



# Federal Register

---

9-26-00

Vol. 65 No. 187

Pages 57723-57936

Tuesday

Sept. 26, 2000



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

**The seal of the National Archives and Records Administration authenticates the Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to [swais.access.gpo.gov](http://swais.access.gpo.gov), or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$638, or \$697 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$9.00 for each issue, or \$9.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 65 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche	512-1800
Assistance with public single copies	512-1803

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche	523-5243
Assistance with Federal agency subscriptions	523-5243



# Contents

## Federal Register

Vol. 65, No. 187

Tuesday, September 26, 2000

### Agriculture Department

*See* Animal and Plant Health Inspection Service

*See* Natural Resources Conservation Service

### Alcohol, Tobacco and Firearms Bureau

#### RULES

Alcoholic beverages:

Hard cider; labeling compliance date postponement,  
57734

#### PROPOSED RULES

Alcohol; viticultural area designations:

California Coast, CA, 57763–57771

### Animal and Plant Health Inspection Service

#### RULES

Plant-related quarantine, domestic:

Citrus canker  
Correction, 57723

### Antitrust Division

#### NOTICES

Competitive impact statements and proposed consent  
judgments:

American Society of Composers, Authors, and Publishers,  
57828

American Stock Exchange, LLC, et al., 57829–57842

National cooperative research notifications:

Cable Television Laboratories, Inc., 57842

Management of Accelerated Technology Insertion II,  
57843

Rotorcraft Industry Technology Association, Inc., 57843

Telemanagement Forum, 57843–57844

### Appalachian States Low-Level Radioactive Waste Commission

#### NOTICES

Meetings, 57803

### Arts and Humanities, National Foundation

*See* National Foundation on the Arts and the Humanities

### Centers for Disease Control and Prevention

#### NOTICES

Committees; establishment, renewal, termination, etc.:

Breast and Cervical Cancer Early Detection and Control  
Advisory Committee, 57816

Immunization Practices Advisory Committee, 57816

Meetings:

National Center for Chronic Disease Prevention and  
Health Promotion—

Pregnancy risk assessment monitoring system; pre-  
application meeting, 57816–57817

### Child Support Enforcement Office

#### NOTICES

Grant and cooperative agreement awards:

Wisconsin Department of Workforce Development, 57817

Privacy Act:

Systems of records, 57817–57820

### Coast Guard

#### NOTICES

Meetings:

Great Lakes Regional Waterways Management Forum,  
57857

### Commerce Department

*See* Economic Development Administration

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

### Economic Development Administration

#### NOTICES

Senior Executive Service:

Performance Review Board; membership, 57803

### Education Department

#### NOTICES

Meetings:

Institutional Quality and Integrity National Advisory  
Committee, 57804–57806

### Energy Department

*See* Federal Energy Regulatory Commission

### Environmental Protection Agency

#### RULES

Hazardous waste program authorizations:

Pennsylvania, 57734–57739

#### PROPOSED RULES

Hazardous waste:

Inorganic chemical manufacturing processes  
identification and listing, newly identified wastes  
land disposal restrictions, etc.

Technical correction, 57781–57794

Hazardous waste program authorizations:

Pennsylvania, 57795

Water supply:

National primary drinking water regulations—

Public water systems; unregulated contaminant  
monitoring regulation; clarifications and List 2  
contaminants analytical methods; correction, 57861

#### NOTICES

Meetings:

Science Advisory Board, 57807–57808

Scientific Counselors Board Executive Committee, 57808

National Wastewater Management Excellence Awards

Presentation, 57808–57810

Reports and guidance documents; availability, etc.:

Air quality criteria; ozone and related photochemical  
oxidants, 57810

Superfund program:

National Priorities List; construction completion list;  
policy change, 57810–57811

### Executive Office of the President

*See* Presidential Documents

### Family Support Administration

*See* Child Support Enforcement Office

**Federal Aviation Administration****RULES**

Airworthiness directives:

Bombardier; correction, 57861

Empresa Brasileira de Aeronautica S.A., 57724–57726

**PROPOSED RULES**

Airworthiness directives:

British Aerospace, 57748–57751

Honeywell International Inc., 57753–57755

Raytheon, 57751–57753

**Federal Communications Commission****RULES**

Common carrier services:

Local exchange carriers, low-volume long distance users, and Federal-State Joint Board on Universal Service—

Access charge reform and price cap performance review; correction, 57739–57744

Radio stations; table of assignments:

California, 57745

Georgia, 57744–57745

Missouri, 57745

**PROPOSED RULES**

Common carrier services:

Wireless telecommunications services—

Gulf of Mexico Service Area; cellular service and other commercial mobile radio services; correction, 57798–57799

Radio stations; table of assignments:

New York, 57800

Texas, 57799–57800

**NOTICES**

Rulemaking proceedings; petitions filed, granted, denied, etc., 57811

**Federal Emergency Management Agency****NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 57811–57812

Disaster and emergency areas:

Montana, 57812

New York, 57812

Meetings:

Technical Mapping Advisory Council, 57812–57813

**Federal Energy Regulatory Commission****NOTICES**

Environmental statements; availability, etc.:

Alabama Power Co., 57807

*Applications, hearings, determinations, etc.:*

Dominion Resources, Inc., et al., 57806

El Paso Natural Gas Co., 57806

International Paper Co., 57807

**Federal Housing Finance Board****PROPOSED RULES**

Federal home loan bank system:

Capital structure requirements, 57748

**NOTICES**

Federal home loan bank system:

Conventional 1-family nonfarm mortgage loans; rates and terms monthly survey, 57813–57815

**Federal Reserve System****NOTICES**

Banks and bank holding companies:

Change in bank control, 57815

Formations, acquisitions, and mergers, 57815–57816

Permissible nonbanking activities, 57816

**Fish and Wildlife Service****PROPOSED RULES**

Endangered and threatened species:

Findings on petitions, etc.—

Alabama beach mouse, 57800–57802

**Food and Drug Administration****RULES**

Medical devices:

Gastroenterology and urology devices—

Implanted mechanical/hydraulic urinary continence device; premarket approval requirement; effective date, 57726–57732

**NOTICES**

Meetings:

Food-producing animals; resistance and monitoring thresholds establishment, 57820

Ranch Hand Advisory Committee, 57820–57821

**General Services Administration****PROPOSED RULES**

Federal Management Regulation:

Personal property—

Replacement pursuant to exchange/sale authority, 57795–57798

**Geological Survey****NOTICES**

Grants and cooperative agreements; availability, etc.:

Species at Risk Program, 57824

**Health and Human Services Department***See* Centers for Disease Control and Prevention*See* Child Support Enforcement Office*See* Food and Drug Administration*See* Health Care Financing Administration*See* Substance Abuse and Mental Health Services Administration**Health Care Financing Administration****NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 57821–57822

**Housing and Urban Development Department****NOTICES**

Agency information collection activities:

Proposed collection; comment request, 57823–57824

**Immigration and Naturalization Service****RULES**

Immigration:

Fingerprinting certain applicants for replacement

Permanent Resident Card (Form I-551), 57723–57724

Second preference employment-based immigrant

physicians serving in medically underserved areas, etc.; national interest waivers

Correction, 57861

Nonimmigrant classes:

Habitual residence in United States territories and possessions

Correction, 57861

**Interior Department***See* Fish and Wildlife Service

See Geological Survey  
 See Land Management Bureau  
 See Minerals Management Service  
 See National Park Service

### Internal Revenue Service

#### RULES

Income taxes:

Qualified zone academy bonds; obligations of States and political subdivisions, 57732–57734

#### PROPOSED RULES

Income taxes:

Consolidated return regulations—  
 Agent for consolidated group, 57755–57763

### International Trade Administration

#### NOTICES

Meetings:

Africa Advisory Committee, 57803–57804

### Justice Department

See Antitrust Division  
 See Immigration and Naturalization Service  
 See Juvenile Justice and Delinquency Prevention Office

#### NOTICES

Pollution control; consent judgments:

Midwest Farmers Cooperative, 57828  
 Synergy Development, Inc., 57828

### Juvenile Justice and Delinquency Prevention Office

#### NOTICES

Grants and cooperative agreements; availability, etc.:

Comprehensive program plan (2001 FY)—  
 Program activities, 57911–57932

### Labor Department

See Pension and Welfare Benefits Administration

#### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 57844–  
 57846

### Land Management Bureau

#### NOTICES

Environmental statements; availability, etc.:

North Bank Habitat Management Area, OR, 57824–57825

Oil and gas leases:

Texas, 57825

### Minerals Management Service

#### PROPOSED RULES

Royalty management:

Small refiner administrative fee, 57771–57773

### Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

#### PROPOSED RULES

Freedom of Information Act and Privacy Act;

implementation, 57773–57781

### National Foundation on the Arts and the Humanities

#### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 57847

### National Oceanic and Atmospheric Administration

#### RULES

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—  
 Sharpchin and northern rockfish, 57746–57747

### National Park Service

#### NOTICES

Jurisdictional transfers:

Chaco Culture National Historical Park, NM, 57825

Petroglyph National Monument, NM, 57825–57826

Meetings:

Manzanar National Historic Site Advisory Commission,  
 57826

National Register of Historic Places:

Pending nominations, 57826–57827

Native American human remains and associated funerary objects:

American Museum of Natural History, New York, NY—  
 Inventory possibly from Klamath County, OR, 57827

### Natural Resources Conservation Service

#### NOTICES

Conservation Practices National Handbook:

Conservation practice standards, new or revised;  
 comment request, 57803

### Nuclear Regulatory Commission

#### NOTICES

Operating licenses, amendments; no significant hazards considerations; biweekly notices; correction, 57847–  
 57848

*Applications, hearings, determinations, etc.:*

Florida Power & Light Co., 57847

### Pension and Welfare Benefits Administration

#### NOTICES

Meetings:

Employee Welfare and Pension Benefit Plans Advisory  
 Council, 57846–57847

### Personnel Management Office

#### NOTICES

Meetings:

Federal Salary Council, 57848

### Postal Service

#### PROPOSED RULES

International Mail Manual:

Postal rates, fees, and mail classifications; changes,  
 57863–57909

#### NOTICES

Meetings; Sunshine Act, 57848

### Presidential Documents

#### PROCLAMATIONS

*Special observances:*

Gold Star Mother's Day (Proc. 7344), 57933–57936

#### ADMINISTRATIVE ORDERS

Angola, National Union for the Total Independence of (UNITA); continuation of state of emergency (Notice of September 22, 2000), 57721 [**Editorial Note:** In the **Federal Register** issue of September 25, 2000, the table of contents entry for this item was incorrectly printed under Executive Office of the President and should have read as printed above.]

### Public Health Service

See Centers for Disease Control and Prevention

See Food and Drug Administration

See Substance Abuse and Mental Health Services Administration

**Railroad Retirement Board****NOTICES**

Agency information collection activities:  
Submission for OMB review; comment request, 57848–57849

**Research and Special Programs Administration****RULES**

Pipeline safety:  
Hazardous liquid transportation—  
Underwater abandoned pipeline facilities; correction, 57861

**Securities and Exchange Commission****NOTICES**

Investment Company Act of 1940:  
Exemption applications—  
Eaton Vance Management et al., 57849–57850  
Self-regulatory organizations; proposed rule changes:  
Chicago Stock Exchange, Inc., 57850–57852  
National Association of Securities Dealers, Inc., 57852–57857

**Substance Abuse and Mental Health Services Administration****NOTICES**

Agency information collection activities:  
Proposed collection; comment request, 57822–57823

**Surface Transportation Board****NOTICES**

Rail carriers:  
Cost recovery procedures—  
Adjustment factor, 57857–57858

**Transportation Department**

*See* Coast Guard  
*See* Federal Aviation Administration  
*See* Research and Special Programs Administration  
*See* Surface Transportation Board

**Treasury Department**

*See* Alcohol, Tobacco and Firearms Bureau  
*See* Internal Revenue Service

**NOTICES**

Agency information collection activities:  
Submission for OMB review; comment request, 57858–57860

---

**Separate Parts In This Issue****Part II**

Postal Service, 57863–57909

**Part III**

Department of Justice, Juvenile Justice and Delinquency Prevention Office, 57911–57932

**Part IV**

The President, 57933–57936

---

**Reader Aids**

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

**CFR PARTS AFFECTED IN THIS ISSUE**

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

<b>3 CFR</b>	<b>47 CFR</b>
<b>Proclamations:</b>	54.....57739
7344.....57935	61.....57739
	69.....57739
<b>7 CFR</b>	73 (3 documents) .....57744,
301.....57723	57745
	<b>Proposed Rules:</b>
<b>8 CFR</b>	22.....57798
204.....57861	73 (2 documents) .....57799,
214.....57861	57800
245.....57861	
264.....57723	<b>49 CFR</b>
	192.....57861
<b>12 CFR</b>	<b>50 CFR</b>
<b>Proposed Rules:</b>	679 (2 documents) .....57746
917.....57748	<b>Proposed Rules:</b>
925.....57748	17.....57800
930.....57748	
931.....57748	
932.....57748	
933.....57748	
956.....57748	
960.....57748	
<b>14 CFR</b>	
39 (2 documents) .....57724,	
57861	
<b>Proposed Rules:</b>	
39 (3 documents) .....57748,	
57751, 57753	
<b>21 CFR</b>	
876.....57726	
<b>26 CFR</b>	
1.....57732	
<b>Proposed Rules:</b>	
1.....57755	
<b>27 CFR</b>	
4.....57734	
24.....57734	
<b>Proposed Rules:</b>	
9.....57763	
<b>30 CFR</b>	
<b>Proposed Rules:</b>	
208.....57771	
<b>36 CFR</b>	
<b>Proposed Rules:</b>	
1600.....57773	
<b>39 CFR</b>	
<b>Proposed Rules:</b>	
20.....57864	
<b>40 CFR</b>	
271.....57734	
<b>Proposed Rules:</b>	
141.....57861	
148.....57781	
261.....57781	
268.....57781	
271 (2 documents) .....57781,	
57795	
302.....57781	
<b>41 CFR</b>	
<b>Proposed Rules:</b>	
101-46.....57795	
102-39.....57795	

# Rules and Regulations

Federal Register

Vol. 65, No. 187

Tuesday, September 26, 2000

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

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 00-036-2]

#### Citrus Canker; Addition to Quarantined Areas; Correction

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule; correction.

**SUMMARY:** In an interim rule published in the *Federal Register* on September 5, 2000, we amended the citrus canker regulations by adding portions of several counties in Florida to the list of quarantined areas and by expanding the boundaries of the quarantined areas in several counties in Florida due to recent detections of citrus canker in these areas.

The interim rule contained an error in the description of a quarantined area. This document corrects this error.

**DATES:** This correction is effective September 26, 2000. We invite you to comment on the interim rule (Docket No. 00-036-1), as corrected by this document. We will consider all comments that we receive by November 6, 2000.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 00-036-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 00-036-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except

holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the *Federal Register*, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Poe, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8899.

**SUPPLEMENTARY INFORMATION:** In an interim rule published in the *Federal Register* on September 5, 2000 (65 FR 53528-53531, Docket No. 00-036-1), we stated that we were amending the citrus canker regulations by adding portions of Hendry, Hillsborough, and Palm Beach Counties, FL, to the list of quarantined areas and by expanding the boundaries of the quarantined areas in Broward, Collier, Dade, and Manatee Counties, FL, due to recent detections of citrus canker in these areas.

Although Palm Beach County was listed, our description of quarantined areas did not include any portions of Palm Beach County. Palm Beach County should not have been listed. We are correcting this error in this document.

In rule FR Doc. 00-22636, published on September 5, 2000 (65 FR 53528-53531, Docket No. 00-036-1), make the following correction: On page 53530, column 2, in § 301.75-4, correct the section heading "*Broward, Dade, and Palm Beach Counties*" to read "*Broward and Dade Counties*".

Done in Washington, DC, this 20th day of September 2000.

**Chester A. Gipson,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00-24630 Filed 9-25-00; 8:45 am]

**BILLING CODE 3410-34-U**

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 264

[INS No. 2040-00]

RIN 1115-AF74

#### Fingerprinting Certain Applicants for a Replacement Permanent Resident Card (Form I-551)

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations clarifying which applicants for a replacement Permanent Resident Card (Form I-551) are required to be fingerprinted. This change is necessary to correct an inadvertent error in the regulations, which currently requires all applicants for a replacement Permanent Resident Card to be fingerprinted.

**DATES:** This final rule is effective September 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Office of Field Operations, Immigration and Naturalization Service, 801 I Street, NW., Room 930, Washington, DC 20036, telephone (202) 514-9475.

**SUPPLEMENTARY INFORMATION:**

#### Why Is the Service Changing the Fingerprinting Requirements for a Replacement Permanent Resident Card (Formally Alien Registration Receipt Card)?

On March 17, 1998, the Service published an interim rule in the *Federal Register* at 63 FR 12979 implementing a new program to fingerprint applicants and petitioners for immigration benefits. The new program changed procedures for fingerprinting applicants and petitioners for all immigration benefits, including applicants for a replacement Alien Registration Receipt Card (name was changed to Permanent Resident Card effective January 20, 1999, 63 FR 70313). The interim rule removed the requirement for applicants and petitioners to file applications and petitions with a completed Fingerprint Card (Form FD-258). Instead, under the interim rule, the Service would notify

applicants and petitioners after they filed their applications or petitions to appear at an Application Support Center or other Service-designated location, including State or local law enforcement agencies, to be fingerprinted.

Before publication of the interim rule, the regulations required an applicant for a replacement Alien Registration Receipt Card (currently Permanent Resident Card) to be fingerprinted:

- Only if he or she was applying for a replacement Alien Registration Receipt Card because he or she had reached the age of 14 years, unless
- The existing Alien Registration Receipt Card would expire before his or her 16th birthday.

The interim rule inadvertently changed the regulations to require all applicants for a replacement of, or renewal of, an Alien Registration Receipt Card (currently Permanent Resident Card) to be fingerprinted.

#### What Does This Final Rule Do?

This final rule amends the Service's regulations to correct the inadvertent error made in the interim rule. The Service will fingerprint an applicant filing Form I-90 for replacement of, or renewal of, a Permanent Resident Card only if:

- He or she is applying for a replacement Permanent Resident Card because he or she has reached the age of 14 years.

Accordingly, § 264.5(e)(3)(i) will be amended to clarify that except for those applications filed pursuant to § 264.5(b)(8), applicants for a replacement Permanent Resident Card are not required to be fingerprinted on Form FD-258, unless otherwise instructed by the Attorney General.

#### Will the Service Finalize the March 17, 1998, Interim Rule?

Yes, the Service will finalize the interim rule later this fiscal year and address all comments at that time.

#### Good Cause Exception

The Service's implementation of this rule as a final rule is based on the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The reason and necessity for immediate implementation of this final rule without prior notice and comment are as follows:

Alien Registration Receipt Cards (currently Permanent Resident Cards), that were issued with 10-year expiration dates, are beginning to expire and must be renewed. Under the current regulations all permanent residents who have a Permanent Resident Card that is expiring must be fingerprinted after they

file a Form I-90, Application to Replace Permanent Resident Card.

This final rule is needed to correct an inadvertent error in the regulations so that the Service only requires certain applicants for a replacement Permanent Resident Card to be fingerprinted.

Accordingly, delaying implementation of this final rule would:

- Require all applicants to be fingerprinted unnecessarily,
- Delay the filing and adjudication of these applications, and
- Would be contrary to the public interest.

#### Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects individual applicants for a replacement Permanent Resident Card. It does not affect small entities as that term is defined in 5 U.S.C. 601(b).

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

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

#### Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

#### Executive Order 13132

This rule adopted herein 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

#### List of Subjects in 8 CFR Part 264

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, part 264 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The authority citation for part 264 continues to read:

**Authority:** 8 U.S.C. 1103, 1201, 1201a, 1301-1305.

#### § 264.5 [Amended]

2. In § 264.5, paragraph (e)(3)(i) is amended by adding the phrase "filing under paragraph (b)(8) of this section" immediately after the word "applicant" and before the word "shall".

Dated: February 9, 2000.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 00-24600 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-10-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-122-AD; Amendment 39-11908; AD 2000-19-07]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, EMB-120ER, and EMB-120RT Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-120, EMB-120ER, and EMB-120RT series airplanes, that requires removal of a certain fastener, if applicable, and sealing of the corresponding fastener hole. This action is necessary to prevent contact between one of the bolts that attaches the direct current (DC) relay box on the left-hand side of the airplane and one of the power terminals of electrical emergency contactor 2, which could result in a short circuit in the DC relay box, and consequent partial loss of the electrical system, and degraded operation of airplane systems. This action is intended to address the identified unsafe condition.

**DATES:** Effective October 31, 2000. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 31, 2000.

**ADDRESSES:** The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Carla Worthey, Program Manager, Program Management and Systems Branch, ACE-118A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6062; fax (770) 703-6097.

**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 EMBRAER Model EMB-120, EMB-120ER, and EMB-120RT series airplanes was published in the **Federal Register** on June 27, 2000 (65 FR 39576). That action proposed to require removal of a certain fastener, if applicable, and sealing of the corresponding fastener hole.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No

comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

**Conclusion**

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**Cost Impact**

The FAA estimates that 240 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 actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$14,400, or \$60 per airplane.

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

**Regulatory Impact**

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

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

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, 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:

**2000-19-07 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39-11908. Docket 2000-NM-122-AD.

*Applicability:* Model EMB-120, EMB-120ER, and EMB-120RT series airplanes; serial numbers 120004 and 120006 through 120321 inclusive; certificated in any category; on which EMBRAER Service Bulletin 120-24-0051, dated March 1, 1994; Revision 1, dated May 5, 1994; Revision 2, dated May 31, 1994; Revision 3, dated November 3, 1994; Revision 4, dated March 8, 1995; or the production equivalent, has been accomplished.

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

*Compliance:* Required as indicated, unless accomplished previously.

To prevent contact between one of the bolts that attaches the direct current (DC) relay box on the left-hand (LH) side of the airplane (hereinafter referred to as the "LH DC relay box") and one of the power terminals of electrical emergency contactor 2 (K0519), which could result in a short circuit in the LH DC relay box, and consequent partial loss of the electrical system, and degraded operation of airplane systems, accomplish the following:

**Bolt/Washer Removal and Hole Sealing**

(a) Within 75 flight hours after the effective date of this AD, remove the bolt and washer on the LH DC relay box that is in the area of electrical emergency contactor 2 (K0519) and seal the corresponding fastener hole, in accordance with EMBRAER Alert Service Bulletin 120-24-A057, dated November 14,

1996. If no fastener is installed, seal the corresponding fastener hole only, in accordance with the alert service bulletin.

#### 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. 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.

#### Incorporation by Reference

(d) The actions shall be done in accordance with EMBRAER Alert Service Bulletin 120-24-A057, dated November 14, 1996. 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in Brazilian airworthiness directive 96-12-02, dated December 13, 1996.

#### Effective Date

(e) This amendment becomes effective on October 31, 2000.

Issued in Renton, Washington, on September 14, 2000.

**Donald L. Riggan,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 00-24113 Filed 9-25-00; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 876

[Docket No. 94N-0380]

#### Gastroenterology and Urology Devices; Effective Date of Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing a final rule to require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the implanted mechanical/hydraulic urinary continence device, a generic type of medical device intended for the treatment of urinary incontinence. This action is being taken under the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Medical Device Amendments of 1976 (the amendments), the Safe Medical Devices Act of 1990 (the SMDA), and the Food and Drug Administration Modernization Act of 1997.

**EFFECTIVE DATE:** This rule is effective October 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nicole L. Wolanski, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-2194.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

SMDA added new section 515(i) to the act (21 U.S.C. 360e(i)). This section requires FDA to review the classification of preamendments class III devices for which no final rule has been issued requiring the submission of PMA's and to determine whether each device should be reclassified into class I or class II or remain in class III. For devices remaining in class III, SMDA directed FDA to develop a schedule for issuing regulations to require premarket approval.

In the **Federal Register** of November 23, 1983 (48 FR 53032), FDA published a final rule classifying into class III (premarket approval) the implanted mechanical/hydraulic urinary continence device, a medical device. Section 876.5280 (21 CFR 876.5280) of FDA's regulations setting forth the

classification of the implanted mechanical/hydraulic urinary continence device applies to: (1) Any implanted mechanical/hydraulic urinary continence device that was in commercial distribution before May 28, 1976, and (2) any device that FDA has found to be substantially equivalent to an implanted mechanical/hydraulic urinary continence device in commercial distribution before May 28, 1976.

In the **Federal Register** of February 15, 1995 (60 FR 8595), FDA published a proposed rule, under section 515(b) of the act (21 U.S.C. 360e(b)), to require the filing of PMA's or PDP's for the classified implanted mechanical/hydraulic urinary continence device and all substantially equivalent devices. In accordance with section 515(b)(2)(A) of the act, FDA included in the preamble, the agency's proposed findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements of the act, and (2) the benefits to the public from use of the device.

The preamble also provided an opportunity for interested persons to submit comments on the proposed rule and the agency's proposed findings. Under section 515(b)(2)(B) of the act, it also provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. Any petition requesting a change in the classification of the implanted mechanical/hydraulic urinary continence device was required to be submitted by March 2, 1995. The comment period closed on June 15, 1995.

The agency received three comments in response to the February 15, 1995, proposed rule. These comments were from physicians and a manufacturer. These three comments raised numerous issues. A summary of the comments and FDA's responses are set out below.

This regulation is final upon publication and requires PMA's or notices of completion of a PDP for all implanted mechanical/hydraulic urinary continence devices classified under § 876.5280 and all devices that are substantially equivalent to them. PMA's or notices of completion of a PDP for these devices must be filed with FDA within 90 days of the effective date of this regulation. (See section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)).)

## II. Summary and Analysis of Comments and FDA's Response

### A. General Comments

(Comment 1) FDA received two comments from individual physicians. Although these comments did not object to the proposed call for PMA's or PDP's, they voiced the following common concerns: (1) The implanted mechanical/hydraulic urinary continence device is intended for those with severe urinary incontinence, in whom other modalities are unsuccessful, (2) removal of this device from the U.S. market would be detrimental to public health, and (3) citing the 20 years of use of the device, sufficient historical data exist to evaluate the safety and effectiveness of the implanted mechanical/hydraulic urinary continence device. This last concern was also noted in a comment from an implanted mechanical/hydraulic urinary continence device manufacturer, which stated that the decades of medical literature regarding the risks and benefits of this device provide sufficient evidence of its safety and effectiveness. The comments remarked that FDA has overstated the risks of the implanted mechanical/hydraulic urinary continence device, that the studies are costly and unnecessary, and that the agency can rely on MDR reports or use its authority to ask for post-market surveillance on 510(k) products.

FDA agrees that urinary incontinence is a significant medical problem that negatively affects the lives of many men and women in the United States. Furthermore, since implanted mechanical/hydraulic urinary continence devices represent an important option in the treatment of severe urinary incontinence, FDA agrees with these comments that removal of the implanted mechanical/hydraulic urinary continence device from the market would negatively impact public health. As a result of this concern, FDA has taken the following steps to promote the continued availability of the implanted mechanical/hydraulic urinary continence device during the call for PMA's or PDP's: (1) FDA issued the guidance document entitled "Draft Guidance For Preparation Of PMA Applications For The Implanted Mechanical/Hydraulic Urinary Continence Device(Artificial Urinary Sphincter)" in May 1995 (the 1995 guidance document) to provide industry with detailed recommendations on the content of PMA's; (2) FDA has communicated closely with each implanted mechanical/hydraulic urinary continence device manufacturer

to address the concerns identified in the proposed rule using least burdensome methods, as well as provide recommendations on the design of preclinical and clinical studies; and (3) FDA intentionally postponed the call for PMA's or PDP's to allow manufacturers to collect sufficient data to support the filing of a PMA or PDP.

FDA agrees with the comments that there is a significant amount of information in the published and unpublished literature regarding the implanted mechanical/hydraulic urinary continence device. However, to FDA's knowledge, these studies are neither sufficiently detailed nor properly designed to perform a statistically valid evaluation of safety and effectiveness. As recommended in the 1995 guidance document, PMA's or PDP's should contain safety and effectiveness information on the specific device model(s) proposed in the application.

Although a large body of historical data exists regarding the clinical outcomes of models of implanted mechanical/hydraulic urinary continence devices that are no longer marketed, there is less information available regarding the safety and effectiveness of currently-marketed models. However, if sufficient historical information exists to document the safety and effectiveness of a particular implanted mechanical/hydraulic urinary continence device model that a manufacturer desires to market, or if data about earlier models are directly relevant to a particular device, FDA encourages the use of this data in support of a PMA or PDP for that model.

While FDA agrees that the proposed rule may have overstated the risks of some of the specific implanted mechanical/hydraulic urinary continence device models that are currently on the market, we believe that the information in the proposed rule represents a reasonable estimate of the risks and benefits of the entire category of implanted mechanical/hydraulic urinary continence devices. As noted in many of these comments, manufacturers have made numerous design modifications to improve the reliability of the implanted mechanical/hydraulic urinary continence device and the medical community continues to improve the patient selection criteria, patient counseling information, operative technique, and post-operative care to reduce the incidence of complications. Therefore, FDA expects the rates of complications reported in PMA's or PDP's for particular implanted mechanical/hydraulic urinary continence devices to be lower than

estimated from a review of the literature on the entire device category. However, in writing the proposed call for PMA's or PDP's, FDA must consider the risks and benefits of all implanted mechanical/hydraulic urinary continence devices that currently have the status of being legally marketed in the United States.

While FDA acknowledges that MDR reports and post-market surveillance are valuable tools for obtaining information on devices, FDA believes that additional data are necessary to establish the safety and effectiveness for the implanted mechanical/hydraulic urinary continence device and that these data should be submitted and evaluated within a PMA or PDP.

### B. Erosion

(Comment 2) There was one comment regarding the risk of erosion. This comment stated that erosion of the implanted mechanical/hydraulic urinary continence device occurs infrequently, and for reasons that are not inherent in the device, but instead may be due to a variety of conditions that are characteristic of some patients, e.g., as a result of scar tissue and/or eradiated tissue. The comment further stated that erosion is reported to occur at low rates which are within acceptable limits.

While FDA agrees that the risk of erosion may be small, insufficient information is available to determine the frequency of this event or its consequences. Therefore, FDA believes that it is important for studies submitted in a PMA or PDP to provide accurate information on the incidence of erosion associated with the implantation of the implanted mechanical/hydraulic urinary continence device. As noted in the 1995 guidance document, FDA is requesting information to address the incidence of erosion for this device.

### C. Infection

(Comment 3) There was one comment on the risk of infection. This comment agreed with the proposed rule in acknowledging that infections are not necessarily caused by the device, citing that surgical infections are also reported.

FDA believes that proper patient selection, surgical precautions, and post-operative care can minimize the risk of infection. FDA also believes that it is important for studies submitted in a PMA or PDP to provide accurate information on the incidence and consequences of infection associated with the implantation of the implanted mechanical/hydraulic urinary continence device. As noted in the 1995

guidance document, FDA is requesting information on the incidence of infection for this device.

#### *D. Hydronephrosis*

(Comment 4) There were three comments regarding the risk of hydronephrosis. These comments stated that the occurrence of hydronephrosis is rare and generally a risk only to those with urinary incontinence owing to neurogenic bladder if they have decreased bladder compliance before implantation. Therefore, this risk can be addressed by contraindicating use of the device in patients with decreased bladder compliance and closely monitoring all implant recipients who have neurogenic bladders. Also, one comment indicated that the presence and normal use of the implanted mechanical/hydraulic urinary continence device does not create a negative obstruction to the neurogenic bladder any more than a normally functioning internal sphincter and therefore, the use of the device does not create an additional risk for hydronephrosis that was not already present in this group of patients. Another comment stated that new solutions bring new risks and new problems, and the benefit of continence is well worth the risks. Two comments cited the need for appropriate followup.

FDA agrees that the majority of patients who experience hydronephrosis have been diagnosed with some type of nerve or spinal cord damage. Additionally, FDA concurs with the comments that patients with decreased bladder compliance should not receive an implanted mechanical/hydraulic urinary continence device. However, since hydronephrosis can ultimately lead to kidney damage and require surgical intervention, FDA considers hydronephrosis a serious risk to health. To assess the risk/benefit ratio of an implanted mechanical/hydraulic urinary continence device, FDA believes it is essential to evaluate the frequency of this event and its consequences. Therefore, FDA believes it is important for studies submitted in a PMA or PDP to provide accurate information on the pathogenesis and incidence of hydronephrosis with the implantation of the implanted mechanical/hydraulic urinary continence device.

#### *E. Human Carcinogenicity*

(Comment 5) There was one comment regarding the risk of human carcinogenicity. This comment stated that there is no evidence in the medical literature that the implanted mechanical/hydraulic urinary continence device is associated with the

development of cancer. This comment further stated that silicone causes solid state tumors in animals, a phenomenon thought to be restricted to animals and not applicable to humans. The comment also stated that epidemiological studies have not found that women with silicone breast implants, which contain silicone elastomers similar or identical to those used in the implanted mechanical/hydraulic urinary continence device, are at an increased risk for cancer and that human carcinogenicity should be removed from the list of significant risks associated with the implanted mechanical/hydraulic urinary continence device.

FDA believes that the potential carcinogenicity for this device remains unknown. The agency continues to believe that carcinogenicity is a potential risk that should be addressed in a PMA or PDP.

#### *F. Human Reproductive and Teratogenic Effects*

(Comment 6) There was one comment related to human reproductive and teratogenic effects. This comment stated that there is no evidence that the implanted mechanical/hydraulic urinary continence device is antiandrogenic or teratogenic. This comment also stated that since most implant patients are male, any effects on reproduction or development of offspring must be mediated largely by effects on the male spermatozoa or on male libido. This comment further stated that human reproductive and teratogenic effects should be removed from the list of significant risks associated with the implanted mechanical/hydraulic urinary continence device.

FDA agrees that there are no published studies showing that implanted mechanical/hydraulic urinary continence devices are associated with toxic reproductive effects or teratogenic effects. However, FDA believes that the reproductive and/or teratogenic effects of these products remain potential risks that should be addressed in a PMA or PDP.

#### *G. Immune Related Connective Tissue Disorders—Immunological Sensitization*

(Comment 7) There was one comment regarding the risks of immune related connective tissue disorders and immunological sensitization. This comment stated that there is no evidence that the implanted mechanical/hydraulic urinary continence device causes either immune related connective tissue disorders or immunological sensitization and that no definitive link between silicone and

autoimmune diseases has been established. Furthermore, this comment stated that since the diseases most frequently associated with autoimmune responses occur at a lower frequency in men than women, it may be impossible to extrapolate the findings from any study of silicone breast implants to the implanted mechanical/hydraulic urinary continence device. This comment stated that immune related connective tissue disorders and immunological sensitization should be removed from the list of significant risks associated with the implanted mechanical/hydraulic urinary continence device.

FDA agrees that no definitive causal relationship has been established between immunological effects and/or connective tissue disorders and the implanted mechanical/hydraulic urinary continence device. Epidemiological data published within the last several years (Refs. 3, 4 and 5) addressing the relationship between silicone breast prostheses and autoimmune diseases or connective tissue diseases indicate that silicone breast prostheses have not caused a large increase in the incidence of connective tissue disease in women with breast implants. However, the possibility of a smaller, increased risk of immunological effects among patients with implanted mechanical/hydraulic urinary continence devices, or of an atypical, as yet undefined, syndrome or disease, cannot be eliminated based on these data.

FDA is aware that differences between the incidence of autoimmune diseases or connective tissue diseases in men and women make it difficult to extrapolate the results of breast implant studies (in women) to prospective outcomes of the implanted mechanical/hydraulic urinary continence device (in men and women). In the 1995 guidance document, FDA recommends that a cohort of implanted mechanical/hydraulic urinary continence device recipients be regularly monitored for the occurrence of such adverse events as part of an active surveillance program for a minimum of 5 years postimplantation. FDA continues to believe that adverse immune related connective tissue disorders and immunological sensitization remain potential risks that must be assessed in a PMA or PDP, but FDA does not believe that 5 years of prospective data collection on a specific product will be necessary for PMA approval or PDP completion.

### H. Biological Effects of Silica

(Comment 8) One comment stated that fumed amorphous silica is so tightly bound in the silicone elastomer components of the implanted mechanical/hydraulic urinary continence device that the fumed amorphous silica is biologically inactive. For that reason, this comment believed that the presence of fumed amorphous silica is not a risk to health of the implanted mechanical/hydraulic urinary continence device. This comment also stated that complications related to the release of silica from the implanted mechanical/hydraulic urinary continence device have not been observed.

FDA does not believe there is sufficient information to eliminate fumed amorphous silica as a potential risk to health associated with the implanted mechanical/hydraulic urinary continence device, particularly since the amount of fumed amorphous silica is varied in order to achieve the desired physical characteristics of the device's components. Consequently, the agency believes that this potential risk to health should be addressed in a PMA or PDP.

### I. Silicone Particle Shedding, Silicone Gel Leakage, and Associated Migration

(Comment 9) There was one comment regarding the risk of silicone particle shedding. This comment stated that the potential risk to patients with implanted mechanical/hydraulic urinary continence devices is small, and should be deleted from the list of significant risks.

Based upon information presented in the comments, FDA agrees that silicone particle shedding is not a risk to health of the implanted mechanical/hydraulic urinary continence device. Although silicone particle shedding and subsequent migration have been reported with implanted mechanical/hydraulic urinary continence devices (Ref. 1), the quantity of such particles was minimal and no deleterious effects were associated with this finding. Furthermore, subsequent research published after the proposed call for PMA's and PDP's was unable to document evidence of silicone particle migration (Ref. 2). FDA, therefore, does not believe silicone particle shedding is a risk that needs to be addressed in PMA's or PDP's for these devices.

(Comment 10) One comment stated that silicone gel leakage and gel bleed are not risks to the health associated with this device since there are no implanted mechanical/hydraulic

urinary continence devices that contain silicone gel.

FDA disagrees with the comment that no implanted mechanical/hydraulic urinary continence device contains silicone gel. FDA is aware of at least one device model, no longer marketed in the United States, that contained silicone gel within its silicone elastomer envelope. FDA agrees with the comment that the potential risks of silicone gel are not applicable to implanted mechanical/hydraulic urinary continence devices that do not contain silicone gel.

### J. Need for Risk/Benefit Information

(Comment 11) One comment stated that FDA should justify the need for risk/benefit data for various subgroups as is done in the literature. The literature lists the medical conditions at high risk for surgery (e.g., spinal cord injured patients, and Type I diabetics with high levels of glycosylated hemoglobin), as well as subgroups for whom less than optimal results may occur. Two comments were received regarding the collection of information on the presurgical workup and prior failed conservative treatments. Both comments stated that this information can be found in the literature, and that there is no need for additional studies to evaluate these areas.

Although some information pertaining to these issues can be found in the literature, FDA believes that more comprehensive and complete data are needed regarding the risk/benefit analysis for each subgroup for whom the device will be indicated.

(Comment 12) There was one comment objecting to the concern that the device may have effects upon male sexual function. This comment stated that a majority of the male patients receiving these devices are either post-prostatectomy or post-pelvic trauma patients who, independent of the device, would be at high risk for developing erectile function problems.

Because not all patients would be at risk of developing erectile dysfunction independent of the device, FDA believes that all potential risks should be identified and that the frequency of these risks should be reported to allow the patient to make an informed choice regarding options for treatment.

### K. PMA Contents

(Comment 13) FDA received one extensive comment on the types of manufacturing information, pre-clinical testing, and clinical data that should be required in a PMA for an implanted mechanical/hydraulic urinary continence device, as well as two

general comments on the appropriate contents of a PMA.

FDA agrees with many of the points raised in these comments. Although the 1995 guidance document describes the general types of manufacturing, pre-clinical, and clinical data that FDA believes can support approval of a PMA for an implanted mechanical/hydraulic urinary continence device, the agency realizes that other, scientifically sound methods exist for addressing the identified risks and benefits of the device and encourages manufacturers to document the safety and effectiveness of their device using least burdensome approaches. In fact, FDA has agreed to the use of many of these alternative approaches for the collection and analysis of data in its past interactions with manufacturers of implanted mechanical/hydraulic urinary continence devices. Furthermore, FDA intends to revise the 1995 guidance document to incorporate many of these comments.

## III. Findings With Respect to Risks and Benefits

### A. Degree of Risk

#### 1. Erosion

Erosion is the breakdown of tissue adjacent to the device. Types of erosion, which have been reported, include: cuff erosion into the urethra or bladder neck and pump erosion through the labia, vagina, scrotum and the perineum. Factors contributing to erosion include infection of the prosthesis, previous surgery, poor vascularization, prior pelvic irradiation, improper cuff size, improper reservoir volume, surgical injury, excessive urethral compression, and premature activation. Erosion may lead to device extrusion, and can require surgical intervention.

#### 2. Infection

Infection is a risk associated with any surgical implant procedure, including the implanted mechanical/hydraulic urinary continence device. Compromised device sterility and surgical techniques may be a major contributing factor to this risk. Infection may result in the removal of the implant and may result in an inability to replace the device.

#### 3. Mechanical Malfunctions

As with other prosthetic devices intended to restore a physiologic function, implanted mechanical/hydraulic urinary continence devices may mechanically malfunction. Reported types of mechanical malfunctions include leakage, tubing kinks, disconnection of tube, pump

assembly failure, and balloon herniation. Mechanical malfunctions may be caused by improper device handling or improper surgical technique, or problems with the device's design or manufacturing process. Surgical intervention to remove or replace the device is required if the patient desires a functional prosthesis or if the device malfunction results in total urinary retention.

#### 4. Iatrogenic Disorders

Improper device handling, inadequate pressure within the system, and device missizing are among the preventable complications caused as a result of surgical technique. Iatrogenic disorders may be responsible for various adverse conditions necessitating device removal and/or replacement.

#### 5. Hydronephrosis

This complication has mostly occurred when the device is implanted in patients with nerve or spinal cord damage. The pathogenesis and incidence of this risk is unknown.

#### 6. Human Carcinogenicity

The potential for developing cancer as a result of the long-term implantation of the implanted mechanical/hydraulic urinary continence device cannot be eliminated as a potential risk associated with this device.

#### 7. Human Reproductive and Teratogenic Effects

Although FDA is not aware of data indicating that the implanted mechanical/hydraulic urinary continence device is associated with reproductive and teratogenic effects, the potential for teratogenicity and other reproductive adverse effects as a result of long-term implantation of the device cannot be eliminated as a possible risk to health.

#### 8. Immune Related Connective Tissue Disorders—Immunological Sensitization

The potential for developing immunological effects and/or connective tissue disorders as a result of long-term exposure to the implanted mechanical/hydraulic urinary continence device remains uncertain. Since the publication of the proposed rule 5 years ago, new epidemiological data (Refs. 3, 4 and 5) addressing the relationship between silicone breast prostheses and autoimmune diseases or connective tissue diseases indicate that silicone breast prostheses have not caused a large increase in the incidence of connective tissue disease in women with breast implants. However, the possibility of a smaller, increased risk of

immunological effects among people with implanted mechanical/hydraulic urinary continence devices, or of an atypical, as yet undefined, syndrome or disease, cannot be eliminated based on these data.

#### 9. Biological Effects of Silica

Amorphous fumed silica is bound to the silicone in the elastomer of the implanted mechanical/hydraulic urinary continence device. Silica presents a potential risk which should be addressed in a PMA or PDP.

#### 10. Silicone Gel Leakage and Associated Migration

Small quantities of silicone gel are present in at least one model of the implanted mechanical/hydraulic urinary continence device. Silicone gel leakage and associated migration are potential risks, which should be addressed in a PMA or PDP for any device that contains this material.

#### 11. Degradation of Polyurethane Elastomer

Polyurethane elastomer materials, which may be present in some implanted mechanical/hydraulic urinary continence devices, may degrade over time and release degradation products which are potential carcinogens in animals. When present, polyurethane elastomer degradation is a potential risk which should be addressed in a PMA or PDP.

#### 12. Degradation of Polyurethane Foam

Polyurethane foam materials, which may be present in some implanted mechanical/hydraulic urinary continence devices, are known to degrade over time. When present, polyurethane foam degradation is a potential risk which should be addressed in a PMA or PDP.

#### 13. Other Reported Complications

Other reported complications associated with the implantation of the implanted mechanical/hydraulic urinary continence device include perineal discomfort/pain, development of bladder hyperreflexia, worsening/persistence of incontinence, urinary retention, hematoma, inguinal hernia formation, fibrous capsule formation, failure of cuff to deflate, broken tubing, fistula formation from urethral erosion, urethral scarring, bleeding, urethral stricture requiring urethrotomy, wound dehiscence, pelvic abscess, and fistula to the skin. These complications should be addressed in a PMA or PDP.

#### B. Benefits of the Device

The implanted mechanical/hydraulic urinary continence device is intended to restore urinary continence. It has the potential to be an effective treatment for urinary incontinence. Implant recipients may also benefit from an improved quality of life and self-esteem.

#### IV. Final Rule

Under section 515(b)(3) of the act, FDA is adopting the findings as published in the preamble to the proposed rule and is issuing this final rule to require premarket approval of the generic type of device, the implanted mechanical/hydraulic urinary continence device, by revising § 876.5280(c).

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed on or before December 26, 2000, for any implanted mechanical/hydraulic urinary continence device that was in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before December 26, 2000. An approved PMA or a declared completed PDP is required to be in effect for any such device on or before 180 days after FDA files the application. Any other implanted mechanical/hydraulic urinary continence device that was not in commercial distribution before May 28, 1976, or that has not been found by FDA to be substantially equivalent to such a device on or before December 26, 2000, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for an implanted mechanical/hydraulic urinary continence device is not filed on or before December 26, 2000, that device will be deemed adulterated under section 501(f)(1)(A) of the act, and commercial distribution of the device will be required to cease immediately. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (part 812) (21 CFR part 812) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that, on the effective date of this rule, the exemptions from the IDE requirements in § 812.2(c)(1) and (c)(2) will no longer apply to clinical investigations of the implanted mechanical/hydraulic urinary continence device. Further, FDA concludes that investigational implanted mechanical/hydraulic urinary continence devices are significant risk devices as defined in

§ 812.3(m) and advises that, as of the effective date of this rule, the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of an implanted mechanical/hydraulic urinary continence device. For any implanted mechanical/hydraulic urinary continence device that is not the subject of a timely filed PMA or PDP, an IDE must be in effect under § 812.20 on or before 90 days after the effective date of this regulation or distribution of the device must cease. FDA advises all persons presently sponsoring a clinical investigation involving the implanted mechanical/hydraulic urinary continence device to submit an IDE application to FDA no later than 60 days after the effective date of this final rule to avoid the interruption of ongoing investigations.

#### V. Environmental Impact

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

#### VI. Analysis of Impacts

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

FDA expects that only one or two manufacturers will submit a PMA or PDP for the implanted mechanical/hydraulic urinary continence device. FDA estimates that it costs up to \$1 million to develop and submit a PMA or PDP for this type of device. As noted previously, the implanted mechanical/hydraulic urinary continence device

was classified into class III on November 23, 1983, and FDA published a proposed rule to require a PMA or PDP for this device on February 15, 1995. Thus, manufacturers have long been aware of the need to develop information in support of a PMA or a PDP. The cost of developing the data, therefore, has been spread over the past several years. Moreover, since the publication of the proposed rule, FDA has been working closely with the manufacturers to assist them in preparing for the submission of a PMA or a PDP. FDA, therefore, believes that this final rule will not be an undue burden on these manufacturers.

Because only one or two companies will incur costs, the agency therefore certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

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

#### VII. Paperwork Reduction Act of 1995

This final rule contains information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3530). The burden hours required for § 876.5280(c) are reported and approved under OMB Control No. 0910–0231.

#### VIII. Federalism

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

federalism summary impact statement is not required.

#### IX. References

The following references have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. These references may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

1. Barrett, D. M., D. C. O'Sullivan, A. A. Maliza, H. M. Reiman, and P. C. Abell-Aleff, "Particle Shedding and Migration From Silicone Genitourinary Prosthetic Devices," *The Journal of Urology*, 146:319–322, 1991.
2. Fishman, I. J., and F. N. Flores, "Retrospective Review of Pelvic Lymph Nodes in Patients with Previously Implanted Silicone Penile Prosthesis," *The Journal of Urology*, 149:355A, 1993.
3. Hennekens, C. H., I. Lee, N. Cook, P. R. Hebert, E. W. Karlson, F. LaMotte, J. E. Manson, and J. E. Buring, "Self-reported Breast Implants and Connective-Tissue Diseases in Female Health Professionals," *Journal of the American Medical Association*, 275:616–621, 1996.
4. Silverman, B. G., S. L. Brown, R. A. Bright, R. G. Kaczmarek, J. B. Arrowsmith-Lowe, and D. A. Kessler, "Reported Complications of Silicone Gel Breast Implants: An Epidemiologic Review," *Annals of Internal Medicine*, 124:744–756, 1996.
5. Institute of Medicine, "Safety of Silicone Breast Implants," National Academy Press, Washington, DC, 1999.

#### List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

#### PART 876—GASTROENTEROLOGY AND UROLOGY DEVICES

1. The authority citation for 21 CFR part 876 continues to read as follows:

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

2. Section 876.5280 is amended by revising paragraph (c) to read as follows:

#### § 876.5280 Implanted mechanical/hydraulic urinary continence device.

\* \* \* \* \*

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December

26, 2000, for any implanted mechanical/hydraulic urinary continence device that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 2000, been found to be substantially equivalent to an implanted mechanical/hydraulic urinary continence device that was in commercial distribution before May 28, 1976. Any other implanted mechanical/hydraulic urinary continence device shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: September 11, 2000.

**Linda S. Kahan,**

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

[FR Doc. 00-24632 Filed 9-25-00; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8903]

RIN 1545-AY01

#### Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions

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

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to the Federal income tax treatment of qualified zone academy bonds. These regulations provide guidance to State and local governments that issue qualified zone academy bonds and to banks, insurance companies and other taxpayers that hold those bonds. These regulations make final certain temporary regulations.

**DATES:** *Effective Date:* These regulations are effective September 26, 2000.

*Applicability Date:* For dates of applicability, see § 1.1397E-1(k).

**FOR FURTHER INFORMATION CONTACT:** Timothy L. Jones or Allan B. Seller at 202-622-3980 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 226(a) of the Taxpayer Relief Act of 1997, Public Law 105-34 (111 Stat. 788), amended the Internal Revenue Code (Code) by redesignating section 1397E as section 1397F and adding a new section 1397E. Section 1397E authorizes a type of debt

instrument known as a qualified zone academy bond.

#### Explanation of Provisions

##### *In General*

A qualified zone academy bond is a taxable bond issued by a State or local government, the proceeds of which are used to enhance certain eligible public schools. In lieu of receiving periodic interest payments from the issuer, an eligible holder of a qualified zone academy bond is generally allowed annual federal income tax credits while the bond is outstanding. These credits compensate the holder for lending money to the issuer and function as payments of interest on the bond.

Temporary regulations (REG-119449-97) interpreting section 1397E were published on January 7, 1998 (63 FR 671), and amended on July 1, 1999 (64 FR 35573). The temporary regulations generally treat the allowance of the credit as if it were a payment of interest on the bond.

Code section 1397E(e), as amended by section 509 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170 (113 Stat. 1860), imposes a national limitation on the amount of qualified zone academy bonds that can be issued. For each applicable year, the IRS publishes a revenue procedure allocating the national limitation among the States and the possessions.

##### *Bonds Issued by a State or Local Government*

Section 1397E(d)(1)(B) requires that a qualified zone academy bond be issued by a State or local government within the jurisdiction of which a qualified zone academy (as defined in section 1397E(d)(4)) is located. Commentators requested clarification that, for these purposes, a State or local government means a State or political subdivision as defined for purposes of section 103(c). Commentators also requested that the final regulations include a provision for the issuance of qualified zone academy bonds on behalf of a State or local government in a manner similar to the issuance of obligations on behalf of a State or political subdivision under section 103.

The final regulations provide that, for purposes of section 1397E(d)(1)(B), the term *State or local government* means a State or political subdivision as defined for purposes of section 103(c). The final regulations also specify that a qualified zone academy bond may be issued on behalf of a State or local government under rules similar to those for determining whether a bond issued on

behalf of a State or political subdivision constitutes an obligation of that State or political subdivision for purposes of section 103.

##### *Private Business Contribution Requirement*

Section 1397E(d)(1)(C)(ii) requires the issuer of a qualified zone academy bond to certify that it has written assurances that the private business contribution requirement of section 1397E(d)(2) will be met with respect to the qualified zone academy. For these purposes, the private business contribution requirement is met if the *eligible local education agency* (as defined in section 1397E(d)(4)(B)) has written commitments from private entities to make qualified contributions having a present value as of the issue date of 10 percent or more of the proceeds of the issue.

The Code does not define *private entities* for these purposes. Section 1397E(d)(2)(B) defines *qualified contribution* as any contribution (of a type and quality acceptable to the eligible local education agency) of (i) equipment for use in the qualified zone academy, (ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom, (iii) services of employees as volunteer mentors, (iv) internships, field trips, or other educational opportunities outside the academy for students, or (v) any other property or service specified by the eligible local education agency.

Commentators requested clarification of the meaning of *private entities* for these purposes. For example, commentators asked whether the term may include an organization described in section 501(c)(3) or a private individual.

The final regulations provide that, for purposes of section 1397E(d)(2)(A), the term *private entities* includes any person (as defined in section 7701(a)) other than the United States, a State or local government, or any agency or instrumentality thereof or related party with respect thereto.

Commentators also sought clarification regarding the meaning of *qualified contribution* under section 1397E(d)(2)(B). The final regulations provide that cash received with respect to a qualified zone academy from a private entity constitutes a qualified contribution if it is to be used to purchase any property or service described in section 1397E(d)(2)(B)(i), (ii), (iii), (iv) or (v). The final regulations also indicate that services of employees of the eligible local education agency do not constitute qualified contributions.

### Issuer Certifications

Section 1397E(d)(1)(C) requires the issuer to certify (1) that it has written assurances that the private business contribution requirement will be met, and (2) that it has the written approval of the eligible local education agency for the bond issuance. The Treasury and the IRS intend that these certifications will be respected and may be relied on by taxpayers if the certifications are reasonably made.

### 95 Percent Test

Section 1397E(d)(1)(A) requires that 95 percent or more of the proceeds of an issue of qualified zone academy bonds be used for a qualified purpose described in section 1397E(d)(5) with respect to a qualified zone academy. The Treasury and the IRS intend that the qualified purposes set forth in section 1397E(d)(5) are to be broadly interpreted. The Treasury and the IRS also intend that issuers may apply principles similar to the requirements of § 1.142-2 (without regard to the requirement therein that the period between the issue date and the first call date not exceed 10½ years) to cure an unexpected failure to spend 95 percent or more of the proceeds of an issue for a qualified purpose. Further, the Treasury and the IRS intend that taxpayers may rely on an issuer's determination that a public school (or academic program within a public school) is a qualified zone academy for purposes of section 1397E(d)(4) if the determination has a reasonable basis.

