interest in the system in the following priority and order:

(i) Displayed Quotes/Orders of NNMS Market Makers, NNMS ECNs that do not charge a separate quote-access fee to non-subscribers, and Non-Attributable agency Quotes/Orders of UTP Exchanges (as permitted by subparagraph (f) of this rule), as well as Quotes/Orders from NNMS ECNs that charges a separate quote-access fee to non-subscribers where the ECN entering such Quote/Order indicates that the price improvement offered by the specific Quote/Order exceeds the separate quote-access fee the ECN charges, in time priority between such participants' Quote/Orders;

(ii) Displayed Quote/Order of NNMS ECNs that charge a separate quote-access fee to non-subscribers, in time priority between such participant's Quote/Orders;

(iii) Reserve Size of NNMS Market Makers and NNMS ECNs that do not charge a separate quote-access fee to non-subscribers, as well as Reserve Size of Quote/Orders from NNMS ECNs that charges a separate quote-access fee to non-subscribers where the ECN entering such Quote/Order has indicated that the price improvement offered by the specific Quote/Order exceeds the separate quote-access fee the ECN charges, in time priority between such participants' Quote/Orders;

(iv) Reserve Size of NNMS ECNs that charge a separate quote-access fee to non-subscriber, in time priority between such participants' Quote/Orders; and

(v) Principal Quote/Orders of UTP Exchanges, in time priority between such participants' Quote/Orders [yield priority to all Displayed quotations over reserve size, so that the system will execute against Displayed quotations in time priority and then against reserve size in time priority].

The following exceptions shall apply to the above execution parameters. First, if a Nasdaq Quoting Market Participant enters a Non-Directed Order into the system, before sending such Non-Directed Order to the next Quoting Market Participants in queue, the NNMS will first attempt to match off the order against the Nasdaq Quoting Market Participant's own Quote/Order if the participant is at the best bid/best offer in Nasdaq. Second, if Displayed Quote/Orders at a price level are simultaneously exhausted and there is Reserve Size available at that price, when Displayed Quote/Orders are refreshed from Reserve Size the system will establish order-receipt priority for these refreshed Quote/Orders based on the size of a participant's Displayed Quote/Order and then based on the original order-entry time for same-sized refreshed Displayed Quote/Orders.

(C) *Decrementation Procedures*—The size of [displayed quotation] *Quote/Order displayed in the Nasdaq Order Display Facility and/or the Nasdaq Quotation Montage* will be decremented upon the *delivery of a Liability Order or the delivery of an* execution of a[n NNMS] *Non-Directed* [o]*O*rder in an amount equal to [or greater than one normal unit of trading] *the system-delivered order or execution;* provided, however, that [the execution of] *if* an NNMS order that is a mixed lot (*i.e.,* an order that is for more than a normal unit of trading but not a multiple thereof), *the system will only deliver a Liability Order or an execution for the number of round lots contained in the mixed lot order, and* will only decrement [a displayed quotation's] *the* size of a *Displayed Quote/Order* by the number of shares represented by the number of round lots contained in the mixed lot order. *The odd-lot portion of the mixed lot will be executed at the same price against the next NNMS Market Maker in the odd lot rotation, as described in subparagraph (e) of this rule.*

(i) If an NNMS Auto-Ex ECN has its bid or offer Attributable Quote/Order and Reserve Size decremented to zero without transmition of another Attributable Quote/Order to Nasdaq, the system will zero out the side of the quote that is exhausted. If both the bid and offer are decremented to zero without transmission of a revised Attributable Quote/Order, the ECN will be placed into an excused withdrawal state until the ECN transmits to Nasdaq a revised Attributable Quote/Order.

(ii) If an NNMS Order-Delivery ECN declines or partially fills a Non-Directed Order without immediately transmitting to Nasdaq a revised Attributable Quote/Order that is at a price inferior to the previous price, or if an NNMS Order-Delivery ECN fails to respond in any manner within 5 seconds of order delivery, the system will cancel the delivered order and send the order (or remaining portion thereof) back into the system for immediate delivery to the next Quoting Market Participant in queue. The system then will zero out the ECN's Quote/Orders at that price level on that side of the market, and the ECN's quote on that side of the market will remain at zero until the ECN transmits to Nasdaq a revised Attributable Quote/Order. If both the bid and offer are zeroed out, the ECN will be placed into an excused withdrawal state until the ECN transmits to Nasdaq a revised Attributable Quote/Order.

(iii) If an NNMS ECN's Quote/Order has been zeroed out or if the ECN has been placed into excused withdrawal as described in subparagraphs (b)(1)(C) (i) and (ii) of this rule, the system will continue to access the ECN's Non-Attributable Quote/Orders that are in the NNMS, as described in Rule 4707 and subparagraph (b) of this rule.

(D) *Interval Delay*—After the NNMS system has executed *all Displayed Quote/Orders and Reserve Size interest at a price level* [an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall not be required to execute another order at its bid or offer in the same security until a predetermined time period has elapsed from the time the order was executed, as measured by the time of execution in the Nasdaq system. This period of time shall initially be established as 5 seconds, but may be modified upon Commission approval and appropriate notification to NNMS participants.]*, the following will occur:*

(i) If the NNMS system cannot execute in full all shares of a Non-Directed Order against the Displayed Quote/Orders and Reserve Size interest at the initial price level and at price two minimum trading increments away, the system will pause for 5 seconds before accessing the interest at the next price level in the system; provided, however, that once the Non-Directed Order can be filled in full within two price levels, there will be no interval delay between price levels and the system will executed the remaindere of order in full; or

(ii) If the Non-Directed Orders is specially designated by the entering market participants as a ''sweep order,'' the system will execute against all Displayed Quote/Orders and Reserve Size at the initial price level and the two price levels being displayed in the Nasdaq Order Display Facility without pausing between the displayed price levels. Thereafter, the system will pause 5 seconds before moving to the next price level, until the Non-Directed Order is executed in full.

(iii) The interval delay described in this subparagraph may be modified upon Commission approval and appropriate notification to NNMS Participants.

(E) All entries in NNMS shall be made in accordance with the requirements set forth in the NNMS User Guide, as published from time to time by Nasdaq.

(2) Refresh Functionality

(A) Reserve Size Refresh—Once *a Nasdaq Quoting Market Participant's [an NNMS Market Maker's displayed quotation] Displayed Quote/Order* size on either side of the market in the security has been decremented to zero to NNMS [executions] *processing* Nasdaq will refresh the [market maker's] displayed size out of Reserve Size to a size-level designated by the *Nasdaq Quoting Market Participant* [NNMS Market Maker], or in the absence of such size-level designation, to the automatic refresh size. [If the market maker is using the reserve size function for its proprietary quote or Agency Quote the NNMS Market Maker must refresh to a minimum of 1,000 shares, consistent with subparagraph (b)(1)(A) of this rule]. *To utilize the Reserve Size functionality, a minimum of 1,000 shares must initially be displayed in the Nasdaq Quoting Market Participant's Displayed Quote/Order, and the Displayed Quote/Order must be refreshed to at least 1,000 shares. This functionality will not be available for use by UTP Exchanges.*

(B) [auto q] Quote Refresh (*''QR''*)—Once an NNMS Market Maker's Displayed *Quote/Order* [quotation] size and Reserve Size on either side of the market in the security has been decremented to zero due to NNMS executions, the NNMS Market Maker may elect to have The Nasdaq Stock Market refresh the marker's quotation as follows:

(i) Nasdaq will refresh the market maker's quotation price on the bid or offer side of the market, whichever is decremented to zero, by a[n] *price* interval designated by the NNMS Market Maker; and

(ii) Nasdaq will refresh the market maker's displayed size to a level designated by the NNMS Market Maker, or in the absence of such size level designation, to the automatic refresh size. [A Market Maker's Agency Quotation shall not be subject to the functionality described in the subparagraph.]

(iii) This functionality shall produce an Attributable Quote/Order. In addition, if an NNMS Market Maker is utilizing the QR functionality but has an Atributable Quote/Order in the system that is priced at or better than the quote that would be created by the QR, the NNMS will display the Attributable Quote/Order, not the QR-produced quote.

(iv) An NNMS Market Maker's Agency Quote shall not be subject to the functionality described in this subparagraph, nor shall this functionality be available to Quoting Market Participants other than NNMS Market Makers.

(3) *Entry of Locking/Crossing Quotes/Orders* [Except as otherwise provided in subparagraph (b)(10) of this rule, at any time a locked or crossed market, as defined in Rule 4613(e), exists for an NNMS security, a market maker with a quotation for that security (including an Agency Quote) that is causing the locked or crossed market may have orders representing shares equal to the size of the bid or offer that is locked or crossed executed by the NNMS system against the market maker's quote (including an Agency Quote) at the quoted price if that price is the best price. During locked or crossed markets, the NNMS system will execute orders against those market makers that are locked or crossed in predetermined time intervals. This period of time initially shall be established as five (5) seconds, but may be modified upon approval by the Commission and appropriate notification to NNMS participants.] *The system shall process locking/crossing Quotes/Orders as follows:*

(A) Locked/Crossed Quotes/Orders During Market Hours—If during market hours, a Quoting Market Participant enters into the NNMS a Quote/Order that will lock/cross the market (as defined in NASD Rule 4613(e)), the system will not display the Quote/Order as a quote in Nasdaq; instead the system will treat the Quote/Order as a marketable limit order and enter it into the system as a Non-Directed Order for processing (consistent with subparagraph (b) of this rule) as follows:

(i) For locked-market situations, the order will be routed to the Quoting Market Participant next in queue who would be locked, and the order will be executed at the lock price;

(ii) For crossed-market situations, the order will be entered into the system and routed to the next Quoting Market Participants in queue who would be crossed, and the order will be executed at the price of the Displayed Quote/Order that would have been crossed.

Once the lock/cross is cleared, if the participant's order is not completely filled, the system will reformat the order and display it in Nasdaq (consistent with the parameters of the Quote/Order) as a Quote/Order on behalf of the entering Quoting Market Participant.

(B) Locked/Crossed Quotes/Orders at the Open—If the market is locked or crossed at 9:30 a.m., Eastern Time, the NNMS will clear the locked and/or crossed Quotes/Order by executing the oldest bid (offer) against the oldest offer (bid) against which it is marketable at the price of the oldest Quote/Order. Nasdaq then will begin processing Non-Directed Orders as described in subparagraph (b) of this rule.

[(4) For each NNM security in which a market maker is registered, the market maker may enter orders into the NNMS for its proprietary account as well as on an agency or riskless principal basis.]

[(5)] (*4*) An NNMS Market Maker may terminate its obligation by keyboard withdrawal (or its equivalent) from NNMS at any time. However, the market maker has the specific obligation to monitor its status in NNMS to assure that a withdrawal has in fact occurred. Any transaction occurring prior to the effectiveness of the withdrawal shall remain the responsibility of the market maker.

[(6)] (*5*) An NNMS Market Maker will be suspended from NNMS if its bid or offer has been decremented to zero due to NNMS executions and will be permitted a standard grace period, the duration of which will be established and published by the Association, within which to take action to restore a two-sided quotation in the security for at least one normal unit of trading. An NNMS Market Maker that fails to reenter a two-sided quotation within the allotted time will be deemed to have withdrawn as a market maker (''Timed Out of the Box''). Except as provided below in this subparagraph and in subparagraph (b)(7) of this rule, an NNMS Market Maker that withdraws in an NNM security may not re-register as a market maker in that security for twenty (20) business days.] *If an NNMS Market Maker's Attributable Quote/Order is reduced to zero on one side of the market due to NNMS executions, the NNMS will close the Market Maker's quote in the NNMS with respect to both sides of its market, and the NNMS Market Maker will be permitted a standard grace period of three minutes within which to take action to restore its Attributable Quote/Order, if the market maker has not authorized use of the QR functionality or does not otherwise have an Attributable Quote/Order on both sides of the market in the system. An NNMS Market Maker that fails to transmit an Attributable Quote/Order in a security within the allotted time will have its quotation restored by the system at the lowest bid price and the highest offer price in that security. Except as provided in subparagraph (b)(6) of this rule, and NNMS Market Maker that withdraws from a security may not re-register in the system as a market maker in that security for twenty*

(20) business days. The requirements of this subparagraph shall not apply to a market maker's Agency Quote.

[(A) Nothwithstanding the above, a market maker can be reinstated if:

(i) the market maker makes a request for reinstatement to Nasdaq Market Operations as soon as practicable under the circumstances, but within at least one hour of having been Timed Out of the Box, and immediately thereafter provides written notification of the reinstatement request;

(ii) it was a Primary Market Maker at the time it was Timed Out of the Box;

(iii) the market maker's firm would not exceed the following reinstatement limitations:

a. for firms that simultaneously made markets in less than 250 stocks during the previous calendar year, the firm can receive no more than four (4) reinstatements per year;

b. for firms that simultaneously made markets in 250 or more but less than 500 stocks during the previous calendar year, the firm can receive no more than six (6) reinstatements per year;

c. for firms that simultaneously made markets in 500 or more stocks during the previous calendar year, the firm can receive no more than twelve (12) reinstatements per year; and

(iv) the designated Nasdaq officer makes a determination that the withdrawal was not an attempt by the market maker to avoid its obligation to make a continuous two-sided market. In making this determination, the designated Nasdaq officer will consider, among other things:

a. whether the market conditions in the issue included unusual volatility or other unusual activity, and/or the market conditions in other issues in which the market maker made a market at the time the firm was Timed Out of the Box;

b. the frequency with which the firm has been Timed Out of the Box in the past;

c. procedures the firm has adopted to avoid being inadvertently Timed Out of the Box; and

d. the length of time before the market maker sought reinstatement.

(B) If a market maker has exhausted the reinstatement limitations in subparagraph (b)(6)(A)(iii) above, the designated Nasdaq officer may grant a reinstatement request if he or she finds that such reinstatement is necessary for the protection of investors or the maintenance of fair and orderly markets and determines that the withdrawal was not an attempt by the market maker to avoid its obligation to make a continuous two-sided market in instances where:

(i) a member firm experiences a documented problem or failure impacting the operation or utilization of any automated system operated by or on behalf of the firm (chronic system failures within the control of the member will not constitute a problem or failure impacting a firm's automated system) or involving an automated system operated by Nasdaq:

(ii) the market maker is a manager or co-manager of a secondary offering from the time the secondary offering is announced until ten days after the offering is complete; or

(iii) absent the reinstatement, the number of market makers in a particular issue is equal to two (2) or less or has otherwise declined by 50% or more from the number that existed at the end of the prior calendar quarter, except that if a market maker has a regular pattern of being frequently Timed Out of the Box, it may not be reinstated notwithstanding the number of market makers in the issue.]

[(7)] *(6)* Notwithstanding the provisions of subparagraph [(6)] *(5)* above:

(A) an NNMS Market Maker that obtains an excused withdrawal pursuant to Rule 4619 prior to withdrawing from NNMS may reenter NNMS according to the conditions of its withdrawal; and

(B) a NNMS Market Maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency, and is thereby withdrawn from participation in ACT and NNMS for NNM*S* securities, may reenter NNMS after a clearing arrangement has been reestablished and the market maker has compiled with ACT participant requirements. Provided however, that if the Association finds that the ACT market maker's failure to maintain a clearing arrangement is voluntary, the withdrawal of quotations will be considered voluntary and unexcused.

[(8)] *(7)* The Market Operations Review Committee shall have jurisdiction over proceedings brought by market makers seeking review of their removal from NNMS pursuant to subparagraph[s] (b) *(5)* [(6) or (b)(7)] of this rule.

[(9)] *(8)* In the event that a malfunction in the [NNMS Market Maker's] *Quoting Market Participant's* equipment occurs, rendering [on-line] communications with NNMS inoperable, the [NNMS Market Maker] *Quoting Market Participant* is obligated to immediately contact Nasdaq Market Operations by telephone to request withdrawal from NNMS *and a closed-quote status,* and *if the Quoting Market Participants is an NNMS Market Maker* an excused withdrawal from Nasdaq[. Such request must be made] pursuant to Rule 4619. If withdrawal is granted, Nasdaq Market Operations personnel will enter the withdrawal notification into NNMS from a supervisory terminal *and shall close the quote.* Such manual intervention, however, will take a certain period of time for completion and, *unless otherwise permitted by the Association pursuant to its authority under Rule 11890,* the [NNMS Market Maker] *Quoting Market Participants* will continue to be obligated for any transaction executed prior to the effectiveness of [his] *the* withdrawal *and closed-quote status.*

[(10) In the event that there are no NNMS Market Makers at the best bid (offer) disseminated by Nasdaq, market orders to sell (buy) entered into NNMS will be held in queue until executable, or until 90 seconds has elapsed, after which such orders will be rejected and returned to their respective order entry firms.]

(c) Directed Order Processing—A participant may enter a directed order into the NNMS to access a specific Quote/Order in the Nasdaq Quotation Montage and to begin the negotiation process with a particular Quoting Market Participant. The system will deliver an order to the Quoting Market Participant designated as the recipient of the order. Upon delivery, the Quoting Market Participants shall owe no liability under the Firm Quote Rule to that order and the system will not decrement the receiving Quoting Market Participant's Quote/Order, unless the Quoting Market Participant to which a Directed Order is being sent has indicated that it wishes to receive Directed Orders that are Liability Orders (as described in Rule 4706(b)).

[(c)] (*d)* NNMS Order Entry Firms

All entries in NNMS shall be made in accordance with the procedures and requirements set forth in the NNMS User Guide. Orders may be entered in NNMS by the NNMS Order Entry Firm through either its Nasdaq terminal or computer interface. The system will transmit to the firm on the terminal screen and printer, if requested, or through the computer interface, as applicable, an execution report generated immediately following the execution.

[(d) Order Entry Parameters

(1) NNMS will only accept market and marketable limit orders for execution and will not accept market or marketable limit orders designated as All-or-None (''AON'') orders; provided, however, that NNMS will not accept

any limit orders, marketable or unmarketable, prior to 9:30 a.m., Eastern Time. For purposes of this subparagraph, an AON order is an order for an amount of securities equal to the size of the order and no less.

(2) Additionally, the NNMS will only accept orders that are unpreferenced, thereby resulting in execution in rotation against NNMS Market Makers, and will not accept preferenced orders.

(3) NNMS will not accept orders that exceed 9,900 shares, and no participant in the NNMS system shall enter an order into the system that exceeds 9,900.]

[(e) Electronic Communication Networks

An Electronic Communications Networks, as defined in SEC Rule 11Ac1–1(a)(8), may participate in the NNMS System if it complies with NASD Rule 4623 and executes with the Association a Nasdaq Workstation Subscriber Agreement, as amended, for ECNs.]

(e) Odd-Lot Processing

(1) Participation in Odd-Lot Process—All NNMS Market Makers may participate in the Odd-Lot Process for each security in which the market makers is registered.

(2) Execution Process

(A) Odd-lot orders will be executed against an NNMS Market Maker only if it has an odd-lot exposure limit in an amount that would fill the odd-lot order. A NNMS Market Maker may, on a security-by-security basis, set an odd-lot exposure limit from 0 to 999,999 shares.

(B) An odd-lot order shall be executed automatically against the next available NNMS Market Maker when the odd-lot order becomes executable (i.e., when the best price in Nasdaq moves to the price of the odd-lot limit order). Such odd-lot orders will execute at the best price available in the market, in rotation against NNMS Market Makers who have an exposure limit that would fill the odd-lot order.

(C) For odd lots that are part of a mixed lot, once the round-lot portion is executed, the odd-lot portion will be executed at the round-lot price against the next NNMS Market Maker in rotation (as described in subparagraph (e)(2)(b) of this rule) even if the round-lot price is no longer the best price in Nasdaq.

(D) Odd-lot executions will decrement the odd-lot exposure limit of an NNMS Market Maker but will not decrement the size of NNMS Market Maker's Displayed Quote/Order.

(E) After the NNMS system has executed an odd lot against an NNMS Market Maker, the system will not deliver another odd-lot order against the same market maker until a predetermined time period has elapsed from the time the last execution was delivered, as measured by the time of execution in the Nasdaq system. This period of time shall initially be established as 5 seconds, but may be increased upon Commission approval and appropriate notification to NNMS Participants or may be decreased to an amount less than five seconds by the NNMS Market Maker.

(f) UTP Exchanges

As a general matter, Nasdaq shall endeavor to provide fair and equivalent access to the Nasdaq market for UTP Exchanges, as a UTP Exchange provides to its market for Nasdaq Quoting Market Participants and NNMS Order Entry Firms. Unless specified otherwise in these rules or in the Nasdaq UTP Plan, UTP Exchanges may participate in the NNMS as follows:

(1) Order Entry—UTP Exchanges shall be permitted to enter Directed and Non-Directed orders into the system subject to the conditions and requirements of Rules 4706. Directed and Non-Directed orders entered by UTP Exchanges shall be processed (unless otherwise specified) as described subparagraphs (b) and (c) of this rule.

(2) Display of UTP Exchange Quotes/Orders in Nasdaq

(A) UTP Exchange Principal Orders/Quotes—UTP Exchanges shall be permitted to transmit to the NNMS a single bid Quote/Order and a single offer Quote/Order. Upon transmission of the Quote/Order to Nasdaq, the system shall time stamp the Quote/Order, which time stamp shall determine the ranking of the Quote/Order for purposes of processing Non-Directed Orders. The NNMS shall display the best bid and best offer Quote/Order transmitted to Nasdaq by a UTP Exchange in the Nasdaq Quotation Montage under the MMID for the UTP Exchange, and shall also display such Quote/Order in the Nasdaq Order Display Facility as part of the aggregate trading interest when the UTP Exchange's best bid/best offer Quote/Order falls within the best three price levels in Nasdaq on either side of the market.

(B) UTP Exchange Agency Quotes/Orders

(i) A UTP Exchange may transmit to the NNMS Quotes/Orders at a single as well as multiple price levels that meet the following requirements: are for the benefit of the account of a natural person executing securities transactions with or through or receiving investment banking services from a broker/dealer; are not for the benefit of a broker and/or dealer; and are designated as Non-Attributable Quotes/Orders (''UTP Agency Order/Quote'').

(ii) Upon transmission of a UTP Agency Quote/Order to Nasdaq, the system shall time stamp the order, which time stamp shall determine the ranking of these Quote/Order for purposes of processing Non-Directed orders, as described in subparagraph (b) of this rule. A UTP Agency Quote/Order shall not be displayed in the Nasdaq Quotation Montage under the MMID for the UTP Exchange. Rather, UTP Agency Quotes/Orders shall be reflected in the Nasdaq Order Display Facility and Nasdaq Quotation Montage in the same manner in which Non-Attributable Quotes/Orders from Nasdaq Quoting Market Participants are reflected in Nasdaq, as described in Rule 4707(b)(2).

(3) Non-Directed Order Processing

(a) UTP Exchanges that agree to provide automatic execution against their Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry Firms, shall accept an execution of an order up to the size of the UTP Exchange's displayed Quote/Order, and shall have Non-Directed Orders they enter into the system processed as described in subparagraph (b) of this rule.

(b) UTP Exchanges that do not provide automatic execution against their Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry firms, shall accept the delivery of an order up to the size of the UTP Exchange's Displayed Quote/Order, and shall have Non-Directed Orders they enter into the system processed as described in subparagraph (b) of this rule. If such a UTP Exchange declines or partially fills a Non-Directed Order without immediately transmitting to Nasdaq a revised Quote/Order that is at a price inferior to the previous price, or if such a UTP Exchange fails to respond in any manner within 5 seconds of order delivery, the NNMS will send the order (or remaining portion thereof) back into the system for delivery to the next Quoting Market Participant in queue. The system will then move the side of such UTP Exchange's Quote/Order to which the declined or partially-filled order was delivered, to the lowest bid or highest offer price in Nasdaq, at a size of 100 shares.

(4) Directed order Processing—UTP Exchanges shall participate in the

Directed Order processing as described in subparagraph (c) of this rule.

(5) Decrementation—UTP Exchanges shall be subject to the decrementation procedures described in subparagraph (b)(1)(C) of this rule.

4711–4714—No Change

4718. Termination of System Service

The Association or its subsidiaries may, upon notice, terminate system service to a participant in the event that a participant fails to abide by any of the rules or operating procedures of the System or any other relevant rule or requirement, or fails to pay promptly for services rendered.