### Effective Dates

The final regulations apply to bonds sold on or after September 26, 2000. In addition, the final regulations permit elective, retroactive application to bonds sold before September 26, 2000 of either of the following sections of the regulations: § 1.1397E-1(c) (private business contribution requirement) and § 1.1397E-1(i) (State or local government).

### Special Analyses

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

the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

### Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

#### PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by removing the entry for Section 1.1397E-1T and adding a new entry in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \* Section 1.1397E-1 also issued under 26 U.S.C. 1397E(b) and (d).

#### § 1.1397E-1T [Redesignated as § 1.1397E-1]

**Par. 2.** Section 1.1397E-1T is redesignated as § 1.1397E-1.

**Par. 3.** Newly designated § 1.1397E-1 is amended as follows:

1. The section heading is revised.
  2. Revising paragraphs (c), (f)(2), (i) and (j).
  3. Adding a new paragraph (k).
- The revisions and addition read as follows:

#### § 1.1397E-1 Qualified zone academy bonds.

\* \* \* \* \*

(c) *Private business contribution requirement—(1) Reasonable discount rate.* To determine the present value (as of the issue date) of qualified contributions from private entities under section 1397E(d)(2), the issuer must use a reasonable discount rate. The credit rate determined under paragraph (b) of this section is a reasonable discount rate.

(2) *Definition of private entities.* For purposes of section 1397E(d)(2)(A), the term *private entities* includes any person (as defined in section 7701(a)) other than the United States, a State or local government, or any agency or instrumentality thereof or related party with respect thereto. To determine whether a person is related to the United States or a State or local government under this paragraph (c)(2), rules similar to those for determining whether a person is a related party under § 1.150-1(b) shall apply (treating the United States as a governmental unit for purposes of § 1.150-1(b)).

(3) *Qualified contribution.* For purposes of section 1397E(d)(2)(A), the

term *qualified contribution* means any contribution (of a type and quality acceptable to the eligible local education agency) of any property or service described in section 1397E(d)(2)(B)(i), (ii), (iii), (iv) or (v). In addition, cash received with respect to a qualified zone academy from a private entity (other than cash received indirectly from a person that is not a private entity as part of a plan to avoid the requirements of section 1397E) constitutes a qualified contribution if it is to be used to purchase any property or service described in section 1397E(d)(2)(B)(i), (ii), (iii), (iv) or (v). Services of employees of the eligible local education agency do not constitute qualified contributions.

\* \* \* \* \*

(f) \* \* \*

(2) *Adjustment if the holder cannot use the credit to offset a tax liability.* If a holder holds a qualified zone academy bond on the credit allowance date but cannot use all or a portion of the credit to reduce its income tax liability (for example, because the holder is not an eligible taxpayer or because the limitation in section 1397E(c) applies), the holder is allowed a deduction for the taxable year that includes the credit allowance date (or, at the option of the holder, the next succeeding taxable year). The amount of the deduction is equal to the amount of the unused credit deemed paid on the credit allowance date.

\* \* \* \* \*

(i) *State or local government—(1) In general.* For purposes of section 1397E(d)(1)(B), the term *State or local government* means a State or political subdivision as defined for purposes of section 103(c).

(2) *On behalf of issuer.* A qualified zone academy bond may be issued on behalf of a State or local government under rules similar to those for determining whether a bond issued on behalf of a State or political subdivision constitutes an obligation of that State or political subdivision for purposes of section 103.

(j) *Cross-references.* See section 171 and the regulations thereunder for rules relating to amortizable bond premium. See § 1.61-7(d) for the seller's treatment of a bond sold between interest payment dates (credit allowance dates) and § 1.61-7(c) for the buyer's treatment of a bond purchased between interest payment dates (credit allowance dates).

(k) *Effective dates.* Except as provided in this paragraph (k), this section applies to bonds sold on or after September 26, 2000. Each of paragraphs (c) and (i) of this section may be applied

by issuers to bonds that are sold before September 26, 2000.

**Bob Wenzel,**

*Deputy Commissioner of Internal Revenue.*

Approved: September 19, 2000.

**Jonathan Talisman,**

*Acting Assistant Secretary of the Treasury.*

[FR Doc. 00-24588 Filed 9-25-00; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 4 and 24

[T.D. ATF-430 Re: T.D. ATF-418 T.D. ATF-398, Notice No. 859 and Notice No. 869] RIN 1512-AB71

#### Hard Cider; Postponement of Labeling Compliance Date (97-2523)

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Temporary rule (Treasury decision).

**SUMMARY:** This temporary rule postpones the mandatory compliance date for the labeling of hard cider. We are delaying the compliance date for the temporary labeling rules so that we can finalize the definition and the new labeling rules in one document.

**DATES:** Effective date: This document is effective September 26, 2000.

*Compliance date:* Compliance with the hard cider labeling requirements in 27 CFR 4.21 and 24.257 is not mandatory until January 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Marjorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927-8230; or mdruhf@atfhq.atf.treas.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 21, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) issued a temporary rule to implement various sections of the Taxpayer Relief Act of 1997, Public Law 105-34 ("the Act"). Section 908 of the Act amended the Internal Revenue Code of 1986 (IRC) to create a new excise tax category for hard cider. The temporary rule, T.D. ATF-398 (63 FR 44779) included rules for labeling hard cider. On the same day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for

an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

Based on comments received in response to Notice No. 859, ATF identified one area, labeling of hard cider, where comments indicated the temporary rule as originally issued imposed an unintended and unnecessary burden. By T.D. ATF-418 (64 FR 51896), ATF postponed the compliance date for the hard cider labeling rules (originally February 17, 1999), so that we could develop alternative labeling rules. At the same time, we published Notice No. 881 (64 FR 51933) to request comments on alternative labeling rules.

In response to Notice No. 881, we received four generally supportive comments on the proposed labeling changes. However, Green Mountain Cidery noted in its comment that we should not place elements of the temporary definition of hard cider in the labeling rules, since there were many suggested changes to that definition in the original comments. We have not completed the final rule related to the definition of hard cider. Therefore, we are delaying the compliance date for the temporary labeling rules until January 31, 2001 so that we can finalize the definition and the new labeling rules in one document.

##### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) relating to a final regulatory flexibility analysis do not apply to this rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), this temporary rule will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

##### Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

##### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new collection of information is contained in this Treasury decision.

##### Administrative Procedure Act

This document merely defers a compliance date for labeling rules for

hard cider while ATF considers alternative labeling requirements. In view of the immediate need to inform the industry of this action, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

*Drafting Information:* Marjorie Ruhf, of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, drafted this document.

#### List of Subjects

##### 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

##### 27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Therefore, pursuant to the authority set forth in 26 U.S.C. 5368 and 27 U.S.C. 205(e), ATF is postponing the compliance date with respect to the use of the term "hard cider" set forth in 27 CFR 4.21(e)(5) and 24.257(a)(3)(iii) and (iv) to January 31, 2001.

Dated: August 7, 2000.

#### Bradley A. Buckles,

*Director.*

Dated: August 16, 2000

#### John P. Simpson,

*Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).*

[FR Doc. 00-24668 Filed 9-25-00; 8:45 am]

BILLING CODE 4810-31-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-6875-3]

#### Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The Commonwealth of Pennsylvania (Commonwealth) has

applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the Commonwealth's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we view this as a routine program change and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Pennsylvania's changes to its hazardous waste program will take effect as provided below. If we get comments that oppose this action, or portions thereof, we will publish a document in the **Federal Register** withdrawing this rule, or portions thereof, before it takes effect, and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

**DATES:** This Final authorization will become effective on November 27, 2000, unless EPA receives adverse written comment by October 26, 2000. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Send written comments to Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-3379. We must receive your comments by October 26, 2000. You can view and copy Pennsylvania's application from 8 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, P.O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, Phone number (717) 787-6239; Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Phone number: (412) 442-4120; and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-5254. Persons with a disability may use the AT&T Relay Service to contact Pennsylvania Department of Environmental Protection by calling (800) 654-5984 (TDD users), or (800) 654-5988 (voice users).

**FOR FURTHER INFORMATION CONTACT:** Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-3379.

**SUPPLEMENTARY INFORMATION:**

**A. Why Are Revisions to State Programs Necessary?**

States which have received Final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

**B. What Decisions Have We Made in This Rule?**

EPA concludes that Pennsylvania's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Pennsylvania Final authorization to operate its hazardous waste program with the changes described in the authorization application. Pennsylvania has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Pennsylvania, including issuing permits, until the State is granted authorization to do so.

**C. What Is the Effect of Today's Authorization Decision?**

The effect of this decision is that a facility in Pennsylvania subject to RCRA will have to comply with the authorized Commonwealth requirements instead of the equivalent Federal requirements in order to comply with RCRA. Pennsylvania has enforcement responsibilities under its state

hazardous waste program for violations of such program, but EPA retains authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions regardless of whether the Commonwealth has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Pennsylvania is being authorized by today's action are already effective, and are not changed by today's action.

**D. Why Wasn't There a Proposed Rule Before Today's Rule?**

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the Commonwealth program changes. If EPA receives comments which oppose this authorization, or portion(s) thereof, that document will serve as a proposal to authorize such changes.

**E. What Happens If EPA Receives Comments That Oppose This Action?**

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the Commonwealth's program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the Commonwealth hazardous waste program, we may withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

**F. What Has Pennsylvania Previously Been Authorized for?**

Pennsylvania's Solid Waste Management Act of July 7, 1980 (Public Law 380, No. 97), as amended (Act 97), provided for the "regulation of the management of municipal, residual and hazardous waste" within the Commonwealth, and authorized the Department of Environmental Resources (DER) and the Environmental Quality Board (EQB) to "adopt rules, regulations, standards and procedures" to carry out the provisions of the act. The Commonwealth received Final authorization from EPA to implement its base hazardous waste program effective January 30, 1986 (51 FR 1791; January 15, 1986).

On July 1, 1995, the DER was divided into two separate agencies through the enactment of House Bill 1400, the Conservation and Natural Resources Act. Through this legislation, the environmental protection aspects of the former Department of Environmental Resources were placed in a newly created Department of Environmental Protection.

On February 16, 1999, the EQB adopted amendments to the Commonwealth's hazardous waste regulations by deleting the existing text at Chapters 260 through 267, 269 and 270, and renumbering or adding new hazardous waste regulations in Chapters 260a through 266a, 266b and 268a through 270a. After a public comment period, the Commonwealth's regulations became effective on May 1, 1999. The new Chapters incorporate by reference

the Code of Federal Regulations (CFR) in effect as of May 1, 1999, including subsequent modifications and additions.

**G. What Changes Are We Authorizing With Today's Action?**

On August 10, 2000, Pennsylvania submitted a final, complete program revision application, seeking authorization of its hazardous waste regulations, in accordance with 40 CFR 271.21. EPA Region III worked closely with Pennsylvania to develop the authorization package. Therefore, EPA's comments relative to Pennsylvania's legal authority to carry out aspects of the Federal program for which Pennsylvania is seeking authorization; the scope of and coverage of activities regulated; and Commonwealth procedures, including the criteria for permit reviews, public participation and enforcement capabilities, were addressed before the submission of the final application by the Commonwealth. The Commonwealth also solicited public comments on its proposed regulations before they were adopted. The EPA has reviewed Pennsylvania's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Pennsylvania's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Consequently, EPA intends to grant Pennsylvania Final authorization for the program modifications contained in the program revision application.

Pennsylvania's program revision application includes Commonwealth statutory and regulatory changes to the Commonwealth's authorized hazardous waste program, including the adoption of the Federal hazardous waste regulations published through July 6, 1999 (including the codified Federal regulations plus the Federal rule published in the **Federal Register** on July 6, 1999), with certain exceptions described in section H.

Pennsylvania is today seeking authority to administer the Federal requirements that are listed in the chart below. This chart also lists the Commonwealth analogs that are being recognized as equivalent to the appropriate Federal requirements. Unless otherwise stated, the Commonwealth's statutory references are to the Solid Waste Act, Act of July 7, 1980 (Public Law 380, No. 97), as amended, Title 35, Pennsylvania Statutes (1993) (35 P.S.), sections 6018.102-105, 6018.401-404, 6018.501-507, 6018.608 and 6018.610, 6018.1001; Right-to-Know Law, Act of June 21, 1957 (Public Law 390), as amended, (65 P.S. sections 66.1 *et. seq.*); Section 1920-A of the Administrative Code of 1929, Act of April 9, 1929 (Public Law 177), as amended, 71 P.S. 510-21; and Administrative Agency Law, Act of November 25, 1970 (Public Law 707), as amended, section 602 (2 Pa. C.S.A. sections 504-506). The regulatory references are to Title 25, Pennsylvania Code (25 Pa. Code), Chapters 260a through 266a, 266b, 268a, and 270a, effective May 1, 1999.

Federal requirement	Analogous Pennsylvania Authority
<b>Base Program through RCRA Cluster IX</b>	
40 CFR Part 260—Hazardous Waste Management System: General, as of July 1, 1999.	Title 35, Pennsylvania Statutes (35 P.S.) 6018.102, 6018.103, 6018.104(1), 6018.104(6), 6018.105(a); Title 25, Pennsylvania Code (25 Pa. Code), Chapter 260a. (More stringent provision: 260a.20).
40 CFR Part 261—Identification and Listing of Hazardous Waste, as of July 1, 1999.	35 P.S. 6018.102, 6018.103, 6018.104(1), 6018.104(6), 6018.105(a) and 6018.402; 25 Pa. Code, Chapter 261a, except 261a.5(c) and 261a.6(d). (More stringent provisions: 261a.3, 261a.4, 261a.5(b) and 261a.6(c)).
40 CFR Part 262—Standards Applicable to the Generators of Hazardous Wastes, as of July 1, 1999.	35 P.S. 6018.104(1), 6018.104(6), 6018.105(a), 6018.401(a) and 6018.403; 25 Pa. Code, Chapter 262a. (More stringent provisions: 262a.20(5), 262a.22, 262a.23(a)(2), and 262a.100).
40 CFR Part 263—Standards Applicable to the Transporters of Hazardous Wastes, as of July 1, 1999.	35 P.S. 6018.104(1), 6018.104(6), 6018.105(a), 6018.401, 6018.403, 6018.404(b), 6018.501(b), 6018.502, 6018.503, 6018.505(e) and 6018.610(6); 25 Pa. Code, Chapter 263a, except §§263a.12, 263a.13, 263a.23 through 263a.26, and 263a.32. (More stringent provisions: 263a.20(2) and 263a.30).
40 CFR Part 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 1999.	35 P.S. 6018.102(4), 6018.104(1), 6018.104(6), 6018.105(a), 6018.401, 6018.403, 6018.501, 6018.502, 6018.505, 6018.506, 6018.507 6018.608(2); 25 Pa. Code, Chapter 264a, except §§264a.11, and 264a.78 through 264a.83. (More stringent provisions: 264a.1(b)(4), 264a.13, 264a.15, 264a.18, 264a.56, 264a.71, 264a.97, 264a.173, 264a.180, 264a.194, 264a.195, 264a.221, 264a.251, 264a.273, 264a.276, and 264a.301(1) & (2)).

Federal requirement	Analogous Pennsylvania Authority
40 CFR Part 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 1999.	35 P.S. 6018.102, 6018.104(1), 6018.104(6), 6018.104(7), 6018.105(a), 6018.403, 6018.404(a) and 6018.1001; 25 Pa. Code, Chapter 265a, except §§ 265a.11 and 265a.78 through 265a.83. (More stringent provisions: 265a.13, 265a.15, 265a.18, 265a.56, 265a.71, 265a.173, 265a.175, 265a.179, 265a.194, 265a.195, 265a.382).
40 CFR Part 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, as of July 1, 1999.	35 P.S. 6018.102(4), 6018.104(1), 6018.104(6), 6018.105(a), 6018.401, 6018.403, 6018.501(b), 6018.502, 6018.507 and 6018.608(2); 25 Pa. Code, Chapter 266a, except §§ 266a.70(1), 266a.80(b). (More stringent provisions: 266a.70(2), 266a.80(a)).
40 CFR Part 268—Land Disposal Restrictions, as of July 1, 1999.	35 P.S. 6018.102, 6018.104(1), 6018.104(6), 6018.105(a) and 6018.401(a); 25 Pa. Code, Chapter 268a.
40 CFR Part 270—The Hazardous Waste Permit Program, as of July 1, 1999.	35 P.S. 6018.102, 6018.103, 6018.104, 6018.105(b), 6018.401, 6018.403(a), 6018.501, 6018.502, 6018.503, 6018.504 and 6018.610; 65 P.S. 66.1 <i>et seq.</i> ; § 71 P.S. § 510–21; 2 Pa. C. S.A. 504–506; 25 Pa. Code, Chapter 270a, except 270a.3, 270a.10(b) & (c), 270a.29(b), 270.41(1)–(6), 270a.80 through 270a.84, 270a.10(b) & (c), 270a.29(b), 270a.41(1)–(6), 270a.80 through 270a.84. (More stringent provisions: 270.1(b), 270a.4, 270a.13, 270a.29(a), 270a.41 introductory paragraph, 270a.43, and 270a.60(b) & (c)).
40 CFR Part 124—Permit Procedures, as of July 1, 1999 .....	35 P.S. 6018.102, 6018.103, 6018.104, 6018.105(b), 6018.401, 6018.403(a), 6018.501, 6018.502, 6018.503, 6018.504 and 6018.610; 25 Pa. Code, Chapter 270a, 270a.41(1)–(6), 270a.10(c), 270a.29(b), 270a.80 and 270a.81. (More stringent provisions: 270a.41(6) and 270a.80(a)(4)).
40 CFR Part 273—Standards for Universal Waste Management, as of July 1, 1999.	35 P.S. 6018.102, 6018.104, 6018.105; 25 Pa. Code, Chapter 266b, except 266b.50(a). (More stringent provision: 266b.60).
<b>Non-HSWA Cluster II</b>	
Radioactive Mixed Waste (MW) (51 FR 24504, July 3, 1986)	35 P.S. 6018.102, 6018.103, 6018.104(1) & (6) and 6018.105(a).
<b>HSWA Cluster I</b>	
Sharing of Information With the Agency for Toxic Substances and Disease Registry (SI) (RCRA 3019(b)).	35 P.S. 6018.104(2) and 6018.502(c). 25 Pa. Code, 270a.82.
<b>RCRA Cluster X</b>	
Universal Waste Rule: Specific Provisions for Hazardous Waste Lamps (64 FR 36466–36490, July 6, 1999).	35 P.S. 6018.102, 6018.104 and 6018.105; 25 Pa. Code, Chapter 266b.1 and 266b.30(a).

**H. Where Are the Revised Commonwealth Rules Different From the Federal Rules?**

The Pennsylvania hazardous waste program contains several provisions which are more stringent than the Federal RCRA program. The more stringent provisions are being recognized as a part of the Federally-authorized program and are Federally enforceable. The specific more stringent provisions are noted in the chart above and in the Commonwealth's authorization application, and include, but are not limited to, the following:

1. At 25 Pa. Code section 261a.5(b), Pennsylvania is more stringent than 40 CFR 261.5(f)(3)(iv)&(v) and 261.5(g)(3)(iv)&(v) because conditionally-exempt small quantity generators may not dispose of hazardous waste in a municipal or residual waste landfill in Pennsylvania. The Federal program allows disposal in such facilities.

2. At 25 Pa. Code section 262a.100, Pennsylvania requires generators to prepare a source reduction strategy

every five years, or sooner if there is a change in the type of waste generated or in the manufacturing process. This requirement is in addition to the Federal requirements at 40 CFR 262.41(a)(6) & (7), which Pennsylvania has incorporated by reference, to report waste minimization efforts biennially.

3. Pennsylvania's requirements at 25 Pa. Code sections 264a.221 and 264a.301 are more stringent than the Federal requirements for surface impoundments and landfills at 40 CFR 264.221(a) & (c) and 264.301(a) & (c), respectively. The Commonwealth requires that surface impoundments and landfills must be designed to maintain a minimum distance of four feet between the bottom of the liner and seasonal high water table without the use of artificial or manmade drainage or dewatering systems. In addition, the distance between the top of the subbase and the regional water table must be at least eight feet. The Federal requirements do not specify such minimum distances.

A number of the Commonwealth's regulations are not being authorized by today's actions. Such provisions include, but are not limited to, the following:

1. Pennsylvania has regulations defining how program information is to be shared with the public, but is not seeking authorization at this time for the Availability of Information requirements relative to RCRA section 3006(f).

2. Pennsylvania is not seeking authority for the Federal corrective action program. EPA will continue to administer this part of the program. The Commonwealth is planning to apply for the corrective action program in a subsequent authorization revision application.

3. At 25 Pa. Code sections 270a.83 and 270a.84, Pennsylvania has analogs to the Federal expanded public participation requirements as found in 40 CFR 124.31 and 124.33, respectively. However, because the Commonwealth has not adopted an analog to 40 CFR 124.32, the Commonwealth is not being authorized for the Federal rule

published on December 11, 1995 (60 *FR* 63417; Revision Checklist 148).

4. The Commonwealth has adopted, but is not seeking authorization for, the organobromine production wastes provisions addressed by the final rules published in the **Federal Register** on May 4, 1998 (63 *FR* 24596), June 29, 1998 (63 *FR* 35147) and August 10, 1998 (63 *FR* 42580).

5. Pennsylvania has incorporated the Federal hazardous waste export provisions at 40 CFR part 262, subparts E and H into its regulations at 25 Pa. Code sections 262a.55 and 262a.80. However, the Commonwealth is not seeking authorization for these provisions at this time. EPA will continue to implement those requirements as appropriate.

6. Pennsylvania is not seeking authorization for the Federal used oil regulations at this time. The Commonwealth's current used oil regulations are being revised to more closely follow the Federal standards.

The Commonwealth's regulations contain several requirements that go beyond the scope of the Federal program, and thus are not part of the program being authorized by today's action. EPA cannot enforce these requirements which are broader in scope, although compliance with these provisions is required by Commonwealth law. Such provisions include, but are not limited to, the following:

1. Pennsylvania's regulations at 25 Pa. Code section 263a place requirements on transporters that are not part of the Federal regulations. Transporters in Pennsylvania must obtain a license from the Department, must pay a hazardous waste transportation fee, must post a bond, and must prepare an in-transit preparedness, prevention and contingency plan.

2. Hazardous waste management facilities are subject to siting requirements in Chapter 269a which are beyond the scope of the Federal program.

3. Pennsylvania requires hazardous waste storage, treatment and disposal facilities to pay hazardous waste management fees, administration fees, and permit application fees. Federal regulations do not require such fees.

#### **I. Who Handles Permits After the Authorization Takes Effect?**

After authorization, Pennsylvania will issue permits covering all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the

effective date of this authorization until the timing and process for effective transfer to the Commonwealth are mutually agreed upon. Until such time as formal transfer of EPA permit responsibility to the Commonwealth occurs and EPA terminates its permit, EPA and the Commonwealth agree to coordinate the administration of permits in order to maintain consistency. We will not issue any more new permits or new portions of permits for the provisions listed in the Chart above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Pennsylvania is not yet authorized.

#### **J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in Pennsylvania?**

Pennsylvania is not seeking authority to operate the program on Indian lands, since there are no Federally-recognized Indian Lands in the Commonwealth.

#### **K. What Is Codification and Is EPA Codifying Pennsylvania's Hazardous Waste Program as Authorized in This Rule?**

Codification is the process of placing the Commonwealth's statutes and regulations that comprise the Commonwealth's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized Commonwealth rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart NN, for this authorization of Pennsylvania's program changes until a later date.

#### **L. Administrative Requirements**

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 *FR* 51735, October 4, 1993), and, therefore, this action is not subject to review by OMB. This action authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by state law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this action also

does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 *FR* 27655, May 10, 1998). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 *FR* 43255, August 10, 1999), because it merely authorizes state requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 *FR* 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 *FR* 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 *FR* 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's "Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective November 27, 2000.

**List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 00-24566 Filed 9-25-00; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 54, 61, and 69**

[CC Docket Nos. 96-262; 94-1; 99-249; 96-45; FCC 00-193]

**Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long-Distance Users, and Federal-State Joint Board on Universal Service; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On June 21, 2000 (65 FR 38684), we published final rules which adopted an integrated interstate access reform and universal service proposal put forth by the members of the Coalition for Affordable Local and Long Distance Service (CALLS). This document contains corrections to those rules and includes a revision to § 69.3, which was inadvertently omitted.

**DATES:** Effective on June 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jennifer McKee, Common Carrier Bureau, Competitive Pricing Division, (202) 418-1520.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission published a document amending parts 54, 61 and 69 of the Commission's rules in the **Federal Register** on June 21,

2000, (65 FR 38684). This document corrects the **Federal Register** as it appeared. In rule FR Doc. 00-15170, published on June 21, 2000, (65 FR 38684), the Commission is correcting §§ 54.701(g)(1)(i); 54.702(i); 54.705(c)(1), (c)(1)(i), (c)(1)(ii), (c)(1)(iv), and (c)(1)(v); 54.715(c); Subpart J table of contents; 54.800(i), (j), (o), (q); 54.801(a), (b), (c), and (d); 54.802 heading, (a), (b), (b)(1)(i), (b)(2), (d)(2), (d)(3), and (d)(4); 54.803(b) and (b)(2); 54.804; 54.805(a), and (a)(2); 54.806 heading, (a), (b), (c)(1), (e), (f), (i), (i)(1), (i)(2), (j), and (j)(2); 54.807(a), (b), and (c); 54.808; 54.809(c); Part 61 authority; 61.3(d)(1), (d)(3), (d)(4), (e), (m), (w), (aa), (bb), (cc), and (zz); 61.41(c)(3); 61.45(b)(1)(i), (b)(1)(ii), (b)(1)(iii)(A), (b)(2), (c), (d), (d)(2), (i)(1)(i), (i)(1)(ii)(B), (i)(3), and (i)(4)(ii); 61.46(a), and (d); 61.47(i)(5); 61.48(i)(2), (l), (m), and (o)(1); 69.3(h); 69.4(d)(1); 69.152(d)(1)(i), (e)(1), (e)(1)(ii)(B), (h), (h)(1), (h)(2), (k)(1)(i), (k)(1)(ii)(A), (k)(1)(ii)(B), Note to (k)(1), (q), (q)(1), (q)(2), (q)(5), (q)(6), (q)(7), and (q)(8); 69.153(a); 69.157; and 69.158 of the Commission's rules.

**PART 54—[CORRECTED]**

**§ 54.701 [Corrected]**

1. On page 38689, in the third column, in § 54.701 paragraph (g)(1)(i), the first line, correct "the Schools and Libraries Division," to read "The Schools and Libraries Division,".

**§ 54.702 [Corrected]**

2. On page 38690, in the first column, in § 54.702 paragraph (i), the last line, correct "high cost" to read "high-cost".

**§ 54.705 [Corrected]**

3. On page 38690, in the first column, in § 54.705 paragraph (c)(1), the third and fourth lines, correct "high-cost and low-income support" to read "high cost and low income support".

4. On the same page, in the second column, in § 54.705 paragraph (c), wherever it appears, correct "high-cost, low-income," to read "high cost, low income,".

**§ 54.715 [Corrected]**

5. On page 38690, in the second column, in § 54.715 paragraph (c), the fourteenth and fifteenth lines, correct "high-cost support mechanism, the low-income support mechanism," to read "high cost support mechanism, the low income support mechanism,".

**Subpart J—[Corrected]**

6. On page 38690, in the third column, in the table of contents, wherever it appears, correct "LECs" to read "local exchange carriers".

7. On the same page, in the same column, in the table of contents, correct the heading for § 54.804 to read "54.804 Preliminary minimum access universal service support for a study area calculated by the Administrator."

**§ 54.800 [Corrected]**

8. On page 38690, in the third column, in § 54.800, correct paragraphs (i) and (j) to read:

\* \* \* \* \*

(i) *Price Cap Local Exchange Carrier* is defined in § 61.3(aa) of this chapter.

(j) *Preliminary Minimum Access Universal Service Support for a Study Area* is the amount calculated pursuant to § 54.804.

\* \* \* \* \*

9. On page 38691, in the first column, in § 54.800 paragraph (o), the third line, correct "LEC" to read "local exchange carrier".

10. On the same page, in the same column, in § 54.800, correct paragraph (q) to read:

\* \* \* \* \*

(q) *Zone Average Revenue per Line.* The amount calculated as follows:

$$\text{Zone Average Revenue per Line} = (25\% * (\text{Loop} + \text{Port})) + U (\text{Uniform revenue per line adjustment})$$

Where:

Loop = the price for unbundled loops in a UNE zone.

Port = the price for switch ports in that UNE zone.

$$U = [(\text{Average Price Cap CMT Revenue per Line month in a study area} * \text{price cap local exchange carrier Base Period Lines}) - (25\% * \Sigma (\text{price cap local exchange carrier Base Period Lines in a UNE Zone} * ((\text{Loop} + \text{Port}) \text{ for all zones})))] \div \text{price cap local exchange carrier Base Period Lines in a study area.}$$

**§ 54.801 [Corrected]**

11. On page 38691, in the first and second columns, in § 54.801, wherever it appears, correct "LECs" to read "local exchange carriers".

12. On the same page, in the same columns, in § 54.801, wherever it appears, correct "LEC" to read "local exchange carrier".

13. On the same page, in the second column, in § 54.801 paragraph (d), the thirteenth and fourteenth lines, correct "average CMT Revenue per Line per Month" to read "Average CMT Revenue per Line month".

**§ 54.802 [Corrected]**

14. On page 38691, in the second column, in § 54.802, correct the heading to read "§ 54.802 Obligations of local exchange carriers and the Administrator."

15. On the same page, in the second and third columns, in § 54.802,

wherever it appears, correct "LEC" to read "local exchange carrier".

16. On the same page, in the second column, in § 54.802 paragraph (a), wherever it appears, correct "residence" to read "residential."

17. On the same page, in the same column, in § 54.802 paragraph (a), the thirty-third line, correct "LEC's" to read "local exchange carrier's".

18. On the same page, in the third column, in § 54.802 paragraph (b)(1)(i), the second line, correct "Per Line Month" to read "per Line month".

19. On the same page, in the same column, in § 54.802 paragraph (d)(3), the third line, correct by removing the word "and".

20. On the same page, in the same column, in § 54.802 paragraph (d)(4), the third line, remove the "semi-colon" after "and" at the end of the paragraph.

#### § 54.803 [Corrected]

21. On page 38692, in the first column, in § 54.803, wherever it appears, correct "LEC" to read "local exchange carrier".

22. On the same page, in the same column, in § 54.803 paragraph (b), the fifth line, correct "LEC's" to read "local exchange carrier's".

23. On page 38692, in the first column, correct § 54.804 to read:

#### § 54.804 Preliminary minimum access universal service support for a study area calculated by the Administrator.

(a) If Average Price Cap CMT Revenue per Line month is greater than \$9.20 then: Preliminary Minimum Access Universal Service Support (for a study area) = Average Price Cap CMT Revenue per Line month in a study area \* price cap local exchange carrier Base Period Lines \* 12) - ((\$7.00 \* price cap local exchange carrier Base Period Residential and Single-Line Business Lines \* 12) + (\$9.20 \* price cap local exchange carrier Base Period Multi-line Business Lines \* 12)).

(b) If Average Price Cap CMT Revenue per Line month in a study area is greater than \$7.00 but less than \$9.20 then: Preliminary Minimum Access Universal Service Support (for a study area) = (Average Price Cap CMT Revenue per Line month in a study area—\$7.00) \* (price cap local exchange carrier Base Period Residential and Single-Line Business Lines \* 12).

(c) If Average Price Cap CMT Revenue per Line month in a study area is less than \$7.00 then the Preliminary Minimum Access Universal Service Support (for a study area) is zero.

#### § 54.805 [Corrected]

24. On page 38692, in the first column, in § 54.805 paragraph (a), the

fourth line, correct "LEC" to read "local exchange carrier".

25. On the same page, in the second column, in § 54.805 paragraph (a)(2), the seventh line, correct "Multi-Line Business Lines Zone Above" to read "Multi-Line Business Lines. Zone Above".

#### § 54.806 [Corrected]

26. On page 38692, in the second column, in § 54.806, correct the heading to read "\$ 54.806 Calculation by the Administrator of interstate access universal service support for areas served by price cap local exchange carriers."

27. On the same page, in the same column, in § 54.806, wherever it appears, correct "LECs" to read "local exchange carriers".

28. On the same page, in the same column, in § 54.806 paragraph (b), the last line, at the end of the sentence, remove the comma and add a period.

29. On the same page, in the same column, in § 54.806 paragraph (c)(1), the eleventh line, correct "x" to read "\*".

30. On the same page, in the same column, in § 54.806 paragraph (c)(1), the thirteenth line, correct "Revenues)." to read "Revenues)).".

31. On the same page, in the third column, in § 54.806 paragraph (e), the third line, correct "are" to read "area".

32. On the same page, in the same column, in § 54.806, correct paragraph (f) to read:

\* \* \* \* \*

(f) Calculate the Minimum Adjustment Amount. (1) If the TNMD is greater than \$75 million, then the Minimum Adjustment Amount (MAA) equals the MAA Phase In Percentage times the MD by study area times the ratio of \$75 million to TNMD.

(2) If the TNMD is less than \$75 million, then the MAA equals the product of the MAA Phase In Percentage and the MD by study area.

33. On the same page, in the same column, in § 54.806, wherever it appears, correct "LEC" to read "local exchange carrier".

34. On the same page, in the same column, in § 54.806 paragraph (i)(2), the eighth and ninth lines, correct "Preliminary Study Area Universal Service Support x" to read "PSAUSS \*".

35. On page 38693, in the first column, in § 54.806 paragraph (j)(2), the eighth and ninth lines, correct "Preliminary Study Area Universal Service Support x" to read "PSAUSS \*".

#### § 54.807 [Corrected]

36. On page 38693, in the first column, in § 54.807 paragraph (a), the first line, correct "Telecommunication" to read "Telecommunications".

37. On the same page, in the same column, in § 54.807 paragraph (a), the fourth line, correct "LEC" to read "local exchange carrier".

38. On the same page, in the same column, in § 54.807, wherever it appears, correct all other occurrences of "LEC" to read "price cap local exchange carrier".

39. On the same page, in the same column, in § 54.807 paragraph (b), the last line, correct "www.fcc.gov." to read "www.fcc.gov/ccb/stats".

#### § 54.808 [Corrected]

40. On page 38693, in the third column, in § 54.808, the third line, correct "LEC" to read "local exchange carrier".

#### § 54.809 [Corrected]

41. On page 38693, in the third column, in § 54.809 paragraph (c), the third line, correct "carriers" to read "carrier".

#### PART 61—[CORRECTED]

42. On page 38693, in the third column, in part 61, correct the authority to read:

**Authority:** Secs. 1, 4(i), 4(j), 201–205 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205 and 403, unless otherwise noted.

#### § 61.3 [Corrected]

43. On page 38694, in the first column, in § 61.3 paragraph (d)(1), the fifth line, correct "LECs" to read "local exchange carriers".

44. On the same page, in the same column, in § 61.3 paragraph (d)(1), wherever it appears, correct "Per Line" to read "per Line".

45. On the same page, in the same column, in § 61.3 paragraph (d)(1), the twenty-third line, correct "Per Line Month" to read "per Line month".

46. On the same page, in the same column, in § 61.3 paragraph (d)(1), the twenty-third through the twenty-seventh lines, correct font from italics to roman.

47. On the same page, in the same column, in § 61.3 paragraph (d)(3), the second line, correct "Per Line" to read "per Line".

48. On the same page, in the same column, in § 61.3 paragraph (d)(4), the second line correct "Per Line" to read "per Line".

49. On the same page, in the first and second columns, in § 61.3, correct paragraph (e) to read:

\* \* \* \* \*

(e) *Average Traffic Sensitive Charge.*

(1) The Average Traffic Sensitive Charge (ATS charge) is the sum of the following two components:

(i) The Local Switching (LS) component. The LS component will be calculated by dividing the proposed LS revenues (End Office Switch, LS trunk ports, Information Surcharge, and signalling transfer point (STP) port) by the base period LS minutes of use (MOUs); and

(ii) The Transport component. The Transport component will be calculated by dividing the proposed Transport revenues (Switched Direct Trunk Transport, Signalling for Switched Direct Trunk Transport, Entrance Facilities for Switched Access traffic, Tandem Switched Transport, Signalling for Tandem Switching and residual per minute Transport Interconnection Charge (TIC) pursuant to § 69.155 of this chapter) by price cap local exchange carrier only base period MOUs (including meet-point billing arrangements for jointly-provided interstate access by a price cap local exchange carrier and any other local exchange carrier).

(2) For the purposes of determining whether the ATS charge has reached the Target Rate as set forth in § 61.3(qq), the calculations should include all the relevant revenues and minutes for services provided under generally available price cap tariffs.

\* \* \* \* \*

50. On the same page, in the second column, in § 61.3, correct paragraph (m) to read:

\* \* \* \* \*

(m) *Concurring carrier.* A carrier (other than a connecting carrier) subject to the Act which concurs in and assents to schedules of rates and regulations filed on its behalf by an issuing carrier or carriers.

51. On the same page, in the third column, in § 61.3 paragraph (w), the second line, correct "LECs" to read "local exchange carriers".

52. On the same page, in the same column, in § 61.3, correct paragraphs (aa) and (bb) to read:

\* \* \* \* \*

(aa) *Price Cap Local Exchange Carrier.* A local exchange carrier subject to regulation pursuant to §§ 61.41 through 61.49.

(bb) *Pooled Local Switching Revenue.* For certain qualified companies as set forth in § 61.48(m), is the amount of additional Local Switching reductions

in the July 2000 Annual filing allowed to be moved and recovered in the CMT basket.

\* \* \* \* \*

53. On the same page, in the same column, in § 61.3 paragraph (cc), the twelfth line, correct "LEC" to read "local exchange carrier".

54. On page 38695, in the second column, in § 61.3, correct paragraph (zz) to read:

\* \* \* \* \*

(zz) *Zone Average Revenue per Line.* The amount calculated as follows:

$$\text{Zone Average Revenue per Line} = (25\% * (\text{Loop} + \text{Port})) + U \text{ (Uniform revenue per line adjustment)}$$

Where:

Loop = the price for unbundled loops in a UNE zone.

Port = the price for switch ports in that UNE zone.

U = [(Average Price Cap CMT Revenue per Line month in a study area \* price cap local exchange carrier Base Period Lines) - (25% \* Σ (price cap local exchange carrier Base Period Lines in a UNE Zone \* ((Loop + Port) for all zones)))] ÷ price cap local exchange carrier Base Period Lines in a study area.

\* \* \* \* \*

**§ 61.41 [Corrected]**

55. On page 38695, in the third column, in § 61.41 paragraph (c)(3), wherever it appears, correct by replacing the single quotation marks around "average schedule" with double quotation marks.

**§ 61.45 [Corrected]**

56. On page 38696, in the second column, in § 61.45 paragraph (b)(1)(i), the first and second lines, correct "PCI<sub>t-1</sub>=PCI<sub>t-1</sub>[1+w[GDP-PI-X] + Z/R]" to read "PCI<sub>t</sub>=PCI<sub>t-1</sub>[1+w[GDP-PI-X] + Z/R]".

57. On the same page, in the same column, in § 61.45 paragraph (b)(1)(i), at the term "Targeted Reductions", wherever it appears, correct "(GDP-PI-X)" to read "(GDP-PI-X)".

58. On the same page, in the same column, in § 61.45 paragraph (b)(1)(i), at the term "w<sub>ix</sub>", the second line, correct "x" to read "\*".

59. On the same page, in the same column, in § 61.45(b)(1)(ii), the sixth line, correct "an LEC" to read "a price cap local exchange carrier".

60. On the same page, in the third column, in § 61.45 paragraph (b)(1)(iii)(A), the tenth line, correct "PICs charges" to read "PICCs".

61. On page 38697, in the first column, in § 61.45 paragraph (b)(2), the first and second lines, correct "local exchange carrier" to read "price cap local exchange carrier".

62. On the same page, in the same column, in § 61.45 paragraph (b)(2), the fourteenth line, correct "w[GDP-PI-X]" to read "w(GDP-PI-X)".

63. On the same page, in the same column, in § 61.45 paragraph (c), the seventh line, correct "Per Line" to read "per Line".

64. On the same page, in the same column, in § 61.45 paragraph (d), the third line, correct "paragraphs" to read "paragraph".

65. On the same page, in the second column, in § 61.45 paragraph (d)(2), the first line, correct "Local exchange carrier" to read "Local exchange carriers".

66. On the same page, in the same column, in § 61.45 paragraph (i)(1)(i), the twelfth line, correct "(GDPPI-X)" to read "(GDP-PI-X)".

67. On the same page, in the third column, in § 61.45 paragraph (i)(1)(i), the third and fourth lines, correct "reduced average price cap CMT Revenue per line" to read "reduce Average Price Cap CMT Revenue per Line month".

68. On the same page, in the same column, in § 61.45 paragraph (i)(1)(ii)(B), the first line, correct "(GDP-PI-X)" to read "(GDP-PI-X)".

69. On the same page, in the same column, in § 61.45 paragraph (i)(3), the first line, correct "LEC" to read "local exchange carrier".

70. On the same page, in the same column, in § 61.45 paragraph (i)(3), the third line, correct by removing the word "level".

71. On page 38698, in the first column, in § 61.45, correct paragraph (i)(4)(ii) to read:

\* \* \* \* \*

(ii) Filing entity identifies maximum amount of dollars available to reduce Average Price Cap CMT Revenue per Line month by the following:

$$(\text{CMT revenue in a } \$0.0095 \text{ Area} - \text{CCL revenue in a } \$0.0095 \text{ Area}) * (\text{GDP} - \text{PI} - \text{X}) + (\text{CCL Revenue in a } \$0.0095 \text{ Area}) * [(\text{GDP} - \text{PI} - \text{X}) - (g/2)] / [1 + (g/2)]$$

\* \* \* \* \*

**§ 61.46 [Corrected]**

72. On page 38698, in the first and second columns, in § 61.46, correct paragraph (a) to read:

\* \* \* \* \*

(a) Except as provided in paragraphs (d) and (e) of this section, in connection with any price cap tariff filing proposing rate changes, the carrier must calculate an API for each affected basket pursuant to the following methodology:

$$API_t = API_{t-1} [\sum v_i (P_i/P_{t-1})^i]$$

Where:

API<sub>t</sub> = the proposed API value,

API<sub>t-1</sub> = the existing API value,  
 P<sub>t</sub> = the proposed price for rate element  
 "i,"  
 P<sub>t-1</sub> = the existing price for rate element  
 "i," and  
 v<sub>i</sub> = the current estimated revenue  
 weight for rate element "i," calculated  
 as the ratio of the base period demand  
 for the rate element "i" priced at the  
 existing rate, to the base period  
 demand for the entire basket of  
 services priced at existing rates.

\* \* \* \* \*

73. On the same page, in the second column, in § 61.46 paragraph (d), the twenty-second line, correct "USF" to read "Universal Service".

**§ 61.47 [Corrected]**

74. On page 38699, in the first column, in § 61.47 paragraph (i)(5), the seventh line, correct by adding a "\$" before "61.3(qq)".

75. On the same page, in the same column, in § 61.47 paragraph (i)(5), the eighth line, correct "Traffic Sensitive or Trunking" to read "traffic sensitive or trunking".

**§ 61.48 [Corrected]**

76. On page 38699, in the second column, in § 61.48 paragraph (i)(2), the third line, correct "local exchange carrier" to read "Local exchange carriers".

77. On the same page, in the second column, in § 61.48, correct paragraph (l) to read:

\* \* \* \* \*

(l) *Average Traffic Sensitive Revenues.* (1) In the July 1, 2000 annual filing, price cap local exchange carriers will make an additional reduction to rates comprising ATS charge, and to associated SBI upper limits and PCIs. This reduction will be calculated to be the amount that would be necessary to achieve a total \$2.1 billion reduction in carrier common line and ATS rates by all price cap local exchange carriers, compared with those rates as they existed on June 30, 2000 using 2000 annual filing base period demand.

(i) The net change in revenue associated with Carrier Common Line Rate elements resulting from:

(A) The removal from access of price cap local exchange carrier contributions to the Federal universal service mechanisms;

(B) Price cap local exchange carrier receipts of interstate access universal service support pursuant to subpart J of part 54;

(C) Changes in End User Common Line Charges and PICC rates;

(D) Changes in Carrier Common Line charges due to GDP-PI-X targeting for \$0.0095 filing entities.

(ii) Reductions in Average Traffic Sensitive charges resulting from:

(A) Targeting of the application of the (GDP-PI-X) portion of the formula in § 61.45(b), and any applicable "g" adjustments;

(B) The removal from access of price cap local exchange carrier contributions to the Federal universal service mechanisms;

(C) Additional ATS charge reductions defined in paragraph (2) of this section.

(2) Once the reductions in paragraph (l)(1)(i) and paragraphs (l)(1)(ii)(A) and (l)(1)(ii)(B) of this section are identified, the difference between those reductions and \$2.1 billion is the total amount of additional reductions that would be made to ATS rates of price cap local exchange carriers. This amount will then be restated as the percentage of total price cap local exchange carrier Local Switching revenues as of June 30, 2000 using 2000 annual filing base period demand ("June 30 Local Switching revenues") necessary to yield the total amount of additional reductions and taking into account the fact that, if participating, a price cap local exchange carrier would not reduce ATS rates below its Target Rate as set forth in § 61.3(qq). Each price cap local exchange carrier then reduces ATS rate elements, and associated SBI upper limits and PCIs, by a dollar amount equivalent to the percentage times the June 30 Local Switching revenues for that filing entity, provided that no price cap local exchange carrier shall be required to reduce its ATS rates below its Target Rate as set forth in § 61.3(qq). Each carrier can take its additional reductions against any of the ATS rate elements, provided that at least a proportional share must be taken against Local Switching rates.

\* \* \* \* \*

78. Beginning on the same page, in the third column, in § 61.48, correct paragraph (m) to read:

\* \* \* \* \*

(m) *Pooled Local Switching Revenues.*

(1) Price cap local exchange carriers are permitted to pool local switching revenues in their CMT basket under one of the following conditions.

(i) Any price cap local exchange carrier that would otherwise have July 1, 2000 price cap reductions as a percentage of Base Period Price Cap Revenues at the holding company level greater than the industry wide total July 1, 2000 price cap revenue reduction as a percentage of Base Period Price Cap Revenues may elect temporarily to pool the amount of the additional reductions above 25% of the Local Switching element revenues necessary to yield that

carrier's proportionate share of a total \$2.1 billion reduction in switched access usage rates on July 1, 2000. The basis of the reduction calculation will be R at PCI<sub>t-1</sub> for the upcoming tariff year. The percentage reductions per line amounts will be calculated as follows: (Total Price Cap Revenue Reduction + Base Period Price Cap Revenues)

Pooled local switching revenue for each filing entity within a holding company that qualifies under this paragraph (i) will continue until such pooled revenues are eliminated under this paragraph. Notwithstanding the provisions of § 61.45(b)(1), once the Average Traffic Sensitive (ATS) rate reaches the applicable Target Rate as set forth in § 61.3(qq), the Targeted Revenue Differential as defined in § 61.45(i) shall be targeted to reducing pooled local switching revenue until the pooled local switching revenue is eliminated. Thereafter, the X-factor for these baskets will be determined in accordance with § 61.45(b)(1).

(ii) Price cap local exchange carriers other than the Bell companies and GTE with at least 20% of total holding company lines operated by companies that as of December 31, 1999 were certified to the Commission as rural carriers, may elect to pool up to the following amounts:

(A) For a price cap holding company's predominantly non-rural filing entities (i.e., filing entities within which more than 50% of all lines are operated by telephone companies other than those that as of December 31, 1999 were certified to the Commission as rural telephone companies), the amount of the additional reductions to Average Traffic Sensitive Charge rates as defined in paragraph (l)(2) of this section, to the extent such reductions exceed 25% of the Local Switching element revenues (measured in terms of June 30, 2000 rates times 1999 base period demand);

(B) For a price cap holding company's predominantly rural filing entities (i.e., filing entities with greater than 50% of lines operated by telephone companies that as of December 31, 1999 were certified to the Commission as rural telephone companies), the amount of the additional reductions to Average Traffic Sensitive Charge rates as defined in paragraph (l)(2) of this section.

(2) Allocation of Pooled Local Switching Revenue to Certain CMT Elements

(i) The pooled local switching revenue for each filing entity is shifted to the CMT basket within price caps. Pooled local switching revenue will not be included in calculations to determine the eligibility for interstate access universal service funding.

(ii) Pooled local switching revenue will be capped on a revenue per line basis.

(iii) Pooled local switching revenue is included in the total revenue for the CMT basket in calculating the X-factor reduction targeted to the traffic sensitive rate elements, and for companies qualified under paragraph (m)(1)(i) of this section, to pooled elements after the Average Traffic Sensitive Charge reaches the target level. For the purpose of targeting X-factor reductions, companies that allocate pooled local switching revenue to other filing entities pursuant to paragraph (m)(2)(vii) of this section shall include pooled local switching revenue in the total revenue of the CMT basket of the filing entity from which the pooled local switching revenue originated.

(iv) Pooled local switching revenue shall be kept separate from CMT revenue in the CMT basket. CMT rate elements for each filing entity shall first be set based on CMT revenue per line without regard to the presence of pooled local switching revenue for each filing entity.

(v) If the rates generated without regard to the presence of pooled local switching revenue for multi-line business PICC and/or multi-line business SLC are below the nominal caps of \$4.31 and \$9.20, respectively, pooled amounts can be added to these rate elements to the extent permitted by the nominal caps.

(vi) Notwithstanding the provisions of § 69.152(k) of this chapter, pooled local switching revenue is first added to the multi-line business SLC until the rate equals the nominal cap (\$9.20) or the pooled local switching revenue is fully allocated. If pooled local switching revenue remains after applying amounts to the multi-line business SLC, notwithstanding the provisions of § 69.153 of this chapter, the remaining pooled local switching revenue may be added to the multi-line business PICC until the rate equals the nominal cap (\$4.31) or the pooled local switching revenue is fully allocated. Unallocated pooled local switching revenue may still remain. For companies pooling pursuant to paragraph (m)(1)(i) of this section, these unallocated amounts may not be recovered from the CCL charge, the primary residential and single-line business SLC, a non-primary residential SLC, or from CMT elements in any other filing entity.

(vii) For companies pooling pursuant to paragraph (m)(1)(ii) of this section, pooled local switching revenue that can not be allocated to the multi-line business PICC and multi-line business SLC rates within an individual filing

entity may not be recovered from the CCL charge, primary residential and single-line business SLC or residential/single-line business SLC charges, but may be allocated to other filing entities within the holding company, and collected by adding these amounts to the multi-line business PICC and multi-line business SLC rates. The allocation of pooled local switching revenue among filing entities will be recalculated at each annual filing. In subsequent annual filings, pooled local switching revenue that was allocated to another filing entity will be reallocated to the filing entity from where it originated, to the full extent permitted by the nominal caps of \$9.20 and \$4.31.

(viii) Notwithstanding the provisions of § 69.152(k) of this chapter, these unallocated local switching revenues that cannot be recovered fully pursuant to paragraph (m)(2)(vii) of this section are first added to the multi-line business SLC of other filing entities until the resulting rate equals the nominal cap (\$9.20) or the pooled local switching revenue for the holding company is fully allocated. If the pooled local switching revenue can be fully allocated to the multi-line business SLC, the amount is distributed to each filing entity with a rate below the nominal cap (\$9.20) based on its below-cap multi-line business SLC revenue as a percentage of the total holding company's below-cap multi-line business SLC revenue.

(ix) If pooled local switching revenue remains after applying amounts to the multi-line business SLC of all filing entities in the holding company, pooled local switching revenue may be added to the multi-line business PICC of other filing entities. Notwithstanding the provisions of § 69.153 of this chapter, the remaining pooled local switching revenue is distributed to each filing entity with a rate below the nominal cap (\$4.31) based on its below-cap multi-line business PICC revenue as a percentage of the total holding company's below-cap multi-line business PICC revenue.

(x) If pooled local switching revenue is added to the multi-line business SLC but not to the multi-line business PICC for a filing entity that qualified to deaverage SLCs without regard to pooled local switching revenue, the resulting SLC rates can still be deaveraged. Total pooled local switching revenue is added to the deaveraged zone 1 multi-line business SLC rate until the per line rate in zone 1 equals the rate in zone 2 or until the pooled local switching revenue is fully allocated to the deaveraged multi-line business SLC rate for zone 1. If pooled

local switching revenue remains after the rate in zone 1 equals zone 2, the deaveraged rates of zone 1 and zone 2 are increased until the pooled local switching revenue is fully allocated to the deaveraged multi-line business SLC rates of zone 1 and 2 or until those rates reach the zone 3 multi-line business SLC rate level. This process continues until pooled local switching revenue is fully allocated to the zone deaveraged rates.

\* \* \* \* \*

79. On page 38701, in the second column, in § 61.48 paragraph (o)(1), the first line, remove the word "of".

80. On the same page, in the same column, in § 61.48 paragraph (o)(1), wherever it appears, correct "LEC" to read "local exchange carrier".

81. On the same page, in the same column, in § 61.48 paragraph (o)(1), the twenty-third line, correct "price-cap" to read "price cap".

## PART 69—[CORRECTED]

### § 69.3 [Corrected]

82. On page 38701, in the third column, Part 69, add an amendatory instruction 18a. § 69.3 and (h) to read:

18a. Revise § 69.3(h) to read as follows:

#### § 69.3 Filing of access service tariffs.

\* \* \* \* \*

(h) Local exchange carriers subject to price cap regulation as that term is defined in § 61.3(ee) of this chapter, shall file with this Commission a price cap tariff for access service for an annual period. Such tariffs shall be filed to meet the notice requirements of § 61.58 of this chapter, with a scheduled effective date of July 1. Such tariff filings shall be limited to changes in the Price Cap Indexes, rate level changes (with corresponding adjustments to the affected Actual Price Indexes and Service Band Indexes), and the incorporation of new services into the affected indexes as required by § 61.49 of this chapter.

\* \* \* \* \*

### § 69.4 [Corrected]

83. On page 38701, in the third column, in § 69.4 paragraph (d)(1), the second line, correct "LECs" to read "local exchange carriers".

### § 69.152 [Corrected]

84. On page 38702, in the first column, in § 69.152, correct paragraph (d)(1)(i) to read:

\* \* \* \* \*

(i) The Average Price Cap CMT Revenue per Line month as defined in § 61.3(d) of this chapter; or

\* \* \* \* \*

85. On the same page, in the same column, in § 69.152 paragraph (e)(1), the fourth line, correct "the monthly charge" to read "the maximum monthly charge".

86. On the same page, in the same column, in § 69.152, correct paragraph (e)(1)(ii)(B) to read:

\* \* \* \* \*

(B) The Average Price Cap CMT Revenue per Line month as defined in § 61.3(d) of this chapter.