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4750. Smallcap Small Order Execution System (SOES)

4751–4757—Deleted

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD and Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments its received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD and Nasdaq have prepared summaries, set forth in Sections (A, (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In the original filing, the NASD and Nasdaq proposed enhancing the Nasdaq quotation montage and Nasdaq's main trading platform—the Nasdaq National Market (System (''NNMS''). In particular, Nasdaq proposed to (1) Add a new display to the Nasdaq Workstation II (''NWII'') called the Nasdaq Order Display Facility (''NODF''), which would show the best bid/best offer in Nasdaq and two price levels away, accompanied by the aggregate size at each price level of the ''displayed'' trading interest of market makers, electronic communications networks (''ECN''), and UTP Exchanges; (2) make substantial enhancements to the NNMS, which would improve the efficiency of the current trading platform; (3) allow market makers and ECNs to designate order for ''display'' in Nasdaq on either an attributable (*i.e.*, not anonymous) or non-attributable (*i.e.*, anonymous) basis; (4) establish the Order Collector Facility (''OCF'') as part of the NNMS, which would allow Nasdaq market makers and ECNs to give the Nasdaq system multiple quotes/orders at a single as well as multiple price levels, which would be displayed in the Nasdaq Quotation Montage and the NODF, consistent with an order's parameters; (5) establish the OCF as a single point of order entry and single point of delivery of liability orders and executions; and (6) create an odd-lot processing facility in Nasdaq. In response to comment letters Nasdaq submitted Amendment Nos. 5, 6, and 7, which are described in greater detail below.

a. *Amendment No. 5.* i. *Nasdaq Technology Resources:* The NASD and Nasdaq wish to give all assurances that construction of the Nasdaq order Display Facility (also known as the ''SuperMontage'') will not divert resources from our ongoing decimalization efforts. Nasdaq's SuperMontage development team consists of personnel that are exclusively dedicated to SuperMontage and are completely separate from other Nasdaq software teams. Nasdaq has used outside consultants to augment internal staff where needed for SuperMontage. Nasdaq has not and will not, in any way, divert technology resources from those needed to ready Nasdaq systems for decimal pricing or to meet other critical initiatives.

Nasdaq's trading operations is run in our state-of-the-art Nasdaq Technology Center in Trumbull, Connecticut. Since the core operations of Nasdaq system are unique, Trumbull staff have to write and implement much of the software to ensure Nasdaq's reliable operation. The facility in Trumbull includes the most advanced infrastructure available in computer operations today, including connection to two separate electrical power feeds, it's own power generations, and sophisticated systems that oversee and proactively protect against failure situations.

The quotation facilities and execution and post-trade facilities of Nasdaq currently are operated on two separate computer systems—the Tandem System and the Unisys System. The Tandem System functions as the processor of executions that occur through Nasdaq's trading platforms. The Tandem execution and post-trade systems include the Automated Confirmation and Transaction Service (''ACT''), SelectNet, and the Small Order Execution System (''SOES''). The capacity of the Tandem, which Nasdaq represents is a highly reliable and scalable system, is a function of the number of work paths that can be created in parallel—by adding a module of machine Nasdaq can continue to scale to capacities many times larger than our current capabilities.

The Unisys System functions as the processor of quotations, which are displayed on the Nasdaq WorkStation and are disseminated to vendors and the Public. The Unisys operates in an entirely separate environment from the Tandem system. Unlike the execution and post-trade functions which can be scaled across parallel processors, the Unisys processes all quote updates through a single machine. [11] [12]

As has been the case for many years, the technology staff that programs and maintains the Unisys System and its applications is separate and distinct from the technology staff that programs and maintains the Tandem System. This is because these systems demand a high level of understanding and expertise in how they function, which is a knowledge and skill-set base that is often difficult to develop in a short period of time. The system architecture of the Unisys is vastly different from the system architecture of the Tandem. Similarly, the language that Nasdaq staff uses to code Tandem applications is completely different than the Unisys coding language. Both languages are highly specialized and complex in nature. Thus, it would not be an easy or quick undertaking for a Tandem programmer to learn the architecture and programming language for the Unisys system, and *vice versa.*

Because Nasdaq systems must be highly reliable and because the systems are highly sophisticated and complex, the technology staff must have a deep understanding of their respective systems so that they may react to a system problem in the most expeditious manner. This is necessary to ensure the integrity of the market. Thus, the Nasdaq staff that maintains the Tandem and Unisys systems are by necessity highly skilled and highly specialized ''experts'' in their subject system. This expertise extends not only to programming skill but to system architecture knowledge and agility to ''trouble shoot.'' Conversely, in our opinion it would be extremely difficult and inefficient (if not ill advised) for the Tandem and Unisys staff to attempt to become experts in the other's system, particularly over the short term.

As to SuperMontage, that system is being built using the multi-parallel

[11] [Reserved]

[12] The Unisys System uses only about 62% of its processing capacity, and can transact 700 quotations per second, about twice what our current average peak demand is at the market's opening.

architecture (''MPA'') that runs on a high-performance and highly reliable parallel computing platform on the Tandem System. Nasdaq is modifying its existing Unisys-based quotation platform to accommodate decimal pricing, and that project is staffed with a dedicated Unisys-based development team. Thus, the development team on the Unisys-based decimalization project cannot be drawn onto the Tandem-based SuperMontage project, and *vice versa*. In fact, there are 30 programmers who are dedicated to Nasdaq's efforts to achieve decimals. These resources will not be utilized or otherwise distracted from their efforts to achieve trading in a decimal environment. Nor will any other resources related to achieving decimalization—such as quality assurance and testing personnel—be utilized at the expense of completing decimalization efforts. Personnel resources for decimals will take complete priority over other Nasdaq projects, such as SuperMontage.

With respect to non-personnel resources, the SuperMontage project utilizes dedicated Tandem computing resources for development and integration testing while sharing the actual production testing facilities with other Tandem-based applications. The decimalization of other Tandem legacy applications, such as SOES, SelecNet, and ACT, use other non-conflicting resources.

All of the NASD's international development efforts have been out-sourced to separate and distinct teams, with only two individuals coming from existing NASD staff—neither of whom were involved in any related Nasdaq market systems. All systems development for the international markets is being performed by a joint venture company and has no impact on domestic Nasdaq development or resources. All NASD and NASD Regulation activities have been out-sourced in Electronic Data Systems, which relieves the Nasdaq team of any billing or administrative technology burdens. Systems development for the American Stock Exchange is managed by a fully independent team that is not out-sourced to SIAC.

ii. *Automatic Execution and Order Delivery*: In response to the request of Commission staff, Nasdaq is also responding to a suggestion by one commentor that Nasdaq develop a hybrid order-routing and execution assignment system instead of SuperMontage.[13] Under this alternative proposal, Nasdaq would send orders (not executions) to liquidity providers, and would default to an execution if the liquidity provider did not respond within a specified time frame. The commentor asserts this would be a better approach for reducing dual liability for ECNs, instead of what Nasdaq has proposed *vis a vie* the request to cancel feature.

First, many of the commenters arguments are grounded in the assumption that ECNs will be forced to accept automatic execution. According to the commentor, this is because (as originally proposed) market makers and ECNs that accept automatic execution against their quotes (''auto-ex ECNs'') will have priority to receive non-directed orders over ECNs that accept order deliver (''Order-Deliver ECNs''), regardless of time priority. In Amendment 4 to this filing, we have proposed to alter the order-execution algorithm so that the system no longer determines execution priority based on the manner in which an ECN participates in Nasdaq. Rather, the system will now route non-directed orders to market makers, ECNs that do not charge a quote access fee, and to a UTP-Exchange's non-attributable agency interest, in strict price/time priority as between these market participants. (As re-proposed, non-directed orders will be routed to ECNs that charge an access fee after the interest of market makers, ECNs that do not charge an access fee, and UTP-Exchange's non-attributable agency interest.) Thus, the underlying basis of this commentor's argument is no longer true.

Next, the commentor's counter-proposal that Nasdaq essentially act as an order switch and eliminate automatic execution, is problematic at best. The Commission has long recognized the many benefits that automatic execution provides. Automatic execution ensures a level of certainty that orders from large and small investors alike will be filled almost instantaneously. Certainty of execution is important to all investors, particularly in fast moving markers.

The NASD and Nasdaq developed the Small Order Execution System to address concerns that individual investors have a facility for processing their orders quickly and efficiently. In our view, the commentator's approach could harm investors, particularly small investors, as there no longer would be a method of providing automatic execution to small orders. This would be a step backwards in light of the fact that Nasdaq will soon implement the Nasdaq National Market Execution System (''NNMS''), which will move most trading in Nasdaq (save for ECNs that choose to take order delivery only) to an automatic execution environment.

Additionally, if all market participants only receive orders (as opposed to executions) which they may reject in full or fill partially, the likelihood of investors' orders being ''bounced'' from one market participant/market center to another would substantially increase. This, in turn, would increase the likelihood that orders would be partially executed or not executed at all, and ultimately ''traded through.'' This approach also could result in orders that are entered later in time being filled before orders that are entered earlier in time, depending on how and when the market participant receiving the order responds to the order.

As an illustration of these problems, assume the market is $20–$20 1/16 at 10:00:01 a.m., and the following quotes are being displayed on the bid side of the market:

ECNI $20—1,000 (total, including reserve)
MMA $20—1,000 (total, including reserve)
MMC $19 15/16—100 (total, including reserve)
MMD $19 7/8—2000 (total, including reserve)

Orders are entered and processed as follows:

- At 10:00:02 Customer A enters a marketable limit order to sell 1,000 shares at $19 15/16, which is routed to ECN1. The order resides at ECN1 while ECN1 determines whether to accept, decline, or partially fill the order.
- At 10:00:06 a.m., Customer 2 enters a marketable limit order to sell 500 shares at 20 and Customer 3 enters a market order to sell 500 shares. Both of these orders are executed immediately upon receipt by MMA.
- At 10:00:07 a.m., ECNI determines to decline Customer 1's order, which is routed back in to the system and re-delivered to MMC. MMC then fills 100 shares of Customer 1's order at a price of $19 15/16. Customer 1's order is filled only partially; the remaining 900 shares of Customer 1's order go unfilled because the market has moved to $19 7/8 and the order is no longer marketable.

Note that in the above situation, Customers 2 and 3 had their orders filled in full even though they entered their orders into the system later in time. Additionally, the ''bouncing'' of Customer 1's order results in a partial fill at a price ($19 15/16) that is inferior to the prices that Customers 2 and 3 received. As this illustration shows, surety and efficiency of execution is substantially decreased by the commentor's counter-proposal.

Separately, Nasdaq believes that automatic execution reduces the

[13] *See* Bloomberg Letter.

potential that a market participant may back away from (*i.e.,* refuse to honor) its quote. Under the commentor's counter-proposal, instances of backing away complaints would surely increase. In light of the fact that we believe that backing away will decrease significantly when the NNMS is implemented, it would appear to us that moving to a pure order-delivery environment would be a step backward in terms of streamlining surveillance and reducing regulatory costs for members.

The commentor's suggestion that the system deliver an execution after a specified time period, in our view, could exacerbate the ''dual liability'' that commentor complains of in the first instance. In contrast, Nasdaq believes that Nasdaq's proposal to retrieve an order if there is no response after five seconds is more reasonable and protects against double executions. For example, under the commentor's proposal if an ECN or market maker is having equipment problems and cannot timely decline an order or move its quote out of the way, the system would deliver an execution against a quote that no longer is valid. If the equipment problems of the market maker or ECN prevent it from changing its quote, multiple orders and executions could thereafter be delivered to the same stale quote. Conversely, under our proposal, the order would not execute against a stale quote; rather the system would simply retrieve and route the order to the next available market participant, blank out that market stale participant's quote, and not deliver more orders and executions to that stale quote until the system problems were resolved. Our proposed approach appears to be a more reasonable and measured approach, and eliminated (instead of potentially exacerbating) concerns of dual liability.

In addition, automatic execution significantly reduces the potential for locked and crossed markets. Locked/crossed markets have a negative impact on market quality and can result in disorderly markets. Nasdaq believes that the NNMS will reduce instances of locked/crossed markets because a substantial number of market participant quotes will be subject to automatic execution. In SuperMontage, locked/crossed markets will be eliminated altogether. However, Nasdaq believes that the commentor's proposal would lessen the system's efficacy in reducing and eliminating locked/crossed markets. The system presumably would not move stale quotes out of the way and hence resolve a locked/crossed market; instead, the system would keep delivering orders and defaulting to executions against a stale quote. The quote would have to be manually removed before the lock/cross could be resolved.

Lastly, Nasdaq recognizes that no approach will eliminate all of the potential problems associated with a system that relies strictly on automatic execution or order deliver. Nasdaq has proposed the alternative approach in this filing to accommodate the needs of diverse market participants, while assuring that a minimum level of the protections and benefits offered by automatic execution is built into the system. Recognizing that ECNs act as agent only, we have given ECN's a choice of how to participate in Nasdaq, as well as the tools for eliminating dual liability. In this way, Nasdaq believes that our proposal strikes a reasonable balance between protecting investors and ensuring fair and orderly markets by providing automated executions, while also meeting this specific needs of market participants.

ii. *Sweep Orders and Request to Cancel:* On a similar matter, Commission staff has asked us to specifically address how the sweep order and the request to cancel function will interact for market makers and ECNs that accept automatic execution. As noted in Amendments 3 and 4 to this filing, a market participant would be able to set a parameter on an individual order so that the order would execute against all interest (*i.e.,* displayed and reserve interest) at the three price levels being displayed in the NODF at the time of entry, without pausing five seconds in between each displayed price (''Sweep Order''). However, a Sweep Order may only execute through a maximum of the two price levels displayed in the NODF (and into the third price level). If the Sweep Order were not executed in full at the third price level, the order would pause for five seconds between each subsequent price level.

For example, assume that at 10:00:01 a.m., the inside market in Stock G is $104.55 to $104.60, and the following quotes/orders are being displayed in the system on the bid side of the market:

MMA $104.55—1,000 (total, including reserve)
MMB $104.50—2,000 (total, including reserve)
ECN1 $104.45—9,000 (total, including reserve)
MMC $104.45—1,000 (total, including reserve)

At 10:00:02 a.m., Institution Q enters a 10,000 share market sell order (through a market maker), which is designated as a Sweep Order. since the order will be filled in full by the interest that is at the 3 price levels being displayed in Nasdaq, Institution Q's order is filled in full with no time delay between prices. If at 10:00:02 a.m., while the Sweep Order were executing against the quotes/orders in Nasdaq, an internal subscriber of ENC1 also wished to execute against the $104.45 for 9,000 shares being displayed in Nasdaq, before filling the subscriber's order, ENC1 could send a request to cancel the order to Nasdaq. If Nasdaq had already executed against the 9,000 shares, ENC1 would send a message to its customer declining the execution because the quote/order had filled *viz a vie* the Sweep Order. If the Nasdaq had not executed against the 9,000 shares, ENC1's request to cancel would be granted, the internal execution could occur, and the remainder of Institution Q's order would be executed against MMC.

iv. *System Roll Out:* As Nasdaq explained in Amendment No. 3 to this filing, they understand concerns that the system should be rolled out in phases, and they will attempt to roll out the system on a measured basis. In response to Commission staff request, Nasdaq is providing further detail on the planned roll-out schedule.

v. *Notification of Changes, Coding and Testing:* If the Commission approves this filing, it would be Nasdaq's plan (consistent with previous practice) to give market participants and vendors at least 90 days notification of a change in system specifications. At the time that Nasdaq gives notification, they plan to give market participants the new specification so that they can begin to analyze the system changes and take appropriate measures to implement the changes. During this period, most market participants will begin to code their systems. Throughout this period, Nasdaq staff will work with market participants to answer any system and specification-related questions and issues.

At least 60 days prior to system implementation, Nasdaq plans to give participants notice of testing capabilities–*i.e.*, specific testing dates and notification of the availability of a testing environment. Lastly, at least 30 days prior to system implementation, Nasdaq plans to make available a testing environment for firms to begin testing their software and hardware (if applicable). Additionally, Nasdaq plans to hold at least two full day, mock trading sessions on weekend days. This will allow market participant to train their personnel on the new system and to participate in a real-time trading environment.

vi. *Stock Phase-In:* Nasdaq plans to roll out the systems similar to the manner in which we implemented the SEC's Order Handling Rules in the Nasdaq environment. Specifically, it is their intention to implement the system on ''day one'' for a limited number of securities (*e.g.,* 100) which represent a cross-section of Nasdaq-listed stocks. On a regular basis thereafter, Nasdaq will include 100 new stocks in the system until the system is implemented for all Nasdaq-listed securities. Nasdaq will select a cross section of stocks to be included in each group of 100 securities to be rolled out during a particular week.

The purpose of the roll out is to give Nasdaq and its members the opportunity to observe and gain experience with the new system and to give Nasdaq the opportunity to make any adjustments and changes to the system (in consultation with and approval by the Commission), if and when necessary. Accordingly, while Nasdaq has proposed to included 100 additional securities on a rolling basis, they seek to retain a reasonable degree of latitude to adjust the schedule if experience and events so dictate. Nasdaq believes this approach reasonably responds to the comments, in that it should give market participants time to adequately identify and address issues (technical or otherwise) that may arise when the system is implemented. Additionally, Nasdaq will work closely with the Commission during the roll-out phase to ensure a smooth transition to the new system.

vii. *SuperMontage is Voluntary:* Nasdaq is reiterating that the NODP is completely voluntary. They understand that market participants may not wish to relinquish their order book to Nasdaq and that they may provide valuable services away from the central Nasdaq market. As Nasdaq has stated in the past, market makers and ECNs will retain ownership of their orders displayed in the Nasdaq system and it is our intention to file a rule change in the near future that would allow ENCs and market makers to share in revenues gained from their execution. Nasdaq also reiterates that nothing requires or compels market participants to give their order book to Nasdaq. ECNs and market makers are free to give Nasdaq only their top of file (consistent with the SEC's Order Handling Rules), or they can choose to give Nasdaq all or some of their orders. Nor does anything require that executions in Nasdaq securities occur through the SuperMontage or other Nasdaq facility. To be sure, any of these options for handling and executing orders would be consistent with NASD rules.

While the proposal provides a central means for accessing liquidity in Nasdaq and other market centers, it in no way establishes the SuperMontage as the sole means for providing or accessing liquidity. NASD members, individual investors, and members of other exchanges are free to leave their orders with any market center they chose. Moreover, subscribers of ECNs are free to use the execution services offered by the ECNs to access liquidity within that market center. Nasdaq notes that a number of ECNs have recently publicly announced plans to link with one another, independent of the Nasdaq network and execution systems. Nothing in the NODF proposal prohibits ECNs and other market participants from establishing links or order-routing arrangements. The SuperMontage will provide a central, but not exclusive, means of accessing liquidity and of exposing trading interest to the market.

viii. *Best Execution:* As re-proposed in Amendment No. 4 to this filing, ECNs that charge an access fee, would be executed after UTP Exchange agency interest, market makers, and ECNs who do not charge an access fee because such a fee represents an increase in trading costs and clearly an inferior price.[14] Thus, orders of market makers, ECNs that do not charge an access fee, and agency orders of UTP Exchanges, would be executed in strict price/time priority, but orders of ECNs that charge an access fee would be executed after the aforementioned interest at a price level were exhausted. We stated that this prioritization is consistent with common industry practice today, where a market participant will route its orders first to market makers and ECNs that do not charge a fee and then to ECNs that charge an access fee, to ensure the investor incurs the lowest possible trading costs and best execution. One commentor stated, however, that such a prioritization was contrary to best execution because ECNs offer a price better than a market maker at the NBBO even after access fees have been fully deducted from the execution price. This sometimes occurs because ENCs permit subscribers to trade in finer increments than recognized by Nasdaq's quotation system and such finer-priced orders are rounded to the nearest quotation increment when they are displayed in Nasdaq.

Nasdaq disagrees with these assertions. They believe that when Nasdaq implements decimals—which will occur prior to SuperMontage—such rounding will not occur to the extent that it does today. That is, in a decimals environment the quotation increments will most likely be fine enough to match the trading increment. Accordingly, if an ECN charges a fee over and above its quote, that ECN's quote will represent an inferior price in comparison to an ECH that charges a fee should be accessed behind the ECN that does not charge.

b. *Amendment No. 6.* i. *Odd lot Processing:* In Amendment No. 4, we proposed to change the odd lot process to of the Nasdaq Order Display Facility (''NODF'' or ''SuperMontage'' as follows: (1) Add an ''odd-lot exposure limit'' for market makers: (2) provide a market maker interval delay between odd-lot executions against the same market maker; and (3) establish an odd-lot order entry parameter of one order per second, per firm.[14] Under the re-proposal, while odd-lots would be processed in a round-robin fashion against a market maker even if it is not at the inside, odd lots would be processed only against those market makers who have an available exposure limit. In Amendment No. 4, Nasdaq noted that under the re-proposal, the system would not execute an odd-lot order against a market maker unless the market maker had a sufficient exposure limit to fill the odd-lot order. They also noted that if no market maker had an odd-lot exposure, the system would suspend processing of odd-lots until exposure interest was refreshed. Odd-lot executions would decrement the exposure limit (not the quote or order sizes displayed in the Nasdaq Quotation Montage and/or NODF) by the size of the odd-lot order. When a market maker's odd-lot exposure was reduced to 0, the participant would be taken out of the odd-lot rotation unless and until the market maker sets a new exposure limit.

Despite the potential for odd-lot processing in a security to suspend if no market maker establishes an exposure limit, Nasdaq believes that competitive forces to capture and service this segment of the market will yield a swift and robust processing of odd-lot transactions. Additionally, we will closely monitor odd-lot processing during the roll-out of SuperMontage and we will be prepared to consider modifications to the system should the quality of odd-lot processing deteriorate.

[14] We note that Commission staff and at least one commentor raised concerns about ECN fees and best execution. *See e.g.,* ITG Letter.

[15] In SOES today, odd lots are processed against only those market makers who are at the inside bid or offer, in round-robin fashion. An odd-lot execution does not decrement a market maker's quote.

ii. *Implementation Date:* Nasdaq intends to implement SuperMontage as soon as practicable after decimal pricing is fully implemented in Nasdaq. As stated in previous amendments, Nasdaq will provide sufficient lead time for all market participants to have the opportunity to adequately prepare and test their internal systems for SuperMontage functionality before implementing its new system.

iii. *Order Execution Algorithm:* As re-proposed in Amendment No. 4 to this filing, ECNs that charge a separate access fee, would be executed after UTP Exchange agency interest, market makers, and ECNs who do not charge a separate access fee because such a fee represents an increase in trading costs and clearly an inferior price.[16] Thus, orders of market makers, ECNs that do not charge a separate access fee, and agency orders of UTP Exchanges, would be executed in strict price/time priority, but orders of ECNs that charge a separate access fee would be executed after the aforementioned interest at a price level were exhausted. Nasdaq stated that this prioritization is consistent with common industry practice today, where a market participant will route its orders first to market makers and ECNs that do not charge an access fee and then to ECNs that charge an access fee, to ensure the investor incurs the lowest possible trading costs and best execution.

The prioritization described above is based on the current environment in which ECNs charge a separate fee when a market participant accesses its quote. We understand that in a decimals environment, ECNs may change the manner in which they charge fees and may develop the capability to reflect access fees in their published quotes. Nasdaq is strongly committed to working with ECNs to address the related trade-reporting and clearing issues, as well as the significant technology changes that would need to be addressed in order for ECNs to reflect their fees in their quotes. Once these issues and technology changes are resolved, these ECN quotes would be given the same priority for non-directed orders as market maker quotes/orders and non-attributable agency orders of UTP Exchanges.

Additionally, when decimal pricing is implemented in Nasdaq, we understand that ECNs and market makers may wish to reflect orders in Nasdaq that are at an increment finer than one penny. This could occur, for example, if an ECN charges a separate access fee that is less than one penny and that separate access fee is included in the quoted price. In the event that priced quotations shrink to this level, Nasdaq is committed to re-examining the order execution algorithm (and the related technology, legal, and policy issues) to determine whether it is prudent and feasible to rank orders based on quotation increments of less than one penny.

iv. *UTP Exchange Participation:* As noted in Amendment No. 4, Nasdaq has offered to provide automatic execution against Nasdaq market participants that take auto-ex for non-directed orders emanating from the floor of the Chicago Stock Exchange, so long as Chicago agrees to provide automatic execution for orders sent to the Chicago by Nasdaq market participants. This is consistent with Nasdaq's standing position that it is willing to provide automatic execution against its market if a UTP Exchange is willing to provide automatic execution against its specialist's quotes.

Commission staff has noted that the proposed rules do not address the situation where a UTP Exchange may not wish to participate in automatic execution, but rather may wish to take order delivery against its quotes.[17] In response to comments by Commission staff, Nasdaq has amended the proposed rules to address the situation where a UTP Exchange declines to participate in automatic execution, but rather wishes to take order delivery against its quotes (''Order-Delivery UTP Exchange''). Nasdaq had not previously included such rule language because that situation had not presented itself. In fact, no other UTP exchange has approached Nasdaq to discuss a reciprocal arrangement for market access. In the absence of a specific request by a UTP Exchange to participate in the SuperMontage on an order-delivery basis, Nasdaq is able to offer only generic rule language, similar to the proposed treatment of ECNs receiving order delivery in the Nasdaq system, to govern that hypothetical situation.

Under the proposed generic rules, if an Order-Delivery UTP Exchange is next in queue to receive a non-directed Liability Order, Nasdaq will deliver the order to the UTP Exchange up to the size of the UTP Exchange's quote. The system will decrement the Order-Delivery UTP Exchange's quote by an amount equal to the size of the delivered order. If an Order-Delivery UTP Exchange declines or partially fills the order, Nasdaq will send the order (or remaining portion thereof) back into the system for immediate delivery to the next available quoting market participant (*i.e.,* market maker, ECN, UTP Exchange). If the Order-Delivery UTP Exchange declines or partially fills the order without immediately transmitting a revised quote at an inferior price, or fails to respond in any manner within 5 seconds of order delivery, Nasdaq will presume equipment failure and immediately enroute the order to the next market participant in queue. After doing so, the system will automatically re-set the UTP Exchange's un-accessed bid or offer to the lowest bid or highest offer then being displayed in the system, at a size of 100 shares. Order-Delivery UTP Exchanges wishing to access the best price in the Nasdaq market may enter non-directed Liability Orders into the order collector facility, which will, in turn, deliver that order (rather than an automatic execution) to next quoting market participant. This delivery shall take place regardless of whether the recipient participates in automatic execution.

In the event an UTP Exchange determines to participate in the NODF on an order-delivery basis, Nasdaq will revisit applicable rule language and, if necessary, make appropriate changes to its rules. As always, Nasdaq will continue to work with the Commission with any UTP Exchange wishing to participate in the NODF on an order-delivery basis, in a manner consistent with Nasdaq's long-standing policy of supporting fair and equivalent access among competing market centers.

c. *Amendment No. 7.* i. *Proposed Amendments:* (A) *Order Execution Algorithm.* As proposed in Amendment No.6 to this filing, orders of ECNs that charge a separate quote-access fee would be executed after UTP Exchange non-attributable agency interest, market makers, and ECNs that do not charge a separate quote-access fee because such a fee represents an increase in trading costs and clearly an inferior price. Some ECNs claim that they should not be prioritized behind market makers, non-attributable agency orders of UTP Exchanges, and ECNs that do not charge a separate quote-access fees because they (ECNs) often provide price improvement over their displayed quote price. Never the less, such treatment is consistent with previously articulated Commission policy.

The Commission has suggested that ECNs could address the quote-access fee issue by reflecting the fee in their public

[16] We note that Commission staff and at least one commentor raised concerns about ECN fees and best execution. *See e.g.*, ITG Letter.

[17] This is because the Chicago Stock Exchange is currently the only Nasdaq UTP Plan Participant that has established the requisite interface for transmitting to the processor quotation and last sale information.

quote.[18] As stated in Amendment No. 6 Nasdaq is committed to working with the Commission and ECNs to implement this solution to the ECNs' concern.[19] We also stated that ECN quotes would be given the same priority for non-directed orders as market maker quotes/ orders and non-attributable agency orders of UTP Exchanges, if ECNs develop the capability to reflect quote-access fees in their published quotes and the related legal, technology, and policy issues were resolved.[20] As a result, in Amendment No. 6 Nasdaq proposed technical rule language that clarifies that we would give ECNs that include the quote-access fee in their quote the same priority as same-priced orders from UTP agency interest, market makers, and ECNs that do not charge a fee. The ECNs claim that including the fee in the quote will not completely resolve their concerns because: (1) ECN orders may be priced in increments less than a penny; and (2) ECNs do not charge the same fee to all subscribers, but rather charge a sliding fee based on a subscriber's volume. Nasdaq has addressed both of these arguments in our previous letter to you dated July 18, 2000, and for the reasons set forth in that letter, we continue to find their arguments unpersuasive.

Regardless, in an attempt to address and resolve this issue and be fully responsive to the Commission, we are amending the filing to offer a second alternative to ECNs. Specifically, ECNs that charge a separate access fee will have the ability to indicate on an order-by-order basis whether the price improvement offered by the order exceeds the access fee charged. If the price improvement exceeds the access fee, Nasdaq will rank that order for execution purposes with same-priced orders of market makers, ECNs that do not charge an access fee, and non-attributable agency interest of UTP Exchanges. For example, if an ECN charges an access fee of a half a cent (.05 cents) on an order to buy at $20.005, that order would be ranked with orders to buy a $20.00 from market makers, ECNs, and non-attributable agency interest of UTP Exchanges. (Note that the $20.005 buy order would normally be rounded down to $20.00 and would be ranked behind market makers, ECNs that do not charge a separate access fee, and non-attributable agency interest of UTP Exchanges if it were entered by an ECN that charged a separate access fee.) We believe this addresses the ECN's concerns in a fair and even-handed manner.

(B) *Order Routing of SuperMontage.* Instinet and Bloomberg also raise concerns with the order-routing capabilities of the system. First, they claim that the order-routing capabilities of the non-directed order process prevent their customers from using a Nasdaq system to preference them (*i.e.*, the ECN) or other market participant with which they have a relationship. They also claim that the directed order processing is an ineffective way of preferencing orders because all directed orders must be designated as non-liability under system rules.[21]

Nasdaq proposes to change the directed order processing rules, so that ECNs and market makers can elect to receive ''liability orders'' through the directed order process of the system. Under the proposed change, a market participant (market maker or ECN) could choose to receive against its quote a directed order that is also a liability order (*i.e.*, an order that when delivered to the market participant's quote imposes an obligation to respond in a manner consistent with the SEC's firm quote rule). A market participant could also choose to accept against its quote, only *non-liability* directed orders, as is currently contemplated by SuperMontage rules. If a market participant chooses to accept directed liability orders, Nasdaq will append an indicator to the quoting market participant's MMID, showing that the market participant is available to receive directed liability orders. ECNs opting to receive directed liability orders would avoid dual liability because, like today, they would have the ability to fill, partially execute, or decline a directed or non-directed liability order that is presented to the ECN, consistent with the Commission's firm quote rule.

Nasdaq believes this addresses the ECNs' concerns, as it will allow market participants to continue to preference liability orders to those market participants that wish to receive them and to transact business in that manner. This will also preserve an important feature currently available in Nasdaq, where a market participant can sweep the quotes in order to access liquidity for size, at prices at and near the inside market.

ii. *Response to Comments:* Other than the proposed amendments outlined above, Nasdaq believes that neither Instinet nor Bloomberg raise any new or significant arguments that we have not already addressed. We would, however, like to briefly address their claim that Nasdaq is unfairly competing with the ECNs by enhancing its trading and execution services. They suggest that Nasdaq should merely provide a means for displaying quotations, and that Nasdaq should not provide execution services.

Nasdaq believes that this idea is preposterous. Providing a means for accessing liquidity and trading interest in an essential and core function of a market. Nasdaq—like every other equities market in the United States, if not the world—provides both quotation and execution services. As the Commission is aware, Nasdaq has operated the Small Order Execution System (''SOES'') since 1984, and the SelectNet service since 1988. Both of these execution services are integrated with Nasdaq's quotation system, and provide great value to public investors as well as market professionals. Eliminating this capability would be a step backward for the market and investors alike. In essence, certain ECNs are trying to design an inefficient market structure to the detriment of investors and Nasdaq, in order to preserve and enhance their commercial interests. That is, Instinet's and Bloomberg's approach would create an inefficient and fragmented market structure, as market participants would be able to view trading interest, but be unable to quickly and efficiently access such interest. This would be contrary to section 11A and 15A of the Exchange Act as it would foster inefficiencies in the execution of securities, minimize opportunities to obtain best execution, limit market linkages, and result in

[18] As proposed by the SEC, the maximum fee that the ECN charges to non-subscribers accessing the ECN's quote would be deducted from a bid or added to the offer price.

[19] *See* Amendment No. 6.

[20] As we stated previously, SuperMontage will not be implemented until decimal pricing is introduced in Nasdaq, where the minimum quotation increment is one penny. *See* July 18, 2000 Letter. In a penny environment, a quote that includes a fee will clearly represent an inferior price when compared to same-priced quotes of market participants that do not charge an access fee. *Id.* It would be unfair to the investing public and countrary to principals of best execution if Nasdaq's system routed an order to an ECN that charges a fee when that same order could be executed at a better price by a market participant that does not charge a fee. *Id.* We believe that including ECN access fees in the quotes will go a long way to improving price transparency in Nasdaq.

[21] Under system rules, a directed order must be designated as: (1) All-or-None and be at least 100 shares greater than the size of the displayed quote/ order of the market participant to which the order is directed; or (2) a Minimum Acceptable Quantity order (''MAQ'') with an MAQ value of at least 100 shares greater than the displayed amount of the quote/order of the participant to which the order is directed. Because of these conditions, when presented to a market participant's quote a directed order will impose no obligation under the SEC's and NASD's firm quote rules. This is to limit the potential for dual liability that market participants currently face as the result of being required to accept liability orders against the same quote from two separate points of access—the SelectNet and Small Order Execution systems.

disorderly markets, and ultimately harm investors.

Instinet and Bloomberg ignore the fact that SuperMontage provides investors with greater information about trading interest in the market and a more efficient means for accessing that interest. Nasdaq, like any other national securities exchange or national securities association, has the right and responsibility to improve upon inefficiencies in our market. As Nasdaq has stated in the past, the goal of SuperMontage is to better the Nasdaq market structure *vis a vis* increased transparency, reduced fragmentation, enhanced liquidity, and improved access to trading interest in the market.

iii. *ECN Micharacterizations of SuperMontage:* Nasdaq wishes to address a few of the continuing, seemingly intentional, mischaracterizations about the SuperMontage proposal that are contained in Instinet's and Bloomberg's submissions. Specifically, Instinet and Bloomberg mischaracterize at least three aspects of SuperMontage. These ECNs claim that: (1) the five-second maximum time for ECNs to respond to delivered orders would increase their risk of loss from canceled trades; (2) the system response to a locking or crossing quote or order would expose ECNs to automatic executions; and (3) the system forces the unexecuted portion of a non-directed, previously-marketable limit order, to be displayed in the SuperMontage.

As to the first argument, Nasdaq notes that the SuperMontage will be programmed to retrieve from an order-delivery participant, such as an ECN, any order to which the ECN fails to respond within five seconds. (As noted in previous correspondence,[22] the five-second maximum response time in practice is seven seconds, because two seconds are added to this time period for internal Nasdaq system processing. As designed, the five-second maximum response time is a system parameter that can be quickly changed and adjusted, with the Commission's approval of course). The ECNs claim that the five-second maximum response time would exacerbate losses they currently incur when they accept an order from Nasdaq that is canceled before the ECN can execute against and fill the order.

The Nasdaq believes that this is incorrect. SuperMontage will protect ECNs against cancellations better than SelectNet does today. Today, orders that are entered into SelectNet are time-stamped only with the time of order entry, and not with the time the order is delivered to an ECN. When the ECN receives the order, the ECN has no knowledge of the time that the order was actually delivered or how much time remains for the ECN to respond to the order before it may be canceled. In SuperMontage, an order will be stamped when Nasdaq delivers the order to a market participant. Thus, when the ECN (or other order-delivery participant) receives the order, it can compare the order's delivery time stamp to the current system time. If the order's delivery time is less than 7 seconds, the ECN will know that the order is valid and that it can execute against that order. Additionally, changes to the order messaging/confirmation process will provide greater information and improvements for ECNs. Specifically, in SelectNet when an ECN attempts to execute an order, it receives an acknowledgement that Nasdaq has received the ECN's attempt to execute—it does not receive a confirmation that the Nasdaq system has accepted the ECN's execution. An ECN knows it has actually executed the SelectNet order only when it receives an execution report from SelectNet, confirming that the transaction has occurred. In contrast, when the ECN attempts to execute against a delivered order in the SuperMontage environment, the system will immediately send a message back to the ECN confirming the execution has occurred. The ECN will not have to wait for the execution report to confirm that the transaction has actually occurred. These two pieces of information greatly enhance the ECNs' ability to protect against losses arising from cancellations.

Additionally, SuperMontage improves the current SelectNet order-cancellation process. In SuperMontage an order cannot be canceled if it has exited Nasdaq's system and is in delivery to an ECN (or other order-delivery participant). Only orders that have not been delivered to an ECN and are in the Nasdaq system can be canceled if the entering market participant so requests. Today, a firm entering an order into SelectNet can cancel the order after 10 seconds regardless of the order's status (*i.e.,* in delivery or in Nasdaq's system) while the market participant that received the order is attempting to execute. It then becomes a race back to the Nasdaq Tandem, with the winner completing the transaction request. In SuperMontage, an order that has exited the Nasdaq system and is in delivery to an ECN cannot be canceled. Thus, if a market participant requests to cancel an order, the system will hold the cancel request until the ECN completes interacting with the delivered order (*i.e.,* the ECN executes, partially executes, or declines the order). For example, if an order is delivered to an ECN and the entering market participant request to cancel, the system will ''pend'' (or hold) the cancel request. If the ECN declines or partially executes the order, the order will re-enter the system and the cancel request will be honored, thus canceling the original order (or the unexecuted balance or the original order for partially executed orders). The solution we have proposed achieves the same end and is a far less drain on capacity, than a ''hear beat'' approach that Bloomberg has suggested.

As to the second argument, Instinet claims that when a market participant enters into the system a quote or order that would lock or cross the prevailing market, the system will automatically convert that into an order and execute it. Since, according to Instinet, they are unable to avoid inadvertently entering locking or crossing quotations, they will be exposed to automatic executions that would force them to take proprietary positions, which they cannot do.

The Nasdaq believes that this is also inaccurate. When a market participant, including an ECN, enters a locking or crossing quote into the system, they will receive a system warning the same as they do today. In order to complete the quote entry, the participant is required to override the system warning. After over-riding the warning, the quote update results in an order being generated that accesses the quote(s) which would be locked or crossed. Thus, ECNs can avoid ''automatic executions'' for its own quote updates by not overriding the system warning.

Nor are ECNs at risk if another participant enters a quote or order that locks or crosses an existing ECN quote. If that occurs, the system will again issue a warning to the party attempting to lock/cross the market. If that party overrides the system warning, the system will then convert the locking or crossing quote, but it will only deliver an automatic execution to market participants that accept them (*i.e,* market maker, ECN that accepts automatic execution, *etc.*). If an order-delivery ECN's quote is locked or crossed, the system will convert the locking or crossing quote into an order and deliver it to the ECN; it will not deliver an automatic execution to an ECN that chooses to accept only order delivery against its quote. In either case, there is little risk to the order delivery participant of an unwanted automatic execution.

[22] *See* Letter from Richard G. Ketchum, President, NASD, to Annette Nazareth, Director, Division, Commission, dated July 18, 2000.

The third argument—that the system forces certain orders from market makers and ECNs to be displayed in the SuperMontage—is also incorrect. According to Bloomberg, if a marketable limit order is entered into the system on a non-directed basis and only a portion of the order is executed because all interest against which it is marketable has been taken out, the remaining portion of the order will be displayed as quote (or trading interest) in the Nasdaq montage and/or SuperMontage. Bloomberg fails to recognize that the system will give the entering firm and its customer a choice of how the unexecuted portion of a marketable limit order should be handled. That is, a firm can designate an order as ''immediate or cancel,'' which will result in the unexecuted portion of a limit order being canceled and not being displayed in the SueprMontage. Rather, the unexecuted portion of the previously marketable limit order will be returned to the entering participant. If a market maker or ECN does not designate an order as immediate or cancel, the unexecuted portion of a previously marketable limit order, will be displayed as a quote in the system if it is entered by a quoting market participant. Thus, the system offers great flexibility in order handling, and in no way force orders to be displayed in the SuperMontage.

iv. *Treatment of Order-Delivery Participants:* At the request of the Commission, Nasdaq is providing this explanation of how the system will deliver non-directed orders when an order-delivery ECN is at the inside market. In the non-directed order process, when Nasdaq is accessing the quote of a delivery participant that is first in line to receive an execution, the system will deliver orders up to that participant's available size before accessing displayed interest of the next market participant in queue who is at the same price. For example, there are three market participants alone at the inside bid of $20. ECNI, which is ranked first for execution purposes, is displaying 1,000 shares at $20 on the bid side of the market, with 5,000 in reserve. Five market sell orders are then entered into the system for the following amounts: (1) 100 shares; (2) 100 shares; (3) 100 shares; (4) 100 shares; (5) 700 shares. These market sell orders would be processed as follows. The first 100 share order would be delivered to ECN1, reducing its displayed size to 900. The second, third, and fourth orders would also be delivered to ECN1, further reducing its displayed size to 600. When the fifth order is delivered to ECN1, its displayed size would be is reduced to 0 and the remaining 100 would access the displayed size of the next market participant in queue which is at $20.

v. *Request for Accelerated Approval:* Nasdaq requests that the Commission use its broad authority under section 19 of the Exchange Act to approve the filing and Amendments 5, 6, and 7 Immediately, without further delay in the process. Nasdaq does not believe, as Bloomberg suggests, that Amendments 5, 6, and 7 to this filing are required to be republished for comment before the Commission may act on the filing. Rather, Nasdaq believes that it is wholly consistent with the Commission's broad authority under sections 19(b)(2)(B) and 19(b)(3)(B) of the Exchange Act, to approve the filing and the amendments expeditiously. Specifically, we request that the Commission exercise its discretion and approve this filing and all related amendments (including Amendments 5, 6, and 7) under Exchange Act section 19(b)(2)(B), or in the alternative under Exchange Act section 19(b)(3)(B). As set forth below in greater detail, we believe that there is good cause for approving the rule filing and all related amendments (including Amendments 5, 6, and 7) on an expedited basis, pursuant to Exchange Act section 19(b)(2)(B).[23] Alternative, Nasdaq also believes the rule filing and Amendments 5, 6, and 7 should be approved summarily pursuant to section 19(b)(3)(B), as it is necessary in order to protect investors and maintain fair and orderly markets.[24]

Nasdaq believes that we have met the standards for the Commission to approve the rule filing under either section 19(b)(2)(B) or section 19(b)(3)(B). As the filing and subsequent amendments explain, SuperMontage will provide significant benefits and protections for investors, such as increased transparency, reduced fragmentation, enhanced liquidity, and improved access to trading interest in the market. SuperMontage will also reduce instances of locked/crossed markets, and provide for a smoother opening process. Accordingly, notions of investor protection dictate that the filing should be approved on an expedited basis. In addition Amendments 5, 6, and 7, respond directly to comments and SEC questions, and do not alter the fundamental nature of the proposal, as re-published for comment in Amendment 4. Rather, Amendments 6 and 7 further specify how orders from ECNs' that charge a separate access fee will be treated. Additionally, Amendment 7 amends the SuperMontage's directed order process, by providing greater options as to how a directed order may be handled.

Conversely, republication would further delay the Commission's review of this proposal, would give ECNs another opportunity to submit re-packaged arguments, but contribute no new information to the review process. As Instinet admits in its August 2, 2000 submission, it is not raising new issues, but rather restating issues identified in previous comment letters and meetings with SEC staff. From Instinet's own admission, is clear that republication would add nothing to the public review process, which we note has been extensive. SuperMontage has withstood intense scrutiny by the public and the Commission. The original proposal and Amendments 1, 2, 3, and 4 were published in the **Federal Register** and were the subject of voluminous public comments. The Commission diligently pored through the comments and requested clarification of numerous issues raised by commentors. Nasdaq then thoroughly responded to the public's and the Commission's concerns by further explaining the operation and rationable of the system, clarifying the filings, and making numerous changes to the system as originally proposed. Finally, the Commission has afforded ECNs the extraordinary opportunity for face-to-face meetings with high-ranking Commission and Nasdaq staff. Congress, in enacting section 19(b), could not have envisioned a more thorough review of a self-regulatory organization's rule filing or greater access to the process, at least for ECNs.

Nasdaq notes that there is substantial precedent for approving SuperMontage on an accelerated basis. For example, in approving the National Market Execution System (''NNMS)'',[25] the Commission noted that Amendments 1, 2, and 3 merely ''respond to concerns raised by the commentors, provide additional representations concerning operation of the proposal, and clarify the proposed changes.'' [26] Likewise, SuperMontage Amendment Nos. 5, 6, and 7 simply respond to public comments and clarify limited aspects of

[23] Section 19(b)(2)(B) of the Exchange Act provides, in relevant part, that the Commission may approve a proposed rule change prior to the 30th day after its publication in the **Federal Register** for good cause shown.

[24] Section 19(b)(3)(B) of the Exchange Act provides, in relevant part, that a proposed rule change may be put into effect summarily if it appears to the Commission that such action is necessary for the protection of investors or the maintenance of fair and orderly markets.

[25] *See* Exchange Act Release No. 34–42344 (January 14, 2000).

[26] *Id.,* at 51.

the previously noticed proposal. Considered on their own merits, these Amendments would qualify for expedited effectiveness under section 19(b)(2)(B) and 19(b)(3)(B). In light of the rigorous review described above and the fact that republication would add nothing to the Commission's review process, the filing and Amendments 5, 6, and 7 should not be subject to additional scrutiny.[27]

2. Statutory Basis

The NASD and Nasdaq believe that the proposed amendments are consistent with the provisions of sections 15A(b)(6) and (b)(11) of the Act,[28] as well as sections 11A(a)(1)(C) and 11A(a)(1)(D) of the Act.[29] Section 15A(b)(6)[30] requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 15A(b)(11) of the Act[31] requires that the rules of a registered national securities association be designed to produce fair and informative quotations, prevent fictitious or misleading quotations and to promote orderly procedures for collecting, distributing, and publishing quotations. Section11A(a)(1)(C) of the Act[32] states that is in the public interest and appropriate for the protection of investors and the maintenance of fair and order markets to assure (1) economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer. Section 11A(a)(1)(D)[33] states that Congress finds that the linking of all markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders.

The NASD and Nasdaq believe that the amendments to the odd-lot process balance the concerns raised by commenters regarding potential gaming and the need for a fair and orderly method of executing odd-lot orders. The NASD and Nasdaq believe this proposed change would prevent fraudulent and manipulative acts, since it would reduce the opportunity for gaming. Additionally, the proposed changes to the five-second interval delay, provide a balance between the need of institutional investors and market professionals for speed, while providing greater price continuity for individual investors. Thus, the NASD and Nasdaq believe the proposal is consistent with sections 15A(b)(6) and (b)(11),[34] as well as section 11A(a)(1)(C) of the Act.[35]

The NASD and Nasdaq believe the proposed changes to the order execution algorithm addresses competitive concerns raised by some ECNs, in that all ECNs that do not charge a quote-access fee (whether they accept automatic execution or order delivery) would be treated in time priority. Additionally, the change as it related to ECNs that charge a fee addresses concerns about best execution. Specifically, this change ensures that an investor's order would be routed to the market participant in Nasdaq that is displaying the best price, when considering quote access fees. Accordingly, the NASD and Nasdaq believe that the changes are consistent with sections 15A(b)(6) and (b)(11) of the Act,[36] and sections 11A(a)(1)(C) and 11A(a)(1)(D).[37]

The NASD and Nasdaq believe that the changes regarding the handling of agency orders from UTP Exchanges is consistent with Congress view of a national market system. That is, this approach assures that a customer's order in a Nasdaq security, no matter where it is entered in the National Market System, would be executed on a price/time priority basis. Accordingly, the NASD and Nasdaq believe the proposal is consistent with sections 11A(a)(1)(C) and 11A(a)(1)(D) of the Act.[38]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD and Nasdaq do not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 5, 6, and 7, including whether Amendment Nos. 5, 6, and 7 are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to Amendment Nos. 5, 6, and 7 to file number NASD–

[27] The Commission has decided not to grant accelerated approval to Amendment Nos. 5, 6, and 7 at this time, and instead is soliciting comments on the Amendments to the proposal to be submitted within 15 days of the date of this notice in the **Federal Register**.