\* \* \* \* \*

87. On the same page, in the second column, in § 69.152, wherever it appears, correct "LEC" to read "local exchange carrier".

88. On the same page, in the same column, in § 69.152 paragraph (h)(2), the fourth line, correct "LEC's" to read "local exchange carrier's".

89. On the same page, in the same column, in § 69.152 paragraph (k)(1)(i), the first line, remove the comma and add a semi-colon.

90. On the same page, in the same column, in § 69.152 paragraph (k)(1)(ii)(A), the fourth line, remove the comma and add a semi-colon.

91–92. On the same page, in the same column, in § 69.152 paragraph (k)(1)(ii)(B), the first line, correct "Average Price Cap CMT Per Line" to read "The Average Price Cap CMT Revenue per Line month".

93. On the same page, in the third column, in § 69.152 paragraph (q), the third line, correct "LEC's" to read "local exchange carriers".

94. On the same page, in the same column, in § 69.152 paragraph (q)(1), the first line, correct "for price cap" to read "for a price cap".

95. On the same page, in the same column, in § 69.152, wherever it appears, correct "LEC" to read "local exchange carrier".

96. On the same page, in the same column, in § 69.152 paragraph (q)(2), the twelfth line, correct "USF" to read "Universal Service".

97. On page 38703, in the first column, in § 69.152 paragraph (q)(5), wherever it appears, correct "USF" to read "Universal Service".

98. On the same page, in the same column, in § 69.152 paragraph (q)(5), wherever it appears, correct "Per Line" to read "per Line month".

99. On the same page, in the same column, in § 69.152 paragraph (q)(6), the seventh and eighth lines, correct "Price Cap CMT Revenue Per Line" to read "Average Price Cap CMT Revenue per Line month".

100. On the same page, in the same column, in § 69.152 paragraph (q)(7), the second line, correct "LEC" to read "local exchange carrier".

101. On the same page, in the same column, in § 69.152 paragraph (q)(7), wherever it appears, correct "EUCL" to read "End User Common Line charge".

102. On the same page, in the same column, in § 69.152 paragraph (q)(7), the thirteenth line, correct "USF" to read "Universal Service".

103. On the same page, in the second column, in § 69.152 paragraph (q)(8), the third line, correct "LEC" to read "local exchange carrier".

104. On the same page, in the same column, in § 69.152 paragraph (q)(8), the sixth line, correct "USF" to read "Universal Service".

#### **§ 69.153 [Corrected]**

105. On page 38703, in the second column, in § 69.153 paragraph (a), the sixth line, correct "Per Line" to read "per Line month".

106. On the same page, in the same column, in § 69.153 paragraph (a), the eleventh line, correct "USF" to read "Universal Service".

#### **§ 69.157 [Corrected]**

107. On page 38704, in the first column, in § 69.157, the fifth line, correct "carrier" to read "carriers".

#### **§ 69.158 [Corrected]**

108. On page 38704, in the second and third columns, in § 69.158, wherever it appears, correct "LEC" to read "local exchange carrier".

109. On the same page, in the third column, in § 69.158, the twentieth line, correct "USF" to read "Universal Service".

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00–24540 Filed 9–25–00; 8:45 am]

**BILLING CODE 6712–01–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

**[DA 00–2105; MM Docket No. 00–56; RM–9839; RM–9905; RM–9906]**

### **Radio Broadcasting Services; Eastman, Vienna, Ellaville and Byromville, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission dismisses the request of Clyde and Connie Lee

Scott, d/b/a EME Communications, to allot Channel 221A to Eastman, Georgia, as the community's second local FM and third local aural service, since neither it nor any other party filed comments expressing an intention to apply for the channel, if allotted. *See* 65 FR 25697, May 3, 2000. At the request of Morgan Dowdy, Channel 221A is allotted to Vienna, GA, as the community's first local FM service. At the request of Radio Center Corp., Channel 290A is allotted to Ellaville, GA, as its first local aural service. Channel 221A can be allotted to Vienna in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.7 kilometers (1.1 miles) northeast, at coordinates 32–06–55 NL; 83–47–57 WL, to avoid a short-spacing to Station WDDQ, Channel 221A, Adel, Georgia. Channel 290A can be allotted to Ellaville with a site restriction of 9.5 kilometers (5.9 miles) southeast, at coordinates 32–11–15 NL; 84–13–15 WL, to avoid a short-spacing to Station WSTH–FM, Channel 291C1, Alexander, AL. The counterproposal filed by Murphy Broadcasting to allot Channel 221A to Byromville, GA, as its first local aural service, is dismissed since it failed to serve the petitioner with a copy of its counterproposal as required by Section 1.420(a) of the Commission's Rules. A filing window for Channel 221A at Vienna and Channel 290A at Ellaville will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**DATES:** Effective October 30, 2000.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–56, adopted September 6, 2000, and released September 15, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

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

Radio broadcasting.

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

**PART 73—[AMENDED]**

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Ellaville, Channel 290A, and Vienna, Channel 221A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24644 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 00-2064; MM Docket Nos. 99-180, 00-59; RM-9583, RM-9734, RM-9759]

**Radio Broadcasting Services; Cloverdale, Point Arena, Cazadero, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Mountain West Broadcasting, allots Channel 274A at Cloverdale, California, as the community's first local aural transmission service and denies the request of Point Broadcasting to allot Channel 274A at Cloverdale, California, as the community's first local aural transmission service. *See* 64 FR 32090 (June 7, 1999). The Commission, at the request of Point Broadcasting, also substitutes Channel 296A for Channel 296B1 at Point Arena, California and reallots Channel 296A to Cloverdale, California as the community's second local aural transmission service and first competitive service. *See* 65 FR 20790 (April 18, 2000). Channel 274A can be allotted to Cloverdale in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 7.5 kilometers (4.7 miles), at coordinates 38-44-22 and 123-32-34. Channel 296A can be allotted at Cloverdale in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 0.8 kilometers (0.5 miles), at coordinates 38-48-00 and 123-01-00. A filing window for

Channel 274A at Cloverdale will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective October 30, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket Nos. 99-180, 00-59, adopted August 30, 2000, and released September 15, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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

Radio broadcasting.

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

**PART 73—[AMENDED]**

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

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

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 296B1 at Point Arena, and adding Cloverdale, Channels 274A, 296A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24645 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 00-2104; MM Docket No. 00-109; RM-9899]

**Radio Broadcasting Services; Ravenwood, MO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 291A to Ravenwood, Missouri, in response to a petition filed by Clyde John Holdsworth and Ronald G. Fillbeck d/b/a R.C. Broadcasting Company. *See* 65 FR 41036, July 3, 2000. The coordinates for Channel 291A at Ravenwood are 40-21-09 NL and 94-40-16 WL. A filing window for Channel 291A at Ravenwood will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective October 30, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00-109, adopted September 6, 2000, and released September 15, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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

Radio broadcasting.

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

**PART 73—[AMENDED]**

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Ravenwood, Channel 291A. Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24647 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 000211040-0040-01; I.D. 091900A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting retention of sharpchin and northern rockfish in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of sharpchin and northern rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 2000 total allowable catch (TAC) of sharpchin and northern rockfish in this area has been achieved.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 20, 2000, until 2400 hrs, A.l.t., December 31, 2000.

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

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

The 2000 TAC of non-community development quota sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI was established as 4,764 metric tons in the Final 2000 Harvest Specifications of Groundfish for the BSAI (65 FR 8282, February 18, 2000). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 2000 TAC for sharpchin and northern rockfish in the Aleutian Islands subarea

of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b).

**Classification**

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the amount of the 2000 TAC of sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI. A delay in the effective date is contrary to the public interest. The fleet has taken the amount of the 2000 TAC of sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 20, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00-24592 Filed 9-20-00; 4:44 pm]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 000211040-0040-01; I.D. 091800J]

**Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea**

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

**ACTION:** Fishery closure.

**SUMMARY:** NMFS closes directed fishing for Atka mackerel in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI) by vessels using trawl gear not fishing for a Community Development Quota (CDQ). This action is necessary to prevent overfishing of the sharpchin/northern rockfish species group.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 20, 2000, until 2400 hrs, A.l.t., December 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

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

The Magnuson-Stevens Act requires that conservation and management measures prevent overfishing. The 2000 overfishing level for the sharpchin/northern rockfish species group in the Aleutian Islands subarea of the BSAI is established by the Final 2000 Harvest Specifications of Groundfish for the BSAI (65 FR 8282, February 18, 2000) as 6,870 metric tons (mt), the acceptable biological catch (ABC) is established as 5,150 mt and the non-CDQ total allowable catch (TAC) as 4,764 mt. The Administrator, Alaska Region, (Administrator) NMFS, estimates that as of September 20, 2000, the non-CDQ TAC of sharpchin/northern rockfish will be caught.

NMFS closed directed fishing for sharpchin/northern rockfish in Closures of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands (65 FR 8297, February 18, 2000). Substantial trawl fishing effort will be directed at remaining amounts of non-CDQ Atka mackerel in the Aleutian Islands subarea during 2000. This fishery has significant incidental catch of sharpchin/northern rockfish, averaging about 95 mt per day during the week ending September 16, 2000. Data from the groundfish observer program indicates that high incidental catch rates of sharpchin/northern rockfish are experienced in the Atka mackerel fishery and range from 15 percent to 25 percent. These high rates of sharpchin/northern rockfish are inherent in the directed Atka mackerel fishery and will not be reduced if the retention of sharpchin/northern rockfish was prohibited pursuant to § 679.20(d)(2). If the trawl non-CDQ Atka mackerel fishery were allowed to continue beyond September 20, 2000, the ABC for sharpchin/northern rockfish would be exceeded significantly.

The Regional Administrator, Alaska Region, NMFS has determined, in accordance with § 679.20(d)(3) that closing the directed fishery for non-CDQ Atka mackerel by vessels using trawl gear is necessary to prevent overfishing of the sharpchin/northern rockfish species group, and is the least restrictive measure to achieve that purpose. Without this directed fishery closure, significant incidental catch of sharpchin/northern rockfish would occur by trawl vessels targeting non-CDQ Atka mackerel.

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

Pursuant to 5 U.S.C. section 553, the Assistant Administrator for Fisheries, NOAA, finds that this action is necessary to prevent overfishing of sharpchin/northern rockfish in the Aleutian Islands subarea of the BSAI and thus constitutes good cause to waive the requirement to provide prior notice and public comment because such procedure is contrary to the public interest. Similarly, the need to implement these measure in a timely fashion to prevent overfishing

constitutes good cause to waive the 30-day delay in effectiveness.

#### **Classification**

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

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

Dated: September 20, 2000.

**Bruce C. Morehead,**

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

[FR Doc. 00-24591 Filed 9-20-00; 4:44 pm]

**BILLING CODE: 3510-22 -S**

# Proposed Rules

Federal Register

Vol. 65, No. 187

Tuesday, September 26, 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.

## FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 917, 925, 930, 931, 932, 933, 956, and 960

[No. 2000-23]

RIN 3069-AB01

### Capital Requirements for Federal Home Loan Banks

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Proposed Rule; extension of public comment period.

**SUMMARY:** On July 13, 2000, the Federal Housing Finance Board (Finance Board) published a proposed rule in the *Federal Register* (65 FR 43408 (July 13, 2000)) that would amend its regulations to implement a new capital structure for the Federal Home Loan Banks (Banks), as is required by the Gramm-Leach-Bliley Act (GLB Act). As discussed in that *Federal Register* release, the GLB Act mandates a new, risk-based capital structure for the Bank system that includes elements with more permanence than the one based on six-month redeemable stock that had been in effect. The capital system which governed the Banks prior to the GLB Act amendments remains in effect until the new capital regulations are adopted and the Banks fulfill the transition requirements set forth in those rules. The timely transition to the new capital structure is especially important given that the GLB Act eliminated mandatory membership requirements for federal savings associations, and membership in the Bank system is now voluntary for all members. The GLB Act also required the Finance Board to issue regulations implementing the capital requirement by November 12, 2000.

The proposed regulation provided for a public comment period of ninety days, which would have ended on October 11, 2000. Numerous commenters have requested that the Finance Board extend this comment period to allow the Banks and their membership time to fully discuss the new capital regulation

before submitting comments on the proposal. Commenters have suggested extensions of the comment period of 60 days, 180 days and even one year. The Finance Board realizes that well-considered comments from the Banks and their members are essential to developing a regulation that allows a smooth transition to the new capital structure. The Finance Board also recognizes, however, the importance to the Bank system of implementing this new structure within the transition period mandated by the GLB Act. To balance these goals, the Finance Board is committed to finding ways to implement the new statutory requirements and work productively with the Banks and their membership in developing the new rules. Thus, after considering the requests for extension of the public comment period and the importance of fulfilling the legal and regulatory goals of the GLB Act, the Finance Board is extending the close of the comment period for the proposed capital regulation from October 11, 2000 until November 20, 2000.

**DATES:** The comment period on the proposed rule is extended until November 20, 2000.

**ADDRESSES:** Comments should be mailed to: Elaine L. Baker, Secretary to the Board, by electronic mail at [bakere@fhfb.gov](mailto:bakere@fhfb.gov), or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Comments will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** Scott L. Smith, Acting Director, (202) 408-2991; Ellen Hancock, Senior Financial Analyst, (202) 408-2906; or Christina Muradian, Senior Financial Analyst, (202) 408-2584; or Julie Paller, Senior Financial Analyst, (202) 408-2482, Office of Policy Research and Analysis; or Deborah F. Silberman, General Counsel, (202) 408-2570; or Neil R. Crowley, Deputy General Counsel (202) 408-2990; or Thomas E. Joseph, Attorney-Advisor, (202) 408-2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunication device for deaf persons (TDD) is available at (202) 408-2579.

Dated: September 19, 2000.

By the Board of Directors of the Federal Housing Finance Board.

**William C. Apgar,**

*HUD Secretary Designee to the Board.*

[FR Doc. 00-24619 Filed 9-25-00; 8:45 am]

BILLING CODE 6725-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-CE-73-AD]

RIN 2120-AA64

### Airworthiness Directives; British Aerospace HP137 Mk1 and Jetstream Series 200 Airplanes

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to all British Aerospace HP137 Mk1 and Jetstream series 200 airplanes. The proposed AD would require you to inspect the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets, and repair any vertical stabilizer skin where discrepancies are found. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent failure of the vertical stabilizer caused by disbonding, corrosion, cracks, or loose rivets in the stabilizer skin. Such failure could lead to aircraft controllability problems.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before October 27, 2000.

**ADDRESSES:** Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-73-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace Regional Aircraft,

Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

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

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

*How can I be sure FAA receives my comment?* If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 99-CE-73-AD." We will date stamp and mail the postcard back to you.

**Discussion**

*What events have caused this proposed AD?* The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace HP137 Mk1 and Jetstream series 200 airplanes. The CAA reports instances of delamination and corrosion of the vertical stabilizer skin. Such damage resulted in cracks around the rivet holes.

*What are the consequences if the condition is not corrected?* If not detected and corrected, a damaged vertical stabilizer skin could lead to failure of the vertical stabilizer with consequent airplane controllability problems.

*Is there service information that applies to this subject?* British Aerospace has issued Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999.

*What are the provisions of this service bulletin?* This service bulletin:

- Includes procedures for inspecting the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets; and
- Specifies repairing any vertical stabilizer skin where discrepancies are found in accordance with the procedures in the maintenance manual or an FAA-approved repair scheme.

*What action did the CAA take?* The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom. The CAA classifying a service bulletin as mandatory is the same in the United Kingdom as the FAA issuing an AD in the United States.

*Was this in accordance with the bilateral airworthiness agreement?* These airplane models are manufactured in the United Kingdom and are 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 CAA has kept FAA informed of the situation described above.

**The FAA's Determination and an Explanation of the Provisions of the Proposed AD**

*What has FAA decided?* The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that:

- The unsafe condition referenced in this document exists or could develop on other British Aerospace HP137 Mk1 and Jetstream series 200 airplanes of the same type design;
- The actions specified in the previously-referenced service information should be accomplished on the affected airplanes, except for reporting any discrepancies to British Aerospace; and
- AD action should be taken in order to correct this unsafe condition.

*What does the proposed AD require?* This proposed AD would require you to inspect the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets, and repair any vertical stabilizer skin where discrepancies are found.

*Are there differences between the proposed AD and the Service Bulletin?* British Aerospace Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999, specifies reporting the results of the inspections to British Aerospace Regional Aircraft. This NPRM does not specify this action. The FAA recommends that each owner/operator submit this information and we are including a note in the proposed AD to communicate this. British Aerospace and the British CAA will use this information to determine whether repetitive inspections are necessary, and, if so, at what intervals.

The FAA will evaluate the information from the British CAA and may initiate further rulemaking action to propose a repetitive inspection requirement.

**Cost Impact**

*How many airplanes does the proposed AD impact?* We estimate that the proposed AD affects 85 airplanes in the U.S. registry.

*What is the cost impact of the proposed AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
5 workhours × \$60 per hour = \$300 .....	No parts required .....	\$300 per airplane .....	\$25,500

**Regulatory Impact**

*Does this proposed AD impact various entities?* The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

*Does this proposed AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this proposed action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, 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 a new airworthiness directive (AD) to read as follows:

**British Aerospace:** Docket No. 99-CE-73-AD

(a) *What airplanes are affected by this AD?* This AD affects HP137 Mk1 and Jetstream series 200 airplanes, all serial numbers, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent failure of the vertical stabilizer caused by disbonding, corrosion, cracks, or loose rivets in the stabilizer skin. Such failure could lead to aircraft controllability problems.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
(1) Inspect the right and left hand side of the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets.	Within the next 60 calendar days after the effective date of this AD, unless already accomplished.	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of British Aerospace Jetstream Alter Service Bulletin 55-A-JA-990640, Issued: September 1, 1999.
(2) Repair any vertical stabilizer skin where a discrepancy is found.	Prior to further flight after the inspection.	(i) If the discrepancies are within the limits specified in the maintenance manual: Use the procedures in the maintenance manual; or (ii) If the discrepancies are outside the limits specified in the maintenance manual: Use an FAA-approved repair scheme obtained from British Aerospace at the address specified in paragraph (h) of this AD.

**Note 1:** British Aerospace Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999, specifies reporting the results of the inspections to British Aerospace Regional Aircraft. The FAA highly recommends that each owner/operator submit this information. British Aerospace and the British CAA will use this information to determine whether repetitive inspections are necessary, and, if so, at what intervals. The FAA will evaluate the information from the British CAA and may initiate further rulemaking action to propose a repetitive inspection requirement.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may

add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas

City, Missouri 64106; telephone: (816) 329-4145; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

**Note 3:** The subject of this AD is addressed in British Aerospace Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999. This service bulletin is classified as

mandatory by the United Kingdom Civil Aviation Authority (CAA).

Issued in Kansas City, Missouri, on September 18, 2000.

**Marvin R. Nuss,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-24627 Filed 9-25-00; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-CE-79-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Raytheon Aircraft Company Beech Models A36, B36TC, and 58 Airplanes**

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Beech Models A36, B36TC, and 58 airplanes. The proposed AD would require you to inspect for missing rivets on the right hand side of the fuselage and, if necessary, install rivets. Raytheon has identified several instances of missing rivets on these airplanes. The actions specified by this proposed AD are intended to install missing rivets in the right hand fuselage panel assembly in the area above the right wing and below the cabin door threshold. These rivets must be present for the fuselage to carry the ultimate load and prevent critical structural failure with loss of airplane control.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on this proposed rule by October 30, 2000.

**ADDRESSES:** Send comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-79-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may look at comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get the service information referenced in the proposed AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-

3140. You may read this information at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4155; facsimile: (316) 946-4407.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

*How do I comment on this proposed AD?* We invite your comments on the proposed rule. You may send whatever written data, views, or arguments you choose. You need to include the rule's docket number and send your comments in triplicate to the address mentioned under the caption **ADDRESSES**. We will consider all comments received by the closing date mentioned above, before acting on the proposed rule. We may change the proposals contained in this notice because of the comments received.

*Are there any specific portions of the proposed AD I should pay attention to?* The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might call for a need to change the proposed rule. You may examine all comments we receive. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this proposal.

The FAA is reexamining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on the ease of understanding this document, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at <http://www.faa.gov/language/>. Q P='03'≤

*How can I be sure FAA receives my comment?*

If you want to know that we received your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 99-CE-79-AD." We will date stamp and mail the postcard back to you.

##### **Discussion**

*What events have caused this proposed AD?* Raytheon has identified several instances of missing rivets on these airplanes:

Model	Serial No.
Model A36 Bonanza.	Serials E-1 through E-3231; and E-3233.
Model B36TC Bonanza.	Serials EA-1 through EA-635.
Model 58 Baron.	Serials TH-1 through TH-1811; and TH-1813 through TH-1897.

Raytheon production and inspection personnel identified the missing rivets. The missing rivets are the result of a quality control problem.

*What are the consequences if the condition is not corrected?* This condition results in the airplane being unable to carry the ultimate load.

##### **Relevant Service Information**

*What service information applies to this subject?* Raytheon has issued Mandatory Service Bulletin SB 53-3341, revised: May 2000.

*What are the provisions of this service bulletin?* The service bulletin describes procedures for inspecting for missing rivets and installing rivets in the lower right hand fuselage panel assembly in the area above the right wing and below the cabin door threshold.

##### **The FAA's Determination and an Explanation of the Provisions of the Proposed AD**

*What has FAA decided?* After examining the circumstances and reviewing all available information related to the incidents, we have determined that:

- The unsafe condition referenced in this document exists or could develop on other Raytheon Beech Models A36, B36TC, and 58 airplanes of the same type design;
- These airplanes should have the actions specified in the above service bulletin incorporated; and
- The FAA should take AD action to correct this unsafe condition.

*What does this proposed AD require?*

This proposed AD would require you to:

- Inspect for missing rivets on the right hand fuselage; and
- If necessary, install rivets.

*What are the differences between the service bulletin and the proposed AD?*

Raytheon requires you to inspect for missing rivets and, if necessary, install rivets, as soon as possible after receipt of the Service Bulletin, but no later than the next scheduled 100 hour or annual inspection. We propose a requirement that you inspect and, if necessary, install the missing rivets within the next 100 hours time-in-service (TIS) after the effective date of the proposed AD. We believe that 100 hours TIS will give the owners/operators of the affected airplanes enough time to have the

proposed actions done without compromising the safety of the airplanes.

**Cost Impact**

*How many airplanes does this proposed AD impact?* We estimate the proposed AD would affect 452 airplanes in the U.S. registry.

*What is the cost impact of the proposed action for the affected airplanes on the U.S. Register?* We estimate that it would take about 1 workhour for each proposed inspection, at an average labor rate of \$60 an hour. Based on the cost factors presented above, we estimate that the total cost impact of the proposed inspection on U.S. operators is \$27,120, or \$60 per airplane.

We estimate that it would take 4 workhours to install the rivets. The cost of parts is about \$100. Based on the cost factors presented above, we estimate that the total cost impact of replacing the rivets on U.S. operators is \$340 per airplane.

The manufacturer will allow warranty credit for labor and parts to the extent noted in the service bulletin.

**Regulatory Impact**

*Does this proposed AD impact relations between Federal and State governments?* The proposed regulations would 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. We have

determined that this proposed rule would not have federalism implications under Executive Order 13132.

*Does this proposed AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if put into effect, 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. We have placed a copy of the draft regulatory evaluation prepared for this action in the Rules Docket. You may obtain a copy of it by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. FAA amends Section 39.13 by adding a new airworthiness directive (AD) to read as follows:

**Raytheon Aircraft Company:** Docket No. 99–CE–79–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following airplanes, certificated in any category:

Model	Serial No.
Model A36 .....	Serials E–1 through E–3231; and E–3233.
Model B36TC	Serials EA–1 through EA–635.
Model 58 .....	Serials TH–1 through TH–1811; and TH–1813 through TH–1897.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to install missing rivets in the right hand fuselage panel assembly in the area above the right wing and below the cabin door threshold. These rivets must be present for the fuselage to carry the ultimate load and prevent critical structural failure with loss of control of the airplane.

(d) *What must I do to address this problem?* To address this problem, you must do the following actions:

Actions	Compliance times	Procedures
(1) Inspect for up to 9 missing rivets between fuselage station (F.S.) 83.00 and F.S. 91.00 at water line (W.L.) 90.3.	Inspect within the next 100 hours time-in-service after the effective date of this AD.	Do this inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 53–3341, Revision 1, Revised: May 2000, and the Bonanza Series Maintenance Manual or Baron Model 58 Series Maintenance Manual.
(2) If you find rivets are missing, install these rivets.	Before further flight after the inspection.	Do these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 53–3341, Revision 1, Revised: May 2000, and the Bonanza Series Maintenance Manual or Baron Model 58 Series Maintenance Manual.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the

requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. You should include in the request an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of*

*compliance?* Contact T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4155; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can do the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get the service information referenced in the AD

from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. You may read this document at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 19, 2000.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-24628 Filed 9-25-00; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-ANE-38-AD]

#### **Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 series turboshaft and LTP101 series turboprop engines. The existing airworthiness directive (AD) superseded priority letter AD 94-19-01 and currently requires initial and repetitive inspections of the engine fuel pump internal drive splines for wear, and replacement of engine fuel pumps that exhibit wear beyond specified limits.

This proposal would require a reduction in inspection intervals for the engine fuel pump internal drive splines. This proposal is prompted by a report from the engine manufacturer that 13 percent of the pumps installed on aircraft that were returned from the field for the required 900-hour interval inspection revealed excessive internal drive spline wear. The actions specified by this proposal are intended to prevent worn splines in fuel pumps that could cause engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft.

**DATES:** Comments must be received by November 27, 2000.

**ADDRESSES:** Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 94-ANE-38-AD, 12 New

England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Honeywell International, Inc., Attn: Data Distribution, M/S 64-3/2101-201, P.O. Box 29003, Phoenix, AZ 85038-9003, telephone: (602) 365-2493, fax: (602) 365-5577. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

#### **FOR FURTHER INFORMATION CONTACT:**

Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5245, fax (562) 627-5210.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-ANE-38-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 94-ANE-38-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

#### **Discussion**

On April 17, 1995, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 95-09-02, Amendment 39-9206 (60 FR 20189, April 25, 1995), applicable to Textron Lycoming LTS101 series turboshaft and LTP101 series turboprop engines incorporating Chandler Evans (CECO) engine fuel pumps, Part Numbers 4-301-128-01, -02, -03, -04, -05, -06, -07, -08, -09, -10. This AD superseded Priority Letter AD 94-19-01, issued on September 2, 1994. The current AD requires initial and repetitive inspections for wear of LTS101 and LTP101 engine fuel pump internal drive splines installed on single-engine aircraft and replacement with a serviceable part of engine fuel pumps that exhibit wear beyond the limits specified in the incorporated service bulletin. That action was prompted by a report of a helicopter accident that resulted in a total loss of engine power and subsequent autorotation of a helicopter powered by a Textron Lycoming Model LTS101-600A-3 turboshaft engine. Investigation of that accident and other engine failures showed that CECO Model MFP261 engine fuel pump internal drive spline teeth were worn away and failed to engage, resulting in loss of fuel delivery to the engine. That condition, if not corrected, could result in engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft.

#### **Recent Analysis**

Since the issuance of AD 95-09-02, a number of removed fuel pumps have been returned to CECO. The FAA has learned that 13 percent of the pumps that were returned from the field for the required 900-hour interval inspection revealed excessive internal drive spline wear. Accordingly, the FAA has determined that the inspection interval must be reduced to 600-hour intervals.

#### **Service Information**

The FAA has reviewed and approved the contents of AlliedSignal Service Bulletin (SB) LT 101-73-20-0203, dated August 18, 1999, that informs operators of the new inspection intervals and the drawdown schedule for in-service

pumps. This AD is applicable to pumps installed on single-engine aircraft only.

### Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this proposed AD would supersede AD 95-09-02 to require initial and repetitive inspections for wear of the engine fuel pump internal drive splines, and replacement of engine fuel pumps that exhibit wear beyond the limits specified in AlliedSignal Engines SB No. LT101-73-20-0203 dated August 18, 1999, with a serviceable part. Fuel pumps removed in accordance with this AD must be returned to CECO for disassembly, inspection, and repair because of the specialized tools and procedures required. These actions must be done in accordance with the SB described previously.

### Economic Analysis

Because initial removal and replacement activities are scheduled at intervals compatible with existing AD 95-09-02, no additional impact on part and labor cost is anticipated.

### Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

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

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-9206 (60 FR 20189, April 25, 1995) and by adding a new airworthiness directive to read as follows:

**Honeywell International Inc.:** Docket No. 94-ANE-38-AD. Supersedes AD 95-09-02, Amendment 39-9206.

**Applicability:** Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101-600A-2, -600A-3 series turboshaft and LTP101-600A-1A, -700A-1A series turboprop engines incorporating Chandler Evans (CECO) engine fuel pumps, part numbers (P/N) 4-301-128-01, -02, -03, -04, -05, -06, -07, -08, -09, and -10. These engines are installed on but not limited to the following single-engine aircraft: Eurocopter France (formerly Aerospatiale) AS350D series helicopters and Airtractor AT302, PAC Aero Cresco, and Page (Ayres S-2R) Thrush airplanes. This proposed AD is not applicable to engines installed on twin-engine aircraft.

**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 (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft, accomplish the following:

#### Initial Inspection

(a) Remove from service and return to CECO for inspection, engine fuel pumps with greater than 751 hours time in service (TIS) since new or overhaul on the effective date of this airworthiness directive (AD), within the next 100 hours TIS after the effective date of this AD but prior to reaching 900 hours TIS since new or overhaul. All pumps must be inspected before 900 hours TIS since new, overhaul, time between inspection, or time since last inspection in accordance with

AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, 1999.

(b) Remove from service and return to CECO for inspection, engine fuel pumps with greater than 451 hours TIS since new or overhaul, but less than or equal to 750 hours TIS since new or overhaul on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD, in accordance with AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, 1999.

(c) Remove from service and return to CECO for inspection, engine fuel pumps with less than or equal to 450 hours TIS since new or overhaul on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD, or before accumulating 600 hours TIS since new, overhaul, time between inspection, or time since last inspection, whichever occurs first, in accordance with AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, 1999.

#### Repetitive Inspections

(d) Thereafter, remove from service and return to CECO for inspection, engine fuel pump at intervals not to exceed 600 hours TIS since the last inspection in accordance with the Accomplishment Instructions of AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, 1999.

(e) Engine fuel pumps that exhibit wear beyond the limits specified in AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, may not be returned to service.

#### Definition

(f) For the purposes of this AD, a serviceable part is defined as a new part, or a part that has been inspected by CECO in accordance with AlliedSignal Engines SB No. LT101-73-20-0203, dated August 18, 1999, and that has not accumulated 600 hours TIS since new, or since inspection by CECO.

#### Alternative Method of Compliance

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

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ACO. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

#### Ferry Flights

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

Issued in Burlington, Massachusetts, on September 19, 2000.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,  
Aircraft Certification Service.

[FR Doc. 00-24629 Filed 9-25-00; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-103805-99]

RIN 1545-AX56

#### Agent for Consolidated Group

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

**ACTION:** Withdrawal of previous proposed regulations; notice of proposed rulemaking; and notice of public hearing.

**SUMMARY:** This document contains proposed regulations regarding the agent for an affiliated group that files a consolidated return (consolidated group). The proposed regulations address certain issues raised by the current regulations concerning the agent for the group when the common parent ceases to be the common parent, as well as questions concerning the scope of the common parent's authority. These proposed regulations affect all consolidated groups. This document also provides notice of a public hearing on these proposed regulations. In addition, this document withdraws a portion of the proposed rulemaking (LR-97-79) published in the *Federal Register*, July 31, 1984.

**DATES:** Written and electronic comments must be received by December 26, 2000. Outlines of topics to be discussed at the public hearing scheduled for 10 a.m. on January 22, 2001, must be received by December 26, 2000.

**ADDRESSES:** Send submissions to: CC:M&SP:RU (REG-103805-99), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may also be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to CC:M&SP:RU (REG-103805-99), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS internet site at <http://www.irs.ustreas.gov/>

tax\_regs/regslst.html. The public hearing will be held in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Concerning the regulations, Gerald B. Fleming or George R. Johnson, (202) 622-7930; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing, Sonya Cruse, (202) 622-7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)).

Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by November 27, 2000.

Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the collection will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information;

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in the proposed regulations is in § 1.1502-77(d). This information is required for the common parent to notify the IRS of the designation of a new agent for the consolidated group when the common parent's existence is about to terminate and for the designated corporation to confirm that it agrees to serve as the

group's new agent and qualifies to be the group's agent. The collection of information is required to obtain a benefit, i.e., to designate a new agent for the consolidated group. The likely respondents are business or other for-profit institutions.

The regulations provide that a common parent or a previously designated agent of a consolidated group should notify the Commissioner in writing, in accordance with procedures prescribed by the Commissioner, that it anticipates going out of existence and that it designates another corporation to serve as the group's agent for specified prior consolidated return years. In addition, the notification should include a statement by the designated corporation agreeing to serve as the group's agent and, if the designated corporation was not itself a member of the group, a statement that it is or will be liable for the tax. An agent designated by the Commissioner is required to give notice to each corporation (or any successor) that was a member of the group during any part of the relevant consolidated return year. The burden for the collection of information in § 1.1502-77(d) is as follows:

*Estimated total annual reporting burden:* 200 hours.

*Estimated average annual burden per respondent:* 2 hours.

*Estimated number of respondents:* 100.

*Estimated annual frequency of responses:* On occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Background

This document proposes amendments to 26 CFR part 1 under section 1502 of the Internal Revenue Code of 1986 (Code). The proposed amendments clarify and supplement existing rules under § 1.1502-77 concerning the agent for a consolidated group and the designation of a new agent to act for the group. The proposed amendments also clarify rules concerning the common parent as agent for a corporation whose income is improperly included in a consolidated return. In addition, the

proposed amendments modify and clarify the rules concerning the proper party to apply for and receive a refund payment due to a tentative carryback adjustment under § 1.1502-78. The proposed regulations also terminate § 1.1502-77T for tax years beginning on or after the effective date of final regulations amending § 1.1502-77.

Section 1.1502-77(a) currently provides that the common parent is the "sole agent" for the consolidated group with respect to nearly all procedural tax matters relating to the group's tax liability for a consolidated return year. Notwithstanding this general rule, § 1.1502-77(a) provides that the IRS may, upon notifying the common parent, deal directly with any member of the group in respect of its liability, in which case that member shall have full authority to act for itself.

Because the common parent's authority to act as agent for the group terminates when the common parent corporation ceases to exist, § 1.1502-77(d) provides for the designation of a new agent to act for the group. Section 1.1502-77(d) first grants the terminating common parent, prior to going out of existence, the authority to designate a remaining member to act as agent for the group (a designated agent) regarding the group's prior consolidated return years. If the common parent goes out of existence without designating a new agent, § 1.1502-77(d) provides that the remaining members of the group may designate a new agent. A designation of a new agent under this provision, by either the common parent or the remaining members, is subject to the approval of the district director with which the group files its return. Section 1.1502-77(d) also grants the IRS the authority to deal separately with each remaining member of the group with respect to its liability in the event that neither the common parent nor the surviving members designate a new agent.

Decisions of the United States Tax Court have highlighted difficulties in applying these rules to situations where a group continues to exist following a transaction described in § 1.1502-75(d) (a group structure change), in which a new common parent has replaced the former common parent (which may or may not have remained in existence or remained a member of the group). See *Interlake Corp. v. Commissioner*, 112 T.C. 103 (1999); *Union Oil Co. v. Commissioner*, 101 T.C. 130 (1993); *Southern Pacific Co. v. Commissioner*, 84 T.C. 395, 404 (1985).

On September 8, 1988, various final and temporary regulations under section 1502 were published in the **Federal**

**Register** (53 FR 34729). At the same time, a notice of proposed rulemaking (LR-66-88) cross-referenced to the text of the temporary regulations was also published (53 FR 34779). Included in the temporary regulations was § 1.1502-77T. In situations where the corporation that was the common parent of the group ceases to be the common parent, § 1.1502-77T provides alternative agents to act for a consolidated group, but only for purposes of mailing notices of deficiency and waiving periods of limitations. Specifically, § 1.1502-77T allows the following alternative agents to act on behalf of the group: (1) the common parent of the group for all or any part of the year to which the notice or waiver applies, (2) a successor to the former common parent in a transaction to which section 381(a) applies, (3) the agent designated by the group under § 1.1502-77(d), or (4) if the group remains in existence under § 1.1502-75(d)(2) or (3), the common parent of the group at the time the notice is mailed or the waiver given.

The IRS received no comments on § 1.1502-77T and has not issued final regulations concerning alternative agents.

#### Reasons for Change

Given the common parent's role as the agent for the group, issues arise about who has authority to act on behalf of the group for consolidated return years where the common parent has ceased to exist (e.g., due to a merger or liquidation) or where, while continuing to exist, it has ceased to be the common parent of the group (e.g., as a result of being acquired by another corporation). Other issues arise concerning the proper agent, as well as the scope of that agency, where a consolidated return improperly includes the income of a corporation that should have filed separately or when the IRS issues a tentative refund in response to a claim filed by a former member of the group.

Although the current provisions of §§ 1.1502-77 and 1.1502-77T provide guidance in limited situations, numerous issues have arisen in situations outside the scope of these provisions. The alternative agent approach of § 1.1502-77T addressed agency issues regarding notices of deficiency and waivers of periods of limitations. It was intended to offer flexibility in allowing both taxpayers and the IRS to choose from among several potential agents to act for the group and also to ensure that whichever corporation is selected would be a permissible agent to act for the group. However, an alternative agent provided by § 1.1502-77T is the agent for the

group only for purposes of mailing notices of deficiency or for executing consents to extend periods of limitations. Under § 1.1502-77T, an alternative agent has no authority to act as the group's agent for other purposes (e.g., filing a refund claim, receiving refund payments or executing a closing agreement). As a result, under the current rules, absent a designation of one of the remaining members to act as agent under § 1.1502-77(d), the IRS may have no option other than to deal separately with each remaining member for any purpose not covered by § 1.1502-77T.

The IRS and Treasury initially considered the possibility of expanding the scope of the authority of alternative agents under § 1.1502-77T to include all matters under the common parent's scope of authority as set forth in § 1.1502-77(a). However, it was ultimately concluded that the shortcomings of the alternative agent approach outweigh its benefits. In particular, that approach lacks certainty because the IRS could deal with any one of several alternative agents and more than one corporation could initiate actions on behalf of the group. Also, a corporation could serve as an alternative agent without having been related to members of the group during the consolidated return year at issue or without being liable for the consolidated tax for that year.

In lieu of expanding the alternative agent approach of § 1.1502-77T, the IRS and Treasury propose to revise the rules of § 1.1502-77 and to terminate the application of § 1.1502-77T. Under the proposed regulations, as discussed in more detail below, the common parent remains the agent for the group's consolidated return year as long as it remains in existence, regardless of whether it continues to be a common parent or a member of the group, or whether the group continues under § 1.1502-75(d).

The proposed regulations set forth procedures for a common parent to designate a new agent for the group when the common parent ceases to exist, and permit the IRS to designate a new agent if the common parent fails to do so. The proposed regulations do not contain a provision allowing the remaining members to designate a new agent if the common parent fails to make a designation before it ceases to exist. The proposed regulations provide that the common parent acts as the agent with regard to the liability of any corporation whose income is improperly included in the group's return but whose liability is subsequently computed on the basis of

a separate return or as a member of another consolidated group.

Finally, the proposed regulations modify the rule in § 1.1502-78(a) concerning an application under section 6411 for a tentative carryback adjustment with respect to a loss or business credit arising in a separate return limitation year. Under the proposed amendments, the application should be filed by the common parent for the carryback year instead of the corporation to which the loss or credit is attributable. In addition, the proposed amendments clarify that any refund under § 1.1502-78(b) related to a tentative carryback adjustment must be paid to the corporation that was the common parent (or is the designated agent) for the carryback year. The proposed amendments also replace the word "investment" with "business" in the term *unused investment credit* in § 1.1502-78(a) to conform to changes in section 6411.

#### Explanation of Provisions

In order to reduce uncertainty for both taxpayers and the IRS, the proposed amendments to § 1.1502-77(a) provide that the common parent for a consolidated return year remains the agent for the group for that year as long as it continues to exist. This rule applies even if the common parent, for whatever reason, ceases to be the common parent. Thus, for example, if the common parent becomes a subsidiary member of the consolidated group, which continues under § 1.1502-75(d), if the common parent becomes a stand-alone corporation, or even if the common parent becomes a subsidiary member of another group, it remains the agent of the group for those consolidated return years during which it was the group's common parent. Cf. *Interlake Corp. v. Commissioner*, 112 T.C. 103 (1999); *Union Oil Co. v. Commissioner*, 101 T.C. 130 (1993).

The proposed regulations provide a rule for situations where a corporation files a consolidated return as the common parent of an affiliated group but is subsequently determined not to be the actual common parent of that group. In such situations, the corporation that filed as the common parent is considered to be the agent for each member of the claimed group even though it was not actually the common parent. This situation may arise, for example, where the common parent fails to own stock satisfying the 80-percent voting and value requirement of section 1504(a)(2).

The proposed regulations clarify that the common parent's authority as agent for a taxable year extends to any

successor of a member. For purposes of § 1.1502-77 only, the term *successor* means a party that, pursuant to applicable law, has become primarily liable for the tax liabilities of the common parent or any subsidiary member. Such determination is made without regard to § 1.1502-1(f)(4) (defining the term *successor* for purposes of the definition of a separate return limitation year). The proposed regulations also clarify that the common parent remains the sole agent with respect to the consolidated tax liability under § 1.1502-6 of a subsidiary (or its successor) that is or becomes a disregarded entity for Federal tax purposes.

Where transferee liability exists under applicable law, the proposed regulations provide that, for purposes of assessing, paying or collecting transferee liability, actions of the common parent with respect to the group's tax liability will derivatively affect the liability of a transferee of a member, regardless of whether the transferor member remains in existence. This provision is essentially an application of general principles of transferee liability in the context of a consolidated group. Under case law, the actions of a transferor derivatively affect the liability of a transferee, even if the actions are taken after the transfer occurs. See, e.g., *United States v. Vassallo, Inc.*, 274 F.2d 791, 793-794 (3d Cir. 1960). As provided in the proposed regulations, the common parent's actions on behalf of the group are always binding on each member of the group. Therefore, any actions of a common parent with respect to the group's liability for a consolidated return year will derivatively affect the liability of a transferee of a transferor member that remains in existence, even if the action occurs after the transfer giving rise to the transferee liability.

The proposed regulations recognize the derivative effect of the common parent's actions on transferee liability and further provide that actions taken by or with respect to the common parent, as agent for the group, after a transferor member has ceased to exist, also derivatively affect the liability of a transferee of such member to the same extent as if the transferor member had remained in existence. For example, under this provision, a waiver extending the limitations period for assessment, executed by the common parent (as agent for the group) after a member ceases to exist, would have the derivative effect of extending the limitations period with respect to a transferee of such member.

The proposed regulations revise the rules governing the designation of a new

agent for the group when the common parent ceases to exist. They retain the current provision under § 1.1502-77(d) for the common parent to notify the IRS and designate, subject to the approval of the IRS, another member to act as the group's agent for the consolidated return year.

As under the current rule, the proposed regulations provide that the common parent may designate one of the remaining members of the group as the new agent for the group. The proposed regulations provide that the member designated as the agent for a consolidated return year must have been a member of the group during the consolidated return year and must not subsequently have been disregarded as an entity separate from its owner or treated as a partnership for purposes of Federal taxes. However, the common parent may also designate a domestic corporation (that is not disregarded as an entity separate from its owner or classified as a partnership for Federal tax purposes) that is primarily liable as a successor of any corporation that was a member of the group during the consolidated return year. In addition, the common parent will be permitted to designate any domestic corporation (that is not disregarded as an entity separate from its owner or classified as a partnership for Federal tax purposes) that is to become primarily liable as the common parent's successor in connection with a transaction in which the common parent's existence terminates. If an agent previously designated under this provision ceases to exist, the proposed regulations provide for such terminating agent to designate a new agent in the same manner that is available to a common parent that is going out of existence.

For purposes of the designation provision, a corporation's existence is deemed to cease not only if the corporation ceases to exist under applicable law, but also if the corporation becomes a disregarded entity or reclassified as a partnership for Federal tax purposes. However, if treating a corporation as ceasing to exist when it becomes a disregarded entity or reclassified as a partnership would leave no other corporation eligible to serve as a designated agent for the group, its existence would not be deemed to terminate. As used in the proposed regulations, the term *disregarded entity* includes a qualified subchapter S subsidiary for which an election is made pursuant to section 1361(b)(3)(B), a qualified REIT subsidiary within the meaning of section 856(i)(2), or an entity that is disregarded as an entity separate from

its owner under the "check-the-box" rules of § 301.7701-3. If, as a result of becoming a disregarded entity or reclassified as a partnership, the group's agent ceases to exist for Federal tax purposes without designating a new agent and subsequently purports to act on behalf of the group, any actions taken by the purported agent will, to the extent determined appropriate by the Commissioner, have the same effect as if the agent's existence had not terminated.

In the event the common parent (or a previously designated agent) fails to designate a new agent before going out of existence, the proposed regulations authorize the IRS to designate a new agent for the group. The IRS may designate one of the remaining members of the group for the consolidated return year (that has not been disregarded as an entity separate from its owner or reclassified as a partnership for Federal tax purposes), or any domestic corporation (that is not disregarded as an entity separate from its owner or classified as a partnership for Federal tax purposes) that is primarily liable as a successor of such a member, to act as the group's agent. This provides the IRS with a readily available option in cases where it needs to address a consolidated group's tax liability and no new agent has otherwise been designated. Any corporation that the IRS designates as the agent for the consolidated return year generally will continue as the group's agent as long as it remains in existence. At the request of one or more members, however, the IRS may (but is not required to) replace a designated agent with another member (or successor of a member) for the consolidated return year.

The proposed regulations direct the IRS and the designated agent to provide notification of the designation to the other remaining members/successors. Any failure by the IRS and/or the designated agent to give notification to a member/successor does not invalidate the designation.

Under the current regulations, the remaining members for a consolidated return year may designate a new agent in the event the common parent does not designate a new agent that is approved by the IRS. In practice, taxpayers have seldom utilized this provision because it is unwieldy and largely impracticable except for groups comprising only a few members. Accordingly, in light of the infrequency with which taxpayers use this provision, and in the interest of providing simple and administrable procedures, the IRS and Treasury have concluded that there is no longer a need

to provide for any designation by the remaining members.

As under the current regulations, the proposed regulations provide that a designation by the common parent or a designated agent cannot become effective until it is approved by the IRS. The proposed regulations clarify that the Commissioner's approval of a designation by a common parent (or designated agent) will not be effective before the corporation making the designation ceases to exist. In the absence of an effective approved designation, a notice of deficiency or any other communication mailed to the former common parent or former designated agent, even if no longer in existence, is treated as having been properly mailed to all members and successors.

The proposed regulations retain the provision in the current regulations authorizing the Commissioner, upon notifying the common parent, to deal separately with a member concerning that member's several liability for the consolidated tax. In such a case, the member would have full authority to act for itself.

The proposed regulations eliminate § 1.1502-77T for consolidated return years beginning after the date that the final regulations under § 1.1502-77 are published in the **Federal Register**.

The proposed regulations provide that the common parent is the sole agent for any corporation that is improperly included in the group's return and whose tax liability should have been computed on the basis of a separate return or as a member of another consolidated group. This provision is consistent with the current rule of § 1.1502-77(c)(2), relating to the effect of waivers of periods of limitations on assessment that are executed by the common parent. The proposed regulations are also consistent with rulings of the Tax Court in several cases. See *Intervest Enterprises, Inc. v. Commissioner*, 59 T.C. 91, 96-97 (1972); *Lone Star Life Insurance Company v. Commissioner*, T.C. Memo. 1997-465; *INI, Inc. v. Commissioner*, T.C. Memo. 1995-112, *aff'd per curiam*, 107 F.3d 27 (11th Cir. 1997). See also *Alumax Inc. v. Commissioner*, 109 T.C. 133, 196 (1997) (holding that the improper inclusion of a corporation in a consolidated return does not alter the agency relationship established under § 1.1502-77(c)), *aff'd on other grounds*, 165 F.3d 822 (11th Cir. 1999).

The proposed regulations amend § 1.1502-78(a) to provide that the common parent for the carryback year should file any application under section 6411 for a tentative carryback

adjustment with respect to a loss or credit arising in a separate return limitation year that may be carried back to a consolidated return year. The current rule, which provides that the corporation to which such loss or credit is attributable should file such application, is inconsistent with the general rule of § 1.1502-77 that the common parent is the sole agent for the group and with the rule of § 1.1502-78(b) that payment of any resulting refund is made to the common parent.

In *Interlake Corp. v. Commissioner*, 112 T.C. 103, 112-113 (1999), the Tax Court found that § 1.1502-78(b) is unclear as to whether the common parent in the carryback year or the common parent in the loss year should be the group's agent to receive a refund resulting from a tentative carryback adjustment. 112 T.C. at 112-113. The proposed regulations amend § 1.1502-78(b) to provide expressly that the refund should be paid to the common parent or designated agent for the group's carryback year.

Finally, because the position of district director will be eliminated in the restructuring of the IRS, the proposed regulations substitute "the Commissioner" for various references to the district director in § 1.1502-77. If the proposed rules are adopted, procedures for the designation of a new agent under the new IRS structure, by either a terminating common parent or the Commissioner, will be announced when final regulations are issued. It is anticipated that such procedures will be embodied in a revenue procedure that may also include provisions for one or more members of a group to request that the Commissioner designate an agent in situations where the common parent or previously designated agent failed to designate a new agent before it ceased to exist, whether or not the Commissioner has already designated an agent. Comments are invited concerning these procedures.

#### Proposed Effective Date

The amendments to § 1.1502-77 are proposed to apply to consolidated return years beginning on or after the date final regulations are published in the **Federal Register**. The current rules of §§ 1.1502-77 and 1.1502-77T continue to apply with respect to consolidated return years beginning before the effective date of final regulations under § 1.1502-77. Thus, the alternative agent approach of the temporary regulation would continue to apply for purposes of mailing notices of deficiency and executing waivers of periods of limitations on assessment with respect to consolidated return

years beginning before the date final regulations are published in the **Federal Register**.

The amendments to § 1.1502-78 are proposed to apply to taxable years to which a loss or credit may be carried back and for which the due date (without extensions) of the original return is after the date final regulations are published in the **Federal Register**.

### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations will primarily affect affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger businesses, and, moreover, that any burden on taxpayers is minimal. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

### Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are timely submitted to the IRS.

The IRS and Treasury request comments on the clarity of the proposed rules and how they may be made easier to understand or to implement. In addition, comments are requested on the treatment in the proposed regulations of entities that become disregarded as entities separate from their owners or become partnerships for Federal tax purposes. All comments will be available for public inspection and copying.

A public hearing has been scheduled for January 22, 2001, beginning at 10 a.m. in room 4718, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the

immediate entrance area more than 15 minutes before the hearing starts.

For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must request to speak, and submit written comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by December 26, 2000.

A period of ten minutes will be allocated to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

### Drafting Information

The principal authors of these proposed regulations are Gerald B. Fleming, George R. Johnson and Steven J. Hankin, Office of the Assistant Chief Counsel (Field Service). However, other personnel from the IRS and Treasury Department participated in their development.

### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

#### PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by removing entries for sections 1.1502-77(e) and 1.1502-78(b) and adding entries in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*  
Section 1.1502-77 also issued under 26 U.S.C. 1502 and 6402(j).  
Section 1.1502-78 also issued under 26 U.S.C. 1502, 6402(j), and 6411(c). \* \* \*  
Section 1.1502-77A also issued under 26 U.S.C. 1502 and 6402(j). \* \* \*

#### § 1.1502-41A [Amended]

**Par. 2.** Immediately following § 1.1502-41A, an undesignated center heading is added to read as follows:

### Regulations Applicable to Taxable Years Beginning Before the Date Final Regulations Are Published in the Federal Register

#### § 1.1502-79A [Amended]

**Par. 3.** Immediately before § 1.1502-79A, an undesignated center heading is added to read as follows:

Regulations Applicable to Taxable Years Before January 1, 1997

**Par. 4.** Section 1.1502-77 is redesignated as § 1.1502-77A and transferred immediately after the undesignated center heading “**Regulations Applicable to Taxable Years Beginning Before the Date Final Regulations Are Published in the Federal Register**”; the section heading of newly designated § 1.1502-77A is revised; paragraph (e) is redesignated as paragraph (f); and paragraph (g) is added to read as follows:

#### § 1.1502-77A Common parent agent for subsidiaries applicable for consolidated return years beginning before the date final regulations are published in the Federal Register.

\* \* \* \* \*

(g) *Effective date.* This section applies to consolidated return years beginning before the date final regulations under § 1.1502-77 are published in the **Federal Register**, except paragraph (e) of this section applies to statutory notices and waivers of the statute of limitations for taxable years for which the due date (without extensions) of the consolidated return is after September 7, 1988, and which begin before the date final regulations under § 1.1502-77 are published in the **Federal Register**.

**Par. 5.** New § 1.1502-77 is added to read as follows:

#### § 1.1502-77 Agent for the group.

(a) *Scope of agency*—(1) *In general*—(i) *Common parent.* Except as provided in paragraphs (a)(3) and (6) of this section, the common parent for a consolidated return year, for all matters relating to the tax liability for the consolidated return year, shall be the sole agent for—

(A) Each subsidiary in the group; and  
(B) Any successor of any member (including the common parent).

(ii) *Other agents.* For purposes of this section, any corporation described in paragraphs (a)(1)(ii)(A) and (B) of this section will act as the agent in place of the common parent to the same extent and subject to the same limitations as are applicable to the common parent, and any reference in this section to the common parent will include any such other agent—

(A) Any corporation designated as the agent pursuant to paragraph (d) of this section to replace the common parent or a previously designated agent; and

(B) Any corporation that files a consolidated return as the common parent for a group, notwithstanding that such corporation is subsequently determined not to have been the proper agent for the claimed group.

(iii) *Successor*. For purposes of this section only, the term *successor* means a party that is primarily liable, pursuant to applicable law (including, for example, by operation of a state or Federal merger statute), for the tax liability of the common parent or any subsidiary of the group. Such determination is made without regard to § 1.1502-1(f)(4).

(iv) *Disregarded entity*. If a subsidiary of a group or its successor is or becomes a disregarded entity for Federal tax purposes, the common parent will continue to serve as the sole agent with respect to that subsidiary's tax liability under § 1.1502-6 for consolidated return years during which it was a member of the group, even though the entity generally is not treated as a person separate from its owner for Federal tax purposes.

(v) *Transferee liability*. For purposes of assessing, paying and collecting transferee liability, any action taken by or directed to the common parent with respect to the group's tax liability will derivatively affect the liability of a transferee (or subsequent transferees) of a member, regardless of whether the member terminates its existence prior to such action.