[28] 15 U.S.C. 78o–3(b)(6) and (b)(11).

[29] 15 U.S.C. 78k–1(a)(1)(C) and (a)(1)(D).

[30] 15 U.S.C. 78o–3(b)(6).

[31] 15 U.S.C. 78o–3(b)(11).

[32] 15 U.S.C. 78k–1(a)(1)(C).

[33] 15 U.S.C. 78k–1(a)(1)(D).

[34] 15 U.S.C. 78o–3(b)(6) and (b)(11).

[35] 15 U.S.C. 78k–1(a)(1)(C).

[36] 15 U.S.C. 78o–3(b)(6) and (b)(11).

[37] 15 U.S.C. 78k–1(a)(1)(C) and (a)(1)(D).

[38] 15 U.S.C. 78k–1(a)(1)(C) and (a)(1)(D).

99–53 and should be submitted by August 30, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[39]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–20686 Filed 8–10–00; 4:51 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the District of Connecticut entered February 29, 2000, the United States Small Business Administration hereby revokes the license of Capital Impact Corporation, a Connecticut corporation, to function as a small business investment company under the Small Business Investment Company License No. 01/01–0335 issued to Capital Impact Corporation on March 1, 1985 and said license is hereby declared null and void as of June 1, 2000.

United States Small Business Administration.

Dated: August 3, 2000.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–20641 Filed 8–14–00; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501, *et seq.*) this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and it's expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 28, 2000 [65 FR 10590–10591].

DATE: Comments on this notice must be received on or before September 14, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth C. Edgell, DOT Drug Program Office, Office of the Secretary, S–1, DEPC, Room 10317, Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0002. Telephone: (202) 366–3784.

SUPPLEMENTARY INFORMATION:

Office of the Secretary, Drug Program Office

Title: U.S. Department of Transportation (DOT) Breath Alcohol Testing Form.

OMB Control Number: 2105–0529.

Affected Public: Transportation industries.

Abstract: Under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement an alcohol testing program in various transportation industries. Breath-alcohol technicians (BAT) must fill out testing form. The form includes the employee's name, the type of test taken, the date of the test, and the name of the employer. Custody and control is essential to the basis purpose of the alcohol testing program. Data on each test conducted, including test results, are necessary to document tests conducted and actions taken to ensure safety in the workplace.

Need: This specific requirement is elaborated in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Burden Estimate: The estimated burden is 1 hour annually. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503. Attention DOT Desk Officer.

Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on August 8, 2000.

Michael Robinson,

Information Resource Management, U.S. Department of Transportation.

[FR Doc. 00–20604 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Request to Release Airport Property at the Laredo International Airport, Laredo, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at Laredo International Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before September 11, 2000.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Otis T. Welch, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, Fort Worth, Texas 76193–0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Jose Luis Flores, Airport Director, Laredo International Airport, at the following address: Laredo International Airport, 5210 Bob Bullock Road, Laredo, Texas 78041.

FOR FURTHER INFORMATION CONTACT: Mr. Guillermo Y. Villalobos, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0650.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Laredo International under the provisions of the AIR 21.

On June 2, 2000, the FAA determined that the request to release property at Laredo International Airport submitted by the city met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may

[39] 17 CFR 200.30–3(a)(12).

[39] 17 CFR 200.30–3(a)(12).

approve the request, in whole or in part, no later than August 22, 2000.

The following is a brief overview of the request:

The Laredo International Airport requests the release of 12.003 acres of non-aeronautical airport property. The release of property will allow for development that would attract the University of Texas Health Science Center for the construction of a campus.

The sale is estimated to provide $2,007,000 to allow:

1. The purchase of an Aircraft Rescue and Firefighting Vehicle;
2. Land acquisition;
3. The funding of an Environmental Assessment for a future runway extension project;
4. The purchase of an airport sweeper;
5. The relocation of runway distance-to-go signs for Runway 17L/35R;
6. The demolition of two airport buildings;
7. The funding of Taxiway I; and,
8. The construction of a perimeter fence.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Laredo International Airport.

Issued in Forth Worth, Texas on June 22, 2000.

William J. Flanagan,

Acting Manager, Airports Division.

[FR Doc. 00–19844 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7316]

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60–day comment period soliciting comments on the following information collection was published on May 23, 2000 [65 FR 33399].

DATES: Comments must be submitted on or before September 14, 2000.

ADDRESSES: Signed written comments should refer to the docket number that appears at the top of this document and must be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on whether the proposed collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. OMB wants to receive comments within 30 days of publication of this Notice in order to act on the ICR quickly.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, (202) 366–2987, Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Washington, DC 20590–0001. Office hours are from 7:30 a.m. to 4:00 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Title:* Medical Qualification Requirements.

OMB Number: 2126–0006.

Type of Request: Renewal of currently-approved information collection.

Abstract: The FMCSA is the Federal government agency that is authorized to require that drivers of commercial motor vehicles (CMVs) meet certain physical and mental standards to assure the highest level of safety possible on our Nation's highways. This ICR includes several components: (1) A medical examination and certificate to be completed by a licensed medical examiner; (2) the submission of an application to the FMCSA for the agency to resolve conflicts of medical evaluation between medical examiners; (3) a driver qualification file for motor carriers to include the medical certificate; (4) a driver qualification file for motor carriers of migrant workers to include a doctor's certificate for every driver employed or used by them; (5) a driver qualification file to include a skill performance evaluation certificate (formerly a limb disability waiver) issued to a driver; and (6) information collection requirements for granting exemptions from the vision requirements in the Federal Motor Carrier Safety Regulations (FMCSRs).

Respondents: Medical examiners, medical specialists, physicians, licensed doctors of medicine or osteopathy, motor carriers, and CMV drivers.

Estimated Burden Per Record: Twenty minutes to complete and document the medical examination; 1 minute to complete the medical examiner's certificate and 1 minute to copy and file the medical examiner's certificate; 1 hour to prepare an application for resolution of medical conflict; 15 minutes to complete an application for a skilled performance evaluation (SPE) certificate due to physical defects or impairments; 2 minutes to complete an application for a renewal of an SPE certificate; and 1 minute to copy and file the SPE certificate; 60 minutes to complete an application for a vision exemption with required supporting documents; and 1 minute for a doctor of medicine or osteopathy to complete a doctor's certificate for a driver of migrant workers.

Estimated annual responses: 3,218,215 medical examinations and medical certificates; 3 applications for resolution of conflicts of medical evaluation; 300 applications for new SPE certificates; 800 applications for renewal of SPE certificates; 600 applications for vision exemptions; and 100 medical certificates for drivers of migrant workers.

Total Estimated Annual Burden: Based on an estimated 6,436,000 CMV drivers, the total estimated annual burden for this information collection is 1,180,792 hours. These estimated burden hours have increased by approximately 721,700 since the last OMB approval. This is primarily because of an increased estimate by the FMCSA in the amount of time to complete and document the medical examination that is required of CMV drivers every two years.

Issued on: August 8, 2000.

Julie Anna Cirillo,

Acting Assistant Administrator, Federal Motor Carrier Safety Administration.

[FR Doc. 00–20668 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–99–6417]

Intelligent Transportation System; Architecture and Standards

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Extension of comment period.

SUMMARY: On May 25, 2000, FTA issued a notice requesting comments on the proposed National Intelligent Transportation Systems (ITS) Architecture Policy for project development, requesting comments to be submitted by August 23, 2000. This document extends this rulemaking's comment period for 30 days, until September 23, 2000, in response to requests for additional time to assess the impact of this rule on the nation's highway and transit systems and to provide meaningful comments.

DATES: Comments should be received no later than September 23, 2000. Late comments will be considered to the extent practicable.

ADDRESSES: All, signed, written comments must refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, S.W., Washington, D.C. 20590–0001. Comments may also be submitted electronically to the docket following the instructions located at *http://dmses.dot.gov/submit/*

All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays. Comments may also be viewed electronically via the Department of Transportation's online Document Management System (DMS) at *http://dms.dot.gov.* Viewers can download copies of this proposed rule and all comments 24-hours a day, 365 days a year. The notice is also posted in PDF and HTML on the FTA website at *http://www.fta.dot.gov/library/legal/fr00toc.htm.* Internet users may view this and other rulemaking documents via the Office of the Federal Register's homepage at *http://www.nara.gov/fedreg* or through the U.S. Government Printing Office's homepage at *http://www.access.gpo.gov/nara.* Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Boenau, Chief, FTA Advanced Public Transportation Systems Division (TRI–11) at (202) 366–0195, or Mr. Brian Cronin, Advanced Public Transportation Systems Division (TRI–11) at (202) 366–8841. For legal information, contact Ms. Linda Sorkin, FTA Office of Chief Counsel (TCC–20) at (202) 366–1936.

SUPPLEMENTARY INFORMATION: On May 25, 2000 (65 FR 34002), FTA published an NPRM proposing the establishment of regulations to implement a portion of Section 5206(e) of the TEA–21 which requires ITS projects funded from the highway trust fund to conform to the National ITS Architecture, applicable or provisional standards, and protocols.

Since that date, FTA has received requests from the American Association of State Highway and Transportation Officials, the American Public Transportation Association, the Association of Metropolitan Planning Organizations, and several State Departments of Transportation to extend the comment period. These groups voiced concerns that the proposed rule was extremely complex and that 90 days was insufficient time to assess the impact of the proposed rules and provide meaningful comments. We agree that more time for an in-depth analysis of the NPRM would be beneficial to FTA in this rulemaking. For these reasons, FTA is extending the comment period by 30 days, until September 23, 2000.

Authority: 23 U.S.C. 134 and 315; 42 U.S.C. 7410 et seq; 49 U.S.C. 5303–5309; 49 CFR 1.8 and 1.51.

Dated: August 9, 2000.

Nuria I. Fernandez,

Acting Administrator, Federal Transit Administration.

[FR Doc. 00–20594 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–00–7756]

Notice of Receipt of Petition for Decision That Nonconforming 1995–2000 Mazda Xedos 9 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 1995–2000 Mazda Xedos 9 Passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1995–2000 Mazda Xedos 9 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is September 14, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer 90–007) has petitioned NHTSA to decide whether 1995–2000 Mazda Xedos 9 passenger

cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 1995–2000 Mazda Millenia passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared 1995–2000 Mazda Xedos 9 passenger cars to 1995–2000 Mazda Millenia passenger cars, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that 1995–2000 Mazda Xedos 9 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as 1995–2000 Mazda Millenia passenger cars, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that 1995–2000 Mazda Xedos 9 passenger cars are identical to 1995–2000 Mazda Millenia passenger cars with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * ** 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact* (petitioner states that the Millenia has not been certified by its manufacturer as conforming to the standard's upper interior head impact requirements), 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that 1995–2000 Mazda Xedos 9 passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) installation of a seat belt warning lamp that displays the required seat belt symbol; (b) recalibration of the speedometer/odometer from kilometers to miles per hour; (c) replacement of the entire instrument cluster on most vehicles with an instrument cluster that displays the appropriate brake and other warning insignia in English.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of U.S.-model headlamp assemblies and front sidemarkers.

Standard No. 110 *Tire Selection and Rims:* (a) inspection of all vehicles and replacement of any tires that do not bear DOT markings or are not of the same size and shape as those on U.S.-certified models; (b) installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* inspection of all vehicles and replacement of any passenger side rearview mirrors that do not bear the required warning statement.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a seat belt warning buzzer; (b) inspection of all vehicles and replacement of any driver's and passenger's side air bags and knee bolsters with part numbers that differ from those installed on U.S. certified models. The petitioner states that the vehicles are equipped with Type 2 seat belts in the front and rear outboard designated seating positions, and with a Type 1 seat belt in the rear center designated seating position.

The petitioner states that the vehicles are equipped with anti-theft devices which exempt them from the parts marking requirements of the Theft Prevention Standard at 49 CFR Part 541. The petitioner states that all vehicles will be inspected prior to importation, and that all anti-theft devices with part numbers that differ from those on U.S. certified models will be replaced.

The petitioner also states that a VIN plate must be affixed to the vehicle so that it can be read from the left windshield pillar, and a VIN reference label must be affixed to the edge of the door or to the latch post nearest the driver, to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 9, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–20669 Filed 8–14–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Capital Distributions package.

DATES: Submit written comments on or before October 16, 2000.

ADDRESSES: Send comments to Manager, Dissemination Branch, Information Management and Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0059. Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days. Send facsimile transmissions to FAX Number (202) 906–7755, or (202) 906–6956 (if comments are over 25 pages). Send e-mails to ''public.info@ots.treas.gov'', and include your name and telephone number. Interested persons may inspect comments at the Public Reference Room, 1700 G St. N.W., from 10 a.m. until 4 p.m. on Tuesdays and Thursdays. OTS will post comments on the OTS Internet Site at <http://www.OTS.treas.gov/>.

FOR FURTHER INFORMATION CONTACT: Nadine Washington, Supervision, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552, (202) 906–6706.

SUPPLEMENTARY INFORMATION: *Title:* Capital Distributions.

OMB Number: 1550–0059.

Form Number: OTS Form 1583.

Abstract: This package provides uniform treatment for capital distributions made by savings associations held by holding companies. It ensures adequate supervision of distribution of capital by those savings associations, thereby fostering safety and soundness of the thrift industry.

Current Actions: OTS proposes to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 747.

Estimated Time Per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 2,988 hours.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

John E. Werner,

Director, Information & Management Services Division.

[FR Doc. 00–20639 Filed 8–14–00; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

Computer Matching Program Between the Department of Veterans Affairs and the Department of Defense

AGENCY: Department of Veterans Affairs.

ACTION: Notice of computer matching program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer matching program. This will match personnel records of the Department of Defense (DOD) with VA records of benefit recipients under the Montgomery GI Bill.

The goal of these matches is to identify the eligibility status of veterans, servicemembers, and reservists who have applied for or who are receiving education benefit payments under the Montgomery GI Bill. The purpose of the match is to enable VA to verify that individuals meet the conditions of military service and eligibility criteria for payment of benefits determined by VA under the Montgomery GI Bill__Active Duty (MGIB) and the Montgomery GI Bill—Selected Reserve (MGIB–09SR).

DATES: This match will commence on or about September 14, 2000. At the expiration of 18 months after the commencing date the departments may renew the agreement for another 12 months.

FOR FURTHER INFORMATION CONTACT: Jerry Weeks (224), Acting Assistant Director for Procedures and Systems, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 273–7181.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 6c of the ''Guidelines on the Conduct of Matching Programs'' issued by the Office of Management and Budget (OMB) (54 FR 25818), as amended by OMB Circular A–130, 61 FR 6435 (1996). A copy of this has been provided to both Houses of Congress and the Office of Management and Budget. The matching program is subject to their review.

a. *Names of participating agencies:* Department of Defense and Department of Veterans Affairs.

b. *Purpose of the match:* The purpose of the match is to enable VA to determine whether an applicant is eligible for payment of benefits under the MGIB or the MGIB–SR and to verify continued compliance with the requirements of both programs.

c. *Authority:* The authority to conduct this match is found in 38 U.S.C. 3684A(a)(1).

d. *Categories of records and individuals covered:* The records covered include eligibility records extracted from DOD personnel files and benefit records that VA establishes for all individuals who have applied for and/or are receiving, or have received education benefit payments under the Montgomery GI Bill. These benefit records are contained in a VA system of records identified as 58VA21/22 entitled: Compensation, Pension, Education and Rehabilitation Records—VA, first published in the **Federal Register** at 41 FR 924 (March 3, 1976), and last amended at 63 FR 37941 (July 14, 1998), with other amendments as cited therein.

e. *Inclusive dates of the matching program:* The match will begin on September 14, 2000 or 40 days after the OMB review period, whichever is later and continue in effect for 18 months.

f. *Address for receipt of public inquiries or comments:* Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m.

Approved: August 2, 2000.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

[FR Doc. 00–20739 Filed 8–14–00; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 65, No. 158

Tuesday, August 15, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Mandatory Use of USBank's PowerTrack System by DOD Freight Carriers

Correction

In notice document 00–19796 beginning on page 47970 in the issue of Friday, August 4, 2000, make the following correction:

On page 47970, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, after ''e-mail'' add ''coltonj@mtmc.army.mil. Additional point of contact is Ms. Kiazan Moneypenny at 703-428-2384,''.

[FR Doc. C0–19796 Filed 8–14–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
August 15, 2000

Part II

Environmental Protection Agency

40 CFR Part 62

Federal Plan Requirements for Hospital/ Medical/Infectious Waste Incinerators Constructed On or Before June 20, 1996; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AD–FRL–6848–9]

RIN 2060–AI25

Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On or Before June 20, 1996

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 15, 1997, EPA adopted emission guidelines for existing hospital/medical/infectious waste incinerators (HMIWI). Sections 111 and 129 of the Clean Air Act (CAA) require States with existing HMIWI subject to the emission guidelines to submit plans to EPA that implement and enforce the emission guidelines. Indian Tribes may submit, but are not required to submit, Tribal plans to implement and enforce the emission guidelines in Indian country. State plans were due from States with HMIWI subject to the emission guidelines on September 15, 1998. If a State or Tribe with existing HMIWI does not submit an approvable plan within 2 years after promulgation of the emission guidelines (September 15, 1999), sections 111(d) and 129 of the CAA require EPA to develop, implement, and enforce a Federal plan for HMIWI in that State/Tribal jurisdiction. The EPA proposed a Federal plan for HMIWI in the **Federal Register** on July 6, 1999. This action promulgates the Federal plan to implement emission guidelines for HMIWI located in States and Indian country without effective State or Tribal plans. This Federal plan is an interim action because on the effective date of an approved State/Tribal plan, the Federal plan will no longer apply to HMIWI covered by the State/Tribal plan.

EFFECTIVE DATE: The effective date of this final rule is September 14, 2000.

ADDRESSES: *Docket.* Dockets A–98–24 and A–91–61 contain the supporting information for this promulgated rule and the supporting information for EPA's promulgation of emission guidelines for existing HMIWI, respectively. Public comments on the proposed rule for this action were received in Docket A–98–24. The dockets are available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center (Mail Code 6102), 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 260–7548. The docket is located in Room M–1500, Waterside Mall (ground floor, central mall). The fax number for the Center is (202) 260–4000 and the E-mail address is A-and-R-Docket@epa.gov. A reasonable fee may be charged for copying. In addition to the docket, an electronic copy of this document can be found at the EPA Unified Air Toxics Website (http://www.epa.gov/ttn/uatw/129/hmiwi/rihmiwi.html).

FOR FURTHER INFORMATION CONTACT: For procedural and implementation information regarding this Federal plan, contact Ms. Valerie Broadwell at (919) 541–3310, Program Implementation and Review Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 (broadwell.valerie@epa.gov). For technical information regarding State plans, contact Mr. Rick Copland at (919) 541–5265, Combustion Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 (copland.rick@epa.gov). If you have State-specific questions regarding the implementation of this Federal plan, contact your EPA Regional Office. Regional Office contacts are provided in **SUPPLEMENTARY INFORMATION.**

SUPPLEMENTARY INFORMATION: *Regulated Entities.* If you own or operate an existing HMIWI and are not already subject to an EPA-approved and effective State or Tribal plan, then you are regulated by this action. Existing HMIWI are those that commenced construction on or before June 20, 1996. Regulated categories and entities include those listed in Table 1.

TABLE 1.—REGULATED ENTITIES [a]

Category	Examples of regulated entities
Industry	Hospitals, nursing homes, research laboratories, other health care facilities, commercial waste disposal companies.
Federal Government.	Armed services, public health service, Federal hospitals, other Federal health care facilities.
State/local/Tribal Government.	State/county/city hospitals and other health care facilities.

[a] This table is not intended to be exhaustive, but rather, provides a guide for the public regarding entities likely to be regulated by this Federal plan. This table lists the types of entities that EPA is aware of that could potentially be regulated. Other types of entities not listed in the table could also be affected. To determine whether your facility is regulated by the standards or emission guidelines for HMIWI, you should carefully examine the applicability criteria in subpart HHH.

Judicial Review. This section 111(d)/129 rule for HMIWI was proposed on July 6, 1999 (64 FR 36425). This notice promulgating a rule for HMIWI constitutes final administrative action concerning that proposal. Under section 307(b)(1) of the CAA, judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by October 16, 2000. Under section 307(d)(7)(B) of the CAA, only an objection to this rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by today's final action may not be challenged separately in any civil or criminal proceeding brought by the EPA to enforce these requirements.

EPA Regional Office Contacts. Table 2 is a listing of EPA Regional Office contacts who can answer questions regarding implementation of this Federal plan.

TABLE 2.—EPA REGIONAL CONTACTS FOR HMIWI

Region	Regional contact	Phone/Fax	States and protectorates
I	John Courcier	617–918–1659	CT, ME, MA, NH, RI, VT.
	courcier.john@epa.gov	617–918–1505 (fax)	
II	Christine DeRosa	212–637–4022	NJ, NY, Puerto Rico, Virgin Islands.
	derosa.christine@epa.gov	212–637–3901 (fax)	
	Ted Gardella	212–637–3892	
	gardella.anthony@epa.gov	212–637–3901 (fax)	
III	James B. Topsale	215–814–2190	DE, DC, MD, PA, VA, WV.

TABLE 2.—EPA REGIONAL CONTACTS FOR HMIWI—Continued

Region	Regional contact	Phone/Fax	States and protectorates
	topsale.jim@epa.gov	215–814–2114 (fax)	
IV	Scott Davis	404–562–9127	AL, FL, GA, KY, MS, NC, SC, TN.
	davis.scottr@epa.gov	404–562–9095 (fax)	
V	Ryan Bahr	312–353–4366	IN.
	bahr.ryan@epa.gov	312–886–5824 (fax)	
	Charles Hatten	312–886–6031	WI.
	hatten.charles@epa.gov	312–886–5824 (fax)	
	Mark Palermo	312–886–6082	IL, OH.
	palermo.mark@epa.gov	312–886–5824 (fax)	
	Victoria Hayden	312–886–4023	WI.
	hayden.victoria@epa.gov	312–886–5824 (fax)	
	Doug Aburano	312–353–6960	MN.
	aburano.douglas@epa.gov	312–886–5824 (fax)	
VI	Mick Cote	214–665–7219	AR, LA, NM, OK, TX.
	cote.mick@epa.gov	214–665–7263 (fax)	
VII	Wayne Kaiser	913–551–7603	IA, KS, MO, NE.
	kaiser.wayne@epa.gov	913–551–7844 (fax)	
	Ward Burns	913–551–7960	
	burns.ward@epa.gov	913–551–7844 (fax)	
VIII	Meredith Bond	303–312–6438	CO, MT, ND, SD, UT, WY.
	bond.meredith@epa.gov	303–312–6064 (fax)	
IX	Patricia Bowlin	415–744–1188	AZ, CA, HI, NV, American Samoa, Guam.
	bowlin.patricia@epa.gov	415–744–1076 (fax)	
X	Catherine Woo	206–553–1814	AK, ID, OR, WA.
	woo.catherine@epa.gov	206–553–0110 (fax)	

Preamble Outline.

I. Background

A. HMIWI Regulations

On September 15, 1997, EPA promulgated emission guidelines for existing HMIWI under authority of sections 111 and 129 of the CAA. *See* 62 FR 48348 (to be codified at 40 CFR part 60, subpart Ce, §§ 60.30e through 60.39e). To make these emission guidelines enforceable, States with existing HMIWI were required to submit to EPA, within 1 year following promulgation of the emission guidelines, a State plan that implements and enforces the emission guidelines. States without any existing HMIWI were required to submit to the Administrator a letter of negative declaration certifying that there are no HMIWI in the State. No plan is required for States that do not have any HMIWI.

As discussed in section I.D of this preamble, Indian Tribes may, but are not required to, submit Tribal plans to cover HMIWI in Indian country. A Tribe may submit to the Administrator a letter of negative declaration certifying that no HMIWI are located in the Tribal area. No plan is required for Tribes that do not have any HMIWI.

Sections 111 and 129 of the CAA and 40 CFR 60.27(c) and (d) require EPA to develop, implement, and enforce a Federal plan to cover existing HMIWI located in States that do not have an approved plan. Hospital/medical/infectious waste incinerators located in States or Tribal areas that mistakenly submit a letter of negative declaration would be subject to the Federal plan until a State or Tribal plan that includes these HMIWI is approved and effective.

Today's action adopts a Federal plan for HMIWI that are not yet covered by an approved State or Tribal plan. The elements of the Federal plan are summarized in section II of this preamble. This HMIWI Federal plan was proposed in the **Federal Register** on July 6, 1999 (64 FR 36425). Comment letters on the proposed Federal plan were received through September 8, 1999. An opportunity for a public hearing was offered, but no requests were received and a public hearing was not held. Public comments and EPA responses are documented in ''Hospital/medical/Infectious Waste Incinerators: Background Information for Federal Plan—Summary of Public Comments and Responses,'' (EPA–456/R–00–003), Docket A–98–24, Item III–B–1. The EPA's responses to the public comments and changes to the regulation are also summarized in section III of this preamble.

B. Who This HMIWI Federal Plan Affects

This HMIWI Federal plan will affect existing HMIWI for which construction commenced on or before June 20, 1996.

The HMIWI will be subject to this Federal plan if any of the following is true on the effective date of the Federal plan:

(1) The State or Tribal plan has not become effective; [1]

(2) The State or Tribal plan was in effect but was subsequently vacated in whole or in part; or

(3) The State or Tribal plan was in effect but was subsequently revised such that it is no longer as protective as the emission guidelines.

The specific applicability of this plan is described in §§ 62.14400 through 62.14403 of subpart HHH.

Once an approved State or Tribal plan is in effect, the Federal plan will no longer apply to HMIWI covered by such plan. An approved State or Tribal plan is a plan that EPA has reviewed and approved based on the requirements in 40 CFR part 60, subpart B to implement and enforce 40 CFR part 60, subpart Ce. The State plan is effective on the date specified in the notice published in the **Federal Register** announcing EPA's approval.

Today's adoption of this HMIWI Federal plan does not preclude a State or Tribe from submitting a plan later. If a State or Tribe submits a plan after today's publication of the HMIWI Federal plan, EPA will review and approve or disapprove the State/Tribal plan. If EPA approves the plan, then the Federal plan no longer applies as of the effective date of the State/Tribal plan. (See the discussion in ''State or Tribe Submits A Plan After HMIWI Located in the Area Are Subject to the Federal Plan'' in section V.C.1 of this preamble.) If an HMIWI was overlooked by a State or Tribe and the State/Tribe submitted a negative declaration letter, the HMIWI would be subject to this Federal plan.

C. Implementing Authority

The EPA Regional Administrators have been delegated the authority for implementing the HMIWI Federal plan. All reports required by this Federal plan should be submitted to the appropriate Regional Office Administrator. Table 2 under **SUPPLEMENTARY INFORMATION** lists the names and addresses of the EPA Regional Office contacts and the States that they cover.

[1] The effective date of a State or Tribal plan from EPA's perspective (a State and Tribe may have an earlier effective date) is 30 days after the State or Tribal plan approval is published in the **Federal Register** if the approval is via the regular regulatory procedure of proposal with opportunity for comment followed by promulgation. If the approval is by direct final rule making, the effective date of the State/Tribal plan is 60 days after the approval is published in the **Federal Register** if no adverse comments are received.

D. HMIWI Federal Plan and Indian Country

The term ''Indian country,'' as used in this preamble, means (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

The Tribal Authority Rule authorizes eligible Tribal governments to submit to EPA a Tribal plan for HMIWI (64 FR 7254, February 12, 1998). The Tribal Authority Rule also contains a discussion on the EPA's authority to implement Clean Air Act programs in Indian country. The Federal plan will apply throughout Indian country except where a Tribal plan has been explicitly approved by EPA to cover an area of Indian country. This approach is consistent with that in the proposed Federal Operating Permits Rule (62 FR 13747, March 21, 1997). The preamble to the proposed HMIWI Federal plan discussed and requested comments on application of the HMIWI Federal plan in Indian country. The EPA received no comments on this issue.

E. Status of State Plan Submittals

Sections 111(d) and 129(b)(2) of the CAA, as amended, 42 U.S.C. 7411(d) and 7429(b)(2), authorize EPA to develop and implement a Federal plan for HMIWI located in States with no approved and effective State plan. Table 3 summarizes the current status of State plans. The HMIWI covered in EPA-approved State plans are not subject to the HMIWI Federal plan, as of the effective date specified in the **Federal Register** notice announcing EPA's approval of the State plan. The EPA is not expecting State plans to be submitted by the States that submitted negative declarations. However, in the unlikely event that there are HMIWI located in these States, this Federal plan would automatically apply to them.

TABLE 3.—STATUS OF STATE PLANS

I. States with EPA-Approved State Plans.	Alabama, Alleghany County in Pennsylvania, Arizona, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New York, North Dakota, South Dakota, Utah, West Virginia, and Wyoming.
II. Negative Declaration Submitted to EPA.	District of Columbia, Forsyth County in North Carolina, Huntsville in Alabama, Jefferson County in Kentucky, Nashville/Davidson County in Tennessee, Nevada, New Mexico, Oregon, and Vermont.
III. Final State Plan Submitted to EPA.	Florida, Maryland, and Pennsylvania.
IV. Draft State Plan Submitted to EPA.	Chattanooga/Hamilton County Tennessee, Knox County in Tennessee, Memphis/Shelby County in Tennessee, Michigan, Minnesota, New Jersey, Ohio, Oklahoma, Puerto Rico, Rhode Island, South Carolina, Texas, and Virginia.

The EPA is currently reviewing final and draft State plans submitted by the States listed in parts III and IV of Table 3. The Federal plan covers HMIWI in these States until these State plans are approved by EPA and become effective. Other States are making significant progress on their State plans and EPA expects many State plans to be approved in the next several months. As Regional Offices approve State plans, they will also, in the same action, amend the appropriate subpart of 40 CFR part 62 to codify their approvals. The EPA is not aware of any Indian Tribes that are developing Tribal plans.

The EPA will maintain a list of State plan submittals and approvals on the Unified Air Toxics Website at http://www.epa.gov/ttn/uatw/129/hmiwi/rihmiwi.html. The list will help HMIWI owners or operators determine whether their HMIWI is affected by a State plan, a Tribal plan, or the Federal plan. Hospital/medical/infectious waste incinerator owners and operators can also contact the EPA Regional Office for the State in which their HMIWI is located to determine whether there is an approved and effective State plan in place.

II. Required Elements of the HMIWI Federal Plan

Sections 111(d) and 129 of the CAA, as amended, 42 U.S.C. 7411(d) and

7429(b)(2), require States to develop and implement State plans for HMIWI to implement and enforce the promulgated emission guidelines. Subparts B and Ce of 40 CFR part 60 require States to submit State plans that include specified elements. Because this Federal plan is being adopted in lieu of State plans, it includes the same essential elements: (1) Identification of legal authority and mechanisms for implementation, (2) inventory of HMIWI, (3) emissions inventory, (4) emission limits, (5) compliance schedules, (6) public hearing requirements, (7) testing, monitoring, inspection, reporting, and recordkeeping requirements, (8) waste management plan requirements, (9) operator training and qualification requirements, and (10) progress reporting. Each State plan element was discussed in detail as it relates to the Federal plan in the preamble to the proposed rule (64 FR 36425). Table 4 lists each element and identifies where it is located or codified. The EPA received public comments on the mechanisms for implementation, inspection requirements, compliance schedules, and title V permitting requirements. A summary of these comments and EPA's responses is presented in section III of this preamble.

TABLE 4.—REQUIRED ELEMENTS AND LOCATION

Required element of the HMIWI Federal plan	Where located
Identification of legal authority and mechanisms for implementation.	Section 129(b)(3) of the CAA.
Identification of mechanisms for implementation.	Section V of this preamble.
Inventory of HMIWI ...	Docket A–98–24, Item II–B–1.
Emissions inventory ..	Docket A–98–24, Item II–B–1.
Emission limits	40 CFR 62.14410 to 62.14413 of subpart HHH.
Compliance schedules.	40 CFR 62.14470 to 62.14472 of subpart HHH.
Public hearing requirements.	Section II.I of 64 FR 36431, July 6, 1999.
Testing and monitoring requirements.	40 CFR 62.14450 to 62.14455 of subpart HHH.
Inspection requirements.	40 CFR 62.14440 to 62.14443 of subpart HHH.
Reporting and recordkeeping requirements.	40 CFR 62.14460 to 62.14465 of subpart HHH.
Waste management plan requirements.	40 CFR 62.14430 to 62.14432 of subpart HHH.
Operator training and qualification requirements.	40 CFR 62.14420 to 62.14425 of subpart HHH.
Progress reports	Section II.J of 64 FR 36431, July 6, 1999.

III. Considerations in Developing the Final Federal Plan

This section of the preamble summarizes the changes to the HMIWI Federal plan considered as a result of the public comments received on the proposed plan. There were six comments received on the proposed Federal plan. The majority of the comments addressed minor inconsistencies between the emission guidelines promulgated on September 15, 1997 and the proposed Federal plan. Three areas (the compliance schedule; title V operating permit requirements for incinerators burning only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste, and co-fired combustors; and delegation of authority) are addressed in detail in the following discussion. The public comments in their entirety are summarized and addressed in the promulgation background information document (EPA–456/R–00–003, Docket A–98–24, Item III–B–1).

A. Compliance Schedule

During the public comment period one commenter expressed concern over the uncertainties associated with the March 2, 1999 U.S. Court of Appeals decision concerning the emission limits for existing HMIWI. The commenter stated that the court decision has created enough uncertainty with respect to the final emission limits and that compliance with the emission limits in the Federal plan should not be required until the Federal court is satisfied. The Sierra Club and Natural Resources Defense Council (NRDC) challenged EPA's rule establishing HMIWI standards, complaining principally that EPA failed to comply with the specifications of the maximum achievable control technology (MACT) floors for new and existing HMIWI. Although the court rejected the petitioners' statutory construction challenge, the court did conclude that there are serious doubts about the reasonableness of EPA's treatment of the floor requirements, and remanded the rule for further explanation. The court decided not to vacate the standard. Rather, the current regulation remains in place as requested by Sierra Club and NRDC. In light of the court decision, EPA is obligated to adhere to the compliance schedule set forth in the Emission Guidelines. Therefore, the EPA must promulgate the final Federal plan as scheduled.

B. Title V Permitting Requirements

One commenter objected to EPA's proposal to exempt both co-fired combustors and HMIWI that combust only pathological, low-level radioactive, and/or chemotherapeutic waste from title V permitting requirements. The commenter indicated that EPA's interpretation of title V applicability conflicts with the requirements of both section 502(a) and section 129(e) of the CAA. The commenter noted that section 502(a) requires sources subject to standards under section 111 to obtain title V permits. In addition, section 129(e) requires that ''Beginning (1) 36 months after the promulgation of a performance standard * * * each unit in the category shall operate pursuant to a permit issued under this subsection and title V.'' The commenter interpreted EPA's position as follows: If co-fired combustors (as defined in section 62.14490 of subpart HHH) and HMIWI combusting only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (also defined in section 62.14490 of subpart HHH) comply with their recordkeeping obligations, they need not obtain a title V permit. However, if they fail to keep the required records, they must obtain a title V permit. The commenter mentioned that general title V permits could be crafted to reduce the burden of title V permitting for these exempt sources.

The commenter pointed out that under EPA's proposal not to require title V permits for these sources, control agencies and the public will not be able to determine whether the sources are keeping the proper records; records which are the basis for creating and continuing the exemption from title V permitting. The commenter stated that nothing in the proposed rule requires sources to submit summaries of the required records or to certify that they are keeping the records. The commenter noted that if a title V permit were required, sources would be required to certify that they are conducting the required recordkeeping. The commenter requested that EPA either require sources to obtain title V permits or

adopt an equally enforceable and transparent mechanism to require sources to certify that they are conducting the required recordkeeping and to ensure that citizens can access information relevant to the obligation to keep such records. The commenter noted that if these records are maintained onsite at a source, then the relevant agency may take the position that the records are not subject to disclosure under ''freedom of information'' laws. Therefore, the commenter requested that this rule: (1) Require these sources to submit these records to the appropriate public authority on request; and (2) require that EPA, State and local agencies adopt rules providing that the relevant agency will request these records from sources if they are requested by the public.

A second commenter disagreed with EPA's assessment that reporting and recordkeeping requirements are not substantive elements of the HMIWI rule for purposes of title V even though pathological, low-level radioactive, and chemotherapeutic wastes are being considered under the Industrial Combustion Coordinated Rulemaking (ICCR). The commenter noted that recordkeeping and reporting supplies the agency with vital information to ensure that rules are functioning as intended and helps to supply data needed to develop new rules such as the ICCR. In addition, recordkeeping and reporting require a significant amount of employee time and facility dollars.

The second commenter stated that the CAA requires specific reasons for a decision by EPA that a source should not be required to file a title V permit. The commenter noted that section 502(a) of the CAA states that EPA may exempt a source in one or more source categories if EPA finds that ''compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories. * * *'' However, the law does not state that EPA may exempt a source category when only recordkeeping and reporting are required. The commenter noted that requiring co-fired combustors and HMIWI combusting only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste to file a title V permit application may not be practicable at this time because EPA may develop a rule with specific emission limits for these sources in the near future. However, the commenter stated that offering these types of sources several years of additional time to come into compliance without requiring that they take some action towards understanding their obligations under the CAA is inappropriate.

The EPA disagrees with both commenters' views concerning this Federal plan. The Federal plan requires owners or operators of HMIWI combusting only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste and co-fired combustors to fulfill certain recordkeeping and reporting requirements to demonstrate that they are exempt from the emission control-related requirements of the Federal plan. These emission control-related requirements include emission limits; waste management plan requirements; operator training and qualification requirements; inspection requirements; compliance and performance testing requirements; monitoring requirements; and the emission control-related reporting and recordkeeping requirements, but not the reporting and recordkeeping requirements related to the applicability of the Federal plan and necessary for these sources to demonstrate exemption.

The reporting and recordkeeping requirements that these sources must fulfill (in section 62.14400 [Applicability] of subpart HHH) differ from the emission control-related reporting and recordkeeping requirements (in sections 62.14460 through 62.14465 [Reporting and Recordkeeping] of subpart HHH) of the Federal plan. Section 62.14400 requires owners or operators of HMIWI that combust only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste and owners or operators of co-fired combustors to submit a one-time notification of an exemption claim. In addition to this exemption claim, owners or operators of HMIWI that combust only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste must keep records on a calendar quarter basis of the periods of time when these types of waste are the only types of waste combusted. Owners or operators of co-fired combustors must keep records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted and the weight of all other fuels and wastes combusted. The emission control-related reporting and recordkeeping requirements for HMIWI include notifications, records, and reports pertaining to waste management, parameter monitoring, operator training, inspections, and performance testing.

The EPA interprets CAA section 502(a) and 40 CFR 70.3(a)(2) and 71.3(a)(2) to mean that sources subject to this exemption (HMIWI combusting only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste, and co-fired combustors) are not subject to standards or regulations under section 111 for purposes of title V permitting. The Agency believes that the recordkeeping and reporting requirements with which these facilities must comply if they are to attain and maintain their exemptions are not the type of requirements that make them ''subject to'' a standard or regulation under section 111 within the meaning of the first sentence of section 502(a). In EPA's view, facilities in this unique position do not even meet the threshold criteria for sources required to obtain title V permits under section 502(a) of the CAA. Therefore, these sources are not required to apply for title V permits on the basis of the applicability of recordkeeping and reporting requirements necessary to qualify for exemption from the emission control-related requirements of the Federal plan. (Although these recordkeeping and reporting requirements do not trigger the requirement to apply for a title V permit, they must be incorporated into any title V permit these sources may be required to obtain for reasons other than subpart HHH.) However, owners and operators of these sources that do not comply with the recordkeeping and reporting requirements necessary to attain and maintain exemption from the Federal plan will become subject to the emission control-related requirements and will have to obtain title V permits. While HMIWI combusting pathological, low-level radioactive, and/or chemotherapeutic waste and co-fired combustors subject to this exemption need not obtain title V permits now as a matter of Federal law, they are not prohibited from applying for title V permits.

As the second commenter stated, section 502(a) of the CAA also provides a mechanism for the Administrator to ''promulgate regulations to exempt'' one or more source categories from title V permitting requirements, if EPA finds that compliance with such requirements is ''impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.'' The EPA is not invoking this mechanism to justify its conclusion that facilities subject to exemptions from emissions-control related requirements are not required to obtain title V permits. These facilities have not been ''exempted'' from title V within the meaning of the last sentence of section 502(a), and the Agency has not made or does not purport to have

made the statutory showing of impracticability, infeasibility or unnecessary burden for these sources. Rather, as stated earlier, the Agency believes that the recordkeeping and reporting requirements with which these facilities must comply are not the type that would make them ''subject to'' a standard under section 111 or 502(a) of the CAA. These reporting and recordkeeping requirements are simply conditions for exemption from the emission control-related requirements of the Federal plan.

Under the Federal plan sources are not required to routinely submit to EPA the records they are required to maintain onsite to support their exemption from the section 129 standard. However, we are adding two provisions to the regulation to facilitate public access to those records. First, the regulation requires in §§ 62.14400(b)(1) and (b)(2) that these sources must submit these records to EPA upon request. Second, the regulation requires in § 62.14400(c) that EPA request these records from these sources if requested by a citizen under the Freedom of Information Act, consistent with EPA regulations set forth at 40 CFR part 2. Should a State take delegation of the Federal plan rather than submitting an approvable State plan, the State would have the obligation to obtain these records from sources following receipt of a citizen request under applicable freedom of information laws (comparable to the Freedom of Information Act) and make such information available to the requestor.

Additionally, to clarify what the records maintained by co-fired combustors must contain in order for an exemption from the emission control-related requirements of subpart HHH and title V permitting to be allowed, we have added language to § 62.14400(b)(2). Language in this section states that the records maintained by the owner or operator of a co-fired combustor must reflect that the source continues to meet the definition of co-fired combustor in § 62.14490. Language has been added to § 62.14400(c) stating that the records required by paragraphs (b)(1) and (b)(2) of § 62.14400 must be maintained by the relevant sources for a period of at least 5 years. Language has also been added to § 62.14400(c) stating that the notifications of exemption claims also required by paragraphs (b)(1) and (b)(2) of § 62.14400 must be maintained by the EPA or delegated enforcement authority for a period of at least 5 years. Such notifications are to be made available upon request.

C. Transfer of Authority

One commenter raised the question of whether the authority to implement the Federal plan could be transferred to States and local agencies through the title V operating permits program. The commenter noted that part IV of the preamble to the proposed Federal plan (in section C on page 36432) describes two mechanisms for transferring authority to State and local agencies and that part V of the preamble discusses title V operating permits programs. These two mechanisms as described on page 36432 of the proposed Federal plan are (1) the approval of a State plan after the Federal plan is in effect; and (2) if a State does not submit or obtain approval of its own plan, EPA delegation to a State of the authority to implement certain portions of the HMIWI Federal plan. The commenter recommended that the preamble to the final Federal plan recognize the title V operating permits program as a third mechanism for transferring authority to State and local agencies. The commenter noted that many State and local agencies implement title V programs and that title V permits must include the requirements of the Federal plan. Thus, title V permitting authorities already have implementation responsibility for the Federal plan through the title V permits program, regardless of whether the authority to implement the Federal plan is delegated to the State or local agency. The commenter stated that the authority to implement the Federal plan would be most useful before a title V permit is issued. The commenter stated that the time required for a State to request and obtain authority to implement the Federal plan through delegation is similar to the lead time required in the Federal plan for submitting title V permit applications. The commenter requested an explanation of why delegation of the Federal plan is necessary if a title V program is in place.

There are legal and practical reasons why incorporating a standard into a permit without formal delegation is not equivalent to taking formal delegation and then issuing a part 70 permit containing the standard. The Act and part 70 require States, local agencies, or Tribes wishing to adopt a part 70 permitting program to have the legal authority to place all applicable requirements (including HMIWI standards) in permits and to implement and enforce them in that context. However, this requirement is not legally equivalent to formal delegation, nor does it take the place of formal delegation. When a State takes formal delegation, EPA allows the State to implement and enforce a standard independent of a title V permit. This is significant because a title V source may be allowed to operate without a title V permit for a number of years in some cases between the time it first triggers the requirement to apply for a permit and the issuance of the permit. Prior to the issuance of a part 70 permit and absent formal delegation, the State may not implement and enforce the requirements of a standard. Moreover, a source with a title V permit with a permit term less than 3 years is not required by part 70 to reopen the permit to include new applicable requirements, such as the HMIWI standard. See 40 CFR § 70.7(f)(1)(i). However, the source must still comply with that standard. Delegation enables a State to implement and enforce the standard outside of the permit until permit renewal.

The commenter also mentioned that the last statement in part IV of the preamble to the proposed Federal plan, which indicates that EPA would retain responsibility for enforcement after delegation, should be qualified to reflect State and local enforcement responsibility after a title V permit is issued. The commenter questioned whether EPA or the State and local title V permitting authorities would have enforcement responsibilities for the Federal plan after a title V permit is issued to a source.

The EPA first notes that the language in the proposal preamble to which the commenter refers was errant and has been deleted from the preamble to the final rule. Rather, EPA's position on this issue is accurately reflected in the same part of the proposal preamble (part IV) that the commenter references under the section titled ''Delegation of the Federal Plan and Retained Authorities'': ''The EPA will continue to hold enforcement authority along with the State or Tribe even when a State or Tribe has received delegation of the Federal plan.'' Moreover, the retained authorities discussion immediately following this sentence in the proposal preamble does not address enforcement of the Federal plan, and § 62.14495 of the proposed and final rules does not include enforcement of the Federal plan as an authority retained by the EPA Administrator. In fact, both State and Tribal permitting authorities that have taken delegation, as well as the EPA, will have responsibility for bringing enforcement actions against sources violating Federal plan requirements. Prior to delegation, only the EPA will have enforcement authority. In neither instance does the title V permit status of a source affect the enforcement

responsibility of EPA and the State or Tribal permitting authorities.

IV. Summary of Federal Plan Requirements

The HMIWI Federal rule (40 CFR part 62, subpart HHH) which implements this Federal plan includes emission limits, monitoring and performance testing requirements, inspection requirements (for small rural HMIWI only), waste management plan requirements, operator training and qualification requirements, and recordkeeping and reporting requirements. The requirements are summarized in this section.

A. Applicability

The HMIWI Federal plan applies to existing HMIWI that either are not covered by an approved and effective State or Tribal plan or are located in a State or Tribal area that has incorrectly submitted a negative declaration. An existing HMIWI is an HMIWI for which construction commenced on or before June 20, 1996. Hospital/medical/infectious waste incinerators for which construction commenced after June 20, 1996 or modification commenced after March 16, 1998 are not subject to the Federal plan; they are new sources and are subject to 40 CFR part 60 subpart Ec New Source Performance Standards (NSPS). An HMIWI is defined as any device that combusts any amount of medical/infectious waste or hospital waste. The terms ''medical/infectious waste'' and ''hospital waste'' are defined in § 62.14490 of subpart HHH.

Incinerators that burn only pathological, low-level radioactive, or chemotherapeutic waste (all defined in § 62.14490 of subpart HHH) are not subject to the emission control-related requirements of the Federal plan during periods when they burn such wastes provided that they notify EPA of an exemption claim and keep records of the periods of time when only pathological, low-level radioactive, or chemotherapeutic waste is burned. Existing incinerators, processing operations, or boilers that cofire hospital waste and/or medical/infectious waste with other fuels or wastes and combust 10 percent or less combined medical/infectious and hospital waste by weight (on a calendar quarter basis) are also not subject to the emission control-related requirements of the Federal plan provided they file an exemption claim and keep records of the amounts of each fuel and waste burned. Any unit required to have a permit under section 3005 of the Solid Waste Disposal Act is exempt from the Federal plan, as are municipal waste combustors subject to 40 CFR 60 subparts Cb, Ea, or Eb. Finally, pyrolysis units (as defined in § 62.14490 of subpart HHH) and cement kilns firing hospital waste and/or medical/infectious waste are also not subject to this Federal plan.