(2) *Specific matters subject to agency*. As sole agent, the common parent is authorized to act in its own name for all matters relating to the tax liability for the consolidated return year. Except as provided in paragraphs (a)(3) and (6) of this section, no subsidiary or successor shall have authority to act for or to represent itself in any such matter. For example—

(i) Any election available to a subsidiary corporation in the computation of its separate taxable income must be made by the common parent, as must any change in an election previously made by or for a subsidiary corporation;

(ii) All correspondence will be carried on directly with the common parent;

(iii) The common parent shall file for all extensions of time, including extensions of time for payment of tax under section 6164;

(iv) The common parent in its own name will give waivers, give bonds, and execute closing agreements, offers in compromise, and all other documents,

and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, shall be considered as having also been given or executed by each member or any successor thereof;

(v) The common parent will file claims for refund, and any refund will be made directly to and in the name of the common parent and will discharge any liability of the Government to any member or any successor thereof with respect to such refund;

(vi) Notices of claim disallowance will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each member or any successor thereof;

(vii) Notices of deficiencies will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each member or any successor thereof;

(viii) The common parent will file petitions and conduct proceedings before the United States Tax Court, and any such petition shall be considered as also having been filed by each member or any successor thereof;

(ix) Any assessment of tax may be made in the name of the common parent, and an assessment naming the common parent shall be considered as an assessment with respect to each member and any successor thereof; and

(x) Notice and demand for payment of taxes will be given only to the common parent and such notice and demand will be considered as a notice and demand to each member or any successor thereof.

(3) *Matters reserved to subsidiaries*. Notwithstanding the role of the common parent as exclusive agent under paragraph (a)(1) of this section, the following matters shall be reserved to each subsidiary and, if applicable, to a successor of a subsidiary—

(i) The making of the consent required by § 1.1502-75(a)(1);

(ii) The making of an election under section 936(e);

(iii) The making of an election to be treated as a DISC under § 1.992-2; and

(iv) A change of the annual accounting period pursuant to § 1.991-1(b)(3)(ii).

(4) *Term of agency*—(i) *In general*. Except as provided in paragraph (a)(4)(iii) of this section, the common parent for the consolidated return year shall remain the sole agent with respect to that year until its existence terminates, regardless of whether one or more subsidiaries become or cease to be members of the group at any time, whether the group files a consolidated return for any subsequent year, whether

the common parent ceases to be the common parent or a member of the group in any subsequent year, or whether the group continues pursuant to § 1.1502-75(d) with a new common parent in any subsequent year.

(ii) *Replacement of agent designated by Commissioner*. If the Commissioner replaces a previously designated agent pursuant to paragraph (d)(2)(ii) of this section, the term of the replaced agent shall terminate when the Commissioner designates another agent.

(iii) *New common parent after a group structure change*. If the group continues in existence with a new common parent pursuant to § 1.1502-75(d) during a consolidated return year, the common parent at the beginning of the year is the group's sole agent through the date of the transaction, and the new common parent becomes the continuing group's sole agent beginning the day after the transaction.

(5) *Identifying members in notices*. Notwithstanding the provisions of this paragraph (a)—

(i) Any notice of deficiency with respect to the tax for a consolidated return year will name each corporation that was a member of the group during any part of such period (but a failure to include the name of any such member will not affect the validity of the notice of deficiency as to the other members or their successors), and any notice of deficiency that is valid as to a member so named will be valid as to any successor of such member;

(ii) Any notice and demand for payment will name each corporation that was a member of the group during any part of the applicable consolidated return year (but a failure to include the name of any such member will not affect the validity of the notice and demand as to the other members or their successors), and any notice and demand for payment that is valid as to a member so named will be valid as to any successor of such member;

(iii) Any notice of a lien, any levy or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the taxpayer from which such collection is to be made;

(iv) Any notice described in paragraphs (a)(5)(i) through (iii) of this section that fails to include the name of a member during the consolidated return year shall still be valid as to that member's successor, if such successor is named in the notice; and

(v) If a notice of deficiency fails to name a member or its successor, any assessment of tax based on such notice shall still be a valid assessment as to the other members or their successors.

(6) *Direct dealing with a member.* Notwithstanding the provisions of this paragraph (a), the Commissioner may, upon notifying the common parent, deal directly with any member of the group or any successor of a member with respect to its several liability for the consolidated tax of the group, in which event such member or successor shall have full authority to act for itself.

(b) *Copy of notice of deficiency to corporation which has ceased to be a member of the group.* If a corporation has ceased to be a member of the group during or after a consolidated return year and if such corporation or its successor files written notice of such cessation with the Commissioner, then the Commissioner upon request of such corporation or its successor will furnish a copy of any notice of deficiency with respect to the tax for a consolidated return year for which the corporation was a member or a copy of any notice and demand for payment of such deficiency. The filing of such written notification and request by a corporation or its successor shall not have the effect of limiting the scope of the agency of the common parent provided for in paragraph (a) of this section. Any failure by the Commissioner to comply with such written request shall not have the effect of limiting the tax liability under § 1.1502-6 of such corporation or its successor.

(c) *References to member or subsidiary.* For purposes of this section, all references to a member or subsidiary shall include—

(1) Each corporation that was a member of the group during any part of such taxable year (except that any reference to a subsidiary shall not include the common parent); and

(2) Each claimed member the income of which was included in the consolidated return for such taxable year, notwithstanding that the tax liability of any such claimed member should have been computed on the basis of a separate return, or as a member of another consolidated group, under the provisions of § 1.1502-75.

(d) *Termination of common parent—*  
(1) *Designation by common parent.* (i) If the common parent will terminate its existence, it shall—

(A) Designate, subject to the approval of the Commissioner, for each consolidated return year for which the period of limitations for assessment, for collection after assessment, or for claiming a credit or refund has not expired, one of the following to act as agent in its place—

(1) Any corporation that was a member of the group during any part of

the consolidated return year and, except as provided in paragraph (e)(3)(ii) of this section, has not subsequently been disregarded as an entity separate from its owner or reclassified as a partnership for Federal tax purposes; or

(2) Any successor (as defined in paragraph (a)(1) of this section) of such a corporation or of the common parent that is a domestic corporation (and, except as provided in paragraph (e)(3)(ii) of this section, is not disregarded as an entity separate from its owner or classified as a partnership for Federal tax purposes), including a corporation that will become a successor at the time that the common parent ceases to exist; and

(B) Notify the Commissioner (under procedures prescribed by the Commissioner) of the designation, including—

(1) A statement by the designated corporation agreeing to serve as the group's new agent; and

(2) If the designated corporation was not itself a member of the group during the consolidated return year (because the designated corporation is a successor of a member of the group for the consolidated return year), a statement by the designated corporation acknowledging that it is or will be primarily liable for the consolidated tax as a successor of a member.

(ii) A designation under paragraph (d)(1)(i)(A) of this section will not be effective until it is approved by the Commissioner. The Commissioner's approval of such a designation will not be effective before the existence of the common parent terminates.

(2) *Designation by the Commissioner.*

(i) In the event the common parent terminates its existence and no designation is made and approved under paragraph (d)(1) of this section, the Commissioner may, with or without the request of any member of the group or its successor, at any time designate, effective immediately, a corporation described in paragraph (d)(1)(i)(A) of this section to act as the agent. The designation will be made in accordance with procedures prescribed by the Commissioner.

(ii) At the request of any member or successor of a member, the Commissioner may, but is not required to, replace an agent previously designated under this paragraph (d)(2) with another corporation described in paragraph (d)(1)(i)(A) of this section.

(iii) The Commissioner and the designated agent shall give notice of any designation to each corporation that was a member of the group during any part of the consolidated return year or its successor. A failure by the

Commissioner and/or designated agent to notify any such member of the group or its successor does not invalidate the designation.

(3) *Absence of designation.* Until either a notice in writing designating a new agent has become effective or the Commissioner has designated a new agent, any notice of deficiency or other communication mailed to the common parent, even if no longer in existence, shall be considered as having been properly mailed to the agent of the group; or if the Commissioner has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member or its successor with respect to the member's several liability under § 1.1502-6 without having to give notice pursuant to paragraph (a)(6) of this section.

(e) *Termination of a corporation's existence—*(1) *In general.* For purposes of paragraphs (a)(1)(v), (a)(4)(i), and (d) of this section, the existence of a corporation is deemed to terminate if—

(i) It ceases to exist under applicable law; or

(ii) Except as provided in paragraph (e)(3) of this section, it becomes, for Federal tax purposes, either—

(A) An entity that is disregarded as an entity separate from its owner; or

(B) An entity that is reclassified as a partnership.

(2) *Purported agency.* If the group's agent ceases to exist under circumstances described in paragraph (e)(1)(ii) of this section without designating a new agent for the group pursuant to paragraph (d)(1) of this section, and the agent subsequently purports to act as agent for the group, any actions by that purported agent on behalf of the group will, to the extent determined appropriate by the Commissioner, have the same effect as if the agent's existence had not terminated.

(3) *Exceptions where no eligible corporation exists.* (i) For purposes of paragraphs (a)(4)(i) and (d) of this section, if a corporation becomes either disregarded as an entity separate from its owner or reclassified as a partnership for Federal tax purposes, its existence shall not be deemed to terminate if the effect of such termination would be that no corporation remains eligible to serve as the designated agent for the group's consolidated return year.

(ii) Similarly, an entity that is either disregarded as an entity separate from its owner or reclassified as a partnership for Federal tax purposes shall not be precluded from designation as an agent merely because of such classification if the effect of the inability to make such

designation would be that no corporation remains eligible to serve as the designated agent for the group's consolidated return year.

(f) *Examples.* The following examples illustrate the principles of this section. In each example, as of January 1 of Year 1, the P group consists of P and its two subsidiaries, S and S-1. P, as the common parent of the P group, files consolidated returns for the P group in Years 1 and 2. On January 1 of Year 1, domestic corporations S-2, U, V, W, W-1, X, Y, Z and Z-1 are not related to P or the members of the P group. All corporations are calendar year taxpayers. Any surviving corporation in a merger is a successor as described in paragraph (a)(1)(iii) of this section. Any notification to the Commissioner of the designation of the P group's new agent also contains a statement signed on behalf of the designated agent that it consents to act as the group's new agent and, in the case of a successor, that it is primarily liable as a successor of a member. The examples are as follows:

*Example 1. Disposition of all group members.* On December 31 of Year 1, P sells all the stock of S-1 to X. On December 31 of Year 2, P distributes all the stock of S to P's shareholders. P files a separate return for Year 3. Although P is no longer a common parent after Year 2, P remains the sole agent of the P group for Years 1 and 2. Except as provided in paragraph (a)(6) of this section, for as long as P remains in existence, only P may execute a waiver of the period of limitations on assessment on behalf of the group for Years 1 and 2.

*Example 2. Acquisition of common parent by another group.* The facts are the same as in *Example 1*, except on January 1 of Year 3, P is acquired by Y. P thereafter joins in the Y group consolidated return as a member of Y group. Although P is a member of Y group in Year 3, P remains the agent of the P group for Years 1 and 2. Except as provided in paragraph (a)(6) of this section, for as long as P remains in existence, only P may execute a waiver of the period of limitations on assessment on behalf of the P group for Years 1 and 2.

*Example 3. Merger of common parent—designation of remaining member as new agent.* On December 31 of Year 1, P sells all the stock of S-1 to X. On July 1 of Year 2, P acquires all the stock of S-2. On November 30 of Year 2, P distributes all the stock of S to P's shareholders. On January 1 of Year 3, P merges into Y corporation. Just before the merger, P notifies the Commissioner in writing of the planned merger and of its designation of S as the new agent of the P group for Years 1 and 2. S is the only member that P can designate as the new agent for both Years 1 and 2 because it is the only subsidiary that was a member of P group during part of both years. Although S-2 is the only remaining subsidiary of the P group when P merges into Y, S-2 was a member of the P group only in Year 2. For that reason, S-2 cannot be the group's agent for Year 1.

Alternatively, P could designate a different agent for each year, selecting S or S-1 as the new agent for Year 1; and S or S-2 as the new agent for Year 2. P could also designate its successor Y as the new agent for both Years 1 and 2.

*Example 4. Forward triangular merger of common parent.* On January 1 of Year 3, P merges with and into Z-1, a subsidiary of Z, in a forward triangular merger described in section 368(a)(1)(A) and (a)(2)(D). The transaction constitutes a reverse acquisition under § 1.1502-75(d)(3)(i) because P's shareholders receive more than 50% of Z's stock in exchange for all of P's stock. Just before the merger, P notifies the Commissioner in writing of the planned merger and its designation of Z-1, the corporation that will survive the planned merger, as the new agent of the P group for Years 1 and 2. Because Z-1 will be P's successor (within the meaning of paragraph (a)(1) of this section) after the planned merger, P may designate Z-1 as the new agent for the P group for Years 1 and 2, pursuant to paragraph (d)(1) of this section. Alternatively, P could have designated S or S-1 as the new agent for the P group for Years 1 and 2. Although Z is the new common parent of the P group, which continues pursuant to § 1.1502-75(d)(3)(i), P may not designate Z as the new agent for Years 1 and 2 because Z was not a member of the group during any part of Years 1 or 2 and is not a successor of P or any other member of the group.

*Example 5. Reverse triangular merger of common parent.* On March 1 of Year 3, W-1, a subsidiary of W, merges into P, in a reverse triangular merger described in section 368(a)(1)(A) and (a)(2)(E). P survives the merger with W-1. The transaction constitutes a reverse acquisition under § 1.1502-75(d)(3)(i) because P's shareholders receive more than 50% of W's stock in exchange for all of P's stock. Under paragraph (a) of this section, P remains the agent of the P group for Years 1 and 2, even though the P group continues with W as its new common parent. Because the transaction constitutes a reverse acquisition, the P group is treated as remaining in existence with W as its common parent. Before March 2 of Year 3, P is the sole agent for the P group for Year 3. Beginning on March 2 of Year 3, W becomes the sole agent for the P group with respect to all of Year 3 (including the period through March 1) and subsequent consolidated return years.

*Example 6. Reverse triangular merger of common parent—spinoff of common parent.* The facts are the same as in *Example 5*, except that on April 1 of Year 3, P distributes the stock of its subsidiaries S and S-1 to W, and W then distributes the stock of P to the W shareholders. Although P is no longer a member of the P group and W is the continuing P group's new common parent, P remains the agent for the P group under paragraph (a) of this section for Years 1 and 2. Before March 2 of Year 3, P is the sole agent for the P group for Year 3. Beginning on March 2 of Year 3, W becomes the sole agent for the P group with respect to Year 3 (including the period through March 1) and subsequent consolidated return years.

*Example 7. Qualified stock purchase and section 338 election.* On March 31 of Year 2,

V purchases the stock of P in a qualified stock purchase (within the meaning of section 338(d)(3)), and V makes a timely election pursuant to section 338(g) with respect to P. Section 338(a)(2) provides that P is treated as a new corporation as of the beginning of the day after the acquisition date for purposes of subtitle A. For purposes of other subtitles, such as subtitle F (Procedure and Administration), however, new P is treated as a continuation of old P. Therefore, new P remains the agent of the P group for Year 1 and the period ending March 31 of Year 2 (short Year 2). Except as provided in paragraph (a)(6) of this section, for as long as new P remains in existence, only new P may execute a waiver of the period of limitations on assessment on behalf of the P group for Year 1 and short Year 2.

*Example 8. Fraudulent conveyance of assets.* On March 15 of Year 2, P files a consolidated return that includes the income of S and S-1 for Year 1. On December 1 of Year 2, S-1 transfers assets having a fair market value of \$100x to U in exchange for \$10x. This transfer of assets for less than fair market value constitutes a fraudulent conveyance under applicable state law. On March 1 of Year 5, P executes a waiver extending to December 31 of Year 6 the period of limitations on assessment with respect to the group's Year 1 consolidated return. On February 1 of Year 6, the Commissioner issues a notice of deficiency to P asserting a deficiency of \$30x for the P group's Year 1 consolidated tax liability. P does not file a petition for redetermination in the Tax Court, and the Commissioner makes a timely assessment against the P group. P, S and S-1 are all insolvent and are unable to pay the deficiency. On February 1 of Year 8, the Commissioner sends a notice of transferee liability to U, which does not file a petition in the Tax Court. On August 1 of Year 8, the Commissioner assesses the amount of the P group's deficiency against U. Under section 6901(c), the Commissioner may assess U's transferee liability within one year after the expiration of the period of limitations against the transferor S-1. By operation of section 6213(a) and 6503(a), the issuance of the notice of deficiency to P and the expiration of the 90-day period for filing a petition in the Tax Court have the effect of further extending by 150 days the P group's limitations period on assessment from the previously extended date of December 31 of Year 6 to May 30 of Year 7. Pursuant to paragraph (a)(1)(v) of this section, the waiver executed by P on March 1 of Year 5 to extend the period of limitations on assessment to December 31 of Year 6 and the further extension of the P group's limitations period to May 30 of Year 7 (by operation of sections 6213(a) and 6503(a)) have the derivative effect of extending the period of limitations on assessment of U's transferee liability to May 30 of Year 8. By operation of section 6901(f), the issuance of the notice of transferee liability to U and the expiration of the 90-day period for filing a petition in the Tax Court have the effect of further extending the limitations period on assessment of U's liability as a transferee by 150 days, from May 30 of Year 8 to October 27 of Year 8. Accordingly, the Commissioner may send a

notice of transferee liability to U at any time on or before May 30 of Year 8 and assess the unpaid liability against U at any time on or before October 27 of Year 8. The result would be the same even if S-1 ceased to exist before March 1 of Year 5, the date P executed the waiver.

(g) *Cross-reference.* For further rules applicable to groups that include insolvent financial institutions, see § 301.6402-7 of this chapter.

(h) *Effective date—(1) Application.* This section applies with respect to taxable years beginning on or after the date final regulations are published in the **Federal Register**.

(2) *Prior law.* For taxable years beginning before the date final regulations are published in the **Federal Register**, see § 1.1502-77A.

**Par. 6.** Section 1.1502-77T(a) is redesignated as § 1.1502-77A(e) and § 1.1502-77T is removed.

**Par. 7.** The amendments to § 1.1502-78(a), as contained in the notice of proposed rulemaking (LR-97-79) published in the **Federal Register** on July 31, 1984 (49 FR 30528), are withdrawn.

**Par. 8.** Section 1.1502-78 is amended as follows:

1. Paragraph (a) is revised.

2. Paragraph (b)(1) is amended by adding the language “for the carryback year (or agent designated under § 1.1502-77(d) for the carryback year)” at the end of the first sentence.

3. In paragraph (c), the last sentence of *Example (1)* is amended by adding the language “for the carryback year” after “parent.”

4. In paragraph (c), the last sentence of *Example (2)* is amended by removing the language “S-1” and adding “P” in its place.

5. In paragraph (c), *Example (3)*, the seventh sentence is amended by removing “Z must” and adding “X must” in its place.

6. Paragraphs (e) and (f) are added.

The revision and additions read as follows:

#### § 1.1502-78 Tentative carryback adjustments.

(a) *General rule.* If a group has a consolidated net operating loss, a consolidated net capital loss, or a consolidated unused business credit for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding such year shall be made by the common parent corporation for the carryback year (or agent designated under § 1.1502-77(d) for the carryback year) to the extent such loss or unused business credit is not apportioned to a

corporation for a separate return year pursuant to § 1.1502-21(b), 1.1502-22(b), or 1.1502-79(c). In the case of the portion of a consolidated net operating loss or consolidated net capital loss or consolidated unused business credit to which the preceding sentence does not apply and which is to be carried back to a corporation that was not a member of a consolidated group in the carryback year, the corporation to which such loss or credit is attributable shall make any application under section 6411. In the case of a net capital loss or net operating loss or unused business credit arising in a separate return year which may be carried back to a consolidated return year, after taking into account the application of § 1.1502-21(b)(3)(ii)(B) with respect to any net operating loss arising in another consolidated group, the common parent for the carryback year (or agent designated under § 1.1502-77(d) for the carryback year) shall make any application under section 6411.

\* \* \* \* \*

(e) *Cross-reference.* For further rules applicable to groups that include insolvent financial institutions, see § 301.6402-7 of this chapter.

(f) *Effective date—(1)* In general. This section applies to taxable years to which a loss or credit may be carried back and for which the due date (without extensions) of the original return is after the date final regulations are published in the **Federal Register**.

(2) *Prior law.* For taxable years to which a loss or credit may be carried back and for which the due date (without extensions) is on or before the date final regulations are published in the **Federal Register**, see § 1.1502-78 in effect prior to the date final regulations are published in the **Federal Register**, as contained in 26 CFR part 1 revised as of April 1, 2000.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

[FR Doc. 00-24039 Filed 9-25-00; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 903]

RIN 1512-AA07

#### California Coast Viticultural Area (2000R-166P)

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the establishment of a viticultural area located along the coast of California. The proposed California Coast viticultural area would consist of 22,000 square miles, or 14 million acres of that land which the petitioner states is subject to maritime influences and which is warm enough for commercial premium winegrape growth.

**DATES:** Written comments must be received by December 26, 2000.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 903). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226

**FOR FURTHER INFORMATION CONTACT:** Tom Busey, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226 (202) 927-8095.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to Title 27, CFR, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

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

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

#### Petition

The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition from the "California Coast Alliance" proposing the establishment of a viticultural area located along the coast of California. It would include and join together currently established "coast" viticultural areas but would not cover the entire California Pacific coast. The proposed California Coast viticultural area would consist of 22,000 square miles, or 14 million acres of that land which the petitioner states is subject to maritime influences and which is warm enough for commercial premium winegrape growth. This proposed viticultural area would be consistent in size with other large areas (i.e. the Ohio River Valley, containing approximately 30,000 square miles, the Texas Hill Country, consisting of 15,000 square miles, and the Texas High Plains containing approximately 12,000 square miles).

#### Label Issue

Presently there are a number of wineries that use the term "Coastal" as additional information on their wine labels. ATF has no formal definition or criteria for the use of this term. These wine labels may also bear a recognized appellation such as "California." The question that now arises is, if this viticultural area is approved, would ATF consider a label bearing the designation "California Coast" (as a viticultural area designation) and another label stating "California" as the appellation in direct conjunction with the term "Coastal" to be confusing. Would the establishment of this viticultural area foreclose the use of the term "Coastal" on labels not eligible for this viticultural area designation? The petitioners themselves have suggested that the *unregulated* use of the term "Coastal" on a label bearing the appellation California is misleading to

the consumer. ATF is looking for specific comments on this situation and how the approval of this viticultural area should effect the future use of the term "Coastal."

#### Evidence That the Name of the Area Is Locally or Nationally Known

According to the petitioners, the name, "California Coast" is universally recognized. The petitioners point out that on a map of California, the state has, on the western edge, one long rugged coastline next to a relatively narrow area of flatter land, which is itself bordered, on the east, by a long, nearly continuous string of mountains known as the Coast Ranges. The other side of the Coast Ranges is accompanied by a long, north-south, interior strip of continental mass distinguished by the hot Central Valley and, east of that basin, the high peaks of the Sierra Nevada Range. The petitioners cite numerous books referring to "the California Coast" and the "California Coastal" region.

The petitioners claim that substantial evidence supports the common, widespread, and historical usage of the "California Coast" name and demonstrates that the term "California Coast" is sometimes used to cover the entire California coastal area from Mexico up to Oregon, and is sometimes used to cover much smaller portions of the coastal area of the state, depending on the subject matter at hand. Finally, the petitioners point out that of all the documentation reviewed for this petition, none of it includes in the description of "Coast" areas, any portion of California which is east of the California Coast, Transverse, and Peninsular Ranges.

#### Proposed Limitations on the Proposed Viticultural Area

The petitioners cite several references that support the early production of wines in missions which extended along the California Coast and fall within the boundaries of this proposed AVA. The historical evidence indicates the establishment of a chain of missions by the Spanish Franciscan monks extending from San Diego to their northernmost mission in Sonoma County but not all the way up the northern part of the coast of California. The petitioners have presented considerable evidence tracing the roots of this grape growing and wine production from the early settling of these missions along the California coast (A History of Wine in America by Thomas Pinney). There are many references in historical books written by noted wine experts that support the

early production of wines in these missions which extended along the California Coast and fall within the boundaries of this AVA (see historical discussions by wine experts in *The Wine Regions of America*, by John J. Baxevanis (Vinifera Wine Journal 1992) at 257-8; *Winemaking in California*, by Teiser and Harroun (McGraw-Hill 1983) at 1-3; *General Viticulture*, by A.J. Winkler at 2-4; *The World Atlas of Wine*, by Hugh Johnson at 226; and *Wine*, by Amerine and Singleton (U.C. Press 1977) at 281-3.) In addition, the petitioners seek to coordinate the proposed "California Coast" viticultural area with the existing boundaries of the current North, Central, South, and Sonoma Coast viticultural areas in California along with the previously unconnected coastal areas which link the existing "Coast" viticultural areas. According to the petitioners, the northern, southern, and eastern boundaries set by these "Coast" viticultural areas correspond with the unique Mediterranean coastal climate which permits the commercial growth of premium winegrapes in the coastal area of California. Moreover, according to the petitioners, above the North Coast viticultural area northern boundary, the area becomes subject, to a higher degree, to the Arctic storm pattern and can no longer be characterized as "Mediterranean." The petitioner states that this marine-influenced climate extends west to east from the shoreline to the first large barrier to marine influence, or the California Coast Ranges. The petitioners note that evidence must be provided to establish that "the name is locally and/or nationally known as referring to the area specified in the appellation," not that a name for a viticultural area be locally or nationally known within the wine industry. The petitioners state that the name "California Coast" not only refers to the dominant physical characteristic of the petitioned area and to the name for which the area is best known, but corresponds directly to California wine history, climate data, and relevant information from wine experts.

According to the petitioner, because of the climate data and the historical distinctions of the proposed area, it is logical to end the "California Coast" viticultural area at the same point as the North Coast viticultural area. The petitioners do not feel that the name is misleading for not covering the area north of Mendocino County, since this term has been used by many others to cover several different portions of the California coast, as well as the entire coastline. The petitioners believe that if

this could be considered misleading, then the North Coast viticultural area must also be renamed, because it stops at the identical location in Mendocino County and does not cover the entire area of the northern coast of California.

The petitioners apply the same logic to the consideration of the appropriate eastern boundary of the proposed "California Coast" viticultural area. The petitioners seek to establish the proposed area at exactly the same eastern boundaries as the North Coast, Central Coast, and the South Coast (with areas of joinder in between).

#### **Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition**

According to the petitioners, there is a definite and clear historical basis for establishing the proposed "California Coast" viticultural area. The petitioners claim that not only are there clear and important historical events which tie this area together, but these events are directly linked to the development of grape cultivation and to the beginning of the wine industry in the coastal regions of California, and directly correspond to the proposed area. According to the petitioner, the geographical area of "missionized" California very nearly matches the petitioned area. The petitioner claims that the mission chain formed the backbone for California's historical heritage, and is well known even today. The petitioners provided references relating to historical discussions by wine experts.

According to the petitioner, the history of California, and of its winemaking industry, have been deeply affected by its long Pacific coastline and its mild coastal weather. According to the petitioner, the area along the coast subject to "complete missionization" was the only area in which grapes were grown for the production of wine, and was the only area where California wines were available for 65 years.

Today, according to the petitioners, the area included within the proposed "California Coast" boundaries contains more than 468 wineries and well over 145,000 acres of vineyards. The petitioners state that wineries and winegrape vineyards abound up and down the "California Coast" area in varying densities, hampered only by a few localized and inhospitable extreme marine microclimates, some very steep elevations in the coastal hills, and by the state's population centers.

According to the petitioners, these areas, known as coastal regions, all have very similar weather patterns, typified by cooling ocean breezes and fogs moving inland from the west, until they

reach the barrier presented by the California Coast Ranges. The petitioners state that these same general climatic patterns prevail to support the growth of the many varietal grapes which are used to produce premium dry wines.

#### **Existing Coast Boundaries**

The petitioners are proposing to retain the same eastern boundaries for the proposed "California Coast" viticultural area as the current three "Coast" viticultural area boundaries and to unify these boundaries by filling in the areas between the North and Central Coasts, and between the Central Coast and the South Coast viticultural areas.

In order to complete the closure of the area between the North and the Central Coasts, the petitioners propose including those counties that are included in the San Francisco Bay viticultural area and the recently expanded Central Coast viticultural area. See, 27 CFR 9.75 and 9.157. This includes all of San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa counties. The petitioners are incorporating into the "California Coast" petition the reasoning of the San Francisco Bay and the amended Central Coast petition in seeking to include the same geographical area in the proposed "California Coast" viticultural area. See, 64 FR 3015 (Jan. 20, 1999). In addition, the petitioners are proposing to include the entire Marin County since it has the same general geography and coastal climate as the counties in the rest of the "Coast" viticultural areas. According to the petitioners, Marin County is affected by the ocean both by its long coastline, and also by its border on the San Francisco Bay. In support of this proposal, the petitioners cite *The Wine Spectator's Wine Country Guide to California*. This guide includes Marin County in its wine map of the San Francisco Bay area. Finally, the petitioners claim that the information found in the San Francisco Bay petition and supporting documents provides justification for placing Marin County fully into the proposed "California Coast" viticultural area. In the San Francisco Bay and Central Coast proposals, the Central Coast AVA is extended north to the Golden Gate Bridge, the northern edge of San Francisco County. According to the petitioners, Marin County, which has traditionally been considered part of the north coast area, is partially excluded from the North Coast viticultural area and completely excluded from the San Francisco Bay viticultural area. The petitioners feel that there are no practical or logical reasons to exclude Marin County from the proposed

"California Coast" viticultural area since it has historical and present-day wine industry presence and virtually identical climate.

The proposed eastern boundary line, between the North Coast viticultural area and the San Francisco Bay viticultural area, would connect the towns Fairfield and Martinez by recognizable boundary markers. The rest of the boundary gap would follow the alignment of the Central Coast AVA and the same line as the San Francisco Bay viticultural area.

Between the Central and South Coast viticultural areas, the western boundary would follow the coastline between the two existing viticultural areas. The eastern boundary would take in the Oxnard/Malibu/Los Angeles/San Gabriel/Pasadena/Anaheim area. In addition, the petitioners feel that it is important to include the Los Angeles area in the proposed "California Coast" AVA because of this region's preeminence as the birthplace of the California wine industry, and because of its strong performance into this century as a producer of wines.

#### **Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas**

According to the petitioner, the land within the proposed "California Coast" viticultural area possesses a similar climate and geography along its length, in that this area is strongly affected by its proximity to coastal climate patterns, and shares the Mediterranean pattern of wet winters, dry summers, and cool marine influence. Climate and geography are deeply interconnected along the California coast. The petitioners stated that there is a great difference between the geography and climate of the coast area and the inland parts of California. Because of the geological barriers presented by the topography of California, the climate patterns tend to run west to east, depending upon their proximity to the ocean, and are not so much a function of north-south latitude as is true in most of the rest of the country.

The petitioners state that the California coast was created through several different processes: geologic upheaval, the draining of a large inland sea, and marine terracing. As a result, there is a great variety of different types of rocks and soils along the entire coastline. Variations are great even in very short distances along in the coast area, and within each of the existing "Coast" viticultural areas. The

petitioners cite various references including Professor A. J. Winkler indicating that a number of grape varieties of the highest quality produce excellent wines when grown on a number of quite different soil types with climate being the largest determinant variable.

As an example, the petitioners cite Napa Valley as geographically containing an incredible mix of soil series varying dramatically between its southern and northern boundaries. The petitioners state that Napa Valley contains 36 soil series within its boundaries. The petitioners also cite the Alexander Valley viticultural area, containing 30 soil series.

As additional support, the petitioners note the strongly distinguished soils of the Central Valley, on the eastern side of the California Coast Ranges. This former inland sea, possesses highly fertile land. The soil is now rich river deposit, fertile and flat. According to the petitioners, these conditions are totally different in the Central Valley from those among the coastal hills. The Central Valley soils, combined with the very hot summers in the Valley, cause the grape vines to "go into overdrive producing excessive foliage and bland grapes."

According to the petitioners, the soils information provides certain consolidating evidence as to the acidic soils of the coast and their distinction from the kinds of soils found in the Central Valley, while the geological data very strongly establishes the existence of a distinct coast of California, with a unique history, and entirely distinguishable land formations.

#### **Climate of the California Coast**

According to the petitioners, the coast of California has a unique climate in the United States and in most of the world, and despite its size, can specifically be distinguished from the surrounding areas. Further, the petitioners state that it is directly a result of the climate that the California coast has been demarked by enologists, vintners, and wine writers as a source of most of the premium varietal grapes in the United States, in contrast with the Central Valley, which lies on the far side of the Coast Ranges. According to the petitioners, most American enologists agree that climate has the greatest influence on the quality of wines produced in a particular area.

The California coast climate is generally classified as Mediterranean. According to the petitioners, only one percent of the world has this climate, and the area consisting of approximately the lower two thirds of the California coast is the only part of the United

States that has this climate. The main reasons for this are the effects of the ocean itself, the existence of the "Pacific High" off the California coast, and the inland barrier presented by the coastal mountain chains. According to Weather of Southern California by Harry P. Bailey, "It is highly significant that all areas of Mediterranean climate are located between the 30th and 45th parallels of latitude, and are on the western borders of the land masses of which they are a part." The proposed viticultural area would lie between the 32nd and 39th parallels of latitude.

According to the petitioners, the Pacific Ocean water cools and heats more slowly than land. It raises air temperatures in the winter and lowers them in the summer. Thus, the coast never becomes as hot or cold as regions several miles to the east. According to the petitioners, summer weather results in an often foggy coast, while it is hot in the Central Valley. Places near the coast experience remarkably uniform temperatures while the inland areas (such as San Joaquin Valley) are out of the fogs, and temperature ranges broaden considerably.

The petitioners state that the California coast is not cooled by sea air alone. The California Current, which runs southward along the coastline, brings cold waters from the north. Beginning in about March, the California current is driven offshore resulting in the dense morning fogs pulled inland by the rising heat of the Central Valley. This same effect occurs up and down the coast, although Southern California is tempered by warmer air from the south.

According to the petitioners, late in the Fall, the ocean reaches its peak temperatures, and the Pacific High begins to weaken and to move south with the seasonal path of the sun, ceasing its cooling effect on the California coast area. The extreme Central Valley temperature drop, and the cessation of cold bottom water upwelling along the coast, contributes to the coastal fog bank no longer occurring. The cool coastal summer weather pattern breaks, and the grape harvest takes place during the sunny September and October months.

According to the petitioners, the whole proposed "California Coast" area has a very similar air-conditioned climate. Further, temperatures over the ocean vary less than over the land, and the prevailing westerly winds give the California coast relatively moderate temperatures year round. The petitioners state that it is the location of the land near the coast that distinguishes the temperate climate, as

opposed to the latitudinal location of a portion of the coast. In other words, San Diego is closer to San Jose in climate than it is to the hot Central Valley, because of its location on the coast.

According to the petitioners, the distinction between the land from Mendocino County south, and the far northern coast above that spot, results from the strong polar air mass which moves down from Alaska through Washington, Oregon, and into the top portion of Northern California. Because of the presence of the much colder polar air in the northernmost part of California, the northern line of the existing North Coast viticultural area generally is the upper limit to the Mediterranean climate. The wetter climate similar to western Washington extends down along the Coast Ranges well into California, with rainfall decreasing in a southerly direction. The petitioners cite The Wine Regions of California, indicating that the climatic "line" is drawn at the top of Mendocino County, since the two dominating agricultural climates (Mediterranean and desert) are distinguished from the humid upland climate (north of Mendocino County). In addition, The Wine Atlas of California notes that Lake and Mendocino Valleys sit at the edge of the Aleutian winter storm track. For this same reason, the petitioners propose limiting the California Coast AVA to the same northern line as the existing North Coast viticultural area.

According to the petitioners, late in the Spring, masses of air are pushed from behind by the Pacific High, and pulled up from the land by the heating of the Central Valley and other warm inland areas. This air mass begins to move toward the land with increasing speed. Because of the Coriolis effect, the air turns, and when it hits the western edge of the land, the air moves from a north-westerly direction, often parallel to the slant of the coastline. This air is prevented from moving inland by the wall of the Coast Range, and moves south down the coast and into any openings or valleys along the coast. According to the petitioners, the air is cooled off after it hits the upwelling cold ocean water, and so cools the California coast as well with the fog drying out as it moves inland and as the air warms.

According to the petitioners, the Coast Ranges generally contain the cool oceanic breezes and the moist fog along the coastline to the west of the mountains. The petitioners state that the influence of the California coast diminishes rapidly as the marine air reaches the physical barrier of the Coast Ranges in the north, and the Transverse

and Peninsular Ranges in the south. The petitioners cited, The Weather of Southern California, which graphically demonstrates that the coastal sector, or the western side of the mountains, is substantially wetter, cooler, and cloudier than the interior. The petitioners state that these mountains also greatly reduce the amount of precipitation east of their crests, and tend to cause the rain to fall on the westerly slopes.

According to the petitioners, regions of the coast have climates markedly different than interior climates found at the same latitude. As the exhibits displaying the cutaway views of the coast of California demonstrate, the marine air crosses the flatter strip of land next to the ocean, and generally is stopped by the first significant barrier that it reaches. In the case of the coast of California, the first significant barrier that is reached along the coast is the upper elevations of the Coast Ranges. As the above discussion of the Pacific High displays, the cool air moves south along the Coast Ranges, and into the valleys and gaps along the coast.

The petitioners state that, by contrast, the Central Valley lies away from the climate influences of the coast. The influence of the coast diminishes rapidly as the marine air reaches the physical barrier of the Coast Range. As the marine air crosses the flatter strip of land next to the ocean, it is generally stopped by the first significant barrier that it reaches, which is the upper elevations of the coastal mountain ranges. This explains why the coast sector, or the western side of the mountains, is substantially wetter, cooler, and cloudier than the interior. Coastal regions have climates markedly different than interior climates found at the same latitude.

In comparison, the Central Valley lies on the far side of the Coast Ranges. Far inland from marine influence, the Central Valley is warmer than the coast in summer and colder in winter. Thus, the petitioners state that the climatic contrast between the coast and interior is marked in California.

According to the petitioners, the proposed California Coast viticultural area has "coastal Mediterranean" climatic characteristics: the cool summer weather reaches maximum warmth in September; the winters are wet, mild, and relatively frost-free; and the temperature fluctuations are minimal. The summers are generally dry, with a high percentage of sunny days. According to the petitioners, the coast has higher humidity year-round, while places farther from the ocean will tend to have less of a damp, marine

climate and more of a dry, continental climate.

The petitioners state that this weather pattern is quite special, for the world distribution of the Mediterranean climate is sparse.

According to the petitioners, the Coast Range mountains catch the coastal moisture, permitting the Pacific Ocean to dominate the climate on the western side of the Coast Ranges. The moist air crosses the coastal strip and pushes up the mountain slopes, and its moisture is squeezed out as rain (occasionally snow at the highest elevations). Once over the top, the air is dry and warms rapidly as it drops down into the Central Valley. According to the petitioners, during the Summer, the dry heat of the Central Valley acts as a vacuum, sucking the cool marine air through the San Francisco Bay and other smaller gaps in the coastal mountain ranges. The petitioners state that this is one of the reasons that the cool westerly winds keep the California coast air-conditioned.

According to the petitioners, the same general pattern is followed in southern California. The petitioners state that as with the northern California coast climate, "the climate becomes warmer, drier, and more sunny as distance from the coast increases. These tendencies, though, are true only for lowlands. If the sea-to-interior movement involves crossing mountains, as it must with only a few exceptions, then the effects of altitude are also encountered." And, as with the northern California coast, the southern California coast is known for its Mediterranean climate. "It is a common misconception that north means cool and south means hot. California's temperatures do not depend on latitude but on an area's proximity to the coast. There are parts of southern California, around San Diego, that are cooler than the Sacramento Valley in northern California." The petitioners cite Grossman's Guide to Beer, Wine, and Spirits, for this statement. Thus, according to the petitioners, although Southern California is generally warmer than Northern California, the coast of the state which possess the Mediterranean climate possess substantially common characteristics which are not shared by the rest of the state, and which are extremely significant for winegrape growing purposes.

The petitioners claim that the cooling wind flow pattern is also reflected by precipitation and temperature. According to the petitioners, Coastline valleys are characterized by a gradual decrease in humidity as the marine air travels away from the coast.

Some of the most complete temperature data is collected and stored at the Western Regional Climate Center (WRCC). This Federal government entity is the repository for weather data collected by the National Weather Service (NWS), an agency within the National Oceanic and Atmospheric Administration (NOAA). Since the time that this cooperative observer network has collected data, there have been over 3,000 stations that have contributed data. Some of the data available from the WRCC reports degree days using various base temperatures ranging from 50 °F to 65 °F. The petitioners used a base temperature of 50 °F, as Professor Winkler did for his computations, to closely approximate cumulative results for grapes. They totaled the data extracted from the WRCC database adjusted for the time period of April 1st through November 1st for stations both inside and outside the proposed AVA. They then applied this data to each station, after plotting these stations using their latitude and longitude coordinates, and then overlaid the information on a map of California which is part of this petition. This map illustrates that the California Coast area is cooler than the inland areas when using the five degree day ranges.

#### **Public Participation—Written Comments**

In accordance with ATF regulations at 27 CFR 9.3, ATF requests comments from all interested persons, as to whether it should establish the California Coast viticultural area in accordance with the above described petition submitted by the "California Coast Alliance." Because geographic features, including climate, which distinguish the viticultural features of the proposed area from the surrounding areas is an important consideration in establishing a viticultural area, ATF is especially interested in comments on this topic, particularly on whether the climate within the proposed viticultural area is distinctive. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of

the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8½" × 11" in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (j)) and its implementing regulations, 5 CFR part 1320, do not apply to this notice because there are no new or revised recordkeeping or reporting requirements being proposed. No new requirement to collect information is proposed.

#### Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

#### Executive Order 12866

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

#### Drafting Information

The principal author of this document is Tom Busey, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, and Wine.

#### Authority and Issuance

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

#### PART 9—AMERICAN VITICULTURAL AREAS

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

**Authority:** 27 U.S.C. 205.

#### Subpart C—Approved American Viticultural Areas

**Par. 2.** Subpart C is amended by adding § 9.171 to read as follows:

\* \* \* \* \*

#### § 9.171 California Coast.

(a) *Name.* The name of the viticultural area described in this section is "California Coast."

(b) *Approved maps.* The appropriate maps for determining the boundary of the California Coast viticultural area are the following sixty-two U.S.G.S. Topographic maps. They are titled:

- (1) Santa Rosa, dated 1958, (Revised 1970).
- (2) San Francisco, dated 1956, (Revised 1980).
- (3) Santa Ana, dated 1959, (Revised 1979).
- (4) San Luis Obispo, dated 1956, (Revised 1969).
- (5) Monterey, dated 1974.
- (6) San Diego, dated 1958, (Revised 1978).
- (7) San Bernardino, dated 1958, (Revised 1969).
- (8) Los Angeles, dated 1975.
- (9) Santa Maria, dated 1989.
- (10) Long Beach, dated 1957, (Revised 1978).
- (11) Aetna Springs, dated 1958, (Revised 1992).
- (12) Albion, dated 1960.
- (13) Altamont, dated 1953, (Revised 1981).
- (14) Arched Rock, dated 1977.
- (15) Bartlett Mtn., dated 1958, (Revised 1994).
- (16) Bodega Head, dated 1972.
- (17) Brushy Mtn., dated 1966, (Revised 1994).
- (18) Burbeck, dated 1991.
- (19) Byron Hot Springs, dated 1953, (Revised 1968).
- (20) Calaveras Reservoir, dated 1961, (Revised 1980).
- (21) Chiles Valley, dated 1966, (Revised 1994).
- (22) Clayton, dated 1953, (Revised 1980).
- (23) Clearlake Oaks, dated 1958, (Revised 1994).
- (24) Diablo, dated 1953, (Revised 1980).

- (25) Duncans Mills, dated 1979.
  - (26) Elk Mountain, dated 1967, (Revised 1973).
  - (27) Fairfield North, dated 1951, (Revised 1980).
  - (28) Fairfield South, dated 1949, (Revised 1980).
  - (29) Fort Bragg, dated 1960, (Revised 1978).
  - (30) Fort Ross, dated 1978.
  - (31) Gilroy, dated 1955, (Revised 1993).
  - (32) Gilroy Hot Springs, dated 1955, (Revised 1971).
  - (33) Gualala, dated 1960, (Revised 1977).
  - (34) Honker Bay, dated 1953, (Revised 1980).
  - (35) Jericho Valley, dated 1958, (Revised 1993).
  - (36) La Costa Valley, dated 1996.
  - (37) Lake Berryessa, dated 1959, (Revised 1993).
  - (38) Lick Observatory, dated 1955, (Revised 1968).
  - (39) Lower Lake, dated 1993.
  - (40) Mallo Pass Creek, dated 1960, (Revised 1977).
  - (41) Mendenhall Springs, dated 1996.
  - (42) Mendocino, dated 1960, (Revised 1978).
  - (43) Monticello Dam, dated 1959, (Revised 1993).
  - (44) Morgan Hill, dated 1955, (Revised 1980).
  - (45) Mt. Sizer, dated 1955, (Revised 1971).
  - (46) Mt. Vaca, dated 1951, (Revised 1968).
  - (47) Northspur, dated 1991.
  - (48) Plantation, dated 1977.
  - (49) Point Arena, dated 1960, (Revised 1978).
  - (50) Potter Valley, dated 1960.
  - (51) Sanhedrin Mtn., dated 1966, (Revised 1994).
  - (52) San Jose East, dated 1961, (Revised 1980).
  - (53) Saunders Reef, dated 1960, (Revised 1977).
  - (54) Stewarts Point, dated 1978.
  - (55) Tassajara, dated 1991.
  - (56) Three Sisters, dated 1954, (Revised 1971).
  - (57) Upper Lake, dated 1991.
  - (58) Van Arsdale Reservoir, dated 1991.
  - (59) Vine Hill, dated 1959, (Revised 1980).
  - (60) Walter Springs, dated 1959, (Revised 1992).
  - (61) Wildomar, dated 1953, (Revised 1988).
  - (62) Willis Ridge, dated 1966, (Revised 1994).
- (c) *Boundary.* The California Coast viticultural area is located along the Pacific Ocean coast of the State of California.

(1) The beginning point is found on the "Bodega Head" Quadrangle at the point where the Sonoma County and Marin County boundary joins the Pacific Ocean;

(2) Then Northwest following the Pacific Ocean Shoreline, crossing the Duncans Mills, Arched Rock, Fort Ross, Plantation, Stewarts Point, Gualala, Sanders Reef, Point Arena, Mallo Pass Creek, Albion, Mendocino Quadrangles to the mouth of the Noyo River on the Fort Bragg Quadrangle;

(3) Then east following the Noyo River, crossing the Northspur Quadrangle to the confluence with Redwood Creek on the Burbeck Quadrangle;

(4) Then northeast on a straight line for approximately 17.6 miles; crossing the Willis Ridge Quadrangle, to the peak of Brushy Mountain (elevation 4,864 feet) on the Brushy Mountain Quadrangle;

(5) Then southeast in a straight line for approximately 9.4 miles to the peak of Sanhedrin Mountain (elevation 6,175 feet) on the Sanhedrin Mountain Quadrangle;

(6) Then southeast in a straight line for approximately 12.1 miles to the peak of Pine Mountain (elevation 3,746 feet) on the Van Arsdale Reservoir Quadrangle;

(7) Then southeast in a straight line for approximately 11.2 miles, crossing the Potter Valley and Elk Mountain Quadrangles to Youngs Peak (elevation 3,683 feet) on the Upper Lake Quadrangle;

(8) Then southeast on a straight line for approximately 8.0 miles to Pinnacle Rock Lookout (elevation 4,618 feet) on the Bartlett Mountain Quadrangle;

(9) Then southeast in a straight line for approximately 5.0 miles, crossing the Bartlett Springs Quadrangle, to Evans Peak (elevation 4,005 feet) on the Clearlake Oaks Quadrangle;

(10) Then southeast in a straight line for approximately 5.5 miles to the peak of Round Mountain on the Clearlake Oaks Quadrangle;

(11) Then southeast in a straight line for approximately 6.6 miles to Bally Peak (elevation 2,288 feet) on the Lower Lake Quadrangle;

(12) Then southeast in a straight line for approximately 5.0 miles to the peak of Brushy Sky High Mountain (elevation 3,196 feet) on the Lower Lake Quadrangle;

(13) Then southeast for approximately 11.4 miles following Putah Creek to the boundary between Napa and Lake Counties on the Jericho Valley Quadrangle;

(14) Then southeast, crossing the Aetna Springs Quadrangle, following

Putah Creek to the west shore of Lake Berryessa on the Walter Springs Quadrangle;

(15) Then south and east following the shore of Lake Berryessa, crossing the Chiles Valley and Berryessa Quadrangles to the Monticello Dam at the eastern end of Lake Berryessa on the Monticello Dam Quadrangle;

(16) Then south following the boundary between Napa and Solano Counties to the extreme southeastern corner of Napa County on the Fairfield North Quadrangle;

(17) Then south in a straight line approximately 5.5 miles to the junction with the Southern Pacific in Suisun City on the Fairfield South Quadrangle;

(18) Then south and west crossing the Cine Hill Quadrangle, following the Southern Pacific Railroad double track to its intersection with Suisun Bay on the Benicia Quadrangle;

(19) Then southeast following Highway 21 across the Suisun Bay to its intersection with the south shore of Suisun Bay on the Vine Hill Quadrangle;

(20) Then east along the shoreline to a point marked BM 15 on the shoreline of Contra Costa County on the Vine Hill Quadrangle;

(21) Then, from this point, the boundary proceeds in a southeasterly direction on a straight line across the Honker Bay map to Mulligan Hill (elevation 1,438 feet) on the Clayton Quadrangle;

(22) Then the boundary proceeds in a southeasterly direction in a straight line to Mt. Diablo (elevation 3,849 feet) on the Clayton Quadrangle;

(23) Then the boundary proceeds in a southeasterly direction in a straight line across Diablo and Tassajara maps to Brushy Peak (elevation 1,702 feet) on the Byron Hot Springs Quadrangle;

(24) The boundary proceeds due south, approximately 400 feet, to the northern boundary of Section 13, Township 2 South, Range 2 East on the Byron Hot Springs Quadrangle;

(25) The boundary proceeds due east along the northern boundaries of Section 13 and Section 18, Township 2 South, Range 3 East, to the northeast corner of Section 18 on the Byron Hot Springs Quadrangle;

(26) The boundary proceeds due west along the northern boundaries of Sections 18, 19, 30, and 31 in Township 2 South, Range 3 East, to the northeast corner of Section 18 and the Byron Hot Springs Quadrangle;

(27) Then proceed east along the southern border of Section 32, Township 2 South, Range 3 East to the northwest corner of Section 4 on the Altamont Quadrangle;

(28) Then proceed south along the western border of Sections 4 and 9 on the Altamont Quadrangle;

(29) Then proceed south along the western border of Section 16 approximately 4,275 feet to the point where the 1,100-meter elevation contour intersects the western border of Section 16 on the Altamont Quadrangle;

(30) Then proceed in a southeasterly direction along the 1,100-meter elevation contour to the intersection of the southern border of Section 21 with the 1,100-meter elevation contour on the Altamont Quadrangle;

(31) Then proceed west to the southwest corner of Section 20 on the Altamont Quadrangle;

(32) Then proceed south along the western boundaries of Sections 29 and 32, Township 3 South, Range 3 East and then south along the western boundaries of Sections 5, 8, 17, 20, Township 4 South, Range 3 East to the southwest corner of Section 20 on the Mendenhall Springs Quadrangle;

(33) The boundary follows the east-west section line west along the southern boundary of Section 19 in Township 4 South, Range 3 East, and west along the southern boundary of Section 24 in Township 4 South, Range 2 East, to the southwest corner of that Section 24 on the Mendenhall Springs Quadrangle;

(34) The boundary follows the north-south section line north along the western boundary of Section 24 in Township 4 South, Range 2 East, to the northwest corner of that Section 24 on the Mendenhall Springs Quadrangle;

(35) The boundary follows the east-west section line west along the southern boundary of Section 14 in Township 4 South, Range 2 East, to the southwest corner of that Section 14 on the Mendenhall Springs Quadrangle;

(36) The boundary follows the north-south section line north along the western boundary of Section 14 in Township 4 South, Range 2 East, to the Hetch Hetchy Aqueduct on the Mendenhall Springs Quadrangle;

(37) The boundary follows the Hetch Hetchy Aqueduct southwesterly to the range line dividing Range 1 East from Range 2 East on the La Costa Valley Quadrangle;

(38) The boundary follows this range line south to its intersection with State Route 130 on the Calaveras Reservoir Quadrangle;

(39) The boundary follows State Route 130 southeasterly to its intersection with the township line dividing Township 6 South from Township 7 South on the San Jose East Quadrangle;

(40) From this point, the boundary proceeds in a straight line southeasterly

to the intersection of the township line dividing Township 7 South from Township 8 South with the range line dividing Range 2 East from Range 3 East on the Lick Observatory Quadrangle;

(41) From this point, the boundary proceeds in a straight line southeasterly crossing the Morgan Hill Quadrangle to the intersection of the township line dividing Township 8 South from Township 9 South with the range line dividing Range 3 East from Range 4 East on the Mt. Sizer Quadrangle;

(42) From this point, the boundary proceeds in a straight line southeasterly to the intersection of Coyote Creek with the township line dividing Township 9 South from Township 10 South on the Gilroy Quadrangle;

(43) From this point, the boundary proceeds in a straight line southeasterly to the intersection of the 37 degree 00' North latitude parallel with State Route 152 on the Gilroy Quadrangle;

(44) The boundary follows the 37 degree 00' North latitude parallel east to the range line dividing Range 5 East from Range 6 East on the Three Sisters Quadrangle;

(45) The boundary follows this range line south to the San Benito-Santa Clara County line on the Three Sisters Quadrangle;

(46) The boundary follows the San Benito-Santa Clara County line easterly, from the intersection with the Range 6 East line to the San Benito-Merced County line on the Monterey 1:250,000 map;

(47) The boundary follows the San Benito-Merced County line southeasterly to the conjunction of the county lines of San Benito, Merced, and Fresno counties on the Monterey 1:250,000 map;

(48) From this point, the boundary proceeds in a southwesterly extension of the Merced-Fresno County line to Salt Creek on the Monterey 1:250,000 map;

(49) From this point, the boundary proceeds in a straight line southeasterly to the conjunction of the county lines of Monterey, San Benito, and Fresno Counties on the Monterey 1:250,000 map;

(50) The boundary follows the Monterey-Fresno County line southeasterly to the Monterey-Kings County line on the San Luis Obispo 1:250,000 map;

(51) The boundary follows the Monterey-Kings County line southeasterly to the San Luis Obispo-Kings County line on the San Luis Obispo 1:250,000 map;

(52) The boundary follows the San Luis Obispo-Kings County line east to the San Luis Obispo-Kern County line of the San Luis Obispo 1:250,000 map;

(53) The boundary follows the San Luis Obispo-Kern County line south, then east, then south to the point which the county line diverges easterly from the range line dividing Range 17 East from Range 18 East on the San Luis Obispo 1:250,000 map;

(54) The boundary follows this range line south to the township line dividing Township 28 South from Township 29 South on the San Luis Obispo 1:250,000 map;

(55) The boundary follows the township line west to the range line dividing Range 13 East from Range 14 East on the San Luis Obispo 1:250,000 map;

(56) The boundary follows this range line south to the boundary of the Los Padres National Forest on the San Luis Obispo 1:250,000 map;

(57) Then southeast following the boundary of the Los Padres National Forest across the San Luis Obispo and Santa Maria 1:250,000 maps, to the Range Line dividing Range 21 and Range 20 West on the Los Angeles 1:250,000 map;

(58) Then southeast in a straight line to an unnamed peak (elevation 1,925 feet) on the Los Angeles 1:250,000 map;

(59) Then southeast in a straight line to an unnamed peak (elevation 2,992 feet) on the Los Angeles 1:250,000 map;

(60) Then southeast in a straight line to an unnamed peak (elevation 4,003 feet) on the Los Angeles 1:250,000 map;

(61) Then southeast in a straight line to an unnamed peak (elevation 3,839 feet) on the Los Angeles 1:250,000 map;

(62) Then southeast on a straight line to Strawberry peak (elevation 6,164 feet) on the Los Angeles 1:250,000 map;

(63) Then southeast in a straight line to Johnstone Peak (elevation 3126 feet) on the San Bernardino 1:250,000 map;

(64) Then south to the intersection of the Orange County-San Bernardino County line on the Santa Ana 1:250,000 map;

(65) Then eastward, and southeastward along the Orange County line, to the intersection of that county line with the township line on the northern border of Township 7 South (in Range 6 West; on the Santa Ana 1:250,000 map);

(66) Then from there eastward along that township line to its intersection with the northern boundary of the Temecula viticultural area described in section 9.50; of this part, the Temecula viticultural area boundary coincides with the boundary of the Cleveland National Forest on the Wildomar Quadrangle map;

(67) Then following the northern boundary of the Temecula viticultural area, at and near its northernmost point,

generally northeastward, eastward, and southeastward until the Temecula viticultural area boundary again intersects the township line on the northern border of Township 7 South (in Range 4 West; thus all of the Temecula viticultural area is included inside of South Coast viticultural area as described in section 9.104 of this part);

(68) Then eastward, along the township line of the northern border of Township 7 South, to the San Bernardino Meridian on the Santa Ana 1:250,000 map;

(69) Then southward along the San Bernardino Meridian to the Riverside County-San Diego County line on the Santa Ana 1:250,000 map;

(70) Then westward along the county line for 7½ miles, to the western boundary of the Cleveland National Forest (near the Pechanga Indian Reservation on the Santa Ana 1:250,000 map);

(71) Then generally southeastward along the Cleveland National Forest boundary to where it joins California Highway 76 on the Santa Ana 1:250,000 map;

(72) From there generally southeastward along Highway 76 to California Highway 79 on the Santa Ana 1:250,000 map;

(73) Then southeastward along Highway 79 to the township line on the northern border of Township 12 South (in Range 3 East) on the Santa Ana 1:250,000 map;

(74) Then eastward along that township line to its intersection with the range line on the eastern border of Range 3 East on the Santa Ana 1:250,000 map;

(75) Then from there southward along that range line to U.S.-Mexico international border on the Santa Ana 1:250,000 map and the San Diego 1:250,000 map;

(76) Then westward along that international border to the Pacific Ocean on the San Diego 1:250,000 map;

(77) Then generally northwestward along the shore of the Pacific Ocean to the starting point crossing the San Diego 1:250,000 map, the Santa Ana 1:250,000 map, the Long Beach 1:250,000 map, the Los Angeles 1:250,000 map, the Santa Maria 1:250,000 map, the Santa Luis Obispo 1:250,000 map, the Monterey 1:250,000 map, the San Francisco 1:250,000 map, on the Santa Rosa 1:250,000 map.