The HMIWI source category is divided into small (≤200 lb/hr), medium (>200 to 500 lb/hr), and large (>500 lb/hr) subcategories based on waste burning capacity. Waste burning capacity is determined either by the maximum design capacity or by the ''maximum charge rate'' established during the most recent performance test. In other words, a source may change its size designation by establishing an enforceable ''maximum charge rate'' lower than its design capacity. For example, a ''medium'' unit with a design capacity of 250 lb/hr may establish a maximum charge rate of 200 lb/hr and be considered a ''small'' unit for purposes of the Federal plan. Separate requirements apply to each subcategory of existing HMIWI.

B. Emission Limits

Table 5 provides the emission limits for existing HMIWI covered by the Federal plan. In addition to the emission limits presented in Table 5, all HMIWI are subject to a 10 percent stack opacity limitation. Stack opacity will be determined using EPA Reference Method 9.

The Federal plan contains alternative emission limits for small HMIWI that meet the following ''rural criteria': (1) The small HMIWI is located at least 50 miles from the nearest Standard Metropolitan Statistical Area (SMSA) boundary; and (2) the small HMIWI burns no more than 2,000 pounds of hospital waste and medical/infectious waste per week. For this Federal plan, the list of areas comprising each SMSA as of June 30, 1993 (defined by the Office of Management and Budget [OMB]) will be used to determine whether a small HMIWI meets the ''rural criteria.'' The list of areas comprising each SMSA is presented in OMB Bulletin No. 93–17 entitled ''Revised Statistical Definitions for Metropolitan Areas.'' This document is available for public inspection and copying at EPA's Air and Radiation Docket and Information Center (Docket A–91–61, Item IV–J–125). See the **ADDRESSES** section at the beginning of this preamble for the telephone number and location of the docket. In addition, OMB Bulletin No. 93–17 is available at: http://www.census.gov/population/estimates/ metro-city/93mfips.txt, or from National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161, (703) 487–4650 (document number PB 93–192–664). The emission limits for small HMIWI that meet the rural criteria are provided in Table 6.

TABLE 5.—SUMMARY OF FEDERAL PLAN EMISSION LIMITS FOR HMIWI

Pollutant	Emission limits		
	Small HMIWI	Medium HMIWI	Large HMIWI
Particulate matter	115 mg/dscm (0.05 gr/dscf)	69 mg/dscm (0.03 gr/dscf)	34 mg/dscm (0.015 gr/dscf).
Carbon monoxide	40 ppmv	40 ppmv	40 ppmv.
Dioxins/furans	125 ng/dscm total CDD/CDF (55 gr/10^9 dscf) or 2.3 ng/dscm TEQ (1.0 gr/10^9 dscf).	125 ng/dscm total CDD/CDF (55 gr/10^9 dscf) or 2.3 ng/dscm TEQ (1.0 gr/10^9 dscf).	125 ng/dscm total CDD/CDF (55 gr/10^9 dscf) or 2.3 ng/dscm TEQ (1.0 gr/10^9 dscf).
Hydrogen chloride	100 ppmv or 93% reduction	100 ppmv or 93% reduction	100 ppmv or 93% reduction.
Sulfur dioxide	55 ppmv	55 ppmv	55 ppmv.
Nitrogen oxides	250 ppmv	250 ppmv	250 ppmv.
Lead	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction.	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction.	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction.
Cadmium	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction.	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction.	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction.
Mercury	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction.	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction.	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction.

TABLE 6.—SUMMARY OF EMISSION LIMITS FOR SMALL HMIWI THAT MEET THE RURAL CRITERIA

Pollutant	Emission limits
Particulate matter.	197 mg/dscm (0.086 gr/dscf).
Carbon monoxide.	40 ppmv.
Dioxins/furans	800 ng/dscm total CDD/CDF (350 gr/10^9 dscf) or 15 ng/dscm TEQ (6.6 gr/10^9 dscf).
Hydrogen chloride.	3,100 ppmv.
Sulfur dioxide	55 ppmv.
Nitrogen oxides.	250 ppmv.
Lead	10 mg/dscm (4.4 gr/10^3 dscf).
Cadmium	4 mg/dscm (1.7 gr/10^3 dscf).
Mercury	7.5 mg/dscm (3.3 gr/10^3 dscf).

C. Additional Requirements

This section presents the other major provisions of the Federal plan for HMIWI. With the exception of the emission limits referenced above and the compliance and performance testing requirements and the inspection requirements described in this section, HMIWI that meet the small rural criteria are to comply with the same additional requirements as all other existing HMIWI. This section does not attempt to show all requirements of the Federal plan. The regulatory text of subpart HHH contains a full and comprehensive statement of the requirements of the Federal plan.

The Federal plan contains operator training and qualification requirements for all HMIWI. Each facility is required to have at least one trained and qualified operator on duty or on-call. The trained and qualified operator must pass an HMIWI operator training course and meet qualification requirements. Also, each facility is required to develop site-specific HMIWI operating procedures. Employees involved with HMIWI operation must review the site-specific operating information annually.

The Federal plan requires all facilities to develop a waste management plan that identifies the feasibility and approach of separating certain components of the healthcare waste stream in order to reduce the amount of toxic emissions from incinerated waste.

The compliance and performance testing requirements in the Federal plan differ for small rural HMIWI and for all other HMIWI. Small rural HMIWI are required to conduct an initial performance test to determine compliance with the PM, CO, CDD/CDF, and Hg emission limits and opacity limit, and to establish operating parameters. In addition, small rural HMIWI are required to conduct annual tests to determine compliance with the opacity limit.

The compliance and performance testing requirements in the Federal plan require facilities with small non-rural, medium, and large HMIWI to conduct an initial performance test to determine compliance with the PM, CO, CDD/CDF, HCl, Pb, Cd, and Hg emission limits and the opacity limit, and to establish operating parameters. These HMIWI are also required to conduct annual performance tests to determine compliance with the PM, CO, and HCl emission limits and opacity limit. The Federal plan allows facilities to conduct performance tests for PM, CO, and HCl every third year if the previous three performance tests demonstrate that the facility is in compliance with the emission limits for PM, CO, and HCl.

The Federal plan contains monitoring requirements for all HMIWI. Each facility is required to install and maintain equipment to continuously monitor operating parameters including secondary chamber temperature, waste feed rate, use of the bypass stack, and Air Pollution Control Device (APCD) operating parameters as appropriate. The Federal plan requires facilities to obtain monitoring data at all times during HMIWI operation.

In addition, the Federal plan contains reporting and recordkeeping requirements for all HMIWI. Facilities are required to maintain records for 5 years of results from the initial performance test and all subsequent performance tests, monitored operating parameters, inspections (small rural HMIWI only), and operator training and qualification. Facilities are required to submit the results of the initial performance test and all subsequent performance tests, and to submit reports on emission rates or operating parameters that have not been recorded or which exceeded applicable limits.

D. Compliance Dates

1. HMIWI That Continue Operation

The Federal plan requires owners or operators of HMIWI to either: (1) Come into compliance with the plan within 1 year after the plan is promulgated (by August 15, 2001); or (2) meet increments of progress and come into compliance by September 15, 2002. Increments of progress are necessary in order to ensure that HMIWI needing more time to comply are making progress toward meeting the emission limits. This HMIWI Federal plan includes as its compliance schedule the same five increments of progress from 40 CFR 60.21(h), as required by 40 CFR 60.24(e)(1), along with defined and enforceable dates for completion of each increment.

The HMIWI owner or operator is responsible for meeting each of the five increments of progress for each HMIWI no later than the applicable compliance date. The owner or operator must notify EPA as each increment of progress is achieved, as well as when any is missed. The notification must identify the increment and the date the increment is achieved (or missed). If an owner or operator misses an increment deadline, the owner or operator must also notify EPA when the increment is finally achieved. The owner or operator must mail the notification to the applicable EPA Regional Office within 10 business days after the increment date defined in the Federal plan. (See Table 1 under the **FOR FURTHER INFORMATION CONTACT** section of this document for a list of Regional Offices.)

The definition of each increment of progress, along with its required completion date, follows.

Submit Final Control Plan. To meet this increment, the owner or operator of each HMIWI must submit a plan that describes, at a minimum, the APCD and/or process changes that will be employed so that each HMIWI complies with the emission limits and other requirements. A final control plan is not required for units that will be shut down. *Completion date*: September 15, 2000.

Award Contract. To award a contract means the HMIWI owner or operator enters into legally binding agreements or contractual obligations that cannot be canceled or modified without substantial financial loss to the owner or operator. The EPA anticipates that the owner or operator may award a number of contracts to complete the retrofit. To meet this increment of progress, the HMIWI owner or operator must award a contract or contracts to initiate onsite construction, to initiate onsite installation of air pollution control devices, and/or to incorporate process changes. The owner or operator must mail a copy of the signed contract(s) to EPA within 10 business days of entering the contract(s). *Completion date*: April 15, 2001.

Begin Onsite Construction. To begin onsite construction, installation of air pollution control devices, or process change means to begin any of the following:

(1) Installation of an air pollution control device in order to comply with the final emission limits as outlined in the final control plan;

(2) Physical preparation necessary for the installation of an air pollution control device in order to comply with the final emission limits as outlined in the final control plan;

(3) Alteration of an existing air pollution control device in order to comply with the final emission limits as outlined in the final control plan;

(4) Alteration of the waste combustion process to accommodate installation of an air pollution control device in order to comply with the final emission limits as outlined in the final control plan; or

(5) Process changes identified in the final control plan in order to meet the emission standards. *Completion date:* December 15, 2001.

Complete Onsite Construction. To complete onsite construction means that all necessary air pollution control devices or process changes identified in the final control plan are in place, onsite, and ready for operation on the HMIWI. *Completion date:* July 15, 2002.

Final Compliance. To be in final compliance means to incorporate all process changes or complete retrofit construction in accordance with the final control plan and to connect the air pollution control equipment or process changes such that, if the HMIWI is brought on line, all necessary process changes or air pollution control equipment will operate as designed. *Completion date:* September 15, 2002.

If an HMIWI does not achieve final compliance by September 15, 2002, the Federal plan requires the HMIWI to shut down by September 15, 2002, complete the retrofit while not operating, and be in compliance upon restarting. Shut down is necessary in order to avoid being out of compliance and subject to possible enforcement action.

2. HMIWI That Have or Will Shut Down

a. *Inoperable HMIWI and HMIWI That Shut Down.* In cases where an HMIWI has been shut down and there are no plans to restart, the HMIWI may be left off the source inventory for this Federal plan if it is rendered inoperable. The HMIWI owner/operator may do one or more of the following to render an HMIWI inoperable: (1) Weld the waste charge door shut, (2) remove stack (and by-pass stack, if applicable), (3) remove combustion air blowers, and/or (4) remove burners or fuel supply.

Any owner or operator that plans to shut down their HMIWI rather than comply with the Federal plan requirements must do so by August 15, 2001, the date 1 year after the Federal plan is promulgated. The Federal plan contains provisions allowing HMIWI owners or operators that are planning to shut down the opportunity to petition EPA for an extension beyond the 1-year compliance date (but no later than September 15, 2002). An example of a facility that might petition EPA for such an extension is a facility installing an onsite alternative waste treatment technology. It is possible that installation cannot be completed within 1 year, and the facility has no feasible waste disposal options other than onsite incineration while the alternative technology is being installed. The requirements for a petition for an extension to shut down under the Federal plan are set forth at section 62.14471 of subpart HHH.

All HMIWI that continue to operate 1 year after the Federal plan promulgation date must comply with the operator training and qualification requirements and the inspection requirements of the plan within 1 year after the plan is promulgated. This requirement includes HMIWI that comply within 1 year, as well as those that have been granted an extension beyond the 1-year compliance date (i.e., HMIWI with extended retrofit schedules and HMIWI granted an extension to shut down after the 1-year compliance date).

b. *HMIWI That Have Shut Down and Will Restart.*

Hospital/medical/infectious waste incinerators that are known to have already shut down (but are not known to be inoperable) are included in the source inventory for this Federal plan.

Restarting Before September 15, 2002. If the owner or operator of an inactive HMIWI plans to restart before September 15, 2002, the Federal plan requires the owner or operator to submit a control plan for the HMIWI and bring the HMIWI into compliance with the applicable compliance schedule. Final compliance is required for all pollutants and all HMIWI no later than September 15, 2002.

Restarting After September 15, 2002. Under this Federal plan, a control plan is not needed for inactive HMIWI that restart after September 15, 2002. However, before restarting, such HMIWI must complete the operator training and qualification requirements and inspection requirements (if applicable) and complete retrofit or process modifications upon restarting. Performance testing to demonstrate compliance would be required within 180 days after restarting. There is no need to show that the increments of progress have been met since these steps will have occurred before restart while the HMIWI was shut down and not generating emissions. An HMIWI that operates out of compliance after September 15, 2002 will be in violation of the Federal plan and subject to enforcement action.

3. Summary of Compliance Dates

A summary of dates for compliance with the Federal plan for HMIWI is presented in Table 7.

TABLE 7.—COMPLIANCE TIMES UNDER THE FEDERAL PLAN FOR ALL HMIWI

Requirement	Compliance time
Operator training and qualification.	Within 1 year after promulgation of the Federal plan (for HMIWI that continue to operate beyond 1 year after promulgation).
Waste management plan.	Within 60 days after initial performance test.
Final compliance with emission limits.	Within 1 year after promulgation of the Federal plan or by September 15, 2002 if the source is granted an extension.
Initial performance test.	Within 180 days after achieving final compliance.
Repeat performance test.	Within 12 months following initial performance test and annually thereafter [a].
Parameter monitoring	Continuously, upon completion of initial performance test.
Inspection (small rural HMIWI only).	Within 1 year after promulgation of the Federal plan (for HMIWI that continue to operate beyond 1 year after promulgation).
Recordkeeping	Continuously, upon completion of initial performance test.
Reporting	Within 60 days after initial performance test; annually for subsequent reporting requirements; semiannually, if noncompliance.

[a] Facilities may conduct performance tests for PM, CO, and HCl every third year if the previous three performance tests demonstrate that the facility is in compliance with the emission limits for PM, CO, and HCl.

V. Implementation of the Federal Plan and Delegation

A. Background of Authority

Under sections 111(d) and 129(b) of the CAA, EPA is required to adopt emission guidelines that are applicable to existing solid waste incineration sources. These emission guidelines are not enforceable until EPA approves a

State or Tribal plan or adopts a Federal plan that implements and enforces them, and the State, Tribal, or Federal plan has become effective. As discussed above, the Federal plan regulates HMIWI in States or Tribal areas that do not have approved plans in effect.

Congress has determined that the primary responsibility for air pollution prevention and control rests with State and local agencies. *See* section 101(a)(3) of the CAA. Consistent with that overall determination, Congress established sections 111 and 129 of the CAA with the intent that the States and local agencies take the primary responsibility for ensuring that the emission limitations and other requirements in the emission guidelines are achieved. Also, in section 111(d) of the CAA, Congress explicitly required that EPA establish procedures that are similar to those under section 110(c) for State Implementation Plans. Although Congress required EPA to propose and promulgate a Federal plan for States that fail to submit approvable State plans on time, EPA strongly encourages States to submit approvable plans. The EPA strongly encourages States that are unable to submit approvable plans to request delegation of the Federal plan so that they can have primary responsibility for implementing the emission guidelines, consistent with Congress' intent.

Approved and effective State plans or delegation of the Federal plan is EPA's preferred outcome since EPA believes that State and local agencies not only have the responsibility to carry out the emission guidelines, but also have the ''insider'' knowledge and enforcement resources critical to achieving the highest rate of compliance. For these reasons, EPA will do all that it can to expedite delegation of the Federal plan to State and local agencies, whenever possible.

The EPA also believes that Indian Tribes are the primary parties responsible for regulating air quality within Indian country. See EPA's Indian Policy (''Policy for Administration of Environmental Programs on Indian Reservations,'' signed by William D. Ruckelshaus, Administrator of EPA, dated November 4, 1984), reaffirmed in a 1994 memorandum (''EPA Indian Policy,'' signed by Carol M. Browner, Administrator of EPA, dated March 14, 1994).

B. Delegation of the Federal Plan and Retained Authorities

If a State or Indian Tribe intends to take delegation of the Federal plan, the State or Indian Tribe must submit to the appropriate EPA Regional Office a written request for delegation of authority. The State or Indian Tribe must explain how it meets the criteria for delegation. *See generally* ''Good Practices Manual for Delegation of NSPS and NESHAP'' (EPA, February 1983). In order to obtain delegation, an Indian Tribe must also establish its eligibility to be treated in the same manner as a State (see section I.D of the preamble). The letter requesting delegation of authority to implement the Federal plan must demonstrate that the State or Tribe has adequate resources, as well as the legal and enforcement authority to administer and enforce the program. As mentioned in section III.C, an MOA between the State or Tribe and the EPA would set forth the terms and conditions of the delegation, the effective date of the agreement, and would also serve as the mechanism to transfer authority. Upon signature of the agreement, the appropriate EPA Regional Office would publish an approval notice in the **Federal Register**, thereby incorporating the delegation authority into the appropriate subpart of 40 CFR part 62.

If authority is not delegated to a State or Indian Tribe, EPA will implement the Federal plan. Also, if a State or Tribe fails to properly implement a delegated portion of the Federal plan, EPA will assume direct implementation and enforcement of that portion. The EPA will continue to hold enforcement authority along with the State or Tribe even when a State or Tribe has received delegation of the Federal plan. In all cases where the Federal plan is delegated, the EPA will retain and will not transfer authority to a State or Tribe to approve the following items:

(1) Alternative site-specific operating parameters established by facilities using HMIWI controls other than a wet scrubber or dry scrubber followed by a fabric filter; and

(2) Alternative methods of demonstrating compliance.

Hospital/medical/infectious waste incinerator owners or operators who wish to establish alternative operating parameters or alternative methods of demonstrating compliance should submit a request to the Regional Office Administrator with a copy to the appropriate State or Tribe.

C. Mechanisms for Transferring Authority

There are two mechanisms for transferring implementation authority to State or Tribal agencies: (1) EPA approval of a State or Tribal plan after the Federal plan is in effect; and (2) if a State or Tribe does not submit or obtain approval of its own plan, EPA delegation to a State or Tribe of the authority to implement certain portions of this Federal plan to the extent appropriate and if allowed by State or Tribal law. Both of these options are described in more detail below.

1. State or Tribe Submits a Plan After HMIWI Located in the Area Are Subject to the Federal Plan

After HMIWI in a State or Tribal area become subject to the Federal plan, the State or Tribal agency may still adopt and submit a plan to EPA. If EPA determines that the State or Tribal plan is as protective as the emission guidelines, EPA will approve the State or Tribal plan. If EPA determines that the plan is not as protective as the emission guidelines, EPA will disapprove the plan and the HMIWI covered in the State or Tribal plan would remain subject to the Federal plan until a State or Tribal plan covering those HMIWI is approved and effective.

Upon the effective date of a State or Tribal plan, the Federal plan would no longer apply to HMIWI covered by such a plan and the State or Tribal agency would implement and enforce the State or Tribal plan in lieu of the Federal plan. When an EPA Regional Office approves a State or Tribal plan, it will amend the appropriate subpart of 40 CFR part 62 to indicate such approval.

2. State Takes Delegation of the Federal Plan

State or Tribal agencies may assume implementation of this Federal plan. As discussed above, EPA believes that it is advantageous and the best use of resources for State or Tribal agencies to agree to undertake, on EPA's behalf, administrative and substantive roles in implementing the Federal plan to the extent appropriate and where authorized by State or Tribal law. These functions could include administration and oversight of compliance reporting and recordkeeping requirements, HMIWI inspections, and preparation of notices of violation. Both States, or Tribal agencies, that have taken delegation, as well as EPA, will have responsibility for bringing enforcement actions against sources violating Federal plan provisions.

VI. Title V Operating Permits

Sources subject to this HMIWI Federal plan must obtain title V operating permits. Those title V operating permits must assure compliance with all applicable requirements for the source, including all applicable requirements of this Federal plan. *See* 40 CFR 70.6(a)(1), 70.2, 71.6(a)(1) and 71.2.

Under section 129(e) of the CAA, owners or operators of HMIWI subject to

this Federal plan must operate pursuant to a title V permit no later than 36 months after promulgation of the HMIWI emission guidelines (i.e., by September 15, 2000), or by the effective date of the State, Tribal, or Federal title V permits program that covers the area in which the unit is located, whichever is later.[2] If an owner or operator is required to obtain a title V permit for the first time by virtue of being subject to the Federal plan, the owner or operator must submit a complete title V permit application by the applicable permit deadline (i.e., by September 15, 2000) or the effective date of the State, Tribal, or Federal operating permits program, whichever is later.[3]

An earlier permit deadline may apply if an HMIWI is subject to title V for another reason. If an owner or operator is already subject to title V by virtue of some other requirement and has submitted a timely and complete permit application but the title V permit has not yet been released by the permitting authority, then the owner or operator should supplement its title V application by including the applicable requirements of the Federal plan in accordance with 40 CFR 70.5(b) or 71.5(b).

If an owner or operator of an HMIWI is already subject to title V by virtue of some other requirement on the effective date of this Federal plan and already possesses a title V permit with a remaining term of 3 or more years, then the owner or operator will receive from its permitting authority a notice of intent to reopen the title V permit to include the requirements of the Federal plan in accordance with the procedures established in 40 CFR 70.7(f) or 71.7(f). An owner or operator of an HMIWI with a title V permit having a remaining term of less than 3 years on the effective date of this Federal plan need not modify its title V permit, as a matter of Federal law, to include the Federal plan requirements until that permit is renewed.[4] However, the owner or operator remains subject to, and must act in compliance with, the Federal plan requirements.

Owners or operators of HMIWI that burn only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste and co-fired combustors, as defined in § 62.14490 of subpart HHH, must comply only with certain recordkeeping and reporting requirements set forth in the Federal plan. *See* § 62.14400. These HMIWI and co-fired combustors are not subject to the emission control-related requirements of the Federal plan as long as they comply with the recordkeeping and reporting requirements set forth as conditions for their exemption. Therefore, as discussed in section III.B of this preamble and in the preamble to the proposed Federal plan (64 FR 36425, July 6, 1999), owners and operators of these sources are not required to obtain title V operating permits as a matter of Federal law if the only reason they would potentially be subject to title V is these non-emission control-related recordkeeping and reporting requirements. *See* § 62.14480. However, owners and operators of HMIWI that burn only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste and co-fired combustors that do not comply with the recordkeeping and reporting requirements necessary to qualify for exemption from the other requirements of the Federal plan will become subject to those other requirements and will have to obtain title V permits. Moreover, if, in the future, EPA promulgates regulations subjecting any of these sources to requirements other than these recordkeeping and reporting requirements, these sources could become subject to title V at that time.

VII. Administrative Requirements

This section addresses the following administrative requirements: Docket, Paperwork Reduction Act, Executive Orders 12866, 13132, 13045, and 13084, Unfunded Mandates Reform Act, Regulatory Flexibility Act, Small Business Regulatory Enforcement Fairness Act, and the National Technology Transfer and Advancement Act. Since today's promulgated rule merely implements the emission guidelines promulgated on September 15, 1997 (codified at 40 part 60, subpart Ce) as they apply to HMIWI and does not impose any new requirements, much of the following discussion of administrative requirements refers to the documentation of applicable administrative requirements in the preamble to the 1997 rule promulgating the emission guidelines (62 FR 48347–48379, September 15, 1997).

A. Docket

The docket is intended to be an organized and complete file of the administrative records compiled by EPA. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so they can effectively participate in the rulemaking process. Along with proposed and promulgated standards and their preambles, the contents of the docket (with limited exceptions) will serve as the record in the case of judicial review. See section 307(d)(7)(A) of the CAA.

As discussed above, a docket has been prepared for this action pursuant to the procedural requirements of section 307(d) of the CAA, 42 U.S.C. 7607(d). Docket number A–91–61 contains the technical support for the September 15, 1997 emission guidelines. Public comments received on the proposal for this rulemaking and additional supporting information are included in Docket A–98–24.

B. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the OMB under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An information collection request (ICR) document has been prepared by EPA (ICR No. 1899.01) and a copy may be obtained from Ms. Sandy Farmer by mail at OP Regulatory Information Division, U. S. Environmental Protection Agency, Office of Environmental Information Collection Strategies Division (2822), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460; by E-mail at farmer.sandy@epa.gov; or by calling (202) 260–2740. A copy may also be downloaded off the Internet at http://www.epa.gov/icr.

This ICR reflects the burden estimate for the emission guidelines which were promulgated in the **Federal Register** on

[2] One area covered by title V permitting programs is the Outer Continental Shelf. *See* 40 CFR 55.6.

[3] Section 503(d) of the CAA and 40 CFR 70.7(b) and 71.7(b) allow a source to operate without being in violation of title V once the source has submitted a timely and complete permit application, even if the source has not yet received a final title V operating permit from the permitting authority. To this end, the application should be submitted early enough for the permitting authority to find the application either complete or incomplete before the application deadline. In the event the application is found incomplete by the permitting authority, the source must submit the information needed to make the application complete by the application deadline in order to obtain the application shield. *See* 40 CFR 62.14481 and 40 CFR 70.5(a)(2) and 71.5(a)(2).

[4] *See* CAA section 502(b)(6); 40 CFR 70.7(f)(1)(I) and 71.7(f)(1)(I). The CAA authorizes State, Tribal and Federal operating permits programs to require permits to be reopened and modified to incorporate the requirements of the Federal plan when fewer than 3 years remaining on a source's permit, however, so permitting authorities could reopen permits sooner than required by Federal law. Such reopenings should be completed no later than 18 months after promulgation of the applicable requirement. Any sources in this situation may wish to consult their operating permits program regulations or permitting authorities to determine whether revisions to their permits are necessary to incorporate the Federal plan requirements.

September 15, 1997. The burden estimate includes the burden associated with State/Tribal plans as well as the burden associated with the Federal plan. Consequently, the burden estimates described below overstate the information collection burden associated with the Federal plan. However, upon approval by EPA, a State/Tribal plan becomes Federally enforceable. Therefore, it is important to estimate the full burden associated with the State/Tribal plans and the Federal plan. As State/Tribal plans are approved, the Federal plan burden will decrease, but the overall burden of the State/Tribal plans and the Federal plan will remain the same.

The information collected will be used by EPA to ensure that the HMIWI regulatory requirements are implemented and are complied with on a continuous basis. Records and reports are necessary to enable EPA to identify existing HMIWI that may not be in compliance with the HMIWI regulatory requirements. Based on reported information, EPA will decide which units should be inspected and what records or processes should be inspected. The records that owners and operators of existing HMIWI maintain will indicate to EPA whether personnel are operating and maintaining control equipment properly.

Based on the inventory of HMIWI used to develop the emission guidelines, the HMIWI regulatory requirements (i.e., the State/Tribal plans and Federal plan) are projected to affect approximately 2,373 existing HMIWI in the United States or protectorates. A number of State plans are expected to be approved within the next year. When a State plan is approved, the Federal plan will no longer apply to HMIWI covered in that State plan.

The estimated average annual burden for industry for the first 3 years after the promulgation of the emission guidelines is 133,404 hours annually at a cost of $5,858,292 per year to meet the monitoring, recordkeeping, and reporting requirements. The estimated average annual burden, over the first 3 years, for the regulatory agencies (State and Federal) is 10,984 hours at a cost of $438,736 (including travel expenses) per year.

Burden means total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a regulatory agency. This includes the time needed to do the following: Review instructions; develop, acquire, install, and use technology and systems for the purposes of collecting and validating information; process, maintain, and disclose information; amend previously applicable instructions and requirements to reflect new HMIWI State or Federal plan requirements; train personnel to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR part 15.

Send comments on the Agency's need for this information, the accuracy of the burden estimates provided, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, OP Regulatory Information Division, U. S. Environmental Protection Agency (2137), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Because OMB is required to make a decision on the ICR between 30 and 60 days after today's request for comment, a comment to OMB is best assured of having its full effect if OMB receives it by September 14, 2000.

C. Executive Order 12866

Under Executive Order 12866, 58 FR 51735 (October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to OMB review and the requirements of the Executive Order. The EPA considered the 1997 emission guidelines to be significant and the rules were reviewed by OMB in 1997. *See* 62 FR 48374. The Federal plan promulgated today would simply implement the 1997 emission guidelines and does not result in any additional control requirements or impose any additional costs above those previously considered during promulgation of the 1997 emission guidelines. Therefore, this regulatory action is considered ''not significant'' under Executive Order 12866.

D. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule. Although section 6 of Executive Order 13132 does not apply to this final rule, EPA did consult with State and local officials to enable them to provide timely input in the development of this final rule.

E. Executive Order 13045

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' 62 FR 19885 (April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate affect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the

analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because (1) it is not an economically significant regulatory action as defined by Executive Order 12866, and (2) it is based on technology performance and not on health or safety risks.

F. Executive Order 13084

Under Executive Order 13084, 63 FR 27655 (May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian Tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

The Federal plan promulgated today does not significantly or uniquely affect communities of Indian Tribal governments. The Federal plan does not impose any enforceable duties on those governments. Moreover, this Federal plan simply implements the 1997 emission guidelines and does not result in any additional control requirements or impose any additional costs above those previously considered during promulgation of the 1997 emission guidelines. Thus, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

G. Unfunded Mandates Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

An unfunded mandates statement was prepared and published in the preamble to the September 15, 1997 NSPS and emission guidelines. *See* 62 FR at 48374–48378. The EPA has determined that the HMIWI Federal plan does not include any new Federal mandates or additional requirements above those previously considered during promulgation of the 1997 emission guidelines. Therefore, the requirements of the UMRA do not apply to this rule.

H. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601 *et seq.*, requires Federal agencies to give special consideration to the impacts of regulations on small entities, which are defined as small businesses, small organizations, and small governments. During the 1997 HMIWI emission guidelines rulemaking, EPA estimated that small entities would not be affected by the promulgated emission guidelines and standards, and therefore, a regulatory flexibility analysis was not required. *See* 62 FR at 48378–48379. This Federal plan would not establish any new requirements. Therefore, pursuant to the provisions of 5 U.S.C. 605 (b), EPA has determined that this Federal plan will not have a significant impact on a substantial number of small entities, and thus a regulatory flexibility analysis is not required.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d), 15 U.S.C. 272 note, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The NTTAA does not apply because the Federal plan promulgated today implements an existing rule to which NTTAA did not apply. In addition, the emission guidelines, which the Federal plan is based on, does not require new technology or impose new technical standards.

J. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 62.

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 4, 2000.

Carol M. Browner,

Administrator.

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.A. 7401–7642.

2. Amend § 62.13 by adding paragraph (c) to read as follows:

§ 62.13 Federal Plans

* * * * *

(c) The substantive requirements of the hospital/ medical/infectious waste incinerator Federal plan are contained in subpart HHH of this part. These requirements include emission limits, compliance schedules, testing, monitoring and reporting and recordkeeping requirements.

* * * * *

3. Add subpart HHH consisting of §§ 62.14400 through 62.14495 as follows:

Subpart HHH—Federal Plan Requirements for Hospital/ Medical/Infectious Waste Incinerators Constructed on or before June 20, 1996.

Applicability

Sec.

Emission Limits

Operator Training and Qualification

Waste Management Plan

Inspection Requirements

Performance Testing, and Monitoring Requirements

Reporting and Recordkeeping Requirements

Compliance Schedule

Permitting Obligation

Definitions

Delegation of Authority

Tables

Subpart HHH—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996

Applicability

§ 62.14400 Am I subject to this subpart?

(a) You are subject to this subpart if paragraphs (a)(1), (2), and (3) of this section are all true:

(1) You own or operate an HMIWI that is not covered by an EPA approved and effective State or Tribal plan;

(2) Construction of the HMIWI commenced on or before June 20, 1996; and

(3) You do not meet any of the exemptions in paragraph (b) of this section.

(b) The following exemptions apply:

If you . . .	And you . . .	And you . . .	Then you . . .
(1) Own or operate an HMIWI that combusts only pathological waste, low-level radioactive waste, and/or chemothera-peutic waste (all defined in 40 CFR 62.14490).	Notify the EPA Administrator (or delegated enforcement authority) of an exemption claim.	Keep records on a calendar quarter basis of the periods of time when only pathological waste, low-level radio active waste, and/or chemo therapeutic waste is combusted, and you submit such records to the EPA Administrator (or delegated enforcement authority) upon request,.	Are not subject to the other sections of this subpart during periods when only pathological, low-level radioactive, and/or chemotherapeutic wastes are combusted.

If you . . .	And you . . .	And you . . .	Then you . . .
(2) Own or operate a co-fired combustor (defined in 40 CFR 62.14490).	Notify the EPA Administrator (or delegated enforcement authority) of an exemption claim and you provide an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted.	Keep records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted as well as the weight of all other fuels and wastes combusted at the co-fired combustor, and these records reflect that the source continues to meet the definition of co-fired combustor in 40 CFR 62.14490, and you submit such records to the EPA Administrator (or delegated enforcement authority) upon request.	Are not subject to the other sections of this subpart.
(3) Own or operate a combustor that must have a permit under Section 3005 of the Solid Waste Disposal Act.	.....	.....	Are not subject to this subpart.
(4) Own or operate a combustor which meets the applicability requirements of 40 CFR part 60 subpart Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors).	.....	.....	Are not subject to this subpart.
(5) Own or operate a pyrolysis unit (defined in 40 CFR 62.14490) processing hospital waste and/or medical/infectious waste.	.....	.....	Are not subject to this subpart.
(6) Own or operate a cement kiln firing hospital waste and/or medical/infectious waste.	.....	.....	Are not subject to this subpart.

(c) Owners or operators of sources that qualify for the exemptions in paragraphs (b)(1) or (b)(2) of this section must submit records required to support their claims of exemption to the EPA Administrator (or delegated enforcement authority) upon request. Upon request by any person under the regulation at part 2 of this chapter (or a comparable law or regulation governing a delegated enforcement authority), the EPA Administrator (or delegated enforcement authority) must request the records in (b)(1) or (b)(2) from an owner or operator and make such records available to the requestor to the extent required by part 2 of this chapter (or a comparable law governing a delegated enforcement authority). Records required under paragraphs (b)(1) and (b)(2) of this section must be maintained by the source for a period of at least 5 years. Notifications of exemption claims required under paragraphs (b)(1) and (b)(2) of this section must be maintained by the EPA or delegated enforcement authority for a period of at least 5 years. Any information obtained from an owner or operator of a source accompanied by a claim of confidentiality will be treated in accordance with the regulations in part 2 of this chapter (or a comparable law governing a delegated enforcement authority).

§ 62.14401 How do I determine if my HMIWI is covered by an approved and effective State or Tribal plan?

This part (40 CFR part 62) contains a list of all States and Tribal areas with approved Clean Air Act section 111(d)/129 plans in effect. However, this part is only updated once a year. Thus, if this part does not indicate that your State or Tribal area has an approved and effective plan, you should contact your State environmental agency's air director or your EPA Regional Office to determine if approval occurred since publication of the most recent version of this part.

§ 62.14402 If my HMIWI is not listed on the Federal plan inventory, am I exempt from this subpart?

Not necessarily. Sources subject to this subpart include, but are not limited to, the inventory of sources listed in Docket A–98–24 for the Federal plan.

§ 62.14403 What happens if I modify an existing HMIWI?

(a) If you commenced modification (defined in 40 CFR 62.14490) of an existing HMIWI after March 16, 1998, you are subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c) and you are not subject to this subpart, except as provided in paragraph (b) of this section.

(b) If you made physical or operational changes to your existing HMIWI solely for the purpose of complying with this subpart, these changes are not considered a modification, and you are not subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c). You remain subject to this subpart.

Emission Limits

§ 62.14410 Are there different emission limits for different locations and sizes of HMIWI?

Yes, there are different emission limits for small rural, small, medium, and large HMIWI. To determine the size category of your HMIWI, consult the definitions in 40 CFR 62.14490.

§ 62.14411 What emission limits apply to my HMIWI?

You must operate your HMIWI in compliance with the emission limit requirements for your HMIWI size category listed in Table 1 of this subpart.

§ 62.14412 What stack opacity requirements apply?

Your HMIWI (regardless of size category) must not discharge into the atmosphere from the stack any gases that exhibit greater than 10 percent opacity (6-minute block average).

§ 62.14413 When do the emission limits and stack opacity requirements apply?

The emission limits and stack opacity requirements of this subpart apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to your HMIWI during periods of startup, shutdown, or malfunction.

Operator Training and Qualification

§ 62.14420 Am I required to have a trained and qualified operator?

You must have a fully trained and qualified HMIWI operator, either at your facility or able to be at your facility within 1 hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.

§ 62.14421 How does an operator become trained and qualified?

(a) The HMIWI operator can obtain training and qualification through a State-approved program or as provided in paragraph (b) of this section.

(b) If there are no State-approved training and qualification programs available or if your operator does not want to participate in a State-approved program, then your operator must complete a training course that includes the requirements in § 62.14422 and satisfy the qualification requirements in § 62.14423.

§ 62.14422 What are the requirements for a training course that is not part of a State-approved program?

A training course must include:

(a) Twenty-four hours of training that includes all of the following subjects:

(1) Environmental concerns, including pathogen destruction and types of emissions;

(2) Basic combustion principles, including products of combustion;

(3) Operation of the type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures;

(4) Combustion controls and monitoring;

(5) Operation of air pollution control equipment and factors affecting performance (if applicable);

(6) Methods to monitor pollutants (continuous emission monitoring systems and monitoring of HMIWI and air pollution control device operating parameters) and equipment calibration procedures (where applicable);

(7) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(8) Actions to correct malfunctions and conditions that may lead to malfunction;

(9) Bottom and fly ash characteristics and handling procedures;

(10) Applicable Federal, State, and local regulations;

(11) Work safety procedures;

(12) Prestartup inspections; and

(13) Recordkeeping requirements.

(b) An examination designed and administered by the instructor; and

(c) Reference material distributed to the attendees covering the course topics.

§ 62.14423 What are the qualification requirements for operators who do not participate in a State-approved program?

(a) Operators who do not participate in a State-approved program must satisfy paragraphs (a)(1) and (2) of this section:

(1) The operator must complete a training course that satisfies the requirements in § 62.14422; and

(2) The operator must have either 6 months experience as an HMIWI operator, 6 months experience as a direct supervisor of an HMIWI operator, or completion of at least two burn cycles under the observation and supervision of two qualified HMIWI operators.

(b) The operator's qualification is valid after paragraphs (a)(1) and (2) of this section are completed.

(c) To remain qualified, the operator must complete and pass an annual review or refresher course of at least 4 hours covering, at a minimum, the following:

(1) Update of regulations;

(2) Incinerator operation, including startup and shutdown procedures;

(3) Inspection and maintenance;

(4) Responses to malfunctions or conditions that may lead to malfunction; and

(5) Discussion of operating problems encountered by attendees.

(d) If the operator's qualification lapses, he or she must renew it by one of the following methods:

(1) For a lapse of less than 3 years, complete and pass a standard annual refresher course described in paragraph (c) of this section;

(2) For a lapse of 3 years or more, complete and pass a training course with the minimum criteria described in § 62.14422.

§ 62.14424 What documentation must I maintain onsite?

(a) You must maintain the following at the facility:

(1) Summary of the applicable standards under this subpart;

(2) Description of basic combustion theory applicable to an HMIWI;

(3) Procedures for receiving, handling, and charging waste;

(4) Procedures for startup, shutdown, and malfunction;

(5) Procedures for maintaining proper combustion air supply levels;

(6) Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;

(7) Procedures for responding to malfunction or conditions that may lead to malfunction;

(8) Procedures for monitoring HMIWI emissions;

(9) Reporting and recordkeeping procedures; and

(10) Procedures for handling ash.

(b) You must keep the information listed in paragraph (a) of this section in a readily accessible location for all HMIWI operators. This information, along with records of training, must be available for inspection by the EPA or its delegated enforcement agent upon request.

§ 62.14425 When must I review the documentation?

(a) You must establish a program for reviewing the information listed in § 62.14424 annually with each HMIWI operator (defined in § 62.14490).

(b) You must conduct your initial review of the information listed in § 62.14424 by February 15, 2001, or prior to assumption of responsibilities affecting HMIWI operation, whichever is later.

(c) You must conduct subsequent reviews of the information listed in § 62.14424 annually.

Waste Management Plan

§ 62.14430 Must I prepare a waste management plan?

Yes. All HMIWI owners or operators must have a waste management plan.

§ 62.14431 What must my waste management plan include?

Your waste management plan must identify both the feasibility of, and the approach for, separating certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. The waste management plan you develop may address, but is not limited to, paper, cardboard, plastics, glass, battery, or metal recycling, or purchasing recycled or recyclable products. Your waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. When you develop your waste management plan it

should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emission reductions expected to be achieved, and any other potential environmental or energy impacts they might have. In developing your waste management plan, you must consider the American Hospital Association publication entitled ''Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities.'' This publication (AHA Catalog No. 057007) is available for purchase from the American Hospital Association (AHA) Service, Inc., Post Office Box 92683, Chicago, Illinois 60675–2683.

§ 62.14432 When must my waste management plan be completed?

As specified in §§ 62.14463 and 62.14464, you must submit your waste management plan with your initial report, which is due 60 days after your initial performance test.

Inspection Requirements

§ 62.14440 Which HMIWI are subject to inspection requirements?

Only small rural HMIWI (defined in § 62.14490) are subject to inspection requirements.

§ 62.14441 When must I inspect my small rural HMIWI?

(a) You must inspect your small rural HMIWI by August 15, 2001.

(b) You must conduct inspections as outlined in § 62.14442 annually (no more than 12 months following the previous annual equipment inspection).

§ 62.14442 What must my inspection include?

At a minimum, you must do the following during your inspection:

(a) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation, and clean pilot flame sensor as necessary;

(b) Check for proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

(c) Inspect hinges and door latches, and lubricate as necessary;

(d) Inspect dampers, fans, and blowers for proper operation;

(e) Inspect HMIWI door and door gaskets for proper sealing;

(f) Inspect motors for proper operation;

(g) Inspect primary chamber refractory lining, and clean and repair/replace lining as necessary;

(h) Inspect incinerator shell for corrosion and/or hot spots;

(i) Inspect secondary/tertiary chamber and stack, and clean as necessary;

(j) Inspect mechanical loader, including limit switches, for proper operation, if applicable;

(k) Visually inspect waste bed (grates), and repair/ seal, as necessary;

(l) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;

(m) Inspect air pollution control device(s) for proper operation, if applicable;

(n) Inspect waste heat boiler systems to ensure proper operation, if applicable;

(o) Inspect bypass stack components;

(p) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

(q) Generally observe that the equipment is maintained in good operating condition.

§ 62.14443 When must I do repairs?

You must complete any necessary repairs within 10 operating days of the inspection unless you obtain written approval from the EPA Administrator (or delegated enforcement authority) establishing a different date when all necessary repairs of your HMIWI must be completed.

Performance Testing and Monitoring Requirements

§ 62.14450 What are the testing requirements for small rural HMIWI?

(a) If you operate a small rural HMIWI (defined in § 62.14490), you must conduct an initial performance test for PM, opacity, CO, dioxin/furan, and Hg using the test methods and procedures outlined in § 62.14452.

(b) After the initial performance test is completed or is required to be completed under § 62.14470, whichever date comes first, if you operate a small rural HMIWI you must determine compliance with the opacity limit by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in § 62.14452.

(c) The 2,000 lb/wk limitation for small rural HMIWI does not apply during performance tests.

(d) The EPA Administrator may request a repeat performance test at any time.

§ 62.14451 What are the testing requirements for HMIWI that are not small rural?

(a) If you operate an HMIWI that is not a small rural HMIWI, you must conduct an initial performance test for PM, opacity, CO, dioxin/furan, HCl, Pb, Cd, and Hg using the test methods and procedures outlined in § 62.14452.

(b) After the initial performance test is completed or is required to be completed under § 62.14470, whichever date comes first, you must:

(1) Determine compliance with the opacity limit by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in § 62.14452.

(2) Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in § 62.14452. If all three performance tests over a 3-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), you may forego a performance test for that pollutant for the next 2 years. At a minimum, you must conduct a performance test for PM, CO, and HCl every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), you may forego a performance test for that pollutant for an additional 2 years. If any performance test indicates noncompliance with the respective emission limit, you must conduct a performance test for that pollutant annually until all annual performance tests over a 3-year period indicate compliance with the emission limit.

(c) The EPA Administrator may request a repeat performance test at any time.

§ 62.14452 What test methods and procedures must I use?

You must use the following test methods and procedures to conduct performance tests to determine compliance with the emission limits:

(a) All performance tests must consist of a minimum of three test runs conducted under representative operating conditions;

(b) The minimum sample time must be 1 hour per test run unless otherwise indicated in this section;

(c) You must use EPA Reference Method 1 of 40 CFR part 60, appendix A to select the sampling location and number of traverse points;

(d) You must use EPA Reference Method 3, 3A, or 3B of 40 CFR part 60, appendix A for gas composition analysis, including measurement of

oxygen concentration. You must use EPA Reference Method 3, 3A, or 3B of 40 CFR part 60, appendix A simultaneously with each reference method;

(e) You must adjust pollutant concentrations to 7 percent oxygen using the following equation:

$$C_{adj} = C_{meas}(20.9 - 7)/(20.9 - \%O_2) \qquad \text{(Eq. 1)}$$

Where:

C_{adj} = pollutant concentration adjusted to 7 percent oxygen;

C_{meas} = pollutant concentration measured on a dry basis at standard conditions

(20.9–7) = 20.9 percent oxygen—7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

$\%O_2$ = oxygen concentration measured on a dry basis at standard conditions, percent.

(f) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 5 or 29 of 40 CFR part 60, appendix A to measure particulate matter emissions;

(g) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 9 of 40 CFR part 60, appendix A to measure stack opacity;

(h) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 10 or 10B of 40 CFR part 60, appendix A to measure the CO emissions;

(i) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 23 of 40 CFR part 60, appendix A to measure total dioxin/furan emissions. The minimum sample time must be 4 hours per test run. If you have selected the toxic equivalency standards for dioxin/furans under § 62.14411, you must use the following procedures to determine compliance:

(1) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23;

(2) For each dioxin/furan congener measured in accordance with paragraph (i)(1) of this section, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 2 of this subpart;

(3) Sum the products calculated in accordance with paragraph (i)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(j) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 26 of 40 CFR part 60, appendix A to measure HCl emissions. If you have selected the percentage reduction standards for HCl under § 62.14411, compute the percentage reduction in HCl emissions ($\%R_{HCl}$) using the following formula:

$$(\%R_{HCl}) = \left(\frac{E_i - E_o}{E_i}\right) \times 100 \qquad \text{(Eq. 2)}$$

Where:

$\%R_{HCl}$ = percentage reduction of HCl emissions achieved;

E_i = HCl emission concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis at standard conditions); and

E_o = HCl emission concentration measured at the control device outlet, corrected to 7 percent oxygen (dry basis at standard conditions).

(k) Except as provided in paragraph (l) of this section, you must use EPA Reference Method 29 of 40 CFR part 60, appendix A to measure Pb, Cd, and Hg emissions. If you have selected the percentage reduction standards for metals under § 62.14411, compute the percentage reduction in emissions ($\%R_{metal}$) using the following formula:

$$(\%R_{metal}) = \left(\frac{E_i - E_o}{E_i}\right) \times 100 \qquad \text{(Eq. 3)}$$

Where:

$\%R_{metal}$ = percentage reduction of metal emission (Pb, Cd, or Hg) achieved;

E_i = metal emission concentration (Pb, Cd, or Hg) measured at the control device inlet, corrected to 7 percent oxygen (dry basis at standard conditions); and

E_o = metal emission concentration (Pb, Cd, or Hg) measured at the control device outlet, corrected to 7 percent oxygen (dry basis at standard conditions).

(l) If you are using a continuous emission monitoring system (CEMS) to demonstrate compliance with any of the emission limits under §§ 62.14411 or 62.14412, you must:

(1) Determine compliance with the appropriate emission limit(s) using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours (not including startup, shutdown, or malfunction). Performance tests using EPA Reference Methods are not required for pollutants monitored with CEMS.

(2) Operate a CEMS to measure oxygen concentration, adjusting pollutant concentrations to 7 percent oxygen as specified in paragraph (e) of this section.

(3) Operate all CEMS in accordance with the applicable procedures under appendices B and F of 40 CFR part 60.

(m) Use of the bypass stack during a performance test will invalidate the performance test.

§ 62.14453 What must I monitor?

(a) If your HMIWI is a small rural HMIWI, or your HMIWI is equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber:

(1) You must establish the appropriate maximum and minimum operating parameters, indicated in Table 3, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and

(2) After the date on which the initial performance test is completed or is required to be completed under § 62.14470, whichever comes first, your HMIWI must not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 3 and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours), at all times except during startup, shutdown, malfunction, and performance tests.

(b) If your HMIWI is not a small rural HMIWI, and you are using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under § 62.14411, you must petition the EPA Administrator for site-specific operating parameters to be established during the initial performance test and you must continuously monitor those parameters thereafter. You may not conduct the initial performance test until the EPA Administrator has approved the petition.

§ 62.14454 How must I monitor the required parameters?

(a) You must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 3 of this subpart such that these devices (or methods) measure and record values for the operating parameters at the frequencies indicated in Table 3 of this subpart at all times except during periods of startup and shutdown. For charge rate, the device must measure and record the date, time, and weight of each charge fed to the HMIWI. This must be done automatically, meaning that the only intervention from an operator during the process would be to load the charge onto the weighing device. For batch HMIWI, the maximum charge rate is measured on a daily basis (the amount of waste charged to the unit each day).

(b) For all HMIWI except small rural HMIWI, you must install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack, including the date, time, and duration of such use.

(c) For all HMIWI except small rural HMIWI, if you are using controls other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under § 62.14411, you must install, calibrate (to manufacturers' specifications), maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to § 62.14453(b).

(d) You must obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data must be obtained for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that your HMIWI is combusting hospital waste and/or medical/infectious waste.

§ 62.14455 What if my HMIWI goes outside of a parameter limit?

(a) Operation above the established maximum or below the established minimum operating parameter(s) constitutes a violation of established operating parameter(s). Operating parameter limits do not apply during startup, shutdown, malfunction, and performance tests.

(b) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is a small rural HMIWI,

And your HMIWI . . .	Then you are in violation of . . .
Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The PM, CO, and dioxin/furan emission limits.

(c) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is equipped with a dry scrubber followed by a fabric filter:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emission limit.
(2) Operates above the maximum fabric filter inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emission limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum HCl sorbent flow rate (3-hour rolling average) simultaneously.	The HCl emission limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emission limit.
(5) Uses the bypass stack (except during startup, shutdown, or malfunction)	The PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

(d) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is equipped with a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emission limit.

And your HMIWI . . .	Then you are in violation of . . .
(2) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum pressure drop across the wet scrubber (3-hour rolling average) or below the minimum horsepower or amperage to the system (3-hour rolling average) simultaneously.	The PM emission limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), below the minimum secondary chamber temperature (3-hour rolling average), and below the minimum scrubber liquor flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emission limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emission limit.
(5) Operates above the maximum flue gas temperature (3-hour rolling average) and above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) simultaneously.	The Hg emission limit.
(6) Uses the bypass stack (except during startup, shutdown, or malfunction)	The PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

(e) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is equipped with a dry scrubber followed by a fabric filter and a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emission limit.
(2) Operates above the maximum fabric filter inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emission limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emission limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emission limit.
(5) Uses the bypass stack (except during startup, shutdown, or malfunction)	The PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

(f) You may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that your HMIWI is not in violation of the applicable emission limit(s). You must conduct repeat performance tests pursuant to this paragraph using the identical operating parameters that indicated a violation under paragraph (b), (c), (d) or (e) of this section.

(g) If you are using a CEMS to demonstrate compliance with any of the emission limits in Table 1 of this subpart or § 62.14412, and your CEMS indicates compliance with an emission limit during periods when operating parameters indicate a violation of an emission limit under paragraphs (b), (c), (d), or (e) of this section, then you are considered to be in compliance with the emission limit. You need not conduct a repeat performance test to demonstrate compliance.

(h) You may conduct a repeat performance test in accordance with § 62.14452 at any time to establish new values for the operating parameters.

Reporting and Recordkeeping Requirements

§ 62.14460 What records must I maintain?

You must maintain the following:

(a) Calendar date of each record;

(b) Records of the following data:

(1) Concentrations of any pollutant listed in Table 1 and/or measurements of opacity;

(2) The HMIWI charge dates, times, and weights and hourly charge rates;

(3) Fabric filter inlet temperatures during each minute of operation, as applicable;

(4) Amount and type of dioxin/furan sorbent used during each hour of operation, as applicable;

(5) Amount and type of Hg sorbent used during each hour of operation, as applicable;

(6) Amount and type of HCl sorbent used during each hour of operation, as applicable;

(7) Secondary chamber temperatures recorded during each minute of operation;

(8) Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable,

(9) Horsepower or amperage to the wet scrubber during each minute of operation, as applicable;

(10) Pressure drop across the wet scrubber system during each minute of operation, as applicable;

(11) Temperature at the outlet from the wet scrubber during each minute of operation, as applicable;

(12) The pH at the inlet to the wet scrubber during each minute of operation, as applicable;

(13) Records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 operating days of an inspection or the time frame established by the EPA Administrator or delegated enforcement authority, as applicable;

(14) Records indicating use of the bypass stack, including dates, times, and durations; and

(15) If you are complying by monitoring site-specific operating parameters under § 62.14453(b), you must monitor all operating data collected.

(c) Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (b)(1) through (15) of this

section were not obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken;

(d) Identification of calendar days, times and durations of malfunctions, and a description of the malfunction and the corrective action taken.

(e) Identification of calendar days for which data on emission rates or operating parameters specified under paragraphs (b)(1) through (15) of this section exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.

(f) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating parameters, as applicable.

(g) Records showing the names of HMIWI operators who have completed review of the documentation in § 62.14424 as required by § 62.14425, including the date of the initial review and all subsequent annual reviews;

(h) Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training;

(i) Records showing the names of the HMIWI operators who have met the criteria for qualification under § 62.14423 and the dates of their qualification; and

(j) Records of calibration of any monitoring devices as required under § 62.14454.

§ 62.14461 For how long must I maintain records?

You must maintain the records specified under § 62.14460 for a period of at least 5 years.

§ 62.14462 Where must I keep the records?

You must maintain all records specified under § 62.14460 onsite in either paper copy or computer-readable format, unless an alternative format is approved by the EPA Administrator.

§ 62.14463 What reporting requirements must I satisfy?

You must report the following to the EPA Administrator (or delegated enforcement authority):

(a) The initial performance test data as recorded under § 62.14450(a) or § 62.14451(a) (whichever applies);

(b) The values for the site-specific operating parameters established pursuant to § 62.14453, as applicable;

(c) The waste management plan as specified in § 62.14431;

(d) The highest maximum operating parameter and the lowest minimum operating parameter for each operating parameter recorded for the calendar year being reported, pursuant to § 62.14453, as applicable;

(e) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded pursuant to § 62.14453 for the calendar year preceding the year being reported, in order to provide a summary of the performance of the HMIWI over a 2-year period;

(f) Any information recorded under § 62.14460(c) through (e) for the calendar year being reported;

(g) Any information recorded under § 62.14460(c) through (e) for the calendar year preceding the year being reported, in order to provide a summary of the performance of the HMIWI over a 2-year period;

(h) The results of any performance test conducted during the reporting period;

(i) If no exceedances or malfunctions occurred during the calendar year being reported, a statement that no exceedances occurred during the reporting period;

(j) Any use of the bypass stack, duration of such use, reason for malfunction, and corrective action taken; and

(k) Records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the time frame established by the EPA Administrator (or delegated enforcement authority).

§ 62.14464 When must I submit reports?

(a) You must submit the information specified in § 62.14463(a) through (c) no later than 60 days following the initial performance test.

(b) You must submit an annual report to the EPA Administrator (or delegated enforcement authority) no more than 1 year following the submission of the information in paragraph (a) of this section and you must submit subsequent reports no more than 1 year following the previous report (once the unit is subject to permitting requirements under title V of the Clean Air Act, you must submit these reports semiannually). The annual report must include the information specified in § 62.14463(d) through (k), as applicable.

(c) You must submit semiannual reports containing any information recorded under § 62.14460(c) through (e) no later than 60 days following the end of the semiannual reporting period. The first semiannual reporting period ends 6 months following the submission of information in paragraph (a) of this section. Subsequent reports must be submitted no later than 6 calendar months following the previous report.

§ 62.14465 Who must sign all submitted reports?

All reports must be signed by the facilities manager (defined in § 62.14490).

Compliance Schedule

§ 62.14470 When must I comply with this subpart if I plan to continue operation of my HMIWI?

If you plan to continue operation of your HMIWI, then you must follow the requirements in paragraph (a) or (b) of this section depending on when you plan to come into compliance with the requirements of this subpart.

(a) If you plan to continue operation and come into compliance with the requirements of this subpart by August 15, 2001, then you must complete the requirements of paragraphs (a)(1) through (a)(4) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by August 15, 2001.

(2) You must achieve final compliance by August 15, 2001. This includes incorporating all process changes and/or completing retrofit construction, connecting the air pollution control equipment or process changes such that the HMIWI is brought on line, and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14450(a) (for small rural HMIWI) or § 62.14451(a) (for HMIWI that are not small rural HMIWI) within 180 days after the date when you are required to achieve final compliance under paragraph (a)(2) of this section.

(4) You must submit an initial report including the results of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

(b) If you plan to continue operation and come into compliance with the requirements of this subpart after August 15, 2001, but before September 15, 2002, then you must complete the requirements of paragraphs (b)(1) through (b)(4) of this section.

(1) You must comply with the operator training and qualification

requirements and inspection requirements (if applicable) of this subpart by August 15, 2001.

(2) You must demonstrate that you are taking steps towards compliance with the emission limits in the subpart by completing the increments of progress in paragraphs (b)(2)(i) through (b)(2)(v) of this section. You must submit notification to the EPA Administrator (or delegated enforcement authority) within 10 business days of completing (or failing to complete by the applicable date) each of the increments of progress listed in paragraphs (b)(2)(i) through (b)(2)(v) of this section. Your notification must be signed by your facilities manager (defined in § 62.14490).

(i) You must submit a final control plan by September 15, 2000. Your final control plan must, at a minimum, include a description of the air pollution control device(s) or process changes that will be employed for each unit to comply with the emission limits and other requirements of this subpart.

(ii) You must award contract(s) for onsite construction, onsite installation of emission control equipment, or incorporation of process changes by April 15, 2001. You must submit a signed copy of the contract(s) awarded.

(iii) You must begin onsite construction, begin onsite installation of emission control equipment, or begin process changes needed to meet the emission limits as outlined in the final control plan by December 15, 2001.

(iv) You must complete onsite construction, installation of emission control equipment, or process changes by July 15, 2002.

(v) You must achieve final compliance by September 15, 2002. This includes incorporating all process changes and/or completing retrofit construction as described in the final control plan, connecting the air pollution control equipment or process changes such that the HMIWI is brought on line, and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14450(a) (for small rural HMIWI) or § 62.14451(a) (for HMIWI that are not small rural HMIWI) within 180 days after the date when you are required to achieve final compliance under paragraph (b)(2)(v) of this section.

(4) You must submit an initial report including the result of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

§ 62.14471 When must I comply with this subpart if I plan to shut down?

If you plan to shut down, then you must follow the requirements in either paragraph (a) or (b) of this section depending on when you plan to shut down.

(a) If you plan to shut down by August 15, 2001, rather that come into compliance with the requirements of this subpart, then you must shut down by August 15, 2001, to avoid coverage under any of the requirements of this subpart.

(b) If you plan to shut down rather than come into compliance with the requirements of this subpart, but are unable to shut down by August 15, 2001, then you may petition EPA for an extension by following the procedures outlined in paragraphs (b)(1) through (b)(3) of this section.

(1) You must submit your request for an extension to the EPA Administrator (or delegated enforcement authority) by November 13, 2000. Your request must include:

(i) Documentation of the analyses undertaken to support your need for an extension, including an explanation of why your requested extension date is sufficient time for you to shut down while August 15, 2001, does not provide sufficient time for shut down. Your documentation must include an evaluation of the option to transport your waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

(ii) Documentation of incremental steps of progress, including dates for completing the increments of progress, that you will take towards shutting down. Some suggested incremental steps of progress towards shut down are provided as follows:

If you . . .	Then your increments of progress could be . . .
Need an extension so you can install an onsite alternative waste treatment technology before you shut down your HMIWI,.	Date when you will enter into a contract with an alternative treatment technology vendor, Date for initiating onsite construction or installation of the alternative technology, and Date for completing onsite construction or installation of the alternative technology, and Date for shutting down the HMIWI.
Need an extension so you can acquire the services of a commercial medical/infectious waste disposal company before you shut down your HMIWI,.	Date when price quotes will be obtained from commercial disposal companies, Date when you will enter into a contract with a commercial disposal company, and Date for shutting down the HMIWI.

(2) You must shut down no later than September 15, 2002.

(3) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by August 15, 2001.

§ 62.14472 When must I comply with this subpart if I plan to shut down and later restart?

If you wish to shut down and later restart, then you must follow the compliance times in paragraph (a), (b), or (c) of this section depending on when you shut down and restart.

(a) If you plan to shut down and restart prior to September 15, 2002, then you must:

(1) Meet the compliance schedule outlined in § 63.14470(a) if you restart prior to August 15, 2001; or

(2) Meet the compliance schedule outlined in § 62.14470(b) if you restart after August 15, 2001. Any missed increments of progress need to be completed prior to or upon the date of restart.

(b) If you plan to shut down by August 15, 2001, and restart after September 15, 2002, then you must complete the requirements of paragraphs (b)(1) through (b)(5) of this section.

(1) You must shut down by August 15, 2001.

(2) You must comply with the operator training and qualification requirements and inspection

requirements (if applicable) of this subpart before restarting your HMIWI.

(3) You must achieve final compliance upon restarting your HMIWI. This includes incorporating all process changes and/or completing retrofit construction, connecting the air pollution control equipment or process changes such that the HMIWI is brought on line, and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(4) You must conduct the initial performance test required by § 62.14450(a) (for small rural HMIWI) or § 62.14451(a) (for HMIWI that are not small rural HMIWI) within 180 days after the date when you restart.

(5) You must submit an initial report including the results of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

(c) If you plan to shut down after August 15, 2001, and restart after September 15, 2002, then you must complete the requirements of paragraphs (c)(1) and (c)(2) of this section.

(1) You must petition EPA for an extension by following the procedures outlined in § 63.14471 paragraphs (b)(1) through (b)(3).

(2) You must comply with the requirements of paragraphs (b)(2) through (b)(5) of this section.

Permitting Obligation

§ 62.14480 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act and implementing regulations?

This subpart requires you to obtain an operating permit under title V of the Clean Air Act and implementing regulations (''title V permit'') unless you are only subject to the recordkeeping and reporting requirements listed at § 62.14400(b)(1) or (b)(2), and § 62.14400(c), of this subpart. Also, if you own or operate a unit described in § 62.14400(b)(3), (b)(4), (b)(5) or (b)(6), you are not subject to any requirements of this subpart; therefore, this subpart does not require you to obtain a title V permit.

§ 62.14481 When must I submit a title V permit application for my HMIWI?

You must submit a title V permit application in time for it to be determined or deemed complete by no later than September 15, 2000 or by the effective date of a title V permits program in the jurisdiction in which the unit is located, whichever is later. (An earlier deadline may apply if your HMIWI is also subject to title V permitting requirements because of some other triggering requirement.) A ''complete'' title V permit application is one that has been approved by the appropriate permitting authority as complete under Section 503 of the Clean Air Act and 40 CFR parts 70 and 71. It is not enough to have submitted a title V permit application by September 15, 2000 because the application must be determined or deemed complete by the permitting authority by that date for your HMIWI to operate after that date in compliance with Federal law.

Definitions

§ 62.14490 Definitions.

Batch HMIWI means an HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.

Biologicals means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

Blood products means any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

Body fluids means liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.

Bypass stack means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

Chemotherapeutic waste means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

Co-fired combustor means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered ''other'' wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

Continuous emission monitoring system or *CEMS* means a monitoring system for continuously measuring and recording the emissions of a pollutant.

Continuous HMIWI means an HMIWI that is designed to allow waste charging and ash removal during combustion.

Dioxins/furans means the combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23.

Dry scrubber means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in the HMIWI exhaust stream forming a dry powder material.

Fabric filter or *baghouse* means an add-on air pollution control system that removes particulate matter (PM) and nonvaporous metals emissions by passing flue gas through filter bags.

Facilities manager means the individual in charge of purchasing, maintaining, and operating the HMIWI or the owner's or operator's representative responsible for the management of the HMIWI. Alternative titles may include director of facilities or vice president of support services.

High-air phase means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

Hospital means any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

Hospital/medical/infectious waste incinerator or HMIWI or *HMIWI unit* means any device that combusts any amount of hospital waste and/or medical/infectious waste.

Hospital/medical/infectious waste incinerator operator or *HMIWI operator* means any person who operates, controls or supervises the day-to-day operation of an HMIWI.

Hospital waste means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and

anatomical parts that are intended for interment or cremation.

Infectious agent means any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

Intermittent HMIWI means an HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

Large HMIWI means:

(1) Except as provided in paragraph (2) of this definition;

(i) An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or

(ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.

(2) The following are not large HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or

(ii) A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

Low-level radioactive waste means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator must operate within established parameters as much as possible, and monitoring of all applicable operating parameters must continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

Maximum charge rate means:

(1) For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(2) For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

Maximum design waste burning capacity means:

(1) For intermittent and continuous HMIWI,

$$C = P_v \times 15{,}000/8{,}500 \qquad \text{(Eq. 4)}$$

Where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft^3

15,000 = primary chamber heat release rate factor, $Btu/ft^3/hr$

8,500 = standard waste heating value, Btu/lb;

(2) For batch HMIWI,

$$C = P_v \times 4.5/8 \qquad \text{(Eq. 5)}$$

Where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft^3

4.5 = waste density, lb/ft^3

8 = typical hours of operation of a batch HMIWI, hours.

Maximum fabric filter inlet temperature means 110 percent of the lowest 3-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

Maximum flue gas temperature means 110 percent of the lowest 3-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

Medical/infectious waste means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (1) through (7) of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in part 261 of this chapter; household waste, as defined in § 261.4(b)(1) of this chapter; ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in § 261.4(a)(1) of this chapter.

(1) Cultures and stocks of infectious agents and associated biologicals, including: Cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

(2) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(3) Human blood and blood products including:

(i) Liquid waste human blood;

(ii) Products of blood;

(iii) Items saturated and/or dripping with human blood; or

(iv) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also include in this category.

(4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

(5) Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

(6) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

(7) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

Medium HMIWI means:

(1) Except as provided in paragraph (2) of this definition;

(i) An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

(ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

(2) The following are not medium HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or

(ii) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

Minimum dioxin/furan sorbent flow rate means 90 percent of the highest 3-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

Minimum Hg sorbent flow rate means 90 percent of the highest 3-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

Minimum horsepower or amperage means 90 percent of the highest 3-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits.

Minimum hydrogen chloride (HCl) sorbent flow rate means 90 percent of the highest 3-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

Minimum pressure drop across the wet scrubber means 90 percent of the highest 3-hour average pressure drop across the wet scrubber PM control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

Minimum scrubber liquor flow rate means 90 percent of the highest 3-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

Minimum scrubber liquor pH means 90 percent of the highest 3-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

Minimum secondary chamber temperature means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, CO, or dioxin/furan emission limits.

Modification or *Modified HMIWI* means any change to an HMIWI unit after March 16, 1998, such that:

(1) The cumulative costs of the modifications, over the life of the unit, exceed 50 per centum of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs, or

(2) The change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under section 129 or section 111.

Operating day means a 24-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in the HMIWI.

Operation means the period during which waste is combusted in the incinerator excluding periods of startup or shutdown.

Particulate matter or *PM* means the total particulate matter emitted from an HMIWI as measured by EPA Reference Method 5 or EPA Reference Method 29.

Pathological waste means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

Primary chamber means the chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

Pyrolysis means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy.

Secondary chamber means a component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

Shutdown means the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown must commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown must commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown must commence no less than 5 hours after the high-air phase of combustion has been completed.

Small HMIWI means:

(1) Except as provided in paragraph (2) of this definition;

(i) An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or

(ii) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

(2) The following are not small HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour;

(ii) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

Small rural HMIWI means a small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste.

Standard conditions means a temperature of 20°C and a pressure of 101.3 kilopascals.

Standard Metropolitan Statistical Area or *SMSA* means any areas listed in

OMB Bulletin No. 93–17 entitled ''Revised Statistical Definitions for Metropolitan Areas'' dated June 30, 1993. This information can also be obtained from the nearest Metropolitan Planning Organization.

Startup means the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, startup means the period of time between activation of the system and ignition of the waste.

Wet scrubber means an add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

Delegation of Authority

§ 62.14495 What authorities will be retained by the EPA Administrator?

The following authorities will be retained by the EPA Administrator and not transferred to the State or Tribe:

(a) The requirements of § 62.14453(b) establishing operating parameters when using controls other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber.

(b) Alternative methods of demonstrating compliance under 40 CFR 60.8.

TABLE 1 OF SUBPART HHH OF PART 62.—EMISSION LIMITS FOR SMALL RURAL, SMALL, MEDIUM, AND LARGE HMIWI

Pollutant	Units (7 percent oxygen, dry basis at standard conditions)	Emission limits			
		HMIWI size			
		Small rural	Small	Medium	Large
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot).	197 (0.086)	115 (0.05)	69 (0.03)	34 (0.015)
Carbon monoxide	Parts per million by volume	40	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet).	800 (350) or 15 (6.6)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction.	3,100	100 or 93%	100 or 93%	100 or 93%
Sulfur dioxide	Parts per million by volume	55	55	55	55
Nitrogen oxides	Parts per million by volume	250	250	250	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction.	10 (4.4)	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction.	4 (1.7)	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction.	7.5 (3.3)	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%

TABLE 2 OF SUBPART HHH OF PART 62.—TONIC EQUIVALENCY FACTORS

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01

TABLE 2 OF SUBPART HHH OF PART 62.—TONIC EQUIVALENCY FACTORS—Continued

Dioxin/furan congener	Toxic equivalency factor
Octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1

TABLE 2 OF SUBPART HHH OF PART 62.—TONIC EQUIVALENCY FACTORS—Continued

Dioxin/furan congener	Toxic equivalency factor
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
Octachlorinated dibenzofuran	0.001

TABLE 3 OF SUBPART HHH OF PART 62.—OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES

Operating parameters to be monitored	Minimum frequency		HMIWI			
	Data measurement	Data recording	Small rural HMIWI	HMIWI [a] with dry scrubber followed by fabric filter	HMIWI [a] with wet scrubber	HMIWI [a] with dry scrubber followed by fabric filter and wet scrubber
Maximum operating parameters:						
Maximum charge rate	Once per charge	Once per charge	✔	✔	✔	✔
Maximum fabric filter inlet temperature.	Continuous	Once per minute		✔		✔
Maximum flue gas temperature	Continuous	Once per minute			✔	✔
Minimum operating parameters:						
Minimum secondary chamber temperature.	Continuous	Once per minute	✔	✔	✔	✔
Minimum dioxin/furan sorbent flow rate.	Hourly	Once per hour		✔		✔
Minimum HCl sorbent flow rate	Hourly	Once per hour		✔		✔
Minimum mercury (Hg) sorbent flow rate.	Hourly	Once per hour		✔		✔
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber.	Continuous	Once per minute			✔	✔
Minimum scrubber liquor flow rate	Continuous	Once per minute			✔	✔
Minimum scrubber liquor pH	Continuous	Once per minute			✔	✔

[a] Does not include small rural HMIWI.

[FR Doc. 00–20341 Filed 8–14–00; 8:45 am]

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S. 1910/P.L. 106–258

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