Dated: September 19, 2000.

**Bradley A. Buckles,**  
*Director.*

[FR Doc. 00-24667 Filed 9-25-00; 8:45 am]

**BILLING CODE 4810-31-P**

**DEPARTMENT OF THE INTERIOR****Minerals Management Service****30 CFR Part 208****RIN 1010-AC70****Small Refiner Administrative Fee**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Minerals Management Service (MMS) proposes to eliminate the fees it recovers from small refiners participating in the small refiner royalty-in-kind (RIK) program. MMS believes that the fees are no longer justified under the requirements of Office of Management and Budget (OMB) Circular No. A-25.

**DATES:** Comments must be submitted on or before November 27, 2000.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225-0165. You may also comment via the Internet to RMP.comments@mms.gov. Please submit Internet comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: RIN 1010-AC70" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact David S. Guzy, MMS, RMP, at (303) 231-3432. Finally, you may hand-deliver comments to Building 85, Denver Federal Center, Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** David S. Guzy, Chief, Rules and Publications Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3021, Denver, Colorado 80225-0165; telephone (303) 231-3432; FAX (303) 231-3385; e-mail David.Guzy@mms.gov.

**SUPPLEMENTARY INFORMATION:** The principal authors of this proposed rule are Larry Cobb of the Royalty Management Program (RMP), MMS, and Sarah L. Inderbitzin of the Office of the Solicitor, Department of the Interior.

**I. Background**

Congress established the small refiner royalty-in-kind (RIK) program to ensure a diversified refining base essential for the national interest and defense.

Regulations at 30 CFR Part 208 define the MMS process for awarding RIK volumes to small refiners.

Small refiner eligibility requirements for onshore leases are defined in 30 CFR part 208 and are based on the Emergency Petroleum Allocation Act, and by regulations of the Small Business Administration for offshore leases. Under the small refiner program, MMS takes its royalty portion of production from one or more Federal leases "in kind" (as opposed to taking the royalty "in value" or cash) and sells it to a qualifying small refiner under an RIK contract. The goal of the program is to keep small refiners economically viable by providing:

1. Access to a crude oil marketplace where integrated oil companies and larger refiners account for the majority of the crude oil traded;
2. A stable source of supply at equitable prices to sustain operations at or near normal operating capacity; and
3. A vital source of trade stock, thereby creating the opportunity to "exchange" royalty oil for the quality or type of crude oil feed stock needed to sustain their mix of refined products.

Before recent program changes, small refiners took delivery of the royalty oil MMS had awarded them from designated Federal lessees/producers. After the lessees reported to MMS the value of the crude oil they had supplied, MMS then billed the small refiners according to those values.

If MMS later determined that the values lessees reported understated the market value of the oil, MMS billed the small refiners for additional payments. This process created much uncertainty for both MMS and the small refiners and, in some cases, threatened the financial solvency of the small refiners when they received large bills from MMS.

MMS required small refiners to pay a cost recovery fee to cover MMS's direct and indirect costs of running the small refiner program. In 1999, small refiners paid about \$430,000 to cover the Government's costs. Because fewer refiners participated in the program in 1999 than in previous years, their individual shares of the full cost increased to cover the entire program.

Small refiners had said they were dropping out of the program as a result of the pricing liabilities. Participation in the program declined from 13 refiners in 1995 to only five in 1999. Refiners cited the great uncertainty about the ultimate price of the RIK oil as a major impediment to the effective operation of their businesses.

MMS now conducts a competitive bidding process for all eligible small

refiners. Small refiners must bid on the oil using market-based prices, and MMS selects the highest bidders (highest offered prices) for each RIK sale. The market-based prices are applicable spot market prices, with appropriate location, quality, and market-value adjustments for a particular area.

The revised program procedures greatly streamline royalty-in-kind oil sales resulting in a more efficient, business-like approach. The process assures that MMS receives market value for its in-kind production, provides small refiners with greater pricing certainty by avoiding the potential for retroactive charges, and eliminates the administrative burdens of value auditing and billing.

**II. Explanatory Information**

Because of the new competitive procedures for selling RIK oil, MMS receives market value for the oil and, therefore, believes the cost recovery fee under 30 CFR 208.4(b)(4) is no longer justified under the requirements of OMB Circular No. A-25. Therefore, in this rulemaking MMS is proposing to remove the fee provision from the regulations.

OMB Circular No. A-25 (July 8, 1993) established guidelines for Federal agencies to assess fees under the Independent Offices Appropriation Act of 1952, 31 U.S.C. 9701, to cover the costs of Government-provided services or benefits beyond those accruing to the general public. In determining the amount of user fees to assess, section 6a.2.(b) of OMB Circular No. A-25 states:

Except as provided in Section 6c, user charges will be based on market prices (as defined in Section 6d) when the Government, not acting in its capacity as sovereign, is leasing or selling goods or resources, or is providing a service (e.g., leasing space in federally owned buildings). Under these business-type conditions, user charges need not be limited to the recovery of full cost and may yield net revenues.

Section 6.d.2. describes market price as the price for a good, resource, or service that is based on competition in open markets, and creates neither a shortage nor a surplus of the good, resource, or service. Under the current RIK program, MMS: (1) Is not acting in its capacity as a sovereign in the sale of RIK oil, and (2) is receiving market prices for the oil. When disposing of the RIK production under a contractual agreement in the market place, MMS acts in the same manner as other entities selling production in the marketplace. That is, MMS's role as a seller of RIK production to small refiners is divorced

from its role as lessor in receiving RIK production from Federal lessees.

Further, OMB Circular No. A-25 states that when a substantial competitive demand exists for a good, resource, or service its market price will be determined using commercial practices, for example:

(1) competitive bidding; or

(2) by reference to prevailing prices in competitive markets for goods, resources, or services that are the same or similar to those provided by the Government \* \* \* with adjustments as appropriate that reflect demand, level of service, and the quality of the good or service.

OMB guidelines do not limit Federal agencies to the recovery of actual costs when disposing of goods that have market value. Under procedures now in place, by receiving market value, MMS will not only recover the value of the oil sold but also the direct and indirect costs of conducting the sale. Therefore, MMS is in compliance with OMB guidelines and does not need to assess a separate cost recovery fee for the small refiner program.

Accordingly, MMS proposes to discontinue assessing the cost recovery fees currently recovered under 30 CFR 208.4(b)(4) by removing that paragraph in the regulation.

### III. Procedural Matters

#### 1. Public Comment Policy

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours and on our Internet site at [www.rmp.mms.gov](http://www.rmp.mms.gov). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### 2. Summary Cost and Benefit Data

We have summarized below the economic impacts of this rule to the three affected groups: industry, State and local governments, and the Federal Government. This cost and benefit

information in this Item 2 of Procedural Matters is used as the basis for the Departmental certifications in Items 3-11.

#### A. Industry

The revised small refiners royalty-in-kind program and this associated rule will benefit small refiners by—

- Eliminating the separate cost recovery fee;
- Providing certainty in the prices they will pay for the royalty oil; and
- Reducing administrative costs due to a more efficient, commercial-like sales procedure.

#### B. State and Local Governments

Currently, only oil produced from offshore leases is offered for sale in the small refiner RIK program. States are unaffected by the offshore RIK program because only those offshore leases where 100 percent of the royalty revenues belongs to the Federal Government are designated for inclusion in the program. Should the small refiner program be expanded to onshore leases, States will incur their pro rata share of the cost of administering the onshore portion of the RIK program and will receive their share of royalties, per applicable revenue distribution formulas.

#### C. Federal Government

With the changes to the RIK program that created the need for this rule, MMS will no longer have to rely on prices reported by third-parties and impose separate cost recovery fees because it will receive full market value for its royalty oil. Moreover, because it will now recover market value, MMS believes that the financial impact to the government of the elimination of the cost recovery fee, if any, will be nominal.

Also, MMS will achieve administrative savings because it will no longer have to take action to collect the additional monies owed by small refiners when later audits show that prices quoted by lessees understated the oil's market value.

#### 3. Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

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

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

(4) This rule does not raise novel legal or policy issues.

#### 4. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant adverse effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Alternatively, the small refiner program provides noteworthy benefits to eligible small refiners including:

- Access to a crude oil marketplace where the major integrated oil companies and large refiners account for the majority of the crude oil traded;
- A stable source of supply at equitable market-based prices which helps the small refiner sustain operations at or near normal operating capacity; and
- A vital source of trade stock, thereby creating the opportunity to "exchange" royalty oil for the quality or type of crude oil feed stock needed to sustain their mix of refined products.

*Your comments are important.* The Small Business and Agricultural Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions in this rule, call 1-888-734-3247.

#### 5. Small Business Regulatory Enforcement Act (SBREFA)

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

- a. Does not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

### 6. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

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

In accordance with Executive Order 12630, this proposed rule does not have significant takings implications. This rule does not impose conditions or limitations on the use of any private property; consequently, a takings implication assessment is not required.

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

In accordance with Executive Order 13132, this proposed rule does not have Federalism implications. This rule does not substantially or directly affect the relationship between the Federal and State governments or impose costs on States or localities.

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

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

### 10. Paperwork Reduction Act of 1995

This proposed rule does not contain an information collection, as defined by the Paperwork Reduction Act, and the submission of Office of Management and Budget Form 83-I is not required.

### 11. National Environmental Policy Act

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

#### List of Subjects

Continental shelf, Government contracts, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources.

Dated: September 18, 2000.

**Sylvia V. Baca,**

*Assistant Secretary—Land and Minerals Management.*

For reasons set forth in the preamble, MMS proposes to amend 30 CFR part 208 as follows:

## PART 208—SALE OF FEDERAL ROYALTY OIL

1. The authority citation for part 208 continues to read as follows:

**Authority:** 5 U.S.C. 301 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 41 U.S.C. 601 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

2. In § 208.4, remove paragraph (b)(4).

[FR Doc. 00-24594 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-MR-P**

## MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

### 36 CFR Part 1600

**RIN 3320-AA02, 3320-AA00**

#### Public Availability of Information and the Privacy Act; Implementation

**AGENCY:** Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

**ACTION:** Proposed rule.

**SUMMARY:** This document sets forth the proposed implementation regulations of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (the Foundation) under the Freedom of Information Act (FOIA) and Privacy Act.

**DATES:** Submit comments on or before October 26, 2000.

**ADDRESSES:** Address all comments concerning this proposed rule to General Counsel, Morris K. Udall Foundation, 110 South Church Avenue, Suite 3350, Tucson, Arizona 85701-1650.

**FOR FURTHER INFORMATION CONTACT:** Ellen K. Wheeler, General Counsel, at (520) 670-5299.

**SUPPLEMENTARY INFORMATION:** These proposed regulations implement the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104-231), and the Privacy Act of 1974, 5 U.S.C. 552a. They apply to all Foundation programs, including the U.S. Institute for Environmental Conflict Resolution (USIECR). The Foundation proposes the following set of regulations to discharge its responsibilities under the FOIA and Privacy Act. The FOIA establishes: Basic procedures for public access to agency records and guidelines for waiver or reduction of fees the agency would otherwise assess for the response to the records request; categories of

records that are exempt for various reasons from public disclosure; and basic requirements for federal agencies regarding their processing of and response to requests for agency records. The Privacy Act establishes: Basic procedures for individuals' access to all records in systems of records maintained by the Foundation that are retrieved by an individual's name or personal identifier. These proposed rules describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those records by the Foundation. The Foundation invites comments from interested groups and members of the public on these proposed regulations.

#### Regulatory Flexibility Act

The Foundation, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Under the Freedom of Information Act, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters. Thus, fees assessed by the Foundation will be nominal. Further, the "small entities" that make FOIA requests, as compared with individual requesters and other requesters, are relatively few in number.

#### Unfunded Mandates Reform Act of 1995

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

#### List of Subjects in 36 CFR Part 1600

Administrative practice and procedure, Freedom of information, Privacy.

For the reasons set forth in the preamble, the Morris K. Udall Foundation proposes to amend Title 36 CFR by adding a new Chapter XVI consisting of Part 1600 to read as follows:

**CHAPTER XVI—MORRIS K. UDALL  
SCHOLARSHIP AND EXCELLENCE IN  
NATIONAL ENVIRONMENTAL POLICY  
FOUNDATION**

**PART 1600—PUBLIC AVAILABILITY  
OF DOCUMENTS AND RECORDS**

**Subpart A—Procedures for Disclosure of  
Records Under the Freedom of Information  
Act**

Sec.

- 1600.1 General provisions.
- 1600.2 Public reading room.
- 1600.3 Requests for records.
- 1600.4 Timing of responses to requests.
- 1600.5 Responses to requests.
- 1600.6 Disclosure of requested records.
- 1600.7 Special procedures for confidential information.
- 1600.8 Appeals.
- 1600.9 Preservation of records.
- 1600.10 Fees.

**Subpart B—Protection of Privacy and  
Access to Individual Records Under the  
Privacy Act of 1974**

- 1600.21 General provisions.
- 1600.22 Requests for access to records.
- 1600.23 Responsibility for responding to requests for access to records.
- 1600.24 Responses to requests for access to records.
- 1600.25 Appeals from denials of requests for access to records.
- 1600.26 Requests for amendment or correction of records.
- 1600.27 Requests for accountings of record disclosures.
- 1600.28 Preservation of records.
- 1600.29 Fees.
- 1600.30 Notice of court-ordered and emergency disclosures.

**Authority:** 5 U.S.C. 552, 552a, 553; 20 U.S.C. 5608(a)(3). Subpart A is also issued under 5 U.S.C. 571–574.

**Subpart A—Procedures for Disclosure  
of Records Under the Freedom of  
Information Act**

**§ 1600.1 General provisions.**

(a) This subpart contains the rules that the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (the Foundation) follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read together with the FOIA, which provides additional information about access to records. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, which are processed under subpart B of this part, are processed under this subpart also. Information routinely provided to the public as part of a regular Foundation activity (for example, press releases, annual reports, informational brochures and the like) may be provided to the public without

following this subpart. As a matter of policy, the Foundation makes discretionary disclosures of records or information exempt from disclosure under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

(b) This subpart applies to all Foundation programs, including the U.S. Institute for Environmental Conflict Resolution (USIECR).

**§ 1600.2 Public reading room.**

(a) The Foundation maintains a public reading room that contains the records that the FOIA requires to be made regularly available for public inspection and copying. An index of reading room records shall be available for inspection and copying and shall be updated at least quarterly.

(b) The public reading room is located at the offices of the Foundation, 110 S. Church Avenue, Suite 3350, Tucson, Arizona.

(c) The Foundation also makes reading room records created on or after November 1, 1996, available electronically, if possible, at the Foundation's web site (which can be found at [www.udall.gov](http://www.udall.gov)). This includes the index of the reading room records, which will indicate which records are available electronically.

**§ 1600.3 Requests for records.**

(a) *How made and addressed.* You may make a request for records of the Foundation by writing to the General Counsel, Morris K. Udall Foundation, 110 South Church Avenue, Suite 3350, Tucson, Arizona 85701–1650. If you are making a request for records about yourself, see § 1600.21 for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. For the quickest possible handling, you should mark both your request letter and the envelope “Freedom of Information Act Request.”

(b) *Description of records sought.* You must describe the records that you seek in enough detail to enable Foundation personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. If the Foundation determines

that your request does not reasonably describe records, it will tell you either what additional information is needed or why your request is otherwise insufficient. If your request does not reasonably describe the records you seek, the response to your request may be delayed.

(c) *Types of records not available.* The FOIA does not require the Foundation to:

(1) Compile or create records solely for the purpose of satisfying a request for records;

(2) Provide records not yet in existence, even if such records may be expected to come into existence at some future time; or

(3) Restore records destroyed or otherwise disposed of, except that the Foundation must notify the requester that the requested records have been destroyed or disposed of.

(d) *Agreement to pay fees.* If you make a FOIA request, your request shall be considered an agreement by you to pay all applicable fees charged under § 1600.10, up to \$25.00, unless you seek a waiver of fees. The Foundation ordinarily will confirm this agreement in an acknowledgment letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

**§ 1600.4 Timing of responses to requests.**

(a) *In general.* The Foundation ordinarily shall respond to requests according to their order of receipt.

(b) *Multitrack processing.* (1) The Foundation may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request. The anticipated number of pages involved may be considered by the Foundation in establishing processing tracks. If the Foundation sets a page limit for its faster track, it will advise those whose request is placed in its slower track(s) of the page limits of its faster track(s).

(2) If the Foundation uses multitrack processing, it may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of its faster track(s).

(c) *Unusual circumstances.*

(1) Where the statutory time limits for processing a request cannot be met because of “unusual circumstances,” as defined in the FOIA, and the Foundation decides to extend the time limits on that basis, the Foundation shall as soon as practicable notify the requester in writing of the unusual

circumstances and of the date by which processing of the request can be expected to be completed. Where the extension is for more than 10 working days, the Foundation shall provide the requester with an opportunity either to modify the request so that it may be processed within the time limits or to arrange an alternative time period for processing the request or a modified request.

(2) Where the Foundation reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated. Multiple requests involving unrelated matters will not be aggregated.

(d) *Expedited processing.*

(1) Requests and appeals will be taken out of order and given expedited treatment whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information;

(2) You may ask for expedited processing of a request for records at any time.

(3) In order to request expedited processing, you must submit a statement, certified to be true and correct to the best of your knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, if you are a requester within the category in paragraph (d)(1)(ii) of this section, and you are not a full-time member of the news media, you must establish that you are a person whose main professional activity or occupation is information dissemination, though it need not be your sole occupation; you also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) Within 10 calendar days of receipt of a request for expedited processing, the Foundation will decide whether to grant it and will notify you of the decision. If a request for expedited treatment is granted, the request will be given priority and processed as soon as practicable. If a request for expedited

processing is denied, any appeal of that decision will be acted on expeditiously.

**§ 1600.5 Responses to requests.**

(a) *Acknowledgments of requests.* On receipt of your request, the Foundation ordinarily will send an acknowledgment letter to you, which will confirm your agreement to pay fees under § 1600.3(d) and provide an assigned request number for further reference.

(b) *Referral to another agency.* When a requester seeks records that originated in another Federal government agency, the Foundation will refer the request to the other agency for response. If the Foundation refers the request to another agency, it will notify the requester of the referral. A request for any records classified by some other agency will be referred to that agency for response.

(c) *Grants of requests.* Ordinarily, the Foundation will have 20 business days from when your request is received to determine whether to grant or deny your request. Once the Foundation determines to grant a request in whole or in part, it will notify you in writing. The Foundation will inform you in the notice of any fee charged under § 1600.10 and will disclose records to you promptly on payment of any applicable fee. Records disclosed in part will be marked or annotated to show the amount of information deleted, unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted also will be indicated on the record, if technically feasible.

(d) *Adverse determinations of requests.* If the Foundation denies your request in any respect, it will notify you of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that a record is not readily reproducible in the form or format sought; a determination that what has been requested is not a record subject to the FOIA; a determination on any disputed fee matter, including a denial of a request for a fee waiver; and a denial of a request for expedited treatment. The denial letter shall be signed by the General Counsel or his/her designee, and shall include:

- (1) The name and title or position of the person responsible for the denial;
- (2) A brief statement of the reason(s) for the denial, including any FOIA exemption applied by the component in denying the request;
- (3) An estimate of the volume of records or information withheld, in

number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under § 1600.8(a) and a description of the requirements for appeal.

**§ 1600.6 Disclosure of requested records.**

(a) The Foundation shall make requested records available to the public to the greatest extent possible in keeping with the FOIA, except that the following records are exempt from the disclosure requirements:

(1) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and which are, in fact, properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the Foundation;

(3) Records specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)), provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or that the statute establishes particular criteria for withholding information or refers to particular types of matters to be withheld. An example that applies to the Foundation is the confidentiality protection for dispute resolution communications provided by the Administrative Dispute Resolution Act of 1996 (ADRA, 5 U.S.C. 571-574).

(4) Records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Foundation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

- (i) Could reasonably be expected to interfere with enforcement proceedings;
- (ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis, and in the case of a recorded or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) Records contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Geological or geophysical information and data, including maps, concerning wells.

(b) If a requested record contains exempted material along with nonexempted material, all reasonable segregable nonexempt material shall be disclosed.

(c) Even if an exemption described in paragraph (a) of this section may be reasonably applicable to a requested record, or portion thereof, the Foundation may elect under the circumstances of any particular request not to apply the exemption to such requested record, or portion thereof, subject to the provisions in § 1600.7 for confidential commercial information. The fact that the exemption is not applied by the Foundation to any requested record, or portion thereof, has no precedential significance as to the application or non-application of the exemption to any other requested record, or portion thereof, no matter when the request is received.

#### **§ 1600.7 Special procedures for confidential commercial information.**

(a) *Definitions.* For purposes of this section:

(1) *Business submitter* means any person or entity which provides confidential commercial information, directly or indirectly, to the Foundation and who has a proprietary interest in the information.

(2) *Commercial-use requester* means requesters seeking information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the Foundation shall determine, whenever reasonably possible, the use to which a requester will put the documents requested. Where the Foundation has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the Foundation shall seek additional clarification before assigning the request to a specific category.

(3) *Confidential commercial information* means records provided to the government by a submitter that arguably contain material exempt from disclosure under Exemption 4 of the FOIA, because disclosure could reasonably be expected to cause substantial competitive harm.

(b) *In general.* Confidential commercial information provided to the Foundation by a business submitter shall not be disclosed pursuant to an FOIA request except in accordance with this section.

(c) *Designation of business information.* Business submitters should use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, those portions of their submissions which they deem to be protected under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4). Any such designation will expire 10 years after the records were submitted to the government, unless the submitter requests, and provides reasonable justification for, a designation period of longer duration.

(d) *Predisclosure notification.* (1) Except as is provided for in paragraph (i) of this section, the Foundation shall, to the extent permitted by law, provide a submitter with prompt written notice of an FOIA request or administrative appeal encompassing its confidential business information whenever required under paragraph (e) of this section. Such notice shall either describe the exact nature of the business information requested or provide copies of the records or portions thereof containing the business information.

(2) Whenever the Foundation provides a business submitter with the notice set forth in paragraph (e)(1) of this section, the Foundation shall notify the requester that the request includes information that may arguably be exempt from disclosure under Exemption 4 of the FOIA and that the

person or entity who submitted the information to the Foundation has been given the opportunity to comment on the proposed disclosure of information.

(e) *When notice is required.* The Foundation shall provide a business submitter with notice of a request whenever—

(1) The business submitter has in good faith designated the information as business information deemed protected from disclosure under 5 U.S.C. 552(b)(4); or

(2) The Foundation has reason to believe that the request seeks business information the disclosure of which may result in substantial commercial or financial injury to the business submitter.

(f) *Opportunity to object to disclosure.* Through the notice described in paragraph (d) of this section, the Foundation shall, to the extent permitted by law, afford a business submitter at least 10 working days within which it can provide the Foundation with a detailed written statement of any objection to disclosure. Such statement shall demonstrate why the information is contended to be a trade secret or commercial or financial information that is privileged or confidential and why disclosure would cause competitive harm. Whenever possible, the business submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the business submitter. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.*

(1) The Foundation shall consider carefully a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose confidential commercial business information. Whenever the Foundation decides to disclose such information over the objection of a business submitter, the Foundation shall forward to the business submitter a written notice at least 10 working days before the date of disclosure containing—

(i) A statement of the reasons for which the business submitter's disclosure objections were not sustained,

(ii) A description of the confidential commercial information to be disclosed, and

(iii) A specified disclosure date.

(2) Such notice of intent to disclose likewise shall be forwarded to the requester at least 10 working days prior to the specified disclosure date.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of confidential commercial information, the Foundation shall promptly notify the business submitter of such action.

(i) *Exceptions to predisclosure notification.* The requirements of this section shall not apply if—

(1) The Foundation determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The designation made by the submitter in accordance with paragraph (c) of this section appears obviously frivolous; except that, in such a case, the Foundation will provide the submitter with written notice of any final decision to disclose confidential commercial information within a reasonable number of days prior to a specified disclosure date.

#### **§ 1600.8 Appeals.**

(a) *Appeals of adverse determinations.* If you are dissatisfied with the Foundation's response to your request, you may appeal an adverse determination denying your request, in any respect, to the Executive Director of the Foundation, 110 S. Church Avenue, Suite 3350, Tucson, AZ 85701-1650. You must make your appeal in writing, and it must be received by the Executive Director within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the determination (including the assigned request number, if known) that you are appealing. For the quickest possible handling, you should mark your appeal letter and the envelope "Freedom of Information Act Appeal."

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part shall contain a statement of the reason(s) for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination, you must first appeal it under this section.

#### **§ 1600.9 Preservation of records.**

The Foundation will preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

#### **§ 1600.10 Fees.**

(a) *In general.* The Foundation will charge you for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (i) of this section. The Foundation ordinarily will collect all applicable fees before sending copies of requested records to you. You must pay fees by check or money order made payable to the United States Treasury.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person seeking information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. If the Foundation determines that you will put the records to a commercial use, either because of the nature of your request itself or because the Foundation has reasonable cause to doubt your stated use, the Foundation will provide you a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that the Foundation actually incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work and the cost of operating duplication machinery.

(3) *Duplication* means the process of making a copy of a record, or the information contained in it, available in response to a FOIA request. Copies can take the form of paper, microfilm, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others. The Foundation will honor your specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format.

(4) *Educational institution* means a preschool, a public or private

elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a "commercial" basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(6) *Representative of the news media, or news media requester,* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of *news*) who make their products available for purchase or subscription by the general public. For *freelance* journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but the Foundation shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

(c) *Fees*. In responding to FOIA requests, the Foundation will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (i) of this section:

(1) *Search*. Search fees will be charged for all requests, except for those by educational institutions, noncommercial scientific institutions, or representatives of the news media (subject to the limitations of paragraph (d) of this section). Charges may be made for time spent searching even if no responsive record is located or if the record(s) are withheld as entirely exempt from disclosure.

(2) *Duplication*. Duplication fees will be charged for all requests, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record, the fee will be ten cents per page. For other forms of duplication (including copies produced by computer, such as tapes or printouts), the Foundation will charge the direct costs, including operator time, of producing the copy.

(3) *Review*. Review fees will be charged only for commercial use requests. Review fees will be charged only for the initial record review—in other words, the review done when the Foundation determines whether an exemption applies to a particular record or record portion at the initial request level. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records or record portions withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies; the costs of that review are chargeable where it is made necessary by such a change of circumstances.

(4) *Searches and reviews—amounts of fees*.

(i) For each quarter hour spent in searching for and/or reviewing a requested record, the fees will be: \$4.00 for clerical personnel; \$7.00 for professional personnel; and \$10.25 for managerial personnel.

(ii) For computer searches of records, you will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (d)(1) of this section) will be charged no

search fee and certain other requesters (as provided in paragraph (d)(4) of this section) will be entitled to the cost equivalent of two hours of manual search time without charge. These direct costs will include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for responsive records, as well as the costs of operator/programmer salary apportionable to the search.

(d) *Limitations on charging fees*.

(1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) Review fees will be charged only for commercial use requests.

(3) No search fee or review fee will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(4) Except for commercial use requests, the Foundation will provide the first 100 pages of duplication and the first two hours of search time to requesters without charge. These provisions work together, so that the Foundation will not begin to assess fees until after providing the free search and reproduction. For example, if a request involves three hours of search time and duplication of 105 pages of documents, the Foundation will charge only for the cost of one hour of search time and five pages of reproduction.

(5) Whenever a total fee calculated under paragraph (d) of this section is \$14.00 or less for any request, no fee will be charged.

(e) *Notice of anticipated fees in excess of \$25.00*. When the Foundation determines or estimates that the fees will be more than \$25.00, it will notify you of the actual or estimated amount of the fees, unless you have indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the Foundation will advise you that the estimated fee may be only a portion of the total fee. In cases in which you have been notified that actual or estimated fees amount to more than \$25.00, the request will not be considered received and further work will not be done on it until you agree in writing to pay the anticipated total fee. A notice under this paragraph will offer you an opportunity to discuss the matter with Foundation personnel in order to reformulate the request to meet your needs at a lower cost.

(f) *Charging interest*. The Foundation may charge interest on any unpaid bill starting on the 31st day following the date of billing. Interest charges will be assessed at the rate provided in 31

U.S.C. 3717 and will accrue from the date of the billing until payment is received by the Foundation.

(g) *Aggregating requests*. Where the Foundation reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, it may aggregate those requests and charge accordingly. The Foundation may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, they will be aggregated only if there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(h) *Advance payments*.

(1) No advance payment (that is, payment before work is begun on a request) will ordinarily be required, except as described in paragraphs (h)(2) and (3) of this section. Payment owed for work already completed (that is, a prepayment before copies are sent to you) is not considered an advance payment.

(2) Where the Foundation determines or estimates that a total fee to be charged under this section will be more than \$250.00, it may require you to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives satisfactory assurance of full payment from you and you have a history of prompt payment.

(3) If you have previously failed to pay a properly charged FOIA fee within 30 days of the date of billing, the Foundation may require you to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before it begins to process a new request or continues to process a pending request from you.

(4) In cases in which the Foundation requires advance payment or payment due under paragraph (h)(2) or (3) of this section, the request shall not be considered received and further work will not be done on it until the required payment is received.

(i) *Requirements for waiver or reduction of fees*.

(1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section where the Foundation determines, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest

because it is likely to contribute significantly to public understanding of the operations or activities of the government, and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records.

(3) If you request a waiver or reduction of fees, your request should address the factors listed in paragraph (i)(1) of this section.

### Subpart B—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

#### § 1600.21 General provisions.

(a) *Purpose and scope.* This subpart contains the rules that the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (the "Foundation") follows under the Privacy Act of 1974, 5 U.S.C. 552a. These rules should be read together with the Privacy Act, which provides additional information about records maintained on individuals. The rules in this subpart apply to all records in systems of records maintained by the Foundation that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those records by the Foundation. In addition, the Foundation processes all Privacy Act requests for access to records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, following the rules contained in subpart A of this part, which gives requests the benefit of both statutes.

(b) *Applicability.* This subpart applies to all Foundation programs, including the U.S. Institute for Environmental Conflict Resolution (USIECR).

(c) *Definitions.* As used in this subpart:

(1) *Request for access to a record* means a request made under Privacy Act subsection (d)(1).

(2) *Request for amendment or correction of a record* means a request made under Privacy Act subsection (d)(2).

(3) *Request for an accounting* means a request made under Privacy Act subsection (c)(3).

(4) *Requester* means an individual who makes a request for access, a request for amendment or correction, or a request for an accounting under the Privacy Act.

#### § 1600.22 Requests for access to records.

(a) *How made and addressed.* You may make a request for access to a Foundation record about yourself by appearing in person or by writing to the Foundation. Your request should be sent or delivered to the Foundation's General Counsel, at 110 S. Church Avenue, Suite 3350, Tucson, AZ 85701-1650. For the quickest possible handling, you should mark both your request letter and the envelope "Privacy Act Request."

(b) *Description of records sought.* You must describe the records that you want in enough detail to enable Foundation personnel to locate the system of records containing them with a reasonable amount of effort. Whenever possible, your request should describe the records sought, the time periods in which you believe they were compiled, and the name or identifying number of each system of records in which you believe they are kept. The Foundation publishes notices in the **Federal Register** that describe its systems of records. A description of the Foundation's systems of records also may be found as part of the "Privacy Act Compilation" published by the National Archives and Records Administration's Office of the Federal Register. This compilation is available in most large reference and university libraries. This compilation also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs)).

(c) *Agreement to pay fees.* If you make a Privacy Act request for access to records, it shall be considered an agreement by you to pay all applicable fees charged under § 1600.29 up to \$25.00. The Foundation ordinarily will confirm this agreement in an acknowledgment letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

(d) *Verification of identity.* When you make a request for access to records about yourself, you must verify your identity. You must state your full name, current address, and date and place of birth. You must sign your request and your signature must either be notarized or submitted by you under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. In order to help the identification and location of requested records, you may also, at your option, include your social security number.

(e) *Verification of guardianship.* When making a request as the parent or guardian of a minor or as the guardian of someone determined by a court to be

incompetent, for access to records about that individual, you must establish:

(1) The identity of the individual who is the subject of the record, by stating the name, current address, date and place of birth, and, at your option, the social security number of the individual;

(2) Your own identity, as required in paragraph (d) of this section;

(3) That you are the parent or guardian of that individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or by providing a court order establishing your guardianship; and

(4) That you are acting on behalf of that individual in making the request.

#### § 1600.23 Responsibility for responding to requests for access to records.

(a) *In general.* In determining which records are responsive to a request, the Foundation ordinarily will include only those records in its possession as of the date the Foundation begins its search for them. If any other date is used, the Foundation will inform the requester of that date.

(b) *Authority to grant or deny requests.* The Foundation's General Counsel, or his/her designee, is authorized to grant or deny any request for access to a record of the Foundation.

(c) *Consultations and referrals.* When the Foundation receives a request for access to a record in its possession, it will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from access under the Privacy Act. If the Foundation determines that it is best able to process the record in response to the request, then it will do so. If the Foundation determines that it is not best able to process the record, then it will either:

(1) Respond to the request regarding that record, after consulting with the agency best able to determine whether the record is exempt from access and with any other agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to another agency that originated the record (but only if that agency is subject to the Privacy Act). Ordinarily, the agency that originated a record will be presumed to be best able to determine whether it is exempt from access.

(d) *Notice of referral.* Whenever the Foundation refers all or any part of the responsibility for responding to your request to another agency, it ordinarily will notify you of the referral and inform you of the name of each agency

to which the request has been referred and of the part of the request that has been referred.

(e) *Timing of responses to consultations and referrals.* All consultations and referrals shall be handled according to the date the Privacy Act access request was initially received by the Foundation, not any later date.

**§ 1600.24 Responses to requests for access to records.**

(a) *Acknowledgments of requests.* On receipt of your request, the Foundation ordinarily will send an acknowledgment letter, which shall confirm your agreement to pay fees under § 1600.22(c) and may provide an assigned request number for further reference.

(b) *Grants of requests for access.* Once the Foundation makes a determination to grant your request for access in whole or in part, it will notify you in writing. The Foundation will inform you in the notice of any fee charged under § 1600.29 and will disclose records to you promptly on payment of any applicable fee. If your request is made in person, the Foundation may disclose records to you directly, in a manner not unreasonably disruptive of its operations, on payment of any applicable fee and with a written record made of the grant of the request. If you are accompanied by another person when you make a request in person, you shall be required to authorize in writing any discussion of the records in the presence of the other person.

(c) *Adverse determinations of requests for access.* If the Foundation makes an adverse determination denying your request for access in any respect, it will notify you of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the Privacy Act; a determination on any disputed fee matter; and a denial of a request for expedited treatment. The notification letter shall be signed by the General Counsel, or his/her designee, and shall include:

- (1) The name and title or position of the person responsible for the denial;
- (2) A brief statement of the reason(s) for the denial, including any Privacy Act exemption(s) applied by the Foundation in denying the request; and
- (3) A statement that the denial may be appealed under § 1600.25(a) and a description of the requirements of § 1600.25(a).

**§ 1600.25 Appeals from denials of requests for access to records.**

(a) *Appeals.* If you are dissatisfied with the Foundation's response to your request for access to records, you may appeal an adverse determination denying your request in any respect to the Executive Director of the Foundation, 110 S. Church Avenue, Suite 3350, Tucson, AZ 85701-1650. You must make your appeal in writing, and it must be received within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the determination (including the assigned request number, if any) that you are appealing. For the quickest possible handling, you should mark both your appeal letter and the envelope "Privacy Act Appeal."

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part will include a brief statement of the reason(s) for the affirmance, including any Privacy Act exemption applied, and will inform you of the Privacy Act provisions for court review of the decision. If the adverse determination is reversed or modified on appeal in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination or denial of a request, you must first appeal it under this section.

**§ 1600.26 Requests for amendment or correction of records.**

(a) *How made and addressed.* You may make a request for amendment or correction of a Foundation record about yourself by following the procedures in § 1600.22. Your request should identify each particular record in question, state the amendment or correction that you want, and state why you believe that the record is not accurate, relevant, timely, or complete. You may submit any documentation that you think would be helpful.

(b) *Foundation responses.* Within 10 working days of receiving your request for amendment or correction of records, the Foundation will send you a written acknowledgment of its receipt of your request, and it will promptly notify you whether your request is granted or denied. If the Foundation grants your request in whole or in part, it will describe the amendment or correction made and advise you of your right to obtain a copy of the corrected or

amended record. If the Foundation denies your request in whole or in part, it will send you a letter stating:

- (1) The reason(s) for the denial; and
- (2) The procedure for appeal of the denial under paragraph (c) of this section, including the name and business address of the official who will act on your appeal.

(c) *Appeals.* You may appeal a denial of a request for amendment or correction to the Executive Director in the same manner as a denial of a request for access to records (see § 1600.25), and the same procedures will be followed. If your appeal is denied, you will be advised of your right to file a Statement of Disagreement as described in paragraph (d) of this section and of your right under the Privacy Act for court review of the decision.

(d) *Statements of Disagreement.* If your appeal under this section is denied in whole or in part, you have the right to file a Statement of Disagreement that states your reason(s) for disagreeing with the Foundation's denial of your request for amendment or correction. Statements of Disagreement must be concise, must clearly identify each part of any record that is disputed, and should be no longer than one typed page for each fact disputed. Your Statement of Disagreement must be sent to the Foundation, which will place it in the system of records in which the disputed record is maintained and will mark the disputed record to indicate that a Statement of Disagreement has been filed and where in the system of records it may be found.

(e) *Notification of amendment/correction or disagreement.* Within 30 working days of the amendment or correction of a record, the Foundation shall notify all persons, organizations, or agencies to which it previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. If an individual has filed a Statement of Disagreement, the Foundation will attach a copy of it to the disputed record whenever the record is disclosed and may also attach a concise statement of its reason(s) for denying the request to amend or correct the record.

**§ 1600.27 Requests for an accounting of record disclosures.**

(a) *How made and addressed.* Except where accountings of disclosures are not required to be kept (as stated in paragraph (b) of this section), you may make a request for an accounting of any disclosure that has been made by the Foundation to another person, organization, or agency of any record about you. This accounting contains the

date, nature, and purpose of each disclosure, as well as the name and address of the person, organization, or agency to which the disclosure was made. Your request for an accounting should identify each particular record in question and should be made by writing to the Foundation, following the procedures in § 1600.22.

(b) *Where accountings are not required.* The Foundation is not required to provide accountings to you where they relate to disclosures for which accountings are not required to be kept—in other words, disclosures that are made to employees within the agency and disclosures that are made under the FOIA.

(c) *Appeals.* You may appeal a denial of a request for an accounting to the Foundation Executive Director in the same manner as a denial of a request for access to records (see § 1600.25) and the same procedures will be followed.

#### § 1600.28 Preservation of records.

The Foundation will preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the Act.

#### § 1600.29 Fees.

The Foundation will charge fees for duplication of records under the Privacy Act in the same way in which it charges duplication fees under § 1600.10. No search or review fee will be charged for any record.

#### § 1600.30 Notice of court-ordered and emergency disclosures.

(a) *Court-ordered disclosures.* When a record pertaining to an individual is required to be disclosed by a court order, the Foundation will make reasonable efforts to provide notice of this to the individual. Notice will be given within a reasonable time after the Foundation's receipt of the order—except that in a case in which the order is not a matter of public record, the notice will be given only after the order becomes public. This notice will be mailed to the individual's last known address and will contain a copy of the order and a description of the information disclosed.

(b) *Emergency disclosures.* Upon disclosing a record pertaining to an individual made under compelling circumstances affecting health or safety,

the Foundation will notify that individual of the disclosure. This notice will be mailed to the individual's last known address and will state the nature of the information disclosed; the person, organization, or agency to which it was disclosed; the date of disclosure; and the compelling circumstances justifying the disclosure.

Dated: September 20, 2000.

**Christopher L. Helms,**

*Executive Director, Morris K. Udall  
Scholarship and Excellence in National  
Environmental Policy Foundation.*

[FR Doc. 00-24528 Filed 9-25-00; 8:45 am]

**BILLING CODE 6820-FN-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 148, 261, 268, 271 and 302

[FRL-6876-2]

RIN 2050-AE49

#### **Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities; Proposed Rule; Technical Correction**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; Technical correction.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting errors that appeared in the September 14, 2000 proposed rule (65 FR 55684) that announced the proposal to amend the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) by listing as hazardous three wastes generated from inorganic chemical manufacturing processes. This document creates no new regulatory requirements. Rather, it corrects minor editing and formatting errors associated with the September 14, 2000 **Federal Register** document.

**DATES:** The comment period for the proposal (65 FR 55684, September 14, 2000) ends on November 13, 2000.

**ADDRESSES:** If you wish to comment on the proposed rule (65 FR 55684), you must send an original and two copies of the comments referencing docket number F-2000-ICMP-FFFFF to: RCRA Information Center, Office of Solid Waste (5305G), U.S. Environmental

Protection Agency Headquarters, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Hand deliveries of comments should be made to RCRA Information Center, Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA.

You also may submit comments electronically by sending electronic mail through the Internet to: rcra-docket@epa.gov. You should identify comments in electronic format with the docket number F-2000-ICMP-FFFFF. You must submit all electronic comments as an ASCII (text) file, avoiding the use of special characters and any form of encryption.

Address requests for a hearing to Mr. David Bussard at: Office of Solid Waste, Hazardous Waste Identification Division (5304W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460, (703) 308-8880.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, D.C., metropolitan area, call (703) 920-9810 or TDD (703) 412-3323. For specific aspects of the rule or the technical corrections, contact Ms. Gwen DiPietro, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C., 20460. [E-mail address and telephone number: dipietro.gwen@epa.gov (703-308-8285).]

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Reasons and Basis for Today's Notice**

The Agency in its review of the September 14, 2000 proposed rule (65 FR 55684) identified formatting and typographical errors in certain sections of the preamble and regulations.

Today's notice corrects these errors.

##### **II. Public Comment Period**

Today's notice does not create any new regulatory requirements; rather EPA is publishing these corrections to enable members of the public to understand the notice of the proposed rulemaking more quickly and easily. EPA believes that the September 14, 2000 notice presented the substance of the proposed rule, the rationale and the supporting data clearly enough to allow interested persons to understand all aspects of the proposed rule and to make comments. Consequently, EPA finds that it is not necessary to extend the comment period for the proposed rule. The comment period will still close on November 13, 2000.

### III. Docket for the Proposed Rule

If you do not submit comments electronically, we ask you to voluntarily submit one additional copy of your comments on labeled personal computer diskettes in ASCII (text) format or a word processing format that can be converted to ASCII (text). It is essential to specify on the disk label the word processing software and version/edition as well as your name. This will allow us to convert the comments into one of the word processing formats we utilize. Please use mailing envelopes designed to physically protect the submitted diskettes. We emphasize that submission of comments on diskettes is not mandatory nor will it result in any advantage or disadvantage to any commenter.

You should not submit electronically any confidential business information (CBI). You must submit an original and two copies of CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Any CBI data should be specifically and clearly marked. In addition, please submit a non-CBI version of your comments for inclusion in the public record.

Supporting documents in the docket for this proposal are also available in electronic format on the Internet: <http://www.epa.gov/epaoswer/hazwaste/id/inorchem/pr2000.htm>. We will keep the official record for this action in paper form. Accordingly, we will transfer all comments received electronically into paper form and place them in the official record, which also will include all comments submitted directly in writing. The official record is the paper record maintained at the RCRA Information Center, also referred to as the Docket.

Our responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. We will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be corrupted in transmission or during conversion to paper form, as discussed above.

You may view public comments and supporting materials in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, we recommend that you make

an appointment by calling 703-603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page.

#### List of Subjects

##### 40 CFR Part 148

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

##### 40 CFR Part 261

Environmental protection, Hazardous materials, Waste treatment and disposal, Recycling.

##### 40 CFR Part 268

Environmental protection, Hazardous materials, Waste management, Reporting and recordkeeping requirements, Land Disposal Restrictions, Treatment standards.

##### 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous material transportation, Hazardous waste, Indian-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

##### 40 CFR Part 302

Environmental protection, Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: September 19, 2000.

**Matt Hale,**

*Deputy Director, Office of Solid Waste.*

The following corrections are made in the preamble to FRL-6864-5, Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Proposed Rule, published in the **Federal Register** on September 14, 2000 (65 FR 55684):

1. On page 55684, in the second column, first full paragraph, in the **ADDRESSES** Section, change the electronic mail address for the docket from "rcradocket@epamail.epa.gov" to "rcra-docket@epa.gov."

2. On page 55687, in the first column, in Section C, in the second paragraph the appropriate quotes and indentations were missing. The entire Section C is reprinted below with the appropriate corrections:

#### *C. What Is the Consent Decree Schedule for and Scope of This Proposal?*

The 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA require EPA to make listing determinations for several specified categories of wastes, including "inorganic chemical industry wastes" (see RCRA section 3001(e)(2)). In 1989, the Environmental Defense Fund (EDF) filed a lawsuit to enforce the statutory deadlines for listing decisions in RCRA Section 3001(e)(2). (*EDF v. Browner*; D.D.C. Civ. No. 89-0598). To resolve most of the issues in the case, EDF and EPA entered into a consent decree, which has been amended several times to revise deadlines for EPA action. Paragraph 1.g (as amended) of the consent decree addresses the inorganic chemical industry:

"EPA shall promulgate a final listing determination for inorganic chemical industry wastes on or before October 31, 2001. This listing determination shall be proposed for public comment on or before August 30, 2000. The listing determination shall include the following wastes: sodium dichromate production wastes, wastes from the dry process for manufacturing phosphoric acid, phosphorus trichloride production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, and titanium dioxide production wastes (except for chloride process waste solids). However, such listing determinations need not include any wastes which are excluded from hazardous waste regulation under section 3001(b)(3)(A)(ii) of RCRA and for which EPA has determined that such regulation is unwarranted pursuant to section 3001(b)(3)(C) of RCRA."

Today's proposal satisfies EPA's duty under paragraph 1.g to propose determinations for inorganic chemical industry wastes.

As described above, the consent decree provides that EPA does not need to make listing determinations for certain wastes that it has exempted from hazardous waste regulations under the "Bevill amendments" to RCRA. See the discussion of "exempt mineral processing" wastes in section III.B.1 below.

3. On page 55693, in Section 4. Evaluation of Secondary Materials, in

the first paragraph, enclose "40 CFR 261.2(e)" in parenthesis.

4. On page 55720, Table III-12 was incorrectly formatted. Table III-12 should read as follows:

Table III-12. Characterization of Ammonia recycle filters (mg/L)

Parameter	RH-1-HC-05 (1 <sup>st</sup> data set)		RH-2-HC-05 (2 <sup>nd</sup> data set)		DM-1-HC-04 (1 <sup>st</sup> data set)		DM-02-HC-04 (2 <sup>nd</sup> data set)		HBL
	TCLP	SPLP	TCLP	SPLP	TCLP	SPLP	TCLP	SPLP	
Antimony	0.55 J <sup>1</sup>	0.59	<0.5	0.237	<0.5	<0.5	0.8	0.08	0.006
Arsenic	0.045 L <sup>2</sup>	0.039	<0.5	0.0137	<0.5	<0.05	<0.5	0.0112	0.0007
Nickel	0.50 J	0.61	<0.2	0.303	<0.2	0.0654	<0.2	0.0178	0.31
Total CN	N/A	2.4 L	0.230	0.243	0.218	0.187 L	0.222 <sup>3</sup>	0.303	0.31 <sup>4</sup>

<sup>1</sup>J: Estimated result, due to poor field duplication.

<sup>2</sup>L: Qualified result with a low bias for positive result.

<sup>3</sup>Average of duplicate sample results.

<sup>4</sup>HBL for hydrogen cyanide.

5. On page 55721, Table III-13, incorrect values were identified for the "Adult HQ" and "Child HQ" for cadmium. Table III-13 should read as follows:

Table III-13. Groundwater Risk Results for Ammonia Recycle Filters <sup>1</sup>						
Percentile	Antimony		Arsenic		Cadmium	
	Adult HQ	Child HQ	Adult Cancer Risk	Child Cancer Risk	Adult HQ	Child HQ
Industrial Landfill						
90th	7.9E-02	1.6E-01	3.8E-08	2.8E-08	9E-05	2E-04
95th	1.9E-01	3.9E-01	1.6E-07	1.2E-07	4E-04	7E-04
Municipal Landfill						
90th	8.7E-02	1.8E-01	3.9E-08	3.1E-08	1E-04	3E-04
95th	2.0E-01	4.2E-01	1.8E-07	1.3E-07	4E-04	8E-04

<sup>1</sup> Modeling for two other constituents (nickel and cyanide) yielded HQs that were extremely small (<1E-16) even at the 95th%.

6. On page 55729, Table III-21, in the fourth row "Tote bin wash water", the formatting for the reported hazard codes and the sequential management practices were not aligned correctly. Table III-21 should read as follows:

Table III-21. Wastewaters from Phosphorus Pentasulfide Production				
Waste Category	Number of Reported Generators	1998 Volume (MT)	Reported Hazard Codes	Sequential Management Practices
Process scrubber water	1	77,377	none	1) Sewer, 2) POTW
Caustic scrubber water	2	2,177	none	1) Covered tanks, 2) off-site treatment, 3) NPDES; 1) Treatment in covered tanks, 2) POTW.
Tote bin wash water	2	188	1) D003  2) none	1) Covered tanks, 2) off-site treatment, 3) NPDES; 1) Treatment in covered tanks, 2) POTW.

7. On page 55731, Table III-22, in the second row "Initial washout water from reactor", the formatting for the reported hazard codes and the sequential management practices were not aligned correctly. Table III-22 should read as follows:

Table III-22. Characteristic Wastes from Phosphorus Trichloride Production				
Waste Category	Number of Reported Generators	1998 Volume (MT)	Reported Hazard Codes	Sequential Management Practices
Reactor cleanout sludge	4	66 <sup>1</sup>	D001-004, D006-009, D010, D011	1) container 2) Subtitle C incineration
Initial washout water from reactor	4	478 <sup>1</sup>	1) D002, D004, D006, D007  2) D002, D004  3) D004, D007	1) off-site pretreatment, 2) POTW;  1) neutralized in tanks, 2) surface impoundment, 3) biotreat in tank, 4) NPDES;  1) tank, 2) off-site biotreatment, 3) NPDES
Product storage tank cleanout with nonreactive phosphate ester	1	10	D002, D003	1) container 2) Subtitle C incineration
Product storage tank cleanout with water	1	15	D002	1) neutralized in tanks, 2) NPDES
Spent filter wash for product	1	15	D002	1) pretreatment in tanks, 2) NPDES
Process area wash water	1	1,400	D002	1) tanks, 2) NPDES

<sup>1</sup>Volumes from 1996 or 1997 are included in the totals when the wastes were not generated by a facility in 1998.

8. On page 55736, in Table III-28 a typographical error occurred in the first row of the table. Change "5E-08" to "6E-08" as the value under Adult HQ for, zinc for the 90th percentile. As corrected, Table III-28 is as follows:

Percentile	Arsenic		Manganese		Nickel		Zinc	
	Adult	Child	Adult	Child	Adult	Child	Adult	Child
	Cancer Risk	Cancer Risk	HQ	HQ	HQ	HQ	HQ	HQ
90 <sup>th</sup>	3E-08	2E-08	2E-04	4E-04	2E-06	3E-06	6E-08	1E-07
95 <sup>th</sup>	2E-07	2E-07	6E-04	1E-03	2E-05	3E-05	5E-06	1E-05

9. On page 55737, Table III-30 was incorrectly formatted. Table III-30 should read as follows:

Parameter	HT-FB-01			HT-FB-02			HBL (mg/l)
	Total (mg/kg)	TCLP (mg/l)	SPLP (mg/l)	Total (mg/kg)	TCLP (mg/l)	SPLP (mg/l)	
Antimony	34.1	0.018	<0.005	<5	0.012	<0.005	0.006
Arsenic	7.3	0.014	0.003	5.3	<0.005	<0.005	0.0007
Boron	<50	6.1	<0.05	<50	0.67	<0.5	1.4
Cadmium	22.5	<0.05	<0.05	<5	<0.05	<0.05	0.008
Cr, +6	<0.8	NA	<0.02	2.8 L	NA	0.19 L	0.05
Lead	8.7	0.024	0.06	7.1	0.020	0.012	0.015

L: Concentration reported from analysis performed outside required holding time. Value should be considered biased low.

10. On page 55747, in Table III-38 a typographical error was identified. Change "0.003" to "0.006" for the Child HQ for antimony for the 95th percentile. A corrected Table III-38 is as follows:

Table III-38. Probabilistic Risk Results for Dust Collector Bags		
Percentile	Antimony	
	Adult HQ	Child HQ
Industrial Landfill		
90 <sup>th</sup>	0.001	0.002
95 <sup>th</sup>	0.003	0.006

11. On page 55751, in the first column, in section (6), a dash and an indentation were missing. The corrected text should read as follows:

(6) Recovered solids from the reaction area. Housekeeping results in the

collection of coke and ore solids from the vicinity of the reaction area.

These wastes are Beville exempt.

—In one case, the facility conducts some processing of their ferric chloride waste acid (which is subsequently sold as a water and

wastewater reagent), and generates a solids stream. We consider the processing that this facility conducts to be either an ancillary process or chemical manufacturing, and thus the subsequent solids stream is not generated from mineral processing and therefore is not exempt.

12. On page 55762, Table III-55 was not correctly formatted. The last entry, "2378-TetraCDD Equivalent" should be separated from other entries with a double line to designate the fact that it is a calculated value. Table III-55 should read as follows:

Table III-55. Characterization of Wastewater Treatment Solids from the Chloride-Ilmenite Process, Titanium Dioxide Chlorinated Dibenzo-p-Dioxins (CDD) and Furans (CDF)	
Constituent of Concern	Total Detected levels in Delaware waste (ng/kg, wet basis)
2378-TetraCDF	12.2
12378-PentaCDF	21.8
23478-PentaCDF	48.1
123478-HexaCDF	237
123678-HexaCDF	8.1
234678-HexaCDF	2.5
123789-HexaCDF	5.6
1234678-HeptaCDF	189
1234789-HeptaCDF	126
OctaCDF	24,000
OctaCDD	22.2
2378-TetraCDD Equivalent <sup>1</sup>	57.2

<sup>1</sup>2378-TetraCDD equivalent calculated using the World Health Organization Toxic Equivalency Factors (WHO-TEF). Van den Berg, et al. 1998. Toxic Equivalency Factors (TEFs) for PCBs, PCDDs, PCDFs for Human and Wildlife. Environmental Health Perspectives, v.106, n.12, pp. 775-792. December.

13. On pages 55775-55776, in section "C. Paperwork Reduction Act" in the last paragraph EPA reported the three year burden estimates as opposed to the annual burden estimate. The corrected text should read as follows:

The total annual respondent burden and cost for all existing paperwork associated with this proposed rule presented here represents the incremental increase in paperwork burden under four existing Information Collection Requests (ICRs). We estimate

the total annual respondent burden for all information collection activities to be approximately 150 hours, at an annual cost of approximately \$6,819.

The following corrections are made to the text of the proposed rules in FRL-6864-5, Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; proposed rule, published in the **Federal Register** on September 14, 2000 (65 FR 55684):

1. On page 55778, in the third column, amendatory instruction 2,

showing amendments to § 148.18 incorrectly refers to "§ 148.19" in the regulatory heading. The correct text is: § 148.18 Waste specific prohibitions—newly identified wastes.

\* \* \* \* \*

2. On page 55779, the amendments to the tables in § 261.32, appendices VII and VIII were incorrectly formatted. Amendatory instructions 5, 6, and 7 and the tables should read as follows:

5. In § 261.32, the table is amended by adding in alphanumeric order (by the first column) the following wastestreams to the subgroup "Inorganic Chemicals" to read as follows:

§ 261.32 Hazardous waste from specific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazardous code
*	*	*
Inorganic chemicals:		
*	*	*
*	*	*
K176	Baghouse filters from the production of antimony oxide	(E)
K177	Slag from the production of antimony oxide that is disposed of or speculatively accumulated .	(T)
K178	Nonwastewaters from the production of titanium dioxide by the chloride-ilmenite process. [This listing does not apply to chloride process waste solids from titanium tetrachloride production exempt under section 261.4(b)(7)]	(T)
*	*	*

6. Appendix VII to Part 261 is amended by adding the following wastestreams in alphanumeric order (by the first column) to read as follows:

**APPENDIX VII TO PART 261—BASIS FOR LISTING HAZARDOUS WASTE**

EPA hazardous waste No.	Hazardous constituents for which listed
*	*
*	*
K176 .....	arsenic, lead.
K177.....	antimony
K178.....	manganese, thallium

\* \* \* \* \*

7. Appendix VIII to Part 261 is amended by adding in alphabetical sequence of common name the following entries:

**APPENDIX VIII TO PART 261 – HAZARDOUS CONSTITUENTS**

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste no
* * * * *			
Manganese	same	7439-96-5	.....
* * * * *			

3. On page 55780, in § 268.40 in the Table—Treatment Standards for Hazardous Wastes—there are two errors. For the row K177, lead, change the wastewater concentration from 0.60 to 0.69 and correct the formatting for the CAS number, and concentrations for the first and second common names under K178. The corrected table reads as follows:

**§ 268.40 Applicability of treatment standards.**

\* \* \* \* \*

TREATMENT STANDARDS FOR HAZARDOUS WASTES Note: NA means not applicable					
WASTE CODE	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> , or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP", or Technology Code
*****	**				
K176	Baghouse filters from the production of antimony oxide.	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Mercury	7439-97-6	0.15	0.025 mg/L TCLP
K177	Slag from the production of antimony oxide that is disposed of or speculatively accumulated.	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP

K178	Nonwastewaters from the production of titanium dioxide by the chloride-ilmenite process. [This listing does not apply to chloride process waste solids from titanium tetrachloride production exempt under section 261.4(b)(7).]	1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin (1,2,3,4,6,7,8-HpCDD)	35822-39-4	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		HxCDDs (All)	34465-46-8	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		Hexachlorodibenzo- <i>p</i> -dioxins	55684-94-1	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		HxCDFs (All)	3268-87-9	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>
		Hexachlorodibenzofurans	39001-02-0	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>
		1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin (OCDD)	36088-22-9	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)			
		PeCDDs (All)			
Pentachlorodibenzo- <i>p</i> -dioxins					



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271**

[FRL-6875-2]

**Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** Pennsylvania has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant such Final authorization to Pennsylvania. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and we do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule, and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

**DATES:** Send your written comments by October 26, 2000.

**ADDRESSES:** Send written comments to Charles Bentley, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-3379. You can examine copies of the materials submitted by Pennsylvania during normal business hours at the following locations: EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-5254; or Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, P.O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, Phone number (717) 787-6239; or Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive,

Pittsburgh, PA 15222-4745, Phone number: (412) 442-4120. Persons with a disability may use the AT&T Relay Service to contact Pennsylvania Department of Environmental Protection by calling (800) 654-5984 (TDD users), or (800) 654-5988 (voice users).

**FOR FURTHER INFORMATION CONTACT:** Charles Bentley at (215) 814-3379.**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.**Bradley M. Campbell,***Regional Administrator, Region III.*

[FR Doc. 00-24567 Filed 9-25-00; 8:45 am]

**BILLING CODE 6560-50-P****GENERAL SERVICES ADMINISTRATION****41 CFR Parts 101-46 and 102-39**

[FPMR Amendment H- ]

**RIN 3090-AH23****Replacement of Personal Property Pursuant to the Exchange/Sale Authority****AGENCY:** Office of Governmentwide Policy, GSA.**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration is revising the Federal Property Management Regulations (FPMR) by moving coverage on replacement of personal property pursuant to the exchange/sale authority into the Federal Management Regulation (FMR). A cross-reference is added to the FPMR to direct readers to the coverage in the FMR. The FMR is written in plain language to provide agencies with updated regulatory material that is easy to read and understand.

**DATES:** Your comments must reach us by November 27, 2000 to be considered in the formulation of a final rule.

**ADDRESSES:** Send written comments to: Ms. Sharon A. Kiser, Regulatory Secretariat (MVRS), Federal Acquisition Policy Division, General Services Administration, 1800 F Street, NW., Washington, DC 20405.

Send comments by e-mail to: RIN.3090-AH23@gsa.gov.

**FOR FURTHER INFORMATION CONTACT:** Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3828.**SUPPLEMENTARY INFORMATION:****A. Background**

This proposed rule updates, streamlines, and clarifies FPMR part 101-46 and moves the part into the Federal Management Regulation (FMR). The proposed rule is written in a plain language question and answer format. In this format, a question and its answer combine to establish a rule. This means the employee and the agency must follow the language contained in both the question and its answer.

Proposed updates include:

1. A revised definition of "replacement."  
2. A new provision regarding the fixed price sale of exchange/sale property to a State Agency for Surplus Property before conducting an exchange/sale with a non-Government entity.

3. Revised restrictions on types of personal property that are ineligible for exchange/sale, including removal of large weapons, fire control equipment, guided missiles, and furniture from the list of such property.

4. Clarified restrictions on the exchange/sale of combat material.

5. A revised requirement for documentation of exchange/sale transactions.

6. Removal of the requirement that the number of items acquired must equal the number of items exchanged or sold unless certain exceptions are met.

7. Removal of the requirement that proceeds from the sale of personal property under the exchange/sale authority be accounted for in accordance with General Accounting Office regulations.

8. A new annual reporting requirement for exchange/sale transactions.

**B. Executive Order 12866**

GSA has determined that this proposed rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

**C. Regulatory Flexibility Act**

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because there is no requirement that this proposed rule be published in the **Federal Register** for notice and comment.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this proposed rule does not impose recordkeeping or information collection requirements, or the collection of information from

offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

### E. Small Business Regulatory Enforcement Fairness Act

This proposed rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

### List of Subjects in 41 CFR Parts 101-46 and 102-39

Government property management.

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR chapters 101 and 102 as follows:

#### CHAPTER 101—[AMENDED]

1. Part 101-46 is revised to read as follows:

#### PART 101-46—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

**Authority:** Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

#### § 101-46.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102-1 through 102-220).

For information on replacement of personal property pursuant to the exchange/sale authority previously contained in this part, see FMR part 39 (41 CFR part 102-39).

#### CHAPTER 102—[AMENDED]

2. Part 102-39 is added to subchapter B of chapter 102 to read as follows:

#### PART 102-39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

##### Subpart A—General

Sec.

102-39.5 How are the terms “I” and “you” used in this part?

102-39.10 What does this part cover?

102-39.15 Why should I use the exchange/sale authority?

102-39.20 What definitions apply to this part?

102-39.25 How do I request a deviation from this part?

##### Subpart B—Exchange/Sale Considerations

102-39.30 When should I not use the exchange/sale authority?

102-39.35 How do I determine whether to do an exchange or a sale?

102-39.40 When should I arrange for a reimbursable transfer of exchange/sale property to a Federal agency or other eligible organization, or sell such property to a State Agency for Surplus Property?

102-39.45 What prohibitions apply to the exchange/sale of personal property?

102-39.50 What necessary conditions apply to the exchange/sale of personal property?

102-39.55 What exceptions apply to the necessary conditions for exchange/sale?

##### Subpart C—Exchange/Sale Methods and Reports

102-39.60 What are the exchange methods?

102-39.65 What are the sales methods?

102-39.70 What are the accounting requirements for the proceeds of sale?

102-39.75 What am I required to report?

**Authority:** 40 U.S.C. 486(c).

##### Subpart A—General

#### § 102-39.5 How are the terms “I” and “you” used in this part?

Use of pronouns “I” and “you” throughout this part refer to executive agencies.

#### § 102-39.10 What does this part cover?

This part covers the exchange/sale authority, and applies to all personal property owned by executive agencies worldwide. For the exchange/sale of aircraft parts and hazardous materials you must meet the requirements in this part and in parts 101-37 and 101-42 of this title, respectively.

#### § 102-39.15 Why should I use the exchange/sale authority?

You should use the exchange/sale authority to:

(a) Reduce the cost of replacement personal property. If you have personal property that needs to be replaced, you can exchange or sell that property and apply the exchange allowance or sales proceeds to the cost of similar replacement property. By contrast, if you choose not to replace the property using the exchange/sale authority, you may declare it excess and dispose of it through the normal disposal process. Any sales proceeds from the eventual sale of that property as surplus generally must be forwarded to the miscellaneous receipts account at the United States Treasury and thus would not be available to you.

(b) Avoid the costs (e.g., administrative and storage) that may be incurred when declaring the property to be replaced as excess and processing it through the normal disposal process. The normal disposal process includes abandonment or destruction, reutilization by other Federal agencies, donation to eligible non-Federal public or non-profit organizations, or sale to the public.

#### § 102-39.20 What definitions apply to this part?

The following definitions apply to this part:

*Acquire* means to procure or otherwise obtain personal property, including by lease.

*Combat material* means arms, ammunition, and implements of war listed in the U.S. munitions list (22 CFR part 121).

*Exchange* means to replace personal property by trade or trade-in with the supplier of the replacement property.

*Exchange/sale* means to exchange or sell non-excess, non-surplus personal property and apply the exchange allowance or proceeds of sale in whole or in part payment for the acquisition of similar property.

*Executive agency* means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

*Federal agency* means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his/her direction).

*Historic item* means property having added value for display purposes because its historical significance is greater than its fair market value for continued use. Items that are commonly available and remain in use for their intended purpose, such as military aircraft still in use by active or reserve units, are not historic items.

*Replacement* means the process of acquiring property to be used in place of property that:

(1) Is still needed but no longer adequately performs the tasks for which it is used; or

(2) Does not meet the agency's need as well as the property to be acquired.

*Similar* means where the acquired item and replaced item:

(1) Are identical;

(2) Are designed and constructed for the same purpose;

(3) Constitute parts or containers for identical or similar end items; or

(4) Fall within a single Federal Supply Classification (FSC) group of property that is eligible for handling under the exchange/sale authority.

#### § 102-39.25 How do I request a deviation from this part?

See §§ 102-2.60 through 102-2.110 of this chapter to request a deviation from the requirements of this part.

##### Subpart B—Exchange/Sale Considerations

#### § 102-39.30 When should I not use the exchange/sale authority?

You should not use the exchange/sale authority if the exchange allowance or

estimated sales proceeds for the property will be unreasonably low. You must either abandon or destroy the property in accordance with part 101-45, subpart 101-45.9, of this title, or declare the property excess and follow the regulations in part 102-36 of this chapter, whichever is appropriate.

**§ 102-39.35 How do I determine whether to do an exchange or a sale?**

You must determine whether an exchange or a sale will provide the greater return for the Government. When estimating the return under each method, consider all administrative and overhead costs.

**§ 102-39.40 When should I arrange for a reimbursable transfer of exchange/sale property to a Federal agency or other eligible organization, or sell such property to a State Agency for Surplus Property?**

If you have property to replace which is eligible for exchange/sale, you should first, to the maximum extent practicable, solicit:

(a) Federal agencies known to use or distribute such property. If a Federal agency is interested in acquiring the property, you should arrange for a reimbursable transfer. Reimbursable transfers may also be conducted with the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction, the District of Columbia, and mixed-ownership Government corporations. When conducting a reimbursable transfer, you must:

(1) Do so under terms mutually agreeable to you and the recipient.  
(2) Not require reimbursement of an amount greater than the estimated fair market value of the transferred property.

(3) Apply the transfer proceeds in whole or part payment for property acquired to replace the transferred property; and

(b) State Agencies for Surplus Property (SASPs) known to have an interest in acquiring such property. If a SASP is interested in acquiring the property, you should consider selling it to the SASP by negotiated sale at fixed price under the conditions specified at § 101-45.304-12 of this title. The sales proceeds must be applied in whole or part payment for property acquired to replace the transferred property.

**§ 102-39.45 What prohibitions apply to the exchange/sale of personal property?**

You must not use the exchange/sale authority for:

(a) The following FSC groups of personal property:

- 10 Weapons.
- 11 Nuclear ordnance.

- 12 Fire control equipment.
- 14 Guided missiles.
- 15 Aircraft and airframe structural components (except FSC Class 1560 Airframe Structural Components).
- 42 Firefighting, rescue, and safety equipment.
- 44 Nuclear reactors (FSC Class 4472 only).
- 51 Hand tools.
- 54 Prefabricated structure and scaffolding.
- 68 Chemicals and chemical products, except medicinal chemicals.
- 84 Clothing, individual equipment, and insignia.

**Note to § 102-39.45(a):** The exception to the prohibition in this paragraph (a) is Department of Defense (DOD) property in FSC Groups 10, 12, and 14 (except FSC Class 1005) for which the applicable DOD demilitarization requirements, and any other applicable regulations and statutes are met.

(b) Materials in the National Defense Stockpile (50 U.S.C. 98-98h) or the Defense Production Act inventory (50 U.S.C. App. 2093).

(c) Nuclear Regulatory Commission-controlled materials unless you meet the requirements of § 101-42.1102-4 of this title.

(d) Controlled substances, unless you meet the requirements of § 101-42.1102-3 of this title.

(e) Scrap materials, except in the case of scrap gold for fine gold.

(f) Property that was originally acquired as excess or forfeited property or from another source other than new procurement, unless such property has been in official use by the acquiring agency for at least 1 year. You may exchange or sell forfeited property in official use for less than 1 year if the head of your agency determines that a continuing valid requirement exists, but the specific item in use no longer meets that requirement, and that exchange or sale meets all other requirements of this part.

(g) Property that is dangerous to public health or safety without first rendering such property innocuous or providing for adequate safeguards as part of the exchange/sale.

(h) Combat material without demilitarizing it or obtaining a demilitarization waiver or other necessary clearances from the Department of Defense Demilitarization Office.

(i) Flight Safety Critical Aircraft Parts unless you meet the provisions of § 101-37.610 of this title.

(j) Acquisition of unauthorized replacement property.

(k) Acquisition of replacement property that violates any:

- (1) Restriction on procurement of a commodity or commodities;
- (2) Replacement policy or standard prescribed by the President, the Congress, or the Administrator of General Services; or
- (3) Contractual obligation.

**§ 102-39.50 What necessary conditions apply to the exchange/sale of personal property?**

You may use the exchange/sale authority only if you meet all of the following conditions:

(a) The property exchanged or sold is similar to the property acquired;

(b) The property exchanged or sold is not excess or surplus, and the property acquired is needed for approved programs;

(c) The property exchanged or sold was not acquired for the principal purpose of exchange or sale; and

(d) You document at the time of exchange or sale (or at the time of acquisition if it precedes the sale) that the exchange allowance or sale proceeds will be applied to the acquisition of replacement property.

**§ 102-39.55 What exceptions apply to the necessary conditions for exchange/sale?**

The exceptions that apply to the necessary conditions for exchange/sale are:

(a) You may exchange books and periodicals in your libraries for other books and periodicals, without monetary appraisal or detailed listing or reporting.

(b) In acquiring items for historical preservation or display at Federal museums, you may exchange historic items in the museum property account without regard to the FSC group, provided the exchange transaction is documented and certified by the head of your agency to be in the best interests of the Government and all other provisions of this part are met. The documentation must contain a determination that the item exchanged and the item acquired are historic items.

**Subpart C—Exchange/Sale Methods and Reports**

**§ 102-39.60 What are the exchange methods?**

Exchange of property may be accomplished by either:

(a) The supplier (e.g., a Government agency, commercial or private organization, or an individual) delivers the replacement property to one of your organizational units and removes the property being replaced from that same organizational unit.

(b) The supplier delivers the replacement property to one of your

organizational units and removes the property being replaced from a different organizational unit.

#### § 102-39.65 What are the sales methods?

(a) You must use the methods, terms, and conditions of sale, and the forms prescribed in § 101-45.304 of this title in the sale of property being replaced, except that the provisions of § 101-45.304-2(a) of this title regarding negotiated sales are not applicable. Section 3709, Revised Statutes (41 U.S.C. 5), specifies the following conditions under which property being replaced can be sold by negotiation, subject to obtaining such competition as is feasible:

(1) The reasonable value involved in the contract does not exceed \$500; or

(2) Otherwise authorized by law.

(b) You may sell property being replaced by negotiation at fixed prices in accordance with the provisions of § 101-45.304-2(b) of this title.

#### § 102-39.70 What are the accounting requirements for the proceeds of sale?

You must account for sales proceeds in accordance with the general finance and accounting rules applicable to you. Except as otherwise directed by law, all proceeds from the sale of personal property under this part will be available during the fiscal year in which the property was sold and for one fiscal year thereafter for obligation for the purchase of replacement property. Any sales proceeds not applied to replacement purchases during this time must be deposited in the United States Treasury as miscellaneous receipts in the general fund.

#### § 102-39.75 What am I required to report?

(a) You must submit, within 90 calendar days after the close of each fiscal year, a summary report in a format of your choice on the exchange/sale transactions made under this part during the fiscal year (except for transactions involving books and periodicals in your libraries). The report must include:

(1) A list by Federal Supply Classification Group of property sold under this part showing the:

(i) Number of items sold;

(ii) Acquisition cost;

(iii) Proceeds;

(iv) Cost of sales; and

(v) The source from which the property was originally acquired, i.e., new procurement, excess, forfeiture, or another source other than new procurement.

(2) A list by Federal Supply Classification Group of property exchanged under this part showing the:

(i) Number of items exchanged;

(ii) Acquisition cost;

(iii) Exchange allowance; and

(iv) The source from which the property was originally acquired, i.e., new procurement, excess, forfeiture, or another source other than new procurement.

(b) Submit your report electronically or by mail to the General Services Administration, Personal Property Management Policy Division (MTP), 1800 F St. NW, Washington DC 20405.

(c) Report control number: 1528-GSA-AN.

(d) If you make no transactions under this part during a fiscal year, you must submit a report stating that no transactions occurred.

Dated: September 21, 2000.

**David A. Drabkin,**

*Acting Associate Administrator for Governmentwide Policy.*

[FR Doc. 00-24661 Filed 9-25-00; 8:45 am]

BILLING CODE 6820-24-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 22

[WT Docket No. 97-112, CC Docket No. 90-6, FCC 97-110]

### Cellular Service and Other Commercial Mobile Radio Service in the Gulf of Mexico

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On April 25, 2000 (65 FR 24168), the Commission published proposed rules in the Second Further Notice, which proposed changes to its cellular service rules for the Gulf of Mexico Service Area ("GMSA") and proposed licensing and service rules for operations in the Gulf of Mexico by other commercial mobile radio service providers. This document corrects the **Federal Register** as it appeared.

**DATES:** Comments on the Regulatory Flexibility Analysis are due October 26, 2000. Reply comments are due November 13, 2000.

**ADDRESSES:** All comments and reply comments may be filed with Magalie Roman Salas, Office of the Secretary, TW-A306, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Davida Grant, Commercial Wireless Division, (202) 418-7050.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission

published a document proposing to amend part 22 of the Commission's rules in the **Federal Register** on April 25, 2000 (65 FR 24168). The Commission inadvertently omitted to include the Regulatory Flexibility Analysis and comment dates for the Regulatory Flexibility Analysis. This document corrects the **Federal Register** as it appeared. In FR Doc. 00-10221, published on April 25, 2000, 65 FR 24168, the Commission is adding the Regulatory Flexibility Analysis immediately preceding the Paperwork Reduction Act on page 24169, in column one.

### Electronic and Paper Filing

Comments and reply comments may be filed with the FCC using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998). Parties may also submit an electronic comment by Internet e-mail. Parties who choose to file by paper must file an original and four copies of each filing. If you want each Commissioner to receive a copy of your comments, you must file an original plus eleven copies. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, TW-A306, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on diskette. A 3.5-inch diskette formatted in an IBM compatible format using Microsoft Word for Windows or compatible software Diskettes should be submitted to: Davida Grant, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-C241, Washington, D.C. 20554. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number in this case—WT Docket No. 97-112, CC Docket No. 90-6), type of pleading (comments or reply comments), date of submission, and the name of the electronic file on the diskette. The label also should include the following phrase, "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

In FR Doc. 00-10221 published on April 25, 2000 (65 FR 24168) add the following information.

### Regulatory Flexibility Act

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the policies and rules proposed in this Second Further Notice of Proposed Rule Making. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Second Further Notice of Proposed Rule Making provided above in section V(D). The Secretary shall send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

*Reason for Action:* In order to reexamine our cellular service rules as they apply to the Gulf of Mexico Service Area ("GMSA") we initiated this rulemaking proceeding. Since the establishment of the GMSA, conflict has arisen between the GMSA licensees, and the land-based cellular service providers in the Gulf of Mexico Region over the provision of service to coastal areas. Further, the United States Court of Appeals for the District of Columbia Circuit has instructed us to reexamine certain of our cellular licensing policies insofar as they apply to GMSA licensees.<sup>1</sup>

*Objectives:* Our objectives in this rulemaking proceeding are (1) to establish comprehensive rules that will reduce conflict between GMSA licensees and land-based cellular service providers, (2) provide regulatory flexibility, to GMSA licensees, that recognizes the inherent transitory nature of water-based cellular sites, and (3) award licenses so as to maximize the use of spectrum in, and provide high quality service to, highly traveled coastal waters.

*Legal Basis:* The proposed action is authorized under the Communications Act, Sections 4(i), 7, 303(c), 303(f), 303(g), 303(r), and 332, 47 U.S.C. §§ 154(i), 303(c), 303(f), 303(g), 303(r), 332, as amended.

*Description of and, Number of, Small Entities Affected by the Proposed Rule:* The rule changes proposed in this proceeding will affect all small businesses which provide cellular service in the GMSA or coastal areas.

The Commission will be required, in its Final Regulatory Flexibility Analysis, to estimate the number of small entities to which the rule will apply, provide a description of such entities, and assess the impact of the rule on such entities. To assist in this analysis, commenters are requested to provide information regarding how many total entities, existing and potential, will be affected by the rules proposed in this Second Further Notice of Proposed Rulemaking. We particularly seek estimates of the number of entities, existing and potential, that will be considered small businesses. The definition of "small business" approved by the Small Business Administration, and used in the PCS C-Block auction, is a firm that has had revenues of less than \$40 million in each of the last three calendar years.<sup>2</sup> We seek comment as to whether it would be appropriate to extend this definition to this context. We further request that each commenter identify whether it is a small business under this definition. If the commenter is a subsidiary of another entity, this information should be provided for both subsidiary and the parent entity.

*Reporting, Recordkeeping, and Other Compliance Requirements:* This information is supplied in the Paper Work reduction Act, *infra*.

*Federal Rules Which Overlap, Duplicate or Conflict With These Rules:* None.

*Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives:* The objective of the current rulemaking proceeding is to improve the quality of service provided in the Gulf region, and to establish rules that accurately reflect the realities of both water-based and land-based service providers. To the extent that this rulemaking modifies existing regulations, it is our objective to communicate a benefit to all service providers in the Gulf region without regard to the size of the entity. The impact on small entities in the proposals in the Second Further Notice of Proposed Rulemaking is the opportunity to provide service in accordance with a regulatory framework that accurately reflects the geographic and demographic realities of the region. Given the low burden of compliance, reporting, and performance requirements for the provision of cellular service, no alternatives to these requirements were deemed necessary for small entities. This Second Further

Notice of Proposed Rulemaking solicits comment on the variety of alternatives discussed herein, any significant alternatives submitted in the comments will be considered.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-24643 Filed 9-25-00; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2111, MM Docket No. 99-284; RM-9697]

### Radio Broadcasting Services; Galveston and Missouri City, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests further comment on a proposal filed on behalf of KQQK License, Inc., licensee of Station KQQK-FM, Channel 293C, Galveston, Texas, proposing the reallocation of Channel 293C from Galveston to Missouri City, Texas, and the modification of the Station KQQK-FM license to specify Missouri City as the community of license. 64 FR 55223, published October 12, 1999. The original *Notice of Proposed Rule Making* proposed the modification of the Station KQQK-FM license as a first local service for Missouri City. However, on August 30, 2000, the Commission adopted a *Report and Order* in MM Docket No. 99-26, DA 00-2057, released September 8, 2000, which substituted Channel 287A for Channel 285A at Galveston, Texas, reallocated Channel 287A to Missouri City, and modified the license of Station KLTO to specify operation on Channel 287A at Missouri City. As a consequence, the proposal in this proceeding will no longer be providing a first local service to Missouri City. For this reason, the Commission is affording KQQK License and other interested parties an opportunity to comment on the proposal in the context of a competitive service for Missouri City and the removal of the sole local FM service from Galveston.

**DATES:** Comments must be filed on or before November 7, 2000, and reply comments on or before November 22, 2000.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC,

<sup>1</sup> *Petroleum Comms., Inc. v. FCC*, 22 F.3d 1164 (D.C. Cir. 1994).

<sup>2</sup> See Implementation of Section 309(j) of the Communications Act — Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, 9 FCC Rcd 5532, 5608, ¶ 175 (1994).

interested parties should serve the petitioner's counsel, as follows: Lawrence Roberts, Mary L. Plantamura, c/o Davis Wright Tremaine, LLP, 1155 Connecticut Ave. NW Suite 700, Washington, D.C. 20036.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Further Notice of Proposed Rule Making* in MM Docket No. 99-284, adopted September 13, 2000, and released September 15, 2000. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, D.C. The complete text of this action may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, Washington, D.C. 20036.

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

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24646 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2116; MM Docket No. 00-169; RM-9953]

### Radio Broadcasting Services; Oswego and Granby, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Galaxy Communications, L.P., licensee of Station WTKV(FM), Channel 288A,

Oswego, New York, requesting the reallocation of Channel 288A from Oswego to Granby, New York, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for requested Channel 288A at Granby, New York are 43-17-00 and 76-25-00. Canadian concurrence in the allotment must be obtained because Granby is located within 320 kilometers (199 miles) of the U.S.-Canadian border.

Petitioner's reallocation proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 288A at Granby, New York, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before November 6, 2000, and reply comments on or before November 21, 2000.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Sally A. Buckman, H. Anthony Lehv and Janet Y. Shih; Leventhal, Senter & Lerman P.L.L.C.; 2000 K Street, N.W., Suite 600; Washington, D.C. 20006-1809.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed rule Making, MM Docket No. 00-169 adopted September 6, 2000, and released September 15, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1231 20th Street, NW., Washington, DC 20036.

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

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

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24648 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To Revise Critical Habitat for Alabama Beach Mouse, Perdido Key Beach Mouse, and Choctawhatchee Beach Mouse

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce a 12-month finding on a petition to revise critical habitat for the Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and Choctawhatchee beach mouse (*P. p. allopshrys*), pursuant to the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information, we find that revision of critical habitat is warranted.

**DATES:** We made the finding announced in this document on September 12, 2000.

**ADDRESSES:** You may submit data, information, comments, or questions to the Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 1190, Daphne, Alabama 36526. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Goldman, Field Supervisor (see **ADDRESSES** section), telephone 334/441-4151, extension 30.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Section 4(b)(3)(D)(ii) of the Act and our listing regulations (50 CFR 424.14(c)(3)) require that within 12 months after receiving a petition that is found to present substantial information

indicating that the requested revision may be warranted, we shall determine how we intend to proceed with the requested revision, and promptly publish notice of such intention in the **Federal Register**.

On February 2, 1999, Mr. Eric Huber, EarthJustice Legal Defense Fund, submitted a petition to us, on behalf of the Sierra Club and the Biodiversity Legal Foundation, to revise the critical habitat designation for three endangered species: Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and Choctawhatchee beach mouse (*P. p. allophrys*). We received the petition on February 8, 1999. Mr. Huber submitted additional information on April 16, 1999.

After considering the petition and other available information, we found that it contained substantial information indicating that the requested action may be warranted. We published a notice announcing our finding in the **Federal Register** on November 18, 1999 (64 FR 63004).

The processing of this petition conforms with our Final Listing Priority Guidance for Fiscal Year 2000, published in the **Federal Register** on October 22, 1999 (64 FR 57114). The highest priority under this guidance is the processing of emergency listing rules for any species determined to face a significant and imminent risk to its well being. The second priority is the processing of final determinations on proposed additions to the lists of endangered and threatened wildlife plants. The third priority is processing new proposals to add species to the lists. The processing of administrative petition findings filed under section 4 of the Act is considered the fourth priority. Critical habitat determinations (prudence and determinability decisions) and proposed or final designations of critical habitat are no

longer subject to prioritization under the Listing Priority Guidance. Critical habitat determinations and designations are undertaken as conservation efforts demand and in light of resource constraints.

We have reviewed the petition, the information provided in the petition, other literature, and information available in our files. On the basis of the best scientific and commercial information available, we find that revision of critical habitat is warranted for the Alabama beach mouse, Perdido Key beach mouse, and Choctawhatchee beach mouse. Additional secondary and/or scrub dunes may be required for Alabama beach mouse habitat, and these habitats also may be required for the Perdido Key beach mouse and the Choctawhatchee beach mouse since they are ecologically equivalent. The petition contains much of the same information already present in our files and supports our conclusions reached in our previously issued Biological Opinion on the Reaffirmation of the Beach Club and Martinique on the Gulf Incidental Take Permits. Available information and data indicate that those areas that include a greater diversity of habitat, including secondary and/or scrub dunes, may be essential to the survival and recovery of all three subspecies.

Section 4(b)(3)(D)(ii) of the Act provides that with a 12-month warranted finding, we shall determine how we intend to proceed with the requested revision. The steps outlined below fulfill this requirement.

1. *Habitat Assessment*: Criteria for designating critical habitat are provided in our regulations at 50 CFR 424. Areas to be considered include physiological, behavioral, ecological, and evolutionary requirements that are essential to the conservation of a species and that may require special management considerations or protection. Such

requirements include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distribution of a species.

When considering the designation of critical habitat, we focus on the principal biological or physical constituent elements that are essential to the species' conservation. Known primary constituent elements are listed with the critical habitat. The current constituent elements for the three subspecies include dunes and interdunal areas, and associated grasses and shrubs that provide food and cover.

Recent research and trapping data indicate that optimum beach mouse habitat comprises a matrix of beach-dune habitats that includes primary, secondary, and scrub dunes. In particular, data analyzed within the last two years indicate that dunes in the higher elevations provide essential habitat for beach mice survival and recovery. While data still support the conclusion that primary dunes support higher densities of beach mice (under non-storm conditions), it is highly unlikely that primary dunes alone could support a beach mouse population over a long period due to susceptibility to storm overwash and damage. Potential for long term survival is the best criterion for defining optimum habitat; this would be highest in areas that include a scrub dune component. Thus, these habitats should be considered critical for the survival and recovery of beach mice. Areas that contain optimum habitat must be determined individually for each subspecies.

Another component of critical habitat designation is the quantity of optimum habitat needed for recovery of each subspecies. The number of acres needed for recovery is variable due to the number of elements involved on each site. For example, the quantity and overall quality of habitat, ownership, land use, and connectivity with other beach mouse habitat changes significantly from site to site. We must determine these variables for each subspecies. Once identified, the habitats must be delineated, mapped, and described for the proposed designation process. This includes review of aerial photography, ownership maps, field ground truthing, locating landmarks or other geographical markers using survey techniques such as geographic positioning systems to locate latitude and longitude, with the final product

being a usable map. Once initiated, we anticipate that completion of these actions, including publication of a proposed rule, will take approximately one year. Initiation of work in fiscal year 2001 will depend upon availability of funding and the presence of other potentially higher priority listing and critical habitat actions (including court ordered critical habitat designations).

2. *Economic Analysis:* Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial data available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude areas from

critical habitat when the exclusion will result in the extinction of the species. We will conduct the economic analysis for the proposed designation prior to a final determination.

3. *Coordination:* We will coordinate with Federal, State, local, and private landowners during the habitat assessment process.

*Author:* The primary author of this document is Celeste South (see **ADDRESSES** section).

**Authority:** The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: September 12, 2000.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 00–24700 Filed 9–25–00; 8:45 am]

**BILLING CODE 4310–55–P**

# Notices

Federal Register

Vol. 65, No. 187

Tuesday, September 26, 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

### Natural Resources Conservation Service

#### Notice of Proposed Changes in the National Handbook of Conservation Practices

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** Notice is hereby given of the intention of NRCS to issue a series of new or revised conservation practice standards in its National Handbook of Conservation Practices. These standards include: Anionic Polyacrylamide (PAM) Erosion Control; Composting Facility; Deep Tillage; Fish Passage; Stream Habitat Management; Land Reconstruction, Abandoned Mined; Land Reconstruction, Currently Mined; Underground Outlet; and Vegetative Barrier. These standards are used to convey national guidance when developing Field Office Technical Guide Standards used in the States. NRCS State Conservationists who choose to adopt these practices for use within their States will incorporate them into Section IV of their Field Office Technical Guides. These practices may be used in conservation systems that treat highly erodible land or on land determined to be wetlands.

**EFFECTIVE DATES:** Comments will be received until November 27, 2000. This series of new or revised conservation practice standards will be adopted after November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Single copies of these standards are available from NRCS Conservation Engineering Division (CED) in Washington, DC. Submit individual inquiries and return any comments in writing to William Hughey, National Agricultural Engineer, Natural Resources Conservation Service, Post

Office Box 2890, Room 6139-S, Washington, DC 20013-2890; telephone: (202) 720-5023. The standards are also available and can be downloaded from the Internet at: [http://www.ftw.nrcs.usda.gov/practice\\_stds.html](http://www.ftw.nrcs.usda.gov/practice_stds.html).

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment proposed revisions to conservation practice standards used to carry out the highly erodible land and wetland provisions of the law. For the next 60 days, NRCS will receive comments relative to the proposed changes. Following that period, a determination will be made by NRCS regarding disposition of those comments, and a final determination of change will be made.

Signed at Washington, DC, on September 14, 2000.

**Pearlie S. Reed,**

*Chief, Natural Resources Conservation Service.*

[FR Doc. 00-24613 Filed 9-25-00; 8:45 am]

**BILLING CODE 3410-16-P**

---

## APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION

### Annual Meeting

**TIME AND DATE:** 9 a.m.–12 p.m. October 25, 2000.

**PLACE:** Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA 17101.

**STATUS:** Most of the meeting will be open to the public. If there is a need for an executive session (closed to the public), it will be held at about 9 a.m. to 9:30 a.m.

#### MATTERS TO BE CONSIDERED:

*Portions Open to the Public:* The primary purpose of this meeting is to (1) Review the independent auditors' report of Commission's financial statements for fiscal year 1999-2000; (2) Review the Commission's annual reports for fiscal years 1999-2000; (3) Consider a proposed budget for fiscal year 2001-2002; (4) Review and discuss the recent developments in South Carolina related to the Barnwell disposal facility; (5) Review information on LLRW generation within the compact; and (6) Elect the Commission's officers.

*Portions Closed to the Public:* Executive Session, if deemed necessary, will be held at about 9 a.m. to 9:30 a.m.

**CONTACT PERSON FOR MORE INFORMATION:** Richard R. Janati, Chairman Seif's Staff member on the Commission, at 717-787-2163.

**Richard R. Janati,**

*Chairman's Staff Member on the Commission.*

[FR Doc. 00-24663 Filed 9-25-00; 8:45 am]

**BILLING CODE 0000-00-M**

---

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Performance Review Board; membership

The following individuals are eligible to serve on the Performance Review Board in accordance with the Senior Executive Service Performance Appraisal System of the Economic Development Administration.

Gerald R. Lucas  
Charles R. Sawyer  
Pedro R. Garza  
William J. Day, Jr.  
Hugh L. Brennan

**Vicki G. Brooks,**

*Executive Secretary, Economic Development Administration Performance Review Board.*

[FR Doc. 00-24639 Filed 9-25-00; 8:45 am]

**BILLING CODE 3510-BS-M**

---

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Advisory Committee on Africa: Notice of Open Meeting

**AGENCY:** International Trade Administration/Deputy Assistant Secretary for Africa, Commerce.

**SUMMARY:** The Advisory Committee on Africa was established to advise the Secretary of Commerce and the Deputy Secretary of Commerce on commercial policy issues in Sub-Saharan Africa.

**TIME AND PLACE:** October 12, 2000 from 10 a.m. to 12 noon. The meeting will take place at the Main Department of Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### AGENDA:

1. Overview of trade and investment finance programs of U.S. Government

agencies in Africa, including Export-Import Bank, OPIC and TDA.

2. Report of President Clinton's visit to Nigeria and Tanzania.

3. Update on situation in Ethiopia.

4. Discussion of African Growth and Opportunity Act (AGOA) implementation.

*Public Participation:* The meeting will be open to public participation. Seating will be available on a first-come first-served basis. Members of the public who plan to attend are requested to advise Ms. Alicia Robinson, Office of Africa, tel: 202-482-5148, fax: 202-482-5198, e-mail: [alicia\\_robinson@ita.doc.gov](mailto:alicia_robinson@ita.doc.gov).

Dated: September 19, 2000.

**Gerald M. Feldman,**

*Director, Office of Africa.*

[FR Doc. 00-24693 Filed 9-25-00; 8:45 am]

BILLING CODE 3510-DA-P

## DEPARTMENT OF EDUCATION

### National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee); Meeting

**AGENCY:** National Advisory Committee on Institutional Quality and Integrity, Department of Education.

#### What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

#### When and Where Will the Meeting Take Place?

We will hold the public meeting on December 11-13, 2000 from 9:30 a.m. until 6:00 p.m. at the Ritz Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202. You may call the hotel on (703) 415-5000 to inquire about rooms.

#### What Access Does the Hotel Provide for Individuals with Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request

received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

#### Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, who is the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, Room 7007-M5 7592, 1990 K St. N.W., Washington, D.C. 20006, telephone: (202) 219-7009, fax: (202) 219-7008, e-mail: [Bonnie\\_LeBold@ed.gov](mailto:Bonnie_LeBold@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339.

#### What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011c.

#### What are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

#### What Items Will be on the Agenda for Discussion at the Meeting?

Agenda topics will include an update on the Title IV Distance Education Demonstration Program, a panel discussion by Federal and higher education agency representatives on transfer of credit issues, the review of agencies that have submitted petitions for initial recognition or renewal of recognition, and the review of agencies that have submitted interim reports.

#### What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Committee will review the following agencies during its December 11-13, 2000 meeting.

#### Nationally Recognized Accrediting Agencies

##### *Petition for Initial Recognition*

1. Midwifery Education Accreditation Commission (Requested scope of recognition: the accreditation and preaccreditation of direct-entry (non-nurse) midwifery certificate and undergraduate and graduate degree educational programs and institutions offering those types of programs)

##### *Petitions for Renewal of Recognition*

1. American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (Current scope of recognition: the accreditation of clinical training programs in marriage and family therapy at the master's, doctoral, and postgraduate levels. Requested scope of recognition: the current scope of recognition plus the preaccreditation of clinical training programs in marriage and family therapy at the master's, doctoral, and postgraduate levels ["Candidacy"] of programs)

2. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (Requested scope of recognition: the accreditation of programs in legal education that lead to the first professional degree in law, as well as freestanding law schools offering such programs)

3. Accreditation Commission for Acupuncture and Oriental Medicine (Requested scope of recognition: the accreditation of first-professional master's degree and professional master's level certificate and diploma programs in acupuncture and Oriental medicine)

4. Accrediting Commission on Education for Health Services Administration (Requested scope of recognition: the accreditation of graduate programs in health services administration)

5. American Osteopathic Association, Bureau of Professional Education (Requested scope of recognition: the accreditation and preaccreditation ["Provisional Accreditation"] of freestanding institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine)

6. American Podiatric Medical Association, Council on Podiatric Medical Education (Requested scope of recognition: the accreditation and preaccreditation ["Candidate Status"] of freestanding colleges of podiatric medicine and programs of podiatric medicine, including first professional programs leading to the degree of Doctor of Podiatric Medicine)

7. Council on Occupational Education (Requested scope of recognition: the accreditation and preaccreditation ["Candidate for Accreditation"] of non-degree granting postsecondary occupational/vocational institutions and those postsecondary occupational/vocational education institutions that grant the applied associate degree in specific vocational/occupational fields)

8. National Council for Accreditation of Teacher Education (Requested scope of recognition: the accreditation of professional education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools)

9. New York State Board of Regents (Current scope of recognition: the accreditation [registration] of collegiate degree-granting programs or curricula offered by institutions of higher education located in the State of New York and of credit-bearing certificate and diploma programs offered by degree-granting institutions of higher education located in the State of New York. Requested scope of recognition: the preaccreditation and accreditation of those degree-granting institutions in New York State that designate the Board of Regents as their sole nationally recognized accrediting agency or as their primary nationally recognized accrediting agency for purposes of establishing eligibility for HEA Title IV funds)

10. North Central Association of Colleges and Schools, Executive Board of the Commission on Schools (Requested scope of recognition: the accreditation and preaccreditation ["Candidate for Accreditation"] of schools offering non-degree, postsecondary education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota,

West Virginia, Wisconsin, Wyoming, and the Navajo Nation.

*Interim Reports* (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. Accreditation Board for Engineering and Technology, Inc.  
2. Accrediting Council for Continuing Education and Training

3. Accreditation Commission of Career Schools and Colleges of Technology

4. Association for Clinical Pastoral Education, Inc.

5. Association of Theological Schools in the United States and Canada, Commission on Accrediting

6. Montessori Accreditation Council for Teacher Education, Commission on Accreditation

7. North Central Association of Colleges and Schools, Commission on Institutions of Higher Education

8. New England Association of Schools and Colleges, Commission on Institutions of Higher Education

9. Northwest Association of Schools and Colleges, Commission on Colleges

10. Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges

11. Western Association of Schools and Colleges, Accrediting Commission for Schools

#### **State Agencies Recognized for the Approval of Public Postsecondary Vocational Education**

##### *Petition for Renewal of Recognition*

1. Oklahoma State Regents for Higher Education

##### *Interim Report*

1. Missouri State Board of Education

#### **State Agencies Recognized for the Approval of Nurse Education**

##### *Interim Report*

1. Missouri State Board of Nursing  
2. New Hampshire Board of Nursing

#### **Who Can Make Third-Party Oral Presentations at this Meeting?**

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

#### **How Do I Request to Make an Oral Presentation?**

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the

contact person so that the request is received no later than November 16, 2000. Your request (*no more than 6 pages maximum*) should include:

- the names of all persons seeking an appearance,
- the organization they represent, and
- a brief summary of the principal points to be made during the oral presentation.

If you wish, you may attach documents illustrating the main points of your oral testimony. Please keep in mind, however, that *any attachments are included in the 6-page limit*.

Please do not distribute written materials at the meeting or send materials directly to Committee members.

Only materials submitted by the deadline and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Documents received after the November 16, 2000 deadline will not be distributed to the Advisory Committee for their consideration.

#### **If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?**

This notice requests third-party oral testimony, not written comment. A request for written comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on June 13, 2000. The Advisory Committee will receive and consider only written comments submitted by the deadlines specified in that Federal Register notice.

#### **How Do I Request to Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?**

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before or during the meeting.

#### **How May I Obtain Access to the Records of the Meeting?**

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, Room 7105, 1990 K St. N.W., Washington, D.C. 20006 between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

### What Agencies Will be Postponed for Review until the May 2001 Meeting?

The agency listed below, which was originally scheduled for review during the Committee's December 2000 meeting, will be postponed for review until the Committee's May 2001 meeting. Any third-party written comments regarding these agencies that were received by July 28, 2000, in accordance with the **Federal Register** notice published on June 13, 2000, will become part of the official record and will be considered by the Committee in its deliberations at the May 2001 meeting. There will be another opportunity to provide written comments on this agency next winter; a **Federal Register** notice requesting comments on all agencies scheduled for review at the May 2001 meeting will be published in January 2001.

### Nationally Recognized Accrediting Agencies

#### *Petition for Initial Recognition*

1. Teacher Education Accreditation Council (Requested scope of recognition: the accreditation of professional education programs in institutions offering baccalaureate and graduate degrees for the preparation of teachers and other professional personnel for elementary and secondary schools)

Authority: 5 U.S.C. Appendix 2

#### A. Lee Fritschler,

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 00-24662 Filed 9-25-00; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EC99-81-004 and MG00-6-000]

#### Dominion Resources, Inc. and Consolidated Natural Gas Company; Notice of Filing

September 20, 2000.

Take notice that on September 1, 2000, Dominion Resources, Inc. (Dominion) and Consolidated Natural Gas Company (CNG) (together, Applicants) filed a compliance filing in compliance with (1) the Commission's May 17, 2000, "Order on Compliance Filing" which imposed conditions on the Commission's approval of the merger of Dominion and CNG, and (2) the Commission's related "Order on

Standards of Conduct" for Applicants, which was also issued on May 17, 2000.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 2, 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. 00-24650 Filed 9-25-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP00-459-000]

#### El Paso Natural Gas Company; Notice of Request for Blanket Authorization

September 20, 2000.

Take notice that on September 12, 2000, El Paso Natural Gas Company (El Paso), a Delaware corporation, P.O. Box 1492, El Paso, Texas 79978, filed in CP00-459-000 a request pursuant to Sections 157.205 and 157.216(b) of the Commission's (Commission) Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216(b)) and El Paso's blanket certificate authorization granted in Docket No. CP82-435-000, 20 FERC ¶62,454 (1982), to abandon by removal eight delivery points with appurtenances and natural gas service in Arizona, New Mexico and Texas as more fully set forth in the request which is on file with the Commission and open to public inspection. The application may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm>. Call (202) 208-2222 for assistance.

El Paso states that on March 24, 2000, EPNG Pipeline Company (EPNGPC, a wholly-owned subsidiary of El Paso) acquired a 1,088 mile 30-inch O.D. crude oil pipeline from Plains All American Pipeline L.P. (All American).

It is then stated that on July 31, 2000, El Paso filed in Docket No. CP00-422-000 an application requesting authorization for, among other things, the acquisition from EPNGPC of approximately 785 miles of a 30-inch O.D. crude oil pipeline and the conversion of that 785-mile segment to a natural gas transportation pipeline and to operate the facility in interstate commerce.

It is stated that as part of the sale agreement between EPNGPC and All American, that All American would retain, dismantle and remove ten crude oil pumping station facilities along the 30-inch O.D. crude oil pipeline. It is indicated that currently there are eight El Paso delivery points that provide natural gas service for fuel to operate eight of the All American crude oil pumping stations, and that El Paso proposes to abandon by removal the eight delivery points, appurtenances and natural gas service thereof and will remove and scrap equipment. El Paso states that the proposed abandonment will not result in or cause any interruption, reduction or termination of natural gas service presently rendered to El Paso's customers.

El Paso states that Robert T. Tomlinson at 915-496-5959 may be contacted for any further questions regarding this project,

Any person or the Commission's Staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

*Secretary.*

[FR Doc. 00-24615 Filed 9-25-00; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2631-007]

**International Paper Company; Notice of Public Scoping Meeting for the Woronoco Hydroelectric Project on the Westfield River**

September 20, 2000.

The Federal Energy Regulatory Commission (Commission) is reviewing the International Paper Company's application for a new license for the continued operation of the Woronoco Project on the Westfield River in Massachusetts. At this time, the Commission staff does not anticipate holding any public or agency scoping meetings, nor does the Commission staff anticipate conducting a site visit for the Woronoco Project. Rather, the Commission staff is issuing a Scoping Document 1 and soliciting written comments on that document, which are due on November 6, 2000.

For further information concerning the scoping process for the Woronoco Project, please contact Allan Creamer, at (202) 219-0365, or file a letter with David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

**David P. Boergers,***Secretary.*

[FR Doc. 00-24617 Filed 9-25-00; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2146-081 Alabama]

**Alabama Power Company; Notice of Meeting and Extension of Time To File Comments on Draft Environmental Assessment**

September 20, 2000.

Take notice that on October 19, 2000, Federal Energy Regulatory Commission (Commission) staff will meet with the U.S. Army Corps of Engineers (Corps) and Alabama Power Company (APC), licensee for the Coosa River Hydroelectric Project No. 2146. The purpose of the meeting is to discuss a draft environmental assessment (DEA) jointly issued by the Commission and Corps on August 29, 2000. The DEA analyzes the environmental impacts of APC's proposed Interim Flood Control Plan and rule curve change for Neely

Henry Reservoir, part of the Coosa River Hydroelectric Project.

The meeting will take place at 9:00 am (eastern standard time) at the Commission's offices located at 888 First Street, NE., Washington, DC 20426. Those interested in participating should contact Steve Hocking at (202) 219-2656.

Take notice that Commission staff are also extending the time to file comments on the DEA. The comment closing date was September 29, 2000. The new extended comment closing date is November 2, 2000. Anyone may file comments on the DEA. The public, federal and state resource agencies are encouraged to provide comments. Send an original and eight copies of all comments marked with the project number P-2146-081 to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The DEA may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-2222 for assistance).

If you have any questions regarding this notice, please call Steve Hocking at (202) 219-2656.

**David P. Boergers,***Secretary.*

[FR Doc. 00-24616 Filed 9-25-00; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6876-7]

**Science Advisory Board; Notification of Public Advisory Committee Meeting**

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the EPA Science Advisory Board's (SAB) Clean Air Scientific Advisory Committee—Diesel Review Panel will meet on Thursday and Friday, October 12-13, 2000, in Ballroom C of the Holiday Inn, 625 First Street, Alexandria, VA 22314. The phone number for the hotel is: 703-548-6300. The meeting will start at 8:30 am and end no later than 5:00 pm each day. All times noted are Eastern Time. The meeting is open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

*Purpose of the Meeting:* The CASAC Diesel Review Panel will review the Agency's draft Health Assessment Document for Diesel Exhaust (EPA/600/8-90/057E, July 2000). This continues the CASAC review of an earlier version of this document that last took place on December 1, 1999 (see 64 **Federal Register** 61875, November 15, 1999 for further details of that meeting). Please see the CASAC report of that meeting (EPA-SAB-CASAC-00-004, February 4, 2000, CASAC Review of the draft Diesel Health Assessment Document, available on the SAB Website [[www.epa.gov/sab](http://www.epa.gov/sab)] or from the SAB staff at (202) 564-4533). The principal purpose of the October 12-13, 2000 meeting is for the Committee to determine if the Agency has responded to previous concerns of the Committee and if the document is an adequate portrayal of the current state of knowledge on diesel emissions. **AVAILABILITY OF REVIEW MATERIALS:** The draft Health Assessment Document for Diesel Exhaust (EPA/600/8-90/057E, July 2000), is available to the public as follows. An electronic version of the draft assessment is available via the National Center for Environmental Assessment (NCEA) web site at <http://www.epa.gov/ncea> (under What's New). A limited number of paper copies are available from NCEA's Technical Information Staff (phone: 202-564-3261; fax: 202-565-0050).

The Agency will be accepting comments on the draft assessment. Comments must be in writing and must be postmarked by September 29, 2000. For details on the availability of the draft document, and for information on how to provide comments, please see 65 **Federal Register** 49241, August 11, 2000.

**FOR FURTHER INFORMATION:** Members of the public desiring additional information about the meeting should contact Mr. Robert Flaak, Designated Federal Officer, Clean Air Scientific Advisory Committee, Science Advisory Board (1400A), U.S. EPA, 401 M Street, SW, Washington, DC 20460 (FedEx address: USEPA, SAB, Suite 6450, Ariel Rios Building, North Lobby, 1200 Pennsylvania Ave. NW, Washington, DC 20004); telephone/voice mail at (202) 564-4546; fax at (202) 501-0582; or via e-mail at [flaak.robert@epa.gov](mailto:flaak.robert@epa.gov). The draft agenda will be available approximately two weeks prior to the meeting on the SAB website (<http://www.epa.gov/sab>) or from Ms. Diana Pozun at (202) 564-4544; FAX: (202) 501-0582; or e-mail at: [pozun.diana@epa.gov](mailto:pozun.diana@epa.gov).

Members of the public who wish to make a brief oral presentation at the meeting must contact Mr. Flaak in

writing (by letter, fax, or e-mail—see previously stated information) no later than 12 noon Eastern Time, Wednesday, October 4, 2000 in order to be included on the Agenda. Organizations and individuals are encouraged to coordinate presentations prior to contacting Mr. Flaak. *Please note:* Due to the large number of expected speakers, any individual or organization who requests time to speak and then withdraws that request prior to or at the meeting will not be able to allocate their time to another group or organization.

#### Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date (usually one week before the meeting), may be mailed to the relevant SAB committee or subcommittee; comments received too close to the meeting date will normally be provided to the committee at its meeting, or mailed soon after receipt by the Agency. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in the Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256.

#### Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access, should contact Mr. Flaak at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: September 15, 2000.

**Donald G. Barnes,**

*Staff Director, Science Advisory Board.*

[FR Doc. 00-24673 Filed 9-25-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6876-8]

### Office of Research and Development; Board of Scientific Counselors, Executive Committee Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C., App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold an Executive Committee Meeting.

**DATES:** The Meeting will be held on October 16-17, 2000. On Monday, October 16, the meeting will begin at 9 a.m., and will recess at 4:30 p.m. On Tuesday, October 17, the meeting will reconvene at 9 a.m. and will adjourn at approximately 4 p.m. All times noted are Eastern Time.

**ADDRESSES:** The Meeting will be held at the Loews L'Enfant Plaze Hotel, 480 L'Enfant Plaza Promenade, SW., Washington, DC 20024 (202) 484-1000.

**SUPPLEMENTARY INFORMATION:** Agenda items will include, but not be limited to: Discussion of BOSC Subcommittee Draft Reports on ORD's Particular Matter <sup>2.5</sup> Research Program, Welcome of new Executive Committee Members, and ORD SP2K Consultation.

Anyone desiring a draft agenda may fax their request to Shirley R. Hamilton (202) 565-2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Board of Scientific Counselors, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone at (202) 564-6853. In general, each individual making an oral presentation will be limited to a total of three minutes.

**FOR FURTHER INFORMATION CONTACT:** Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (202) 564-6853.

Dated: September 19, 2000.

**Peter W. Preuss,**

*Director, National Center for Environmental Research.*

[FR Doc. 00-24670 Filed 9-25-00; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6876-6]

### National Wastewater Management Excellence Awards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; announcement of EPA's 2000 National Wastewater Management Excellence Awards Presentation at the Water Environment Federation's annual conference.

**SUMMARY:** The U.S. Environmental Protection will recognize municipalities and industries for outstanding and innovative technological achievements in wastewater treatment and pollution abatement programs at the annual National Wastewater Management Excellence Awards ceremony during the Water Environment Federation's (WEF) annual conference in Anaheim, California. We are recognizing projects or programs in operations and maintenance, beneficial use of biosolids, pretreatment, storm water management and combined sewer overflow controls. This action also announces the 2000 national awards winners.

**DATES:** Monday, October 16, 2000, 11:30 am to 1 pm.

**ADDRESSES:** The National awards presentation ceremony will be held at the Hilton Anaheim Hotel, 777 Convention Way, Anaheim, California.

**FOR FURTHER INFORMATION CONTACT:** Maria E. Campbell at the U.S. Environmental Protection Agency, Office of Wastewater Management, Municipal Assistance Branch, 1200 Pennsylvania Avenue NW., (4204), Washington, DC 20460, (202) 260-5815, or [campbell.maria@epa.gov](mailto:campbell.maria@epa.gov).

**SUPPLEMENTARY INFORMATION:** The National Wastewater Management Excellence Awards program is authorized under section 501 (a) and (e) of the Clean Water Act. The awards program provides national recognition and encourages public support of programs aimed at protecting the public's health and safety and the nation's water quality. State water pollution control agencies and EPA regional offices make recommendations to headquarters for the national awards. Programs being recognized are in

compliance with applicable water quality requirements and have a satisfactory record with respect to environmental quality. Municipalities and industries are recognized for their demonstrated achievements through the following:

- (1) Outstanding operations and maintenance practices at publicly owned wastewater treatment facilities;
- (2) Exemplary biosolids operating projects, technology development, research and public acceptance efforts;
- (3) Municipal implementation and enforcement of local pretreatment programs;

- (4) Implementing outstanding, innovative, and cost-effective storm water control; and,
- (5) Combined sewer overflow control programs. Winners and categories for the EPA's 2000 National Wastewater Management Excellence Awards program are as follows:

	Category
<b>Operations and Maintenance Awards</b>	
<p>First Place:</p> <p>San Jose/Santa Clara WPCP, San Jose, California ..... Large Advanced Category.                      Plum Creek Wastewater Authority, Plant No. 1, Castle Rock, Colorado ..... Medium Advanced Category.                      Village of Sherman WWTP, Sherman, New York ..... Small Advanced Category.                      Lowell Regional Wastewater Utility, City of Lowell, Massachusetts ..... Large Secondary Category.                      Cape May Regional WWTF, Cape May Point, New Jersey ..... Medium Secondary Category.                      Dodge City WWTF, City of Dodge City, Kansas ..... Large Non-Discharging Category.                      Vienna Land Application System, Vienna, Georgia ..... Small Non-Discharging Category.                      City of Waldo WWTF, Waldo, Florida ..... Most Improved Plant.                      Edward M. Toby, University of Florida TREEO Center, Section 104(g) Trainer for the City of Waldo WWTF</p> <p>Second Place:</p> <p>President Street WPCP, Savannah, Georgia ..... Large Advanced Category.                      Zeeland WWTP, City of Zeeland, Michigan ..... Medium Advanced Category.                      South Henry Regional Sewer District, Lewisville, Indiana ..... Small Advanced Category.                      Encina Wastewater Authority, Carlsbad, California ..... Large Secondary Category.                      Richland WWTF, Richland, Washington ..... Medium Secondary Category.                      North City Water Reclamation Plant, San Diego, California ..... Large Non-Discharging Category.                      Farmington Municipal WWTP (West), Farmington, Missouri ..... Most Improved Plant.                      Michael Jefferson, Crowder College, Neosho, Missouri, Section 104(g) Trainer for Farmington WWTP (West)</p>	
<b>Beneficial Use of Biosolids Awards</b>	
<p>First Place:</p> <p>Merco Joint Venture, Limited Liability Company ..... Large Operating Projects.                      City of New York Department of Environmental Protection                      City of Sierra Blanca, Texas                      Texas Tech University                      Lexington Regional WWTP Compost Facility, Lexington, North Carolina ..... Small Operating Projects.                      International/Poland Research Project, coordinated by EPA Region III ..... Research Activities.                      City of Wyoming Clean Water Plant, Wyoming, Michigan ..... Public Acceptance (Municipal).</p> <p>Second Place:</p> <p>Unified Sewerage Agency, Washington County, Oregon ..... Large Operating Projects.                      DeKalb County Public Works Water and Sewer-Pole Bridge Creek AST Facility, DeKalb County, Georgia. .... Small Operating Projects.                      Western Carolina Regional Sewer Authority, Greenville, South Carolina ..... Public Acceptance (Municipal).</p> <p>Honorable mention:</p> <p>Water Works and Sanitary Board, City of Montgomery, Alabama ..... Large Operating Projects.                      Beltona Land Reclamation Program, Jefferson County Commission Environmental Services Dept., Birmingham, Alabama. .... Large Operating Projects.                      Norman H. Larkins WPCF, City of Clinton, North Carolina ..... Small Operating Projects.</p> <p>Special award:</p> <p>BioCycle, Journal of Composting and Recycling, Emmaus, Pennsylvania ..... For Outstanding Journalistic Efforts to Promote Sound Science and Good Practices for Composting and Recycling of Biosolids and Other Organic Residuals.                      Northeast Ohio Regional Sewer District Cleveland, Ohio ..... For Optimal Use of a Waste Heat Boiler Recovery System During Incineration.</p>	
<b>Pretreatment Awards</b>	
<p>First Place:</p> <p>City of Greeley, Colorado ..... 0-25 Significant Industrial Users (SIUs).                      Metro Wastewater Reclamation District, Denver, Colorado ..... 26-100 SIUs.                      City of Fort Worth, Texas ..... Greater than 100 SIUs.</p> <p>Second Place:</p> <p>City of Annapolis, Maryland ..... 0-25 SIUs.                      City of Wyoming, Michigan ..... 26-100 SIUs.                      Orange County Sanitation District, Fountain Valley, California ..... Greater than 100 SIUs.</p>	

		Category
<b>Storm Water Management Awards</b>		
First Place: Brevard County Surface Water Improvement Viera, Florida ..... Northeast Ohio Regional Sewer District, Southerly Wastewater Treatment Center, Storm Water Pollution Prevention Plan..		Municipal. Industrial.
<b>Combined Sewer Overflow Control Awards</b>		
First Place: CSO Abatement Program, City of Saco, Maine Second Place: CSO Remediation Program, Corvallis, Oregon		

Dated: September 15, 2000.

**Michael B. Cook,**  
*Director, Office of Wastewater Management.*  
[FR Doc. 00-24674 Filed 9-25-00; 8:45 am]  
**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6877-1]

**Air Quality Criteria for Ozone and Related Photochemical Oxidants**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; call for information.

**SUMMARY:** The National Center for Environmental Assessment, Office of Research and Development, of the U.S. Environmental Protection Agency (EPA) is undertaking to update and revise, where appropriate, the Air Quality Criteria for Ozone and Related Photochemical Oxidants (EPA-600/P-93-004aF-cF) published in July 1996.

Since completion of the 1996 ozone criteria document, the EPA has continued to collect scientific information on the effects of ground-level ozone on health and vegetation. A summary and evaluation of this and other selected literature that may be particularly relevant to a review of the National Ambient Air Quality Standards for ozone will be presented in the forthcoming revised criteria document.

As part of this continuing review, interested parties are invited to assist the EPA in developing and refining the scientific information base for updating the air quality criteria for ozone. While EPA has continued to follow the literature and gather appropriate studies since early 1996, the Agency is interested in additional new information, particularly concerning the effects expected from the presence of ground-level ozone in the ambient air on: humans and laboratory animals;

vegetation, both in agroecosystems (crops) and in natural ecosystems; nonbiological materials; and global climate. EPA also seeks recent information in other areas of ozone research such as its chemistry and physics, sources and emissions, analytical methodology, transport and transformation in the environment, and ambient concentrations. To be considered for inclusion in the revised criteria document, submitted information should be published, accepted for publication, or have been presented at a public scientific meeting. **DATES:** All communications and information must be submitted by December 1, 2000, and addressed to the Project Manager for Ozone and Related Photochemical Oxidants, National Center for Environmental Assessment (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

Dated: September 15, 2000.  
**William H. Farland,**  
*Director, National Center for Environmental Assessment.*  
[FR Doc. 00-24676 Filed 9-26-00; 8:45 am]  
**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6877-3]

**Notice of Policy Change; Superfund Construction Completion List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of policy change.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the policy change proposed in the August 4, 2000, **Federal Register** Notice (63 FR 47988-47989) regarding the Construction Completion category established in the National Priorities List (NPL) under the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended (CERCLA). A 30-day comment period on the proposed policy change was provided under the August 4, 2000, **Federal Register** document and no comments were received by the Agency.

Existing Agency policy had limited sites eligible for inclusion to the Construction Completion List (CCL) to sites that are on the NPL at the time a determination is made that all physical construction has been completed. As a result, deleted sites would never qualify for the CCL if physical construction remains at the time of deletion from the NPL. This policy change allows all sites that are on the NPL or have been deleted from the NPL to be eligible for the CCL when all physical construction under all authorities is complete and all other applicable construction completion policy criteria have been satisfied. This will allow Superfund to track and report completion of all construction activities at NPL sites.

**EFFECTIVE DATE:** September 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Jeng, Office of Emergency and Remedial Response (5204-G), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 at (703) 603-8749 or e-mail [Jeng.Richard@epa.gov](mailto:Jeng.Richard@epa.gov) or the RCRA/Superfund Hotline from 8:30 a.m. to 7:30 p.m., Monday-Friday, toll free at 1-(800)-424-9346.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

During the initial years of the Superfund program, outside audiences often measured Superfund's progress in cleaning up sites by the number of sites deleted from the NPL as compared to the number of sites on the NPL. This measure, however, did not and still does not fully recognize the substantial construction and reduction of risk to human health and the environment that

has occurred at NPL sites. In response, the National Contingency Plan Preamble **Federal Register** (FR) document (55 FR 8699, March 8, 1990) established a Construction Completion category of NPL sites to more clearly communicate to the public the status of cleanup progress among sites on the NPL.

A later Notification of Policy Change **Federal Register** document (58 FR 12142, March 2, 1993) introduced the Superfund Construction Completions List (CCL) “\* \* \* to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities.” A total of 155 sites were included on this initial list. The same notice that introduced the CCL also indicated that “\* \* \* deleted sites will not qualify for the CCL if physical construction remains to be conducted under another statutory authority.” As a result, EPA adopted the policy where only sites on the NPL (i.e., not proposed or deleted sites) should qualify for inclusion to the CCL.

#### B. Notice of Policy Change

*Construction Completion List (CCL) will now also include sites deleted from the NPL.* EPA now believes it is important to assess all NPL Superfund sites, including those that have been deleted, to ensure that all construction of response actions has been completed. In doing so, EPA believes that although a site is deleted from the Superfund NPL, it should be accounted for on the CCL when EPA determines that all physical construction is complete under all statutory authorities and all applicable construction completion policy criteria have been satisfied. Any previously listed NPL Superfund site added to the CCL as a result of this policy change will be subject to all report documentation requirements as currently required for construction completions at NPL sites. The CCL is simply a mechanism for better communicating Superfund progress to the public. Inclusion of a site on the CCL does not have any legal significance.

*Notice:* This document does not substitute for EPA’s statutes or regulations, nor is it a regulation itself. Thus, it does not impose legally-binding requirements on EPA, states, or the regulated community. EPA may change this guidance in the future, as appropriate.

Dated: September 18, 2000.

**Timothy Fields, Jr.,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 00-24675 Filed 9-25-00; 8:45 am]

**BILLING CODE 6560-50-U**

---

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2441]

### Petition for Reconsideration of Action in Rulemaking Proceeding

September 20, 2000.

Petition for Reconsideration has been filed in the Commission’s rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY-A257, 445 12th Street, SW, Washington, DC or may be purchased from the Commission’s copy contractor, ITS, Inc. (202) 857-3800. Oppositions to this petition must be filed by October 11, 2000. See Section 1.4(b)(1) of the Commission’s rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Service (CC Docket No. 94-54).

*Number of Petitions Filed:* 1.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-24612 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-M**

---

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

*Title:* Project Impact Baseline Report and Progress Report.

*Type of Information Collection:* New.  
*OMB Number:* None.

*Forms:* Baseline Report and Annual Progress Report.

*Abstract:* Congress tasked FEMA with the responsibility to design and implement a meaningful pre-disaster initiative that would reduce rapidly escalating disaster costs and provided funding towards that goal. This initiative is entitled Project Impact: Building a Disaster Resistant Community. The Government Performance Results Act requires that FEMA show that the money is being used effectively by establishing a systematic process of evaluation.

The Baseline Report and subsequent Annual Progress Report provides a means of data collection for this objective and have been developed to capture the progress of a community towards disaster resistance in a non-disaster situation. The questions in both reports request information relevant to the hazards and vulnerabilities faced by the community. There are also questions that request information about damage prevention activity and public education and awareness. The requested information will not only gauge the momentum towards disasters resistance but will indicate success of the collaborative process as well. The data collected will also be used as a basis for initiative development.

The Baseline Report will be due the 1st year, 60 days after the signing ceremony. It is critical to provide a picture of the community’s ability to withstand disasters at the beginning of its designation as a Project Impact Community. It requests information necessary to evaluate the disaster resistant status of a community and should help Project Impact Communities establish their initial focus. The Annual Progress Report is due annually for five years starting on the 1st Anniversary of the signing ceremony and will allow FEMA to assess the community’s progress with respect to both national goals and program initiatives. It will also provide an opportunity for a community to evaluate its own success with respect to local goals. Both these data collection mechanisms provide means to measure the proper use of grant funding as well as data for Government Performance Results Act (GPRA) reporting.

*Affected Public:* Federal government and State, local or tribal governments.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (in hrs.) (C)	Annual burden (in hrs.) (A × B × C)
Baseline Report .....	65	One-time ..	2	130
Progress Reports .....	113	Annually ...	2	226
Total .....	178	.....		356

*Comments:* Interested persons are invited to submit written comments on the proposed information collection to David Rostkler, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within October 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646-2625, FAX number (202) 646-3524, or email address: muriel.anderson@fema.gov.

Dated: September 13, 2000.

**Reginald Trujillo,**

*Director, Program Services Division,  
Operations Support Directorate.*

[FR Doc. 00-24701 Filed 9-25-00; 8:45 am]

**BILLING CODE 6718-01-P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1340-DR]

### Montana; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Montana, (FEMA-1340-DR), dated August 30, 2000, and related determinations.

**EFFECTIVE DATE:** September 19, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Montana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a

major disaster by the President in his declaration of August 30, 2000:

Big Horn, Blaine, Carter, Chouteau, Custer, Fallon, Fergus, Garfield, Golden Valley, Hill, Liberty, Musselshell, Petroleum, Phillips, Powder River, Prairie, Rosebud, Toole, Treasure, and Yellowstone Counties for Individual Assistance.

Fort Belknap, Rocky Boy's, Crow, and Northern Cheyenne Indian Reservations for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Robert J. Adamcik,**

*Deputy Associate Director, Response and Recovery Directorate.*

[FR Doc. 00-24703 Filed 9-25-00; 8:45 am]

**BILLING CODE 6718-02-P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1335-DR]

### New York; Amendment No. 4 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of New York, FEMA-1335-DR, dated July 21, 2000, and related determinations.

**EFFECTIVE DATE:** September 14, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of New York is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 21, 2000:

Greene County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Robert J. Adamcik,**

*Deputy Associate Director, Response and Recovery Directorate.*

[FR Doc. 00-24702 Filed 9-25-00; 8:45 am]

**BILLING CODE 6718-02-P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Open Meeting, Technical Mapping Advisory Council

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice of teleconference meeting.

**SUMMARY:** In accordance with § 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, the Federal Emergency Management Agency gives notice that the following meeting will be held:  
*Name:* Technical Mapping Advisory Council.

*Date of Meeting:* October 2, 2000.

*Place:* The FEMA Conference Operator in Washington, DC will administer the teleconference. Individuals interested in participating should call 1-800-320-4330 at the time of the teleconference. Callers will be prompted for the conference code, #15, and they will then be connected through to the teleconference.

*Time:* 11:00 a.m. to 1:00 p.m., EST.

#### *Proposed Agenda*

1. Call to order.
2. Announcements.
3. Action on minutes from August 2000 teleconference meeting.
4. Review Annual and Year 2000 Report draft text.
5. Discuss agenda for October 2000 meeting.

6. New business.

7. Adjournment.

*Status:* This meeting is open to the public.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sally P. Magee, Federal Emergency Management Agency, 500 C Street SW., room 442, Washington, DC 20472, telephone (202) 646-8242 or by facsimile at (202) 646-4596.

**SUPPLEMENTARY INFORMATION:** Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved by the next Technical Mapping Advisory Council meeting in October 2000.

**Michael K. Buckley,**

*Director, Technical Services Division,  
Mitigation Directorate.*

[FR Doc. 00-24704 Filed 9-25-00; 8:45 am]

**BILLING CODE 6718-04-P**

## FEDERAL HOUSING FINANCE BOARD

[2000-N-5]

### Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is seeking comments on several aspects of its Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans. The Finance Board seeks comments on whether it should continue to publish mortgage information by lender type. The Finance Board seeks comments on whether the sampling and weighting design for this survey should draw lenders without regard to lender type. If so, the Finance Board seeks suggestions for alternative sampling and weighting methodologies. The Finance Board also seeks comments on the designation of successor adjustable-rate mortgage indexes if it decides to stop publishing data by lender type or revises the regional information it now publishes.

**DATES:** Changes to the sampling and weighting methodology will become effective in accordance with section F of the **SUPPLEMENTARY INFORMATION** unless comments dictate otherwise. The Finance Board will accept written comments on or before October 26, 2000.

**ADDRESSES:** Address comments to Elaine L. Baker, Secretary to the Board, (202) 408-2837, [bakere@fhfb.gov](mailto:bakere@fhfb.gov),

Federal Housing Finance Board, Office of Information Management and Technology Support, 1777 F Street, NW., Washington, DC 20006. Comments will be available for inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. McKenzie, Deputy Chief Economist, (202) 408-2845, [mckenziej@fhfb.gov](mailto:mckenziej@fhfb.gov), Office of Policy, Research, and Analysis, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

The Finance Board conducts and prepares the Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans. This survey, usually called the "Monthly Interest Rate Survey" (MIRS), asks a sample of approximately 300 mortgage lenders to report the terms and conditions on all conventional mortgage loans for the purchase of single-family, nonfarm homes that they close during the last 5 working days of the month. The sample of lenders includes savings associations, mortgage companies, commercial banks, and savings banks that have volunteered to participate in the survey. MIRS provides national and regional data on mortgage interest rates, mortgage terms, and house prices. The Finance Board's regulations describe MIRS more thoroughly. *See* 12 CFR 906.3.

From 1963 to September 1989, the former Federal Home Loan Bank Board conducted MIRS. Identical provisions in the Federal National Mortgage Association Charter Act, 12 U.S.C. 1717(b)(2), and the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. 1454(a)(2), allow these two government-sponsored enterprises annually to adjust the maximum size of mortgage loans they can purchase or guarantee by the October-over-October percentage price change in house prices as reported in MIRS "conducted by the Federal Housing Finance Board."

More recently, the 1994 Department of Housing and Urban Development (HUD) appropriation act tied the high-cost area limits for Federal Housing Administration (FHA)-insured mortgages to the purchase-price limitations of Fannie Mae and Freddie Mac, thus linking the FHA limits indirectly to MIRS. *See* Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, Pub. L. 103-327, 108 Stat. 2298 (Sept. 28, 1994). In addition, the Internal Revenue Service uses the data from MIRS to set the safe-harbor purchase-price limits for

mortgages purchased with the proceeds of mortgage revenue bond issues. *See* 26 CFR 6a.103A-2(f)(5).

Beyond its use for indexing the conforming loan limit, MIRS provides information for general statistical purposes and program evaluation. Economic policy makers use the data to determine interest rates, down payments, terms to maturity, terms on adjustable-rate mortgages (ARMs), initial fees and charges on mortgage loans, and other trends in mortgage markets. Information from MIRS regularly appears in the popular and trade press.

Around the 26th of each month, the Finance Board publishes a MIRS press release with mortgage rate and term information by property type (all, newly built, and previously occupied; Table I), by loan type (adjustable-rate and fixed-rate; Table II), and by lender type (savings association, mortgage company, commercial bank, savings bank; Table III), and a table providing data on 15- and 30-year conforming fixed-rate loans (Table V). In addition, it publishes quarterly tables with rate and term information for metropolitan areas (Table IV) and for Federal Home Loan Bank districts (Table VI).

An ARM index derived from MIRS—the National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes—was the only ARM index that Federally chartered savings institutions could use for a period in the early 1980's. A very small proportion of existing ARMs may use another interest-rate series from MIRS as an ARM index.

##### **B. Current Sampling and Weighting of the Data**

The Finance Board samples savings associations, mortgage companies, commercial banks, and savings banks for MIRS because it publishes monthly aggregate data by lender type. In addition, the Finance Board samples lenders representing all regions because it publishes quarterly data for 31 selected large metropolitan areas, quarterly data for the 12 Federal Home Loan Bank districts, and annual data for all 50 states and for 60 metropolitan statistical areas (MSAs).

As with most survey data, the tabulated MIRS data reflect the weighting of the individual responses. The current weighting draws depository institutions with equal probabilities of selection from "lender-type geo strata" (for example, commercial banks in Nebraska, savings associations from the Cincinnati MSA, or savings banks from the Boston CMSA). Since the sample of loans reported in a given month may differ from true lending experience (for

example, over- or under-representing certain regions), the MIRS data is weighted to comport with information on lending patterns derived from independent sources:

(1) The data is adjusted so that the distribution of loans by lender type matches the lender-type distribution in the latest Home Mortgage Disclosure Act (HMDA) release of the Board of Governors of the Federal Reserve System, and

(2) The data is adjusted so that the distribution of loans by Federal Home Loan Bank district matches the state pattern of mortgage originations annually reported in the HMDA data.

The weighting process builds up the national data from four separate subsamples based on lender type, where the shares of loans by lender type come from the HMDA data. On balance, this weighting process significantly increases the importance of loans reported by commercial banks and reduces the importance of loans reported by savings associations because commercial bank loans are under-represented in the sample. Regional adjustment of the data does not have a significant effect on the results because the geographic pattern of responses approximates aggregate lending patterns.

### C. Proposed Sampling by Lender Type

The Finance Board publishes data by lender type principally as a historical matter and drawing four separate subsamples corresponding to savings associations, mortgage companies, commercial banks and, savings banks. However, as the financial services sector has evolved significantly, the distinctions between commercial banks and thrifts continue to erode. With institutional homogenization, publishing data by lender type may no longer be useful or meaningful.

MIRS presents a "clustered sampling" problem. The item of interest is individual loans, but the Finance Board must sample lenders to get the individual loan data. The loans must come from all regions and must represent all lender types. Several recent developments have improved the geographical dispersion of MIRS loans. First, some large national mortgage companies participate in MIRS. This means that 1 lender may report loans from 20 or more states. Second, the continuing trend toward the consolidation of depository institutions has resulted in large institutions that originate loans in many states.

The reported MIRS data for both region and lender type show considerable variation in the average

terms across region and across lender type. However, most of these differences are attributable to the mix of loans made. Interest rates on standard 30-year conforming loans differ little across lender type and across region. This similarity calls into some question the need to sample lenders by region and by lender type and the wisdom of reporting MIRS interest-rate data by region and lender type. There is, of course, considerable house price variation across regions.

The geographic dispersion of MIRS loans is not an issue. As stated earlier, the existing sample includes a number of national mortgage companies with broadly dispersed lending patterns. It is not necessary to sample lenders from many geo strata to get good geographic coverage of actual loans reported.

In light of the continuing trend toward consolidation and homogenization of depository institutions, a more meaningful MIRS weighting methodology would be a size-stratified methodology based on mortgage originations. Lenders with small origination volumes would be sampled at lower frequencies and higher weights; lenders with high origination volumes would be sampled at higher frequencies and lower weights. The HMDA file could be the source for establishing weights as it contains mortgage origination data for all but the smallest lenders. This proposed sampling would not select lenders based on lender type but could use location as a sampling factor.

The Finance Board specifically requests comments on the following:

- Should it continue to report MIRS data by lender type?
- Should it continue to sample MIRS lenders by lender type?
- Do institutional changes render the data by lender type meaningless?

### D. MIRS Reports

The monthly MIRS report contains a table on mortgage rates and terms by lender type (savings association, commercial bank, mortgage company, and savings bank). (This is Table III of the monthly MIRS release.) Because of institutional homogenization and no economic differences in mortgage rates, the Finance Board is considering the elimination of this monthly table.

Each quarter, the Finance Board publishes a MIRS table of mortgage interest rates and terms for 31 metropolitan areas. (This table appears as Table IV in the January, April, July, and October MIRS releases.) These are not the 31 largest metropolitan areas. The Finance Board is considering adjusting the list of reported areas to

reflect current population rankings. Among the areas that may be deleted from Table IV are Greensboro, NC, Rochester, NY, and Louisville, KY.

### E. Adjustable-Rate Mortgage Index

A very small number of ARMs may use as an index a MIRS interest rate series by lender type. This information appears in Table III of the regular monthly MIRS release. If the Finance Board were to adopt a changed MIRS sampling methodology that no longer separately sampled lenders by lender type, then probably it would cease the publication of Table III in the monthly MIRS release.

Section 402(e)(4) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. 101-73, tit. IV, sec. 402(e)(4), 103 Stat. 183 (1989), *codified at* 12 U.S.C. 1437 note, requires the Chairperson of the Finance Board to designate a "substantially similar" successor index if the Finance Board no longer makes available any index from MIRS. If the Finance Board were to stop providing Table III, then it proposes to designate the National Average Contract Mortgage Rate for the Purchase of All Homes by Combined Lenders as the successor index for any ARM index that uses a contract rate from Table III. It also proposes to designate the National Average Effective Mortgage Rate for the Purchase of All Homes by Combined Lenders as the successor index for any ARM index that uses an effective rate from Table III.

The Finance Board seeks comment on these proposed successor index rates.

The Finance Board publishes both of the proposed successor index rates in the top panel of Table I in the monthly MIRS release, and the current value of both interest rates is available on a recording maintained by the Finance Board. The Finance Board is proposing these successor index rates because the loans reported in Table III by lender type include loans on both newly built and previously occupied homes. The proposed successor index rates also include loans on both newly built and previously occupied homes. The only difference is that the data in Table I combines loans from all types of lenders, whereas Table III reports mortgage data by type of lender.

Changes that the Finance Board is considering concerning Table IV of the MIRS release could affect a very small number of ARMs. The Finance Board knows of only one lender that uses regional mortgage rates reported in

Table IV as an ARM index rate.<sup>1</sup> Should any ARM be linked to a mortgage rate for a metropolitan area that will be deleted from the regular quarterly table, the Finance Board proposes as the successor index the National Average Contract Mortgage Rate for the Purchase of All Homes by Combined Lenders the successor index if that ARM index is a contract rate from Table IV. It also proposes to designate the National Average Effective Mortgage Rate for the Purchase of All Homes by Combined Lenders to be the successor index for any ARM index that is an effective rate from Table IV. The Finance Board publishes both of the proposed successor index rates in the top panel of Table I in the monthly MIRS release, and the current value of both interest rates is available on a recording maintained by the Finance Board. This particular designation would apply only to those metropolitan areas that the Finance Board would delete from the regular quarterly Table IV.

The Finance Board seeks comments on these proposed successor index rates.

#### F. Effective Date and Transition Provisions

If the Finance Board adopts the MIRS weighting changes described above, it would implement the changes effective with the January 2001 data to allow the data for a whole calendar year to be calculated using the same sampling and weighting methodology. Before implementing any changes, the Finance Board would employ the services of a statistician to ensure the appropriateness of the MIRS sampling and weighting methodology.

The Finance Board also would make available special tabulations so that Fannie Mae and Freddie Mac would have data calculated on the same basis for their determination of the conforming loan limit for 2002. This calculation would occur in November 2001.

Dated: September 18, 2000.

By the Federal Housing Finance Board.

**James L. Bothwell,**  
Managing Director.

[FR Doc. 00-24660 Filed 9-25-00; 8:45 am]

**BILLING CODE 6725-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 10, 2000.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. The B & D Lee Limited Partnership, Bryan L. and Delphia C. Lee, General Partners, Nowata, Oklahoma; to acquire voting shares of Nowata Bancshares, Inc., Nowata, Oklahoma, and thereby indirectly acquire voting shares of First National Bank of Nowata, Nowata, Oklahoma.

Board of Governors of the Federal Reserve System, September 21, 2000.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 00-24688 Filed 9-25-00; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 20, 2000.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *Shore Bancshares, Inc.*, Centreville, Maryland; to merge with Talbot Bancshares, Inc., Easton, Maryland, and thereby indirectly acquire The Talbot Bank of Easton, Maryland, Easton, Maryland.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *First Banks, Inc.*, St. Louis, Missouri, and its subsidiary, First Banks America, Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares of Millennium Bank, San Francisco, California.

2. *Eureka Springs Bancshares, Inc.*, Eureka Springs, Arkansas; to acquire 100 percent of the voting shares of Bank of Eureka Springs, Eureka Springs, Arkansas.

In connection with this application, JFC, Inc., Eureka Springs, Arkansas, and The John F. Cross Family Limited Partnership II, Eureka Springs, Arkansas, have applied to become bank holding companies by acquiring voting shares of Eureka Springs Bancshares, Inc., Eureka Springs, Arkansas.

**C. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Grace Investment Company, Inc.*, Alva, Oklahoma; to become a bank holding company by acquiring 93.87 percent of the voting shares, for a total of 100 percent of the voting shares of The First National Bank in Okeene, Okeene, Oklahoma.

<sup>1</sup> The metropolitan area in question is St. Louis, and the Finance Board would continue to publish data for this region.

**D. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Sterling City Bancshares, Inc.*, Sterling City, Texas, and Sterling City Delaware Financial Corporation, Dover, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of The First National Bank of Sterling City, Sterling City, Texas.

**E. Federal Reserve Bank of San Francisco** (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *First Community Bancorp*; *Castle Creek Capital Partners Fund I, LP*; *Castle Creek Capital Partners Fund IIa, LP*; *Castle Creek Capital Partners Fund IIb, LP*; *Castle Creek Capital LLC*; *Eggemeyer Advisory Corp.*; and *WJR Corp.*, all of Rancho Santa Fe, California; to acquire 100 percent of the voting shares of, and thereby merge with Professional Bancorp, Inc., Santa Monica, California, and thereby indirectly acquire voting shares of First Professional Bank, N.A., Santa Monica, California.

Board of Governors of the Federal Reserve System, September 21, 2000.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 00-24690 Filed 9-25-00; 8:45 am]

BILLING CODE 6210-01-P

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the

question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 11, 2000.

**A. Federal Reserve Bank of Minneapolis** (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *BANKFIRST Corporation, Inc.* Sioux Falls, South Dakota; to engage de novo through its subsidiary BANKFIRST Funding, Inc., Sioux Falls, South Dakota, extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, September 21, 2000.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 00-24689 Filed 9-25-00; 8:45 am]

BILLING CODE 6210-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Breast and Cervical Cancer Early Detection and Control Advisory Committee: Notice of Rechartering

This gives notice under the Federal Advisory Committee Act (P.L. 92-463) of October 6, 1972, that the Breast and Cervical Cancer Early Detection and Control Advisory Committee, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been rechartered for a 2-year period, through September 12, 2002.

For further information, contact Tamikio Bohler, M.P.A., Executive Secretary, Breast and Cervical Cancer Early Detection and Control Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, 4770 Buford Highway, NE, M/S K-64, Atlanta, Georgia 30341-3724, telephone 770/488-3199.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: September 19, 2000.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 00-24625 Filed 9-25-00; 8:45 am]

BILLING CODE 4163-19-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Committee on Immunization Practices: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (P.L. 92-463) of October 6, 1972, that the Advisory Committee on Immunization Practices (ACIP), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period beginning April 1, 2000, through April 1, 2002.

For further information, contact Dixie E. Snider, Jr., M.D., Executive Secretary, ACIP, CDC, 1600 Clifton Road, NE, (M/S D-50), telephone 404/639-7240 or fax 404/639-7341.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: September 19, 2000.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 00-24624 Filed 9-25-00; 8:45 am]

BILLING CODE 4861-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### National Center for Chronic Disease Prevention and Health Promotion, Division of Reproductive Health, Program Services Development Branch, Centers for Disease Control and Prevention, (CDC) Announces the Following Meeting

*Name:* Pregnancy Risk Assessment Monitoring System (PRAMS) Pre-Application Meeting for Announcement Number 01010.

*Objective of Meeting:* Prepare prospective applicants for the new PRAMS Cooperative Agreement Announcement Number 01010 to be

posted in the **Federal Register** approximately October 1, 2000. The new PRAMS Cooperative Agreement #01010 has additional components from the previously posted cooperative agreements #659 and #99070.

Applicants can apply for core and/or enhanced PRAMS activities or a one time (point-in-time) survey. In this meeting, CDC will articulate the details of the changes and additions made in the Cooperative Agreement #01010 to prospective applicants. Applicants are strongly encouraged to attend the meeting.

*Time and Date:* 10 am to 5 pm, October 30, 2000.

*Place:* Holiday Inn Select, 130 Clairmont Ave., Decatur, GA 30030, 404-371-0204.

*Other Options:* Prospective applicants may opt to tele-conference if unable to travel to the meeting site. For further details regarding tele-conferencing for this meeting please contact: Shawna Ward, phone: 770-488-5619.

*Contact Person for More Information:* Mary Rogers, National Center for Chronic Disease Prevention and Health Promotion, Division of Reproductive Health, Program Services Development Branch, [mailing address] Centers for Disease Control and Prevention, Attn: Mary Rogers, MS-K22, 4770 Buford Hwy., N.E., Atlanta, Georgia 30341-3724, telephone 770-488-5220, e-mail [MJR3@CDC.GOV](mailto:MJR3@CDC.GOV).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 20, 2000.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 00-24621 Filed 9-25-00; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Child Support Enforcement

#### Grant to the State of Wisconsin, Department of Workforce Development

**AGENCY:** Office of Child Support Enforcement, ACF, DHHS.

**ACTION:** Notice of award.

**SUMMARY:** Notice is hereby given that a noncompetitive grant award is being

made to the State of Wisconsin Department of Workforce Development to further support their Child Support Demonstration Evaluation project. This project will continue the evaluation of the Wisconsin child support passthrough and disregard policy, through the analysis of a later cohort of participants, longer-term follow-up, and an evaluation of the impact of changes in the pass-through policy.

This three-year project is being funded noncompetitively, because it is expected to provide valuable information useful to this Department and other practitioners regarding research and demonstration initiatives related to welfare reform, child support, and the well-being of low-income children and families. Wisconsin will build on their work in the Child Support Demonstration Evaluation project and do an extensive analysis of the effects of passing through child support payments to families as well as the effects on child support enforcement performance. The cost of the project is \$463,836 for three years. The period of this funding will extend through September 29, 2003.

**FOR FURTHER INFORMATION CONTACT:** Gaile Maller, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone: 202-401-5368.

Dated: September 15, 2000.

**David Gray Ross,**

*Commissioner, Office of Child Support Enforcement.*

[FR Doc. 00-24596 Filed 9-25-00; 8:45 am]

**BILLING CODE 4184-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Privacy Act of 1974; Amended Systems of Records Notice

**AGENCY:** Office of Child Support Enforcement (OCSE), ACF, DHHS.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Child Support Enforcement (OCSE) is publishing notice of its amendment of its system of records entitled "The Location and Collection System", DHHS/OCSE No. 09-90-0074.

**DATES:** HHS invites interested parties to submit comments on this notice by October 26, 2000. As required by the Privacy Act (5 U.S.C. 552a(r)), on

September 19, 2000 HHS sent a report of an Amended System to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget. The amendments in this notice are effective upon publication unless HHS receives comments that would result in a contrary determination.

**ADDRESSES:** Interested parties may comment on this Notice by writing to the Associate Commissioner for Automation and Program Operations, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW, 2nd Floor West, Washington, DC 20447, (202) 401-4963. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** Donna Bonar, Associate Commissioner for Automation and Program Operations, at the above address.

#### SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Office of Child Support Enforcement (OCSE) is amending one of its System of Records, "The Location and Collection System (LCS)," DHHS/OCSE No. 09-90-0074, last published at 64 FR 49809 on September 14, 1999. OCSE wishes to advise the public that the LCS is being expanded to include a new routine use. This notice also provides technical amendments to the System of Records. Consistent with section 453(j)(6) of the Social Security Act (the Act) as added by Public Law 106-113, information contained in the National Directory of New Hires (NDNH) portion of the system will be disclosed to the Department of Education (DOE) for the purpose of enforcing obligations on loans made under Title IV of the Higher Education Act of 1965 that are in default or for collection of overpayments of grants awarded under this Act. We have also made an adjustment to this Notice to clarify that information provided to researchers pursuant to section 453(j)(5) of the Act will be derived from the NDNH portion of this system.

The complete system notice is republished below.

Dated: September 20, 2000.

**David Gray Ross,**

*Commissioner, Office of Child Support Enforcement.*

**09-90-0074**

#### SYSTEM NAME:

Location and Collection System (LCS), HHS, OCSE.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Child Support Enforcement, 370 L'Enfant Promenade, SW., 4th Floor East, Washington, DC 20447; Social Security Administration, 6200 Security Boulevard, Baltimore, Maryland 21235.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records will be maintained to locate individuals for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, or enforcing child custody or visitation orders and may include (1) information on, or facilitate the discovery of, or the location of any individuals: (A) Who are under an obligation to pay child support or provide child custody or visitation rights; (B) against whom such an obligation is sought; (C) to whom such an obligation is owed including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer; and (D) who have or may have parental rights with respect to a child; (2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to enrollment in group health care coverage); (3) information on the type, status, and amount of any assets or debts owed to or by such an individual; and (4) information on certain Federal disbursements payable to a delinquent obligor which may be offset for the purpose of collecting past-due child support.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Specific records retained in the LCS system are: The name of noncustodial or custodial parent or child, Social Security number (when available), date of birth, place of birth, sex code, State case identification number, local identification number (State use only), State or locality originating request, date of origination, type of case (TANF, non-TANF full-service, non-TANF locate only, parental kidnapping); home address, mailing address, type of employment, work location, annual salary, pay rate, quarterly wages, medical coverage, benefit amounts, type of military service (Army, Navy, Marines, Air Force, not in service), retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), date requests sent to State and Federal agencies or departments (SSA, Treasury, DoD/OPM, VA, USPS, FBI, and SESAs),

dates of Federal agencies' or departments' responses, date of death, record identifier; employee's SSN, SSN verification indicator and any corrected SSN, employee first name, middle name, last name, employee address(es), date of birth (optional), employee date of hire (optional), employee State of hire, wage amount, quarter paid, reporting period; employer name, Federal Employer Identification Number or Federal Information Processing System Code, State Employee Identification Number of Federal Information Processing System Code, employer address, employer foreign address, employer optional address, and employer optional foreign address; multistate employer name, address and Federal Identification Number; employee SSN, employee first name, middle name, last name, employee address(es), date of birth (optional), date of hire (optional), State of hire (optional), employee wage amount, quarter paid, reporting period; unemployment insurance record identifier, claimant SSN, SSN verification indicator and any corrected SSN; claimant first name, middle name, claimant address, SSA/VA benefit amount, unemployment insurance benefits amount, reporting period, quarter paid, payer State, date report processed; State code, local code, case number, arrearage amount, collection amount, adjustment amount, return indicator, transfer State, street address, city and State, zip code, zip code 4, total debt, number of adjustments, number of collections, net amount, adjustment year, tax period for offset, type of offset, offset amount, submitting State FIPS, locate code, case ID number, case type, and court/administrative order indicator. Records used to aid State Child Support Enforcement Agencies in obtaining information from multistate financial institutions may include institution name(s), name control, Taxpayer Identification Number(s), year, month, service bureau indicator, transfer agent indicator, foreign corporation indicator, reporting agent/transmitter, address(es), file indicator, record type, payee last name control, SSN(s), payee account number, account full legal title (optional), payee foreign country indicator (optional), payee names, addresses, account balances (optional), trust fund indicator, account balance indicator (optional), account update indicator, account type, date of birth. Individuals will be fully informed of the uses and disclosures of their records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Legal authority for maintenance of the system is contained in sections 452 and 453 of the Social Security Act that require the Secretary of the Department of Health and Human Services to establish and conduct the Federal Parent Locator Service, a computerized national location network which provides address and social security number information to authorized persons, primarily for the purposes of establishing and collecting child support obligations.

**PURPOSES:**

The primary purpose of the Location and Collection System is to improve States' abilities to locate parents and collect child support.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The routine uses of records maintained in the LCS are as follows: (1) Request the most recent home and employment addresses and SSN of the noncustodial or custodial parents from any State or Federal government department, agency or instrumentality which might have such information in its records; (2) provide the most recent home and employment addresses and SSN to State Child Support Enforcement (CSE) agencies under agreements covered by section 463 of the Act (42 U.S.C. 663) for the purpose of locating noncustodial parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children; (3) provide the most recent home and employment addresses and SSN to agents and attorneys of the United States, involved in activities in States which do not have agreements under section 463 of the Act for purposes of locating noncustodial parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children; (4) provide to the State Department the name and SSN of noncustodial parents in international child support cases, and in cases involving the Hague Convention on the Civil Aspects of International Child Abduction; (5) provide to State agencies data in the NDNH portion of this system for the purpose of administering the Child Support Enforcement program and the Temporary Assistance for Needy Families (TANF) program; (6) provide to

the Commissioner of Social Security information for the purposes of verifying reported SSNs, verifying eligibility and/or payment amounts under the Supplemental Security Income (SSI) program, and for other purposes; (7) provide to the Secretary of the Treasury information in the NDNH portion of this system for purposes of administering advance payments of the earned income tax credit and verifying a claim with respect to employment in a tax return; (8) provide to researchers new hire data for research efforts that would contribute to the TANF and CSE programs. Information disclosed may not contain personal identifiers; (9) provide to State CSE agencies, or any agent of an agency that is under contract with the State CSE agency, information which will assist in locating individuals for the purposes of establishing paternity and for establishing, modifying, and enforcing child support obligations; (10) disclose to authorized persons as defined in section 463(d)(2) of the Act (42 U.S.C. 663(d)(2)) records for the purpose of locating individuals and enforcing child custody and visitation orders; (11) disclose to the State agency administering the Medicaid, Unemployment Compensation, Food Stamp, SSI and territorial cash assistance programs new hire information for income eligibility verification; (12) disclose to State agencies administering unemployment and worker's compensation programs new hire information to assist in determining the allowability of claims; (13) disclose information to the Treasury Department in order to collect past due child support obligation via offset of tax refunds and certain Federal payments such as: Federal salary, wage and retirement payments; vendor payments; expense reimbursement payments, and travel payments; (14) disclose to the Secretary of State information necessary to revoke, restrict, or deny a passport to any person certified by State CSE agencies as owing a child support arrearage in an amount specified in section 452(k) of the Act; and (15) disclose to States information pertaining to multistate financial institutions which has been provided by such institutions in order to aid State Child Support Enforcement Agencies; and (16) disclose to the Department of Education information in the NDNH portion of this system for purposes of enforcing obligations on loans under title IV of the Higher Education Act of 1965 that are in default or for collecting overpayments of grants awarded under this Act.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The Location and Collection System records are maintained on disc and computer tape, and hard copy.

**RETRIEVABILITY:**

System records can be accessed by either a State assigned case identification number or Social Security Number.

**SAFEGUARDS:**

1. Authorized Users: All requests from the State IV-D Agency must certify that: (1) They are being made to locate noncustodial and custodial parents for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody and visitation determinations and for no other purpose; (2) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV-D Agency will use or disclose this information for the purposes prescribed in 45 CFR 303.70.

2. Physical Safeguards: For computerized records electronically transmitted between Central Office and field office locations (including organizations administering HHS programs under contractual agreements), safeguards include a lock/unlock password system. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly.

3. Procedural and Technical Safeguards: All Federal and State personnel and contractors are required to take a nondisclosure oath. A password is required to access the terminal. All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties. These practices are in compliance with the standards of Chapter 45-13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," and the Department's Automated Information System Security Program Handbook.

**RETENTION AND DISPOSAL:**

Quarterly wage data and unemployment data supplied to the LCS which, within 12 months, has not produced a match as a result of any information comparison will not thereafter be used for child support enforcement purposes. Quarterly wages and unemployment data and new hire information will be deleted from the database 24 months after the date of entry. An information comparison will be retained for 24 months. Sample data will be retained only long enough to complete research authorized under section 453(j)(5) of the Act. Tax refund and administrative offset information will be maintained for six years in an active master file for purposes of collection and adjustment. After this time, records of cases for which there was no collection will be destroyed. Records of cases with a collection will be stored on-line in an inactive master file. Records pertaining to passport denial will be updated and/or deleted as obligors meet satisfactory restitution or other State approved arrangements. Records of information provided to authorized users will be maintained only long enough to communicate the information to the appropriate State or Federal agent. Thereafter, the information provided will be destroyed. However, records pertaining to the disclosures, which include information provided by States, Federal agencies contacted, and an indication of the type(s) of information returned, will be stored on a history tape and in hard copy for five years and then destroyed. Records of information provided by financial institutions for the purpose of facilitating matches will be maintained only long enough to communicate the information to the appropriate State agent. Thereafter, the information provided will be destroyed. However, records pertaining to the disclosures, which include information provided by States, Federal agencies contacted, and an indication of the type(s) of information returned, will be stored on a history tape and in hard copy for five years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Commissioner for Automation and Program Operations, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW, 2nd Floor West, Washington, D.C. 20447.

**NOTIFICATION PROCEDURES:**

To determine if a record exists, write to the Systems Manager at the address

listed above. The Privacy Act provides that, except under certain conditions specified in the law, only the subject of the records may have access to them. All requests must be submitted in the following manner: identify the system of records you wish to have searched, have your request notarized to verify your identity, indicate that you are aware that the knowing and willful request for or acquisition of a Privacy Act record under false pretenses is a criminal offense subject to a \$5,000 fine. Your letter must also provide sufficient particulars to enable OCSE to distinguish between records on subject individuals with the same name.

**RECORD ACCESS PROCEDURES:**

Write to the Systems Manager specified above to attain access to records. Requesters should provide a detailed description of the record contents they are seeking.

**CONTESTING RECORD PROCEDURE:**

Contact the official at the address specified under System Manager above, and identify the record and specify the information to be contested and corrective action sought with supporting justification to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Information is obtained from departments, agencies, or instrumentalities of the United States or any State and from multi-state financial institutions.

**ITEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 00-24595 Filed 9-25-00; 8:45 am]

BILLING CODE 4184-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration**

[Docket No. 98D-0969]

**Establishment of Resistance and Monitoring Thresholds in Food-Producing Animals; Public Meeting; Amendment of Notice**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of meeting.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an amendment to the notice of a public meeting entitled "Establishment of Resistance and Monitoring Thresholds in Food-Producing Animals." The

meeting was announced in the **Federal Register** of July 28, 2000 (65 FR 46464). The amendment is being made to reflect changes in the *Date and Time* and *Registration* portions and in section II of the document. There are no other changes.

**FOR FURTHER INFORMATION CONTACT:**

*For general inquiries about the meeting and registration contact:* Lynda W. Cowatch, Center for Veterinary Medicine (HFV-150), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-5281, FAX 301-594-2298.

*For technical inquiries contact:* Aleta Sindelar, Center for Veterinary Medicine (HFV-1), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0148.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 28, 2000 (65 FR 46464), FDA announced that a public meeting entitled "Establishment of Resistance and Monitoring Thresholds in Food-Producing Animals" would be held on October 10 and 11, 2000. This amendment is being made to reschedule the date and to amend the registration and comments section of the July 28, 2000, notice as follows:

1. On page 46464, beginning in the third column, the *Date and Time* and *Registration* portions of the meeting are amended as follows:

*Date and Time:* The meeting will be held on January 23 and 24, 2001, 8:30 a.m. to 5 p.m. Submit written comments by March 24, 2001.

*Registration:* Registration is required. There is no registration fee for the meeting. If you registered for the October 10 and 11, 2000, meeting, you must re-register to attend the January 23 and 24, 2001, meeting. Limited space is available, and early registration is encouraged. Logistics for the meeting and the registration form are available on the Internet at <http://www.fda.gov/cvm/fda/mappgs/registration.html>. Please send the registration form to Lynda W. Cowatch (address above). Additional information about the meeting and the agenda will be available on the Internet (Internet site above) before the meeting.

If you need special accommodations due to a disability, please contact the DoubleTree Hotel at least 7 days in advance, 1-800-222-8733.

2. On page 46465, in the second column, section II is amended as follows:

**II. Submission of Comments**

Interested persons may submit written comments regarding this meeting until March 24, 2001. Submit written comments to the Dockets Management Branch (address above), or fax to 301-827-6870. Comments should be identified with the docket number found in brackets in the heading of this document.

Dated: September 19, 2000.

**William K. Hubbard,**

*Senior Associate Commissioner for Policy, Planning, and Legislation.*

[FR Doc. 00-24631 Filed 9-25-00; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee); Notice of Meeting**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee).

*General Function of the Committee:* To advise the Secretary and the Assistant Secretary of Health and Human Services (the Secretary and Assistant Secretary) concerning its oversight of the conduct of the Ranch Hand study by the U.S. Air Force and provide scientific oversight of the Department of Veterans Affairs (VA) Army Chemical Corps Vietnam Veterans Health Study, and other studies in which the Secretary or the Assistant Secretary believes involvement by the committee is desirable.

*Date and Time:* The meeting will be held on October 19, 2000, 8 a.m. to 5 p.m. and October 20, 2000, 8 a.m. to 12 noon.

*Location:* Hilton Palacio del Rio Hotel, Conference Center, La Espada Room, 200 South Alamo St., San Antonio, TX.

*Contact Person:* Ronald F. Coene, National Center for Toxicological

Research (HFT-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6696, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12560. Please call the Information Line for up-to-date information on this meeting.

*Agenda:* The committee will conduct a review and comment on the scope of work for the sixth and final round of examinations of the Air Force Health Study.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 9, 2000. Oral presentations from the public will be scheduled on October 20, 2000, between approximately 11 a.m. to 12 noon. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 9, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 14, 2000.

**Linda A. Suydam,**

*Senior Associate Commissioner.*

[FR Doc. 00-24599 Filed 9-25-00; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-R-193]

#### Agency Information Collection Activities: Submission For OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and

utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Revision of a currently approved collection;

*Title of Information Collection:* "Important Message From Medicare" Title XVIII Section 1866(a)(1)(M) and Supporting Regulations in 42 CFR 466.78, 489.20, 489.34, 411.404, 412.42, 417.440, 422.620, and 489.27;

*Form No.:* HCFA-R-193 (OMB# 0938-0692);

*Use:* Hospitals participating in the Medicare program have agreed to distribute "Important Message About Medicare Rights: Admission, Discharge, & Appeals" to beneficiaries during the course of their hospital stay and inform them of their impending discharge. Receiving this information will provide all Medicare beneficiaries with some ability to participate and/or initiate discussions concerning actions that may affect their Medicare coverage, payment, and appeal rights in response to hospital notification that their care will no longer continue;

*Frequency:* Other: As needed;

*Affected Public:* Individuals or Households, Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government;

*Number of Respondents:* 6,293;

*Total Annual Responses:* 11,000,000;

*Total Annual Hours:* 8,250,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 15, 2000.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00-24685 Filed 9-25-00; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-R-0296]

#### Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320. This is necessary to ensure compliance with section 1895(a) of the Social Security Act, which requires us to implement the prospective payment system by October 1; the notice for which we are requesting approval must be ready to be disclosed, in accordance with section 1879 of the Act, at the same

time. We cannot reasonably comply with the normal clearance procedures because of the statutory deadline.

HCFA is requesting emergency OMB review and approval of this collection by October 12, 2000, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by October 11, 2000. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

*Type of Information Request:* Revision of a currently approved collection.

*Title of Information Collection:* Home Health Advanced Beneficiary Notices of Liability.

*HCFA Form Number:* HCFA-R-0296 (OMB approval #: 0938-0781).

*Use:* Home health agencies must provide proper written notice to Medicare beneficiaries in advance of furnishing what the agencies believe to be noncovered care or of reducing or terminating ongoing care. Beneficiaries have, and will continue to have a right to obtain a Medicare initial determination through the demand bill process, with all attendant appeal rights.

*Frequency:* On occasion.

*Affected Public:* Not-for-profit institutions, Business or other for-profit.

*Number of Respondents:* 8,200.

*Total Annual Responses:* 180,000.

*Total Annual Burden Hours:* 30,000.

We have submitted a copy of this notice to OMB for its review of these information collections. A notice will be published in the **Federal Register** when approval is obtained.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by October 11, 2000.

Health Care Financing Administration, Office of Information Services, Security and Standards Group,

Division of HCFA Enterprise Standards, Room N2-14-26, 7500 Security Boulevard, Baltimore, MD 21244-1850. Fax Number: (410) 786-0262, Attn: Julie Brown HCFA-R-296 and,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395-6974 or (202) 395-5167, Attn: Wendy Taylor, HCFA Desk Officer.

Dated: September 22, 2000.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00-24802 Filed 9-22-00; 2:32 pm]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443-7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

#### Proposed Project

*Providers Survey in the Aging, Mental Health/Substance Abuse and Primary Care Program—(New)*—The Center for Mental Health Services (CMHS) of the Substance Abuse and Mental Health Services Administration (SAMHSA), in

collaboration with the Center for Substance Abuse Prevention (CSAP) and the Center for Substance Abuse Treatment (CSAT), the Department of Veterans Affairs (VA), the Health Care Financing Administration (HCFA), and the Health Resources and Services Administration (HRSA), plans to conduct a survey of the service providers in the Aging, Mental Health/Substance Abuse and Primary Care Program. The purpose of this program is to evaluate alternative models of delivering and financing mental health and/or substance abuse services for older adults through primary health care. We hope to identify differences in outcomes between models referring to specialty mental health/substance abuse (MH/SA) services outside the primary care setting (Referral Model) and those providing such services within the primary care setting itself (Integrated Model).

SAMHSA is funding the Coordinating Center at the Harvard Medical School and six Study Sites, three of which are also HRSA Community Health Centers and receive additional service enhancement funding from HRSA. Furthermore, the VA is funding a Coordinating Center at the Miami VAMC and another five VA Study Sites, following the same protocol, making a total of 11 Study Sites, in 8 States throughout the country. In the intervention, over 50,000 individuals over age 65 are expected to be screened in primary care settings for mental health and substance abuse problems; those in need will receive treatment in either the referral model or the integrated model.

Specifically, the primary purpose of the Aging, MH/SA and Primary Care Program is to specify the conditions under which integrated and referral models are most effective in terms of access, adherence, consumer outcomes, and system outcomes. The multi-site study will focus on the impact of the treatment models on older adults with depression, anxiety, alcoholism, and alcohol abuse with other drugs, and combinations of the above disorders. It highlights prevention, early identification, early intervention, and brief treatment components of service models; it incorporates a consumer-oriented approach throughout all phases of the study, and cultural competence in all study instruments and methods for a variety of ethnic older populations. This study will seek to expand our knowledge, using the most rigorous available scientific methods available, by measuring the relative effectiveness of service models.

In this context, this study intends to evaluate the role of the providers in the treatment of these older adults with MH/SA disorders, both the Primary Care Providers (PCPs) and MH/SA Providers. Therefore, it is proposed to use a questionnaire called a Providers Survey to survey both PCPs and MH/SA Providers to determine their perceptions, attitudes and beliefs about providing these services to older adults under the two service delivery models.

Analysis of this information will assist SAMHSA in documenting

communication patterns with, attitudes towards, and perceptions of older adults participants in the study, permitting some understanding of the provider-older adult interactions. In addition, there may be important differences between the integrated and referral service delivery models in the interaction between the PCP and MH/SA Providers. These two sets of interactions may, in turn, have a direct effect or moderating effect on the effectiveness of the service delivery models.

The Provider Survey will be used one time as a part of Process Evaluation at the time of site visits to the 11 Study Sites in the spring of 2001. Outside, formal comparison groups are not needed, as the main comparisons will be made of the integrated and referral models within each study site.

The 11 Study Sites expect to survey approximately 312 providers for this study, including 158 PCPs and 154 MH/SA Providers. The chart below summarizes complete burden for this project.

Respondent type	Number of respondents	Responses/respondent	Average burden/response (hours)	Annual burden (hours)
Primary care providers .....	158	1	0.133	21
Mental health/substance abuse providers .....	154	1	0.133	20
Total .....	312	.....	.....	41

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16-105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 20, 2000.

**Richard Kopanda,**

*Executive Officer, SAMHSA.*

[FR Doc. 00-24626 Filed 9-25-00; 8:45 am]

**BILLING CODE 4162-20-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4563-N-15]

**Notice of Proposed Information Collection for Public Comment; Police Department Accreditation Under the Public Housing Drug Elimination Program (PHDEP)**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* November 27, 2000.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB

Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410-5000.

**FOR FURTHER INFORMATION CONTACT:**

Mildred M. Hamman, (202) 708-3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Police Department Accreditation under the PHDEP.

*OMB Control Number:* 2577-0124.

*Description of the need for the information and proposed use:* Public Housing Agencies (PHAs) that intend to use PHDEP funds to support their police activities must be accredited by their State accreditation program, if one exist, or receive accreditation nationally from the Commission on Accreditation for Law Enforcement Agencies (CALEA). New and existing PHA police departments who have not been approved and want to use PHDEP funds for police services must submit a letter and supporting documents to HUD for approval.

*Agency form number:* None.

*Members of affected public:* State or Local government.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* 13 PHA police departments are currently established, accreditation certification/letter, 25 minutes per response, total burden hours 3.25; HUD expects that no more than seven new PHA police departments will be established. Seven responses, annually, two hours per response, total burden hours 14. Total reporting burden for new and established PHA police departments will be 17.25 hours.

*Status of the proposed information collection:* Revision.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 19, 2000.

**Harold Lucas,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 00-24614 Filed 9-25-00; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF THE INTERIOR

### Species at Risk Program

**AGENCY:** U.S. Geological Survey.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Geological Survey is announcing the availability of funds through the Species at Risk Program (SAR). The basic purpose of SAR is to fund short-term research and assessment projects to generate information that allows development of conservation agreements, action plans, and management alternatives that provide for the protection of flora and fauna and their habitats and thereby reduce the need for listing species as threatened or endangered.

**DATES:** Information packages describing requirements for participation in this program will be available upon request until November 2, 2000. Pre-proposals are due to the address below by November 3, 2000.

**ADDRESSES:** Parties interested in this program should request an information package from: Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 301, Reston, VA 20192 ATTN: Dr. Al Sherk.

**FOR FURTHER INFORMATION CONTACT:** Dr. Al Sherk, Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 301, Reston, VA 20192; Al\_Sherk@usgs.gov; or 703-648-4076.

#### SUPPLEMENTARY INFORMATION:

#### Purpose

Species at Risk (SAR) is a program that develops scientific information on the status of sensitive species or groups of species, particularly with respect to the relationship of species abundance and distribution to habitat conditions and environmental stresses. The basic purpose of SAR is to generate information that allows the development of conservation agreements, action plans, management alternatives, etc., to provide for the protection of species and their habitats and thereby preclude the need for listing species as threatened or endangered.

The initiative provides an opportunity for scientists to participate through survey and research activities. Projects are specifically intended to be of short

duration and should seek to optimize partnerships with Federal agencies, states, universities, and the private sector. Successful SAR projects are often conducted by investigators who have identified key, small but critical gaps in our biological knowledge. Projects provide resource managers, regulators, and private landowners with usable information for which prudent resource management decisions can be based. Projects must be new, self-contained work designed to be completed, including the final report, within 18 months.

Projects must focus on species or groups of species for which there is concern but limited information. Projects that focus on groups of species within the same habitat or ecosystem are encouraged. Projects should identify or develop new information that will reduce the need for a formal listing under the Endangered Species Act of 1972, as amended. Regional and national offices of the U.S. Fish and Wildlife Service have provided a list of species or groups and their management needs. Projects must focus on these species or groups and demonstrate how they support management needs. Principal investigators are encouraged to communicate directly with USFWS regional contacts before project submission.

This program is conducted in furtherance of the Secretary's obligations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, as amended) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e, as amended).

#### B. Background

The U.S. Geological Survey gathers and analyzes biological information and serves as an information clearinghouse, providing broad access to the widest possible range of factual data on the status and trends of the Nation's biota and the potential effects of land management choices. This information serves public and private landowners who are interested in sustaining biological resources. It also provides understanding to help avoid conflicts that can both impede development and degrade natural habitats.

The Species at Risk Program will develop scientific information and alternatives to assist Federal, State, and other land managers in their decisions regarding the protection of sensitive species and habitats.

#### C. Availability of Funds

Through this program, pre-proposals are invited for funding in Fiscal Year 2001 from non-Federal research,

scientific or technical organizations. Total funding anticipated for the fiscal year is approximately 370,000. Monies will be provided to successful applicants on a competitive basis. There is no minimum project cost; the maximum project cost will be \$80,000.

Funds for this program are not currently available. Funding of the program is contingent on a Fiscal Year 2001 appropriation.

#### D. Eligibility Requirements

Under the terms specified in the information package, pre-proposals will be accepted from State agencies, private and industry groups, academic institutions, and Native American Tribes and Nations. Pre-proposals will be evaluated in light of their relevance to an identified management need, partnership opportunities, potential for providing useful information to resource managers, potential for conservation agreements, possibilities for cost sharing, and demonstration of successful completion within 18 months of date of initiation. Possible selectees will then be invited to submit a full project proposal for scientific peer review and consideration of funding.

#### E. Application Process

Parties interested in participating in this program should request an information package that will include detailed application forms, proposal format requirements, etc., from:

*Mail:* Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 301, Reston, VA 20192, Attn: Dr. Al Sherk

*or E-Mail:* AlSherk@usgs.gov  
*or Call:* (703)648-4076.

#### F. Dates

Notice of interest in this program must be received by November 2, 2000.

**Susan D. Haseltine,**

*Associaite Chief Biologist for Science.*

[FR Doc. 00-24593 Filed 9-25-00; 8:45 am]

BILLING CODE 4310-Y7-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-104-1430-DE: GPO-0304]

#### Final Environmental Impact Statement (FEIS)—North Bank Habitat Management Area (NBHMA)

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** Notice is given that the Bureau of Land Management (BLM),

Roseburg District, has prepared an FEIS that describes and analyzes the environmental impacts of management on the 6,580 acre North Bank Habitat Management Area. The action alternatives respond to the need for managing habitats on the NBHMA to maintain or enhance Columbia white-tailed deer (a Federally listed "endangered" species), as well as rare plants and other sensitive species of wildlife; the need to restore and maintain water quality; and the need to manage lands in accordance with existing land use plan decisions. The EIS also identifies recreational opportunities and habitat restoration opportunities. The action alternatives propose different levels of a variety of management actions including: planting, seeding, in-stream restoration, upland watershed restoration, development of water sources, development of forage plots, and the maintenance or enhancement of habitat through burning, fertilization, mowing and grazing. The FEIS analyzes impacts of implementing three alternatives. The alternatives include: (A) no action alternative, (B) a passive and less active approach to management, and (C) an active management alternative (preferred). The effect of this action would be to meet criteria in the Recovery Plan required for delisting the Columbian white-tailed deer.

As a result of public comment and staff review of the Draft EIS (DEIS), the FEIS was written to clarify presentation and provide greater detail of proposed activities. Alternative B was modified to present an alternative that would take a less intrusive and more passive approach to management. Additional detail and analysis of environmental effect was also included in order to address those issues raised during public review of the draft.

The NBHMA is approximately five miles east of Wilbur, Oregon on County Road 200 (North Bank Road).

**DATES:** A thirty day (30) day public review period for this document will be provided commencing on September 22, 2000 (the date of publication of the EPA Notice).

**ADDRESSES:** Request for copies should be addressed to the Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470; Attention NBHMA Project.

**FOR FURTHER INFORMATION CONTACT:** Ralph Klein (Team Lead) 541-440-4930.

**SUPPLEMENTARY INFORMATION:** (1) The EIS was written in cooperation with the

Oregon Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. (2) The EIS is available on the Roseburg District web site ([www.or.blm.gov/roseburg](http://www.or.blm.gov/roseburg)).

Dated: September 1, 2000.

**Jay K. Carlson,**

*Field Manager.*

[FR Doc. 00-24601 Filed 9-22-00; 10:45 am]

**BILLING CODE 4310-33-P**

---

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-930-1310-01; TXNM 100592]

#### New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease TXNM 100592 for lands in Wise County, Texas, was timely filed and was accompanied by all required rentals and royalties accruing from April 1, 2000, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$5.00 per acre or fraction thereof and 16 $\frac{2}{3}$  percent, respectively. The lessee has paid the required \$500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective April 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

#### FOR FURTHER INFORMATION CONTACT:

Gloria S. Baca, Bureau of Land Management, New Mexico State Office, (505) 438-7566.

Dated: September 14, 2000.

**Gloria S. Baca,**

*Land Law Examiner.*

[FR Doc. 00-24686 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-FB-M**

---

## DEPARTMENT OF THE INTERIOR

### National Park Service

**ACTION:** Chaco Culture National Historical Park; Transfer of Administrative Jurisdiction Over Certain Lands

**DATES:** The effective date of this Order shall be the date of publication in the **Federal Register**.

**SUMMARY:** Title V of the Act of December 19, 1980, Pub. L. No. 96-550, 94 Stat. 3227, codified as amended at 16 U.S.C. 410ii through 410ii-7 (1994), abolished Chaco Canyon National Monument and established an enlarged park known as Chaco Culture National Historical Park in northwestern New Mexico. Within the enlarged park boundaries were 1,755.40 acres of land, more or less, owned by the State of New Mexico. On March 31, 2000, the Bureau of Land Management acquired the 1,755.40 acres, in the name of the United States, in a land exchange with the State, along with additional lands outside the park. On August 14, 2000, the Bureau of Land Management advised that it was transferring administrative jurisdiction on the 1,755.40 acres to the National Park Service.

The lands and/or interests acquired by the Bureau of Land Management, subject to this notice, are designated as Tracts 01-154, 01-159, 01-168, and 01-174, within the park. Notice is hereby given that, as of the date of publication of this notice, administrative jurisdiction over the lands and/or interests in land, consisting of 1,755.40 acres, more or less, is formally transferred to the National Park Service.

Maps and legal descriptions of these particular lands are available for inspection at Chaco Culture National Historical Park Headquarters and the National Park Service, Land Resources Program Center, 2968 Rodeo Park Drive West, Santa Fe, New Mexico 87505.

Dated: August 31, 2000.

**Karen Wade,**

*Regional Director, Intermountain Region, National Park Service.*

[FR Doc. 00-24695 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-70-P**

---

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Petroglyph National Monument; Transfer of Administrative Jurisdiction Over Certain Lands

**DATES:** The effective date of this Order shall be the date of publication in the **Federal Register**.

**SUMMARY:** The Petroglyph National Monument Establishment Act of 1990, Pub. L. No. 101-313, 104 Stat. 272, established Petroglyph National Monument on the outskirts of Albuquerque, New Mexico. Within the monument's authorized boundaries

were certain lands owned by the State of New Mexico. On March 31, 2000, the Bureau of Land Management acquired those particular lands, in the name of the United States, in a land exchange with the State Land Office. On August 14, 2000, the Bureau of Land Management advised that it was transferring administrative jurisdiction on the said lands to the National Park Service.

The lands and/or interests acquired by the Bureau of Land Management, subject to this notice, are designated as Tract 101-05, within the boundaries of Petroglyph National Monument, consisting of 641.89 acres, more or less.

Notice is hereby given that, as of the date of publication of this notice, administrative jurisdiction over those lands and/or interests in land is formally transferred from the Bureau of Land Management to the National Park Service.

Maps and legal descriptions of these particular lands are available for inspection at Petroglyph National Monument Headquarters and the National Park Service, Land Resources Program Center, 2968 Rodeo Park Drive West, Santa Fe, New Mexico 87505.

Dated: August 31, 2000.

**Karen Wade,**

*Regional Director, Intermountain Region, National Park Service.*

[FR Doc. 00-24696 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Manzanar National Historic Site Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Manzanar National Historic Site Advisory Commission will be held at 9 a.m. on Monday October 2, 2000 at the Sierra Baptist Church Social Hall, 346 North Edwards Street (U.S. Highway 395), Independence, California, to hear presentations on issues related to the planning, development, and management of Manzanar National Historic Site.

The Advisory Commission was established by Public Law 102-248, to meet and consult with the Secretary of the Interior or his designee, with respect to the development, management, and interpretation of the site, including preparation of a general management plan for the Manzanar National Historic Site.

Members of the Commission are as follows:

Rose Ochi, Chairperson  
William Michael, Vice Chairperson  
Keith Bright  
Martha Davis  
Sue Kunitomi Embrey  
Gann Matsuda  
Vernon Miller  
Mas Okui  
Dennis Otsuji  
Glenn Singley  
Richard Stewart

The main agenda will include:

- Status reports on the development of Manzanar National Historic Site by Superintendent Debbie Bird;
- General discussion of miscellaneous matters pertaining to future Commission activities and Manzanar National Historic Site development issues;
- Public comment period.

This meeting is open to the public. It will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Commission. For a copy of the minutes, contact the Superintendent, Manzanar National Historic Site, PO Box 426, Independence, CA 93526.

Dated: September 8, 2000.

**Misty Knight,**

*Acting Superintendent, Manzanar National Historic Site.*

[FR Doc. 00-24652 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 16, 2000. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by October 11, 2000.

**Carol D. Shull,**

*Keeper of the National Register.*

### COLORADO

#### Gunnison County

Rimrock School, (Rural School Buildings in Colorado MPS), Cty. Rd. 24, Sapinero, 00001195

### Park County

Wahl Ranch, (Ranching Resources of South Park, Colorado), US 285 and Lost Park Rd., Jefferson, 00001194

### FLORIDA

#### Hillsborough County

Old People's Home, 1203 E. 22nd Ave., Tampa, 00001198

#### Leon County

Smoky Hollow Historic District, Roughly bounded by E. Lafayette St., CSX RR tracks, Myers Park and Myers Park Ln., Tallahassee, 00001199

### IOWA

#### Fayette County

Abraham Lincoln Statue and Park, Jct. of Mill and Stone, Clermont, 00001197, Church of the Savior Episcopal Church and David Henderson Statue, Jct. of Mill and Thompson, Clermont, 00001196

### LOUISIANA

#### Caddo Parish

Ogilvie Hardware Company Building, 217 Jones St., Shreveport, 00001210

### MAINE

#### Lincoln County

Dresden Town House, 391 Middle Rd., Dresden Mills, 00001204

#### Oxford County

McLaughlin House and Garden, 97 Main St., South Paris, 00001202, Upton Grange No. 404 (Former), Jct. of ME 26 and Mill Rd., Upton, 00001206

#### Piscataquis County

Free Will Baptist Church (Former), Jct. of High St. and Highland Ave., Milo, 00001205

#### Washington County

Main St. at jct. with Church Hill Circle, Columbia Falls, Columbia Falls, 00001203

### MARYLAND

#### Caroline County

Memory Lane, 24700 Williston Rd., Denton, 00001200

### MASSACHUSETTS

#### Worcester County

Wickaboag Valley Historic District, Roughly bounded by Wickaboag Pond, Mill Stone Rd., Madden Rd., and New Braintree Border, West Brookfield, 00001201

### N. MARIANA ISLANDS

#### Saipan Municipality

Laulau Kattan Latte Site, Address Restricted, Kagman III Homestead, 00001212

### NEVADA

#### Washoe County

Whittell Estate, 5000 NV 28, Incline Village, 00001207

**NEW YORK****Suffolk County**

Shinnecock Hills Golf Club, Bet. Cty Rd. and Sebonac Rd., Southampton, 00001211

**NORTH CAROLINA****Forsyth County**

Snyder, John Wesley, House, 2715 Old Salisbury Rd., Winston-Salem, 00001209

**Surry County**

Renfro Mill, Jct. of Willow and Oak Sts., Mount Airy, 00001208

**SOUTH DAKOTA****Clark County**

Bradley First Lutheran Church, 3 mi. SW of Bradley, Bradley, 00001213

**Hamlin County**

Hamlin County Courthouse, (County Courthouses of South Dakota MPS) 300 4th St., Hayti, 00001225

**Hughes County**

Upper Pierre Street Commercial Historic District, Roughly bounded by E. Capitol Ave. and S. Pierre St., Pierre, 00001215

**Lake County**

Lake Madison Lutheran Church, 5.5 mi. SE of Madison, Madison, 00001220

**Minnehaha County**

DeLong, Harrison, House, 621 S. Main, Sioux Falls, 00001221

Dell Rapids Residential Historic District, Roughly bounded by Orleans Ave., 4th St., and 7th St., Dell Rapids, 00001224

Williams Piano Company House, 1019 S. Norton, Sioux Falls, 00001223

**Moody County**

Crystal Theatre, 215 E. Second Ave., Flandreau, 00001214

**Spink County**

Bruell, William F., House, Address Restricted, Redfield, 00001222

**Turner County**

Centerville Township Bridge Number S-18, (Stone Arch Culverts in Turner County, South Dakota MPS) 294th St., Centerville, 00001216

Childstown Township Bridge Number S-15 (Stone Arch Culverts in Turner County, South Dakota MPS) 282nd St., Childstown, 00001217

Germantown Township Bridge S-29 (Stone Arch Culverts in Turner County, South Dakota MPS) 278th St., Germantown, 00001219

Salem Township Bridge Number E-1 (Stone Arch Culverts in Turner County, South Dakota MPS) 446th St., Salem, 00001218

**WYOMING****Albany County**

Flying Horseshoe Ranch, 156 Dinwiddie Rd., Centennial, 00001226

A Request for REMOVAL has been made for the following resources:

**NEVADA****Carson City (Independent City)**

Virginia and Truckee Railroad Shops, Stewart & Plaza Sts., Carson City, 77001508

**Clark County**

Las Vegas Hospital, 201 N. 8th St., Las Vegas, 87001340

Whitehead, Stephen R., House, 333 N. 7th St., Las Vegas, 87001341

**Humboldt County**

Nixon Opera House, Winnemucca Blvd. and Melarky St., Winnemucca, 83001110

**Nye County**

Smith, J.E., Stone Duplex, 415 Florence, Tonopah, 82003245

**Washoe County**

Bell Telephone Building, (Architecture of Fredrick J. Delonchamps TR), 100 N. Center St., Reno, 86002260

Mapes Hotel and Casino, 10 N. Virginia St., Reno 84002081

Odd Fellows Building, 133 N. Sierra St., Reno, 78001730

Riverside Mill Company Flour Mill, 345 E. 2nd St., Reno, 82003239

[FR Doc. 00-24697 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-70-P**

**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 American Museum of Natural History, New York, NY**

**AGENCY:** National Park Service, Interior.

**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 American Museum of Natural History, New York, NY.

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 American Museum of Natural History professional staff in consultation with representatives of the Klamath Indian

Tribe of Oregon and the Modoc Tribe of Oklahoma.

In 1891, human remains representing a minimum of one individual were collected by an unknown person, possibly D. Ream, M.D., from Linkville (Klamath Falls) (?), Klamath County (?), OR (?). The human remains were acquired by the American Museum of Natural History in 1896 as a purchase from the Giffort brothers. No known individual was identified. No associated funerary objects are present.

This individual has been identified as Native American based on museum documentation. The documentation also indicates that these human remains are Modoc, but does not indicate the age of the remains.

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of one individual of Native American ancestry. Officials of the American Museum of Natural History 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 Klamath Indian Tribe of Oregon and the Modoc Tribe of Oklahoma.

This notice has been sent to officials of the Klamath Indian Tribe of Oregon and the Modoc Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024-5192, telephone (212) 769-5846, before October 26, 2000. Repatriation of the human remains to the Klamath Indian Tribe of Oregon and the Modoc Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: September 19, 2000.

**John Robbins,**

*Assistant Director, Cultural Resources Stewardship and Partnerships.*

[FR Doc. 00-24651 Filed 9-25-00; 8:45 am]

**BILLING CODE 4310-70-F**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree for Recovery of Past Response Costs Under Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that on September 11, 2000, a proposed Consent Decree in *United States v. Midwest Farmers Cooperative*, Civil Action No. C00-4098, was lodged with the United States District Court for the Northern District of Iowa.

In this action, the United States seeks recovery from Midwest Farmers Cooperative ("CO-OP") of costs incurred by the United States in responding to releases of hazardous substances at the Farmers Mutual Cooperative Superfund Site located in Hospers, Iowa, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607, *as amended*.

Under the Consent Decree, Midwest will pay \$165,000 to the EPA Hazardous Substance Superfund in reimbursement of approximately \$350,000 in past response costs incurred by the United States, plus an additional \$50,380.55 in interest.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Midwest Farmers Cooperative*, DOJ # 90-11-3-06463.

The Consent Decree may be examined at the Office of the United States Attorney, 401 First Street SE, Cedar Rapids, Iowa, 52401; at EPA Region VII, 901 N. 5th Street, Kansas City, KS, 66101; or can be obtained by mail from the Consent Decree Library, P.O. Box 7611, United States Department of Justice, Washington, D.C., 20044-7611. In requesting a copy, please enclose a check of \$6.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Bruce S. Gelber,**

*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 00-24603 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Synergy Development, Inc.*, Civil Action No. 1:00cv416, (S.D. Miss.), was lodged with the *United States v. Synergy Development, Inc.* on August 31, 2000. This proposed Consent Decree concerns a complaint filed by the United States against Synergy Development, Inc., pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344 and imposes civil penalties against the Defendants for the unauthorized discharge of dredged or fill material into waters of the United States in connection with the construction of a detention pond off Popps Ferry Road, Biloxi, Harrison County, Mississippi.

The proposed Consent Decree requires the payment of civil penalties in the amount of \$75,000 and prohibits the discharge of pollutants into the waters of the United States.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Crockett Lindsey, United States Attorney's Office, 808 Vieux Marche 2nd Floor, Biloxi, Mississippi 39530 and refer to *United States v. Synergy Development, Inc.*

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Mississippi, 725 Martin Luther King, Jr. Blvd. Suite 243, Biloxi Mississippi 39530.

Dated: September 5, 2000.

**Brad Pigott,**

*U.S. Attorney,*

**Crockett Lindsey,**

*(MSB 1265), Assistant United States Attorney, 808 Vieux Marche, 2nd Fl., Biloxi, MS 39530, (228) 432-5521.*

[FR Doc. 00-24602 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Antitrust Division****United States v. American Society of Composers, Authors and Publishers**

Notice is hereby given that on September 5, 2000 a proposed Second Amended Final Judgment, Stipulation and Memorandum in Support were filed with the United States District Court for

the Southern District of New York in *United States of America v. American Society of Composers, Authors and Publishers*, Civil Action No. 13-95. On February 26, 1941, the United States filed a Complaint alleging that the collective licensing activities of ASCAP violated Section 1 of the Sherman Act, 15 U.S.C. 1. The original Final Judgment, filed the same time as the Complaint, required ASCAP to grant licenses for performing rights on request and to provide per program licenses. The judgment was substantially amended March 14, 1950 (the Amended Final Judgment or AFJ) and again January 7, 1960 with entry of the "1960 Order." Also on March 14, 1950, a separate decree was entered in *United States of America v. American Society of Composers, Authors and Publishers*, Civil Action 42-245 (the "Foreign Decree"). That decree, as amended in 1997, prohibits ASCAP from entering into exclusive agreements with foreign performing rights organizations. The proposed Second Amended Final Judgment would update licensing requirements and the provisions addressing relationships between ASCAP and its members, and incorporate provisions of the Foreign Decree. Upon entry of the Second Amended Final Judgment, the 1960 Order, the Amended Final Judgment and Memorandum in Support are available for inspection at the Department of Justice in Washington, DC in Room 215, 325 Seventh Street, NW. and at the Office of the Clerk of the United States District Court for the Southern District of New York, New York. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Public comment is invited within 60 days of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to James Wade, Chief, Civil Task Force, Antitrust Division, Department of Justice, Washington, DC 20530, (202) 616-5935.

**Mary Jean Moltenbrey,**

*Director, Civil Non-Merger Enforcement, Antitrust Division.*

[FR Doc. 00-24604 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

## Antitrust Division

**United States v. American Stock Exchange, LLC, et al., Proposed Order, Stipulation and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Order, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States v. American Stock Exchange, LLC, et al.*, Case No. 1:00CV02174.

The Complaint, filed on September 11, 2000, alleges that, starting sometime in the early 1990s, the defendant exchanges, the American Stock Exchange, L.L.C., the Chicago Board Options Exchange, Inc., the Pacific Exchange, Inc. and the Philadelphia Stock Exchange, Inc., agreed not to list equity option classes that were listed already on another exchange, in violation of Section 1 of the Sherman Act, as amended, 15 U.S.C. 1. The SEC had determined in the late 1980s that competition among exchanges for equity options would benefit investors, in part by narrowing spreads (the difference between the best quoted price to buy and the best quoted price to sell an option), and repealed rules that had previously limited the listing of certain option classes to a single exchange. The revised SEC rules prohibited the exchanges from maintaining any rule, stated policy, practice or interpretation that precluded the multiple listing of options. Rather than conform to the directives of the SEC, the defendant exchanges reached an understanding between and among one another to refrain from listing equity options classes that were already listed on another exchange. As a result, many frequently traded equity options were traded only on one exchange from the early 1990s until at least the summer of 1999, thereby depriving investors of the benefits of competition. The Complaint also alleges that the exchanges enforced the agreement in various ways, including threatening and harassing exchanges and market makers that desired to multi-list options classes and jointly limiting capacity of systems that disseminate options information for the purpose of deterring listing competition.

If entered by the Court, the proposed Order, filed the same time as the Complaint, prohibits the exchanges from entering into, continuing, or reinstating their listing agreement in any form; from threatening, harassing, or

intimidating exchanges or exchange members that seek to multi-list an option class; and from maintaining rules or policies that prohibit multiple listing. The proposed Order requires the exchanges to provide reports relating to listing decisions and allegations of harassment or intimidation to the Department and to put antitrust compliance procedures in place.

Copies of the Complaint, proposed Order, Stipulation, and Competitive Impact Statement are available for inspection at the Department of Justice, Washington, D.C. in Room 215, 325 Seventh Street, NW. (Telephone: (202) 514–2481) and at the Office of the Clerk of the United States District Court for the District of Columbia, Washington, DC. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Public comment is invited within the statutory 60-day period commencing with the publication of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Nancy Goodman, Chief, Computers and Finance Section, Antitrust Division, U.S. Department of Justice, 600 E. Street, NW., Room 9500, Washington, DC 20530 (Telephone: (202) 307–6200).

**Mary Jean Moltenbrey**,  
*Director of Civil Non-Merger Enforcement,*  
*Antitrust Division.*

**Stipulation**

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

(1) The parties stipulate that a Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

(2) Defendants shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation, comply with all the terms and provisions of the proposed Final Judgment as though the same were in

full force and effect as an order of the Court.

(3) This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

(4) For purposes of this Stipulation and the accompanying Final Judgment only, defendants stipulate that (i) the Complaint states a claim upon which relief may be granted under Section 1 of the Sherman Act;<sup>1</sup> (ii) the Court has jurisdiction over the subject matter of this action and over each of the parties hereto; and (iii) venue of this action is proper in this Court.

(5) In the event plaintiff withdraws its consent, as provided in paragraph (1) above, or in the event that the Court declines to enter the proposed Final Judgment pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

(6) Defendants represent that the undertakings ordered in the proposed Final Judgment can and will be satisfied, and that defendants will not later raise claims of hardship or difficulty as grounds for asking the Court to modify any of the undertakings contained therein.

Dated: September 6, 2000.

For Plaintiff United States of America

Joel I. Klein,  
*Assistant Attorney General.*

John M. Nannes,  
*Deputy Assistant Attorney General.*

Mary Jean Moltenbrey,  
*Director of Civil Non-Merger Enforcement.*

Nancy M. Goodman,  
*Chief, Computers & Finance Section.*

George S. Baranko,  
*D.C. Bar No. 288407.*

John D. Worland, Jr.,  
*D.C. Bar No. 427797.*

John H. Chung, Molly L. DeBusschere,  
Catherine E. Fazio, Richard L. Irvine, Joshua  
H. Soven,  
*Attorneys, Computers & Finance Section,*  
*U.S. Department of Justice, Antitrust*

<sup>1</sup> Plaintiff believes that its Complaint states a claim upon which relief may be granted. Defendants disagree, but to resolve this matter and for purposes of this Stipulation and the Final Judgment only, have agreed not to contest that the Complaint states a claim upon which relief may be granted.

Division, 600 E. Street, N.W., Suite 9500,  
Washington, D.C. 20530, (202) 307-6200.  
Date Signed: September 6, 2000.

For Defendant American Stock Exchange,  
LLC.:

Shepard Goldfein, Esq.,  
Skadden Arps, Slate, Meagher & Flom LLP,  
Four Times Square, New York, NY 10036,  
(212) 735-3620.

Date Signed: September 6, 2000.

For Defendant Chicago Board Options  
Exchange, Incorporated:

Mark C. Schechter, Esq.,  
Howery, Simon, Arnold & White, 1299  
Pennsylvania Ave., N.W., Washington, DC  
20004-2402, (202) 383-6890.

Date Signed: September 7, 2000

For Defendant Pacific Exchange, Inc.:

Bruce Coolidge, Esq.,  
Wilmer, Cutler & Pickering, 2445 M Street,  
N.W., Washington, DC 20037, (202) 663-  
6000.

Date Signed: September 7, 2000.

For Defendant Philadelphia Stock  
Exchange, Inc.:

Jonathan M. Rich, Esq.,  
Morgan, Lewis & Bockius LLP, 1800 M Street,  
N.W., Washington, DC 20036-5869, (202)  
467-7433.

Date Signed: September 6, 2000.

## Final Judgment

Plaintiff, United States of America, filed its complaint on September 11, 2000. Plaintiff and defendants, by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law. This Final Judgment shall not be evidence against or an admission by any party of any issue of fact or law.

Therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby *Ordered, Adjudged and Decreed* that:

### I. Jurisdiction

This Court has jurisdiction over the subject matter of and the parties to this action. The complaint states a claim upon which relief may be granted under Section 1 of the Sherman Act, 15 U.S.C. 1. Venue is proper in the District Court for the District of Columbia.

### II. Definitions

As used in this Final Judgment:

1. "Any" means one or more.
2. "Ask" means the quoted price at which a person offers to sell an option.
3. "Authorized by SEC personnel" means (a) conduct that has been explicitly described in the SEC in writing, and about which the SEC has stated, in a writing signed by a person at the Director level or higher, that it has no objection to such conduct or otherwise approves it; or (b) conduct the

SEC has expressly requested by undertaken in a writing signed by a person at the Director level or higher.

4. "Bid" means the quoted price at which a person offers to buy an option.

5. "Equity option" means an option on the shares of a single underlying corporate entity, and does not include an option on an index of securities or options on shares of exchange-traded funds, such as index fund shares, Unit Investment Trust shares or Portfolio Depository Receipts.

6. "Exchange" means any exchange in the United States that is registered under Section 6 of the Securities Exchange Act, and that provides (or begins to provide at any time during the term of this Final Judgment or has submitted an application to the SEC for authority to begin to provide) a venue (including an electronic venue) for buying and selling options issued by the OCC.

7. "List" means to certify to the OCC that an option contract, option class or option series meets applicable standards for the purpose of buying or selling an option contract, class or series.

8. "Market maker" means a person who is registered with an exchange for the purpose of buying or selling options as a dealer or specialist on an exchange, including a person acting as a specialist, primary market maker or designated market maker.

9. "Member" means a person, partnership, corporation, or other organization that has been granted trading privileges on an exchange.

10. "OCC" means the Options Clearing Corporation, each of its successors, divisions, subsidiaries, and affiliates, and all present officers, directors, employees, agents, consultants, or other persons acting for or on behalf of any of them.

11. "Option" means a contract that gives the holder the right either to buy or sell a specified amount or value of a particular underlying interest at a fixed exercise price by exercising the option before its specified expiration date.

12. "Option class" means all option contracts of the same type (call or put) and style covering the same underlying interest.

13. "Option series" means all option contracts of the same class having the same unit of trading, expiration date, and exercise price.

14. "Or" means and/or.

15. "SEC" means the United States Securities and Exchange Commission.

16. "Spread" means the difference between a bid and an ask for the same option series at the same time.

17. "Trade" means the business of buying or selling option contracts, classes or series.

18. "Underlying interest" means any of the following interests: equity securities, stock indexes, government debt securities, and foreign currencies.

### III. Applicability

This Final Judgment applies to each defendant and to each of its officers, directors, governors, successors, and assigns and to any employee or agent, including exchange members of any committee of defendant whose duties or responsibilities include selecting option classes to be listed, developing new option products or surveillance, enforcement or ensuring compliance with laws and regulations, and applies to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. Nothing in this Final Judgment creates any rights for, or gives standing to, any person not a party to this action.

### IV. Prohibited Conduct

A. Except as provided in Section V, each defendant is enjoined and restrained from, directly or indirectly:

- (1) Agreeing with any other exchange that any equity option class shall be traded exclusively on any one exchange;
- (2) Agreeing with any other exchange to allocate trading of any equity option class or classes between or among exchanges; and

(3) Agreeing with any other exchange to require, prevent, or limit the listing, delisting or trading of any equity option class.

B. Except as provided by Section V, no defendant shall maintain any rule, policy, practice, or interpretation that directly prohibits, or that has a purpose and an effect of indirectly prohibiting, it from listing any equity option class because that option class is listed on another exchange.

C. Except as provided in Section V, each defendant is enjoined and restrained from threatening to retaliate, retaliating against, harassing or intimidating any exchange or any member of any exchange because it:

(1) Proposes or begins to list or trade any equity option class on any exchange;

(2) Seeks to increase the capacity of any options exchange or the options industry to disseminate quote or trade data; or

(3) Seeks to introduce new equity option products. For purposes of this Section, listing an option that is listed on another exchange or exchanges shall

not constitute retaliation, harassment or intimidation against such exchange or exchanges.

#### V. Exceptions

Nothing in this Final Judgment shall be construed to:

A. Enjoin or prohibit conduct expressly permitted by statute, SEC rule, SEC order, or exchange rule made legally effective by formal filing with the SEC and satisfaction of appropriate SEC process, or authorized by SEC personnel.

B. Enjoin or prohibit any defendant from making unilateral business decisions, reflecting independent business judgment based upon factors set forth in SEC approved rules, regarding whether to list or delist an option class, whether to introduce a new option product, or whether to increase or decrease capacity to list option classes.

C. Address the legality of a merger, or acquisition of another exchange, or a legitimate joint venture between a defendant exchange and a non-defendant.

D. Enjoin or prohibit conduct protected by the doctrine established in *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961), and its progeny.

E. Enjoin or prohibit any exchange member or market maker from unilaterally setting the spreads, quantities or prices at which such member or market maker will trade any option.

F. Enjoin or prohibit any exchange member or market maker from communicating to any person the spreads, quantities or prices at which it is willing to trade any option, for the purpose of exploring the possibility of a purchase or sale of such option, or to negotiate for or agree to such purchase or sale.

G. Enjoin or prohibit any defendant from engaging in actions necessary to surveillance and enforcement activities undertaken pursuant to the Amended and Restated Agreement, dated June 20, 1994, defining, governing, and regulating the Intermarket Surveillance Group and any amendment or successor to the Intermarket Surveillance Group agreement.

#### VI. Required Conduct

Each defendant is ordered to initiate and maintain an antitrust compliance program which shall include designating, within sixty (60) days of the entry of this Final Judgment, an Antitrust Compliance Officer, who shall be responsible for establishing and maintaining an antitrust compliance

program designed to provide reasonable assurance of compliance with this consent judgment and with the federal antitrust laws by the defendant in connection with operating a venue for options trading. The Antitrust Compliance Officer shall also:

A. Distribute, within thirty (30) days from the entry of this Final Judgment or designation of the Antitrust Compliance Officer, whichever is later, a copy of this Final Judgment to: (i) all members of the board of directors or governors of the defendant; (ii) all officers of the defendant; (iii) all employees of the defendant whose duties or responsibilities include selecting option classes to be listed, developing new options products, surveillance, enforcement or ensuring compliance with laws and regulations; and (iv) all members of any committee of the defendant whose duties or responsibilities include selecting option classes to be listed, developing new options products or surveillance, enforcement or ensuring compliance with laws and regulations;

B. Distribute within thirty (30) days of appointment or assignment a copy of this Final Judgment to: (i) any person who becomes a member of the board of directors or governors of the defendant; (ii) any person who becomes an officer of the defendant; (iii) any person who becomes an employee of the defendant whose duties or responsibilities include selecting option classes to be listed, developing new options products, surveillance, enforcement or ensuring compliance with laws and regulations; and (iv) any person who becomes a member of any committee of the defendant whose duties or responsibilities include selecting option classes to be listed, developing new options products, or surveillance, enforcement or ensuring compliance with laws and regulations;

C. Brief annually those persons designated in paragraphs A and B of this subsection on the meaning and requirements of the federal antitrust laws in connection with operating a venue for trading options and of this Final Judgment and inform them that the Antitrust Compliance Officer or a designee of the Antitrust Compliance Officer is available to confer with them regarding compliance with such laws and with this Final Judgment;

D. Obtain from each person designated in paragraphs A and B of this subsection an annual written certification that he or she: (a) has read and agrees to abide by the terms of this Final Judgment; and (b) has been advised and understands that noncompliance with this Final

Judgment may result in his or her being found in civil or criminal contempt of court; and

E. Maintain a record of persons to whom this Final Judgment has been distributed and from whom the certification required by paragraph D of this Section has been obtained.

#### VII. Certifications

Within ninety (90) days after entry of this Final Judgment, each defendant shall certify to the Court and to the Assistant Attorney General in charge of the Antitrust Division that the defendant: (a) has designated an Antitrust Compliance Officer, specifying his or her name, business address, and telephone number; and (b) as distributed this Final Judgment, briefed the appropriate persons, and obtained certifications, as required by Section VI.

#### VIII. Plaintiff's Access

A. For the sole purpose of determining or securing compliance with this Final Judgment, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant at its principal office, be permitted:

(1) Reasonable access during office hours of such defendant to inspect and copy all records and documents, excluding individual customer records, in the possession or under the control of such defendant, which may have counsel present, and which relate to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from the defendant, to interview officers, employees, or agents of such defendant, each of whom may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to any defendant, such defendant shall submit such written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. Each defendant shall submit an annual report, in a form acceptable to the Antitrust Division, identifying:

(1) Each request made in accordance with its rules to list an option and what action, if any, was taken; and

(2) Each allegation of harassment or threats in possible violation of Section IV.C about which it is aware and what action the defendant took to investigate the allegation.

D. Each defendant shall submit a semi-annual report, in a form acceptable to the Antitrust Division, setting out each listing of a new option and each delisting of an option that occurred during that period.

E. Each defendant shall submit to the Antitrust Division a copy of any filing or submission to the SEC that relates to compliance (including any request for extension of time or for additional time for compliance) with Section IV, above, or Sections IV.B. (a), (b), (c), (h), or (j) of the Order Instituting Public Proceedings, Making Findings and Imposing Remedial Sanctions against defendants, Release No. 43268, issued by the SEC on September 11, 2000.

F. No information or document obtained by the means provided in Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, or the SEC, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

G. If at the time information or documents are furnished by any defendant to the United States, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 36(c)(7) of the Federal Rules of Civil Procedure," then the United States shall give such defendant ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

H. Each defendant shall have the right to claim protection from public disclosure, under the Freedom of Information Act, 5 U.S.C. 552, or any other applicable law or regulation, for any material submitted to the Antitrust Division under this Final Judgment. After appropriate consideration of such claim of protection, the Antitrust Division will either assert that the material is protected from disclosure under law or give such defendant ten (10) calendar days notice of its intent to disclose the material.

### IX. Jurisdiction Retained

Jurisdiction is retained by this Court to enable any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this final Judgment, for the enforcement or modification of any of its provisions, and for the punishment of any violation hereof.

### X. Expiration of Final Judgment

This Final Judgment shall expire ten (10) years from the date of entry.

### XI. Public Interest Determination

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_.

United States District Judge

### Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

### I. Nature and Purpose of the Proceeding

On September 11, 2000, the United States filed a civil antitrust Complaint alleging that the defendants had violated Section 1 of the Sherman Act, 15 U.S.C. 1. Defendants are option exchanges that provide a forum on which their members trade options. An option is the right either to buy or to sell a specified amount or value of a particular underlying interest (equity security, stock indices, government debt securities or foreign currencies) at a fixed exercise price by exercising the option before its specified expiration date. An equity option is one in which the underlying interest is an equity security. Since the early 1990s, exchanges have been permitted to list options or any equity security that meets certain listing criteria. The Complaint alleges that, beginning in the early 1990's, an agreement arose among the defendants to limit competition among themselves by not listing options that were already listed on another exchange.

On September 11, 2000, the United States and the defendants filed a Stipulation in which they consented to the entry of a proposed Final Judgment that requires defendants to eliminate the anticompetitive conduct identified in the Complaint. Specifically, the proposed Final Judgment prevents the defendants from allocating equity options between or among exchanges or

from agreeing that an equity option will be traded exclusively on any one exchange. The proposed Final Judgment also prohibits an exchange from maintaining any rule, policy, practice, or interpretation that directly prohibits, or that has the purpose and an effect or indirectly prohibiting, the multiple listing of equity options. Further, the Final Judgment enjoins defendants from retaliating, harassing or intimidating any exchange or member of an exchange for listing an equity option or introducing a new equity option product.

The United States and the defendants have agreed that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the Final Judgment would terminate the action except that the Court would retain jurisdiction to construe, modify, or enforce its provisions and to punish violations thereof.

Defendants have also reached an agreement with the Securities and Exchange Commission ("SEC" or "Commission") to resolve issues raised by that agency's investigation of the options industry. The SEC's investigation has been resolved through the SEC's issuance of an Order Instituting Public Administration Proceedings Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions against the defendants ("SEC Order"). SEC Release No. 43268, September 11, 2000. The SEC Order was issued essentially simultaneously with the filing of the Department's Complaint in this matter. The Department and the Commission cooperated in their investigations and coordinated the settlements of them. The SEC Order includes significant provisions that require changes in the ways exchanges interact and conduct business, which will correct some of the past practices of the exchanges that facilitated the multi-listing agreement and will ensure additional competition in these markets going forward.

### II. Description of the Events Giving Rise to the Alleged Violation

#### A. Background on Options Trading

Each defendant is independent and competes against the other defendants in listing options. Defendants provide a forum (commonly known as a "floor") on which their members trade options. Exchanges compete for orders by, among other things, offering lower transaction fees and higher quality services, including quicker execution and greater liquidity, than their competitors. In addition, exchange

members making a market in a particular option compete with other market makers, on that exchange and on other exchanges on which the option is listed, in the prices they offer to buy and sell options.

An exchange's quoted prices to buy and sell a given option are the best prices available from the multiple market makers on a floor of the exchange (referred to as a "crowd"). An exchange's quoted price to buy an option (its "bid") and price to sell (its "ask") are transmitted to the Options Price Reporting Authority ("OPRA"), which transmits the information, combined with information from the other options exchanges, to third parties for processing and distribution. This information is used by market makers in setting prices and by the public in making investment decisions. At any given time, any exchange may have the best bid or ask in a particular option.

One of the ways market makers seek to profit from their market making activities is from the difference between their bid and ask, *i.e.*, the difference between their price to buy and sell the same option, which is referred to as the spread. A wider spread in an option generally results in less favorable prices to investors. Competition between exchanges for the business of investors has the effect of narrowing spreads.

Prior to January 20, 1990, SEC rules prohibited, with few exceptions, equity options from being traded on more than one exchange. The SEC subsequently rescinded these rules and adopted Rule 19c-5. This action was taken in part based on the SEC belief that investors would benefit from options being multiply listed. From January 20, 1990, going forward, the SEC contemplated that each exchange would be permitted to list any equity option as long as its underlying security met specific criteria, such as having a trading history and sufficient activity, to make it eligible for listing as an option.

Equity options were opened to multiple listing over a period of time. Exchanges were permitted to multiply list "new" options, *i.e.*, options whose underlying security interest had not previously been listed on any exchange, without limitation. Approximately 700 options that had been allocated to specific exchanges prior to January 20, 1990, were opened to multiple listing in phases over a period from late 1992 to late 1994. When the last phase ended in late 1994, all equity options could be listed and traded by any of the defendants.

### *B. Illegal Agreement to Allocate Options*

In the early 1990s defendants, and others not named in this Complaint, agreed to limit competition among themselves by not listing options that were already listed on another exchange. The Department's investigation determined that from the early 1990s until at least the summer of 1999 a significant number of the industry's most actively-traded options were listed on a single exchange. During this period, there was tremendous growth in options trading which should have made multiple listing more attractive. Absent an agreement, it would have sometimes been in the economic self-interest of an exchange, freely competing with other exchanges, or in the interests of its members, to list options traded on another exchange. The Department's investigation uncovered significant evidence that the exchanges reached an agreement that no exchange would list an option already listed elsewhere.

#### The Joint Exchange Options Plan

Following the adoption of Rule 19c-5, the defendants adopted procedures for listing new equity options. These procedures were contained in the "Joint-Exchange Options Plan" ("Options Plan"). The Options Plan required each exchange to pre-announce its intention to list a new equity option class, established a twenty-four hour time frame for other exchanges to announce their intention to list the same option, and provided waiting periods before any exchange could start trading. The Options Plan also provided that if an exchange was not the first exchange to announce an intent to list or did not submit a notice of intent to list within the twenty-four hour period following the initial notice (referred to as the "initial listing window" herein), it had to wait until at least the eighth business day after the date of the initial notice before it could list and begin trading the option.

The Options Plan was central to the agreement among the exchanges. Although the language of the Options Plan provided that an exchange could list and begin trading previously listed options after waiting eight days, defendants undertook to develop additional procedures to govern the multiple listing of equity options already listed on an exchange. Beginning in 1992, defendants engaged in protracted discussions regarding the development of such procedures.

By the end of 1994, when the last most actively-traded options were about to become available for multiple

listing,<sup>1</sup> the proposed procedures for listing existing options had become complex and highly restrictive. The exchanges could not agree on ground rules for multiple listing and active discussion of multiple listing ceased. The interpretation of the Options Plan adopted by the exchanges and the absence of an agreed-upon procedure meant that no exchange would engage in multiple listing, other than listing new options in the initial listing window.

During the course of defendants' discussions about the Options Plan, an agreement between and among defendants developed that each defendant would refrain from listing equity options classes that were already listed on another exchange. Pursuant to this agreement, each defendant exchange would refrain from listing equity option classes that were already listed on another exchange. The exchanges were able to preserve the agreement by, among other things, the actions set forth below.

#### Listing Committee Procedures

Beginning in the early 1990's, exchange employees uniformly avoided considering option classes already traded elsewhere for listing on their exchange. The internal procedures for assessing listing opportunities at the several exchanges excluded consideration of options already listed on another exchange. In addition, employees responsible for listing at each of the exchanges did not consider listing an option already listed on another exchange. Rather, these employees limited themselves to considering options that (1) were becoming eligible for listing or (2) for which they had received notice that another exchange was going to list and for which they had a one-day opportunity to join in listing, or challenge the listing of, under the terms of the Options Plan.

In addition, exchange members who wished to have their exchange begin to list an option that was already traded elsewhere had no formal means to bring their requests to exchange listing committees for consideration. Nevertheless, on a few occasions, market makers or broker/dealers sought to induce an exchange to list an option listed on another exchange. These requests were always rejected.

<sup>1</sup> The exchanges were allowed to choose the order in which their exclusives would become available for multiple trading in the phase out period. The exchanges uniformly chose to open their exclusives to the possibility of multiple listing based on trading value, with the most actively traded, and therefore most vulnerable to multiple listing, made available last, in late 1994.

### Corporate Mergers

A recurring threat to the agreement was a situation in which a company whose options were exclusively traded on one exchange merged with a company whose options were traded exclusively on another. To deal with such situations, the exchanges adhered to a protocol for determining which exchange would assume responsibility for the options of the merged company.

Generally, the protocol provided that, in stock transactions, when the acquiring and acquired companies were of different sizes, the exchange on which options of the larger company were listed would continue to trade the option and the exchange on which the options of the smaller company were listed would not. As a result, in many cases, an exchange would not trade options on a merging company even though it was in a good position to compete for such trades. On occasion, exchanges would utilize the Options Clearing Corporation ("OCC") to act as an arbiter of which exchange would list an option following a merger.

### Coordination, Threats, Intimidation and Harassment

Changes in market conditions sometimes strained the agreement. As option markets evolved, each exchange's incentives changed and, at one time or another, one of the exchanges considered taking action that would threaten the agreement. In one instance, an exchange considered multiple listing in an effort to increase the volume of options traded on its floor. Other threats to the agreement, during the course of the decade, were posed by exchanges that considered violating the merger protocol or considered listing new option products that might substitute for exclusives on other exchanges.

In each instance identified during the Department's investigation, the exchange about to take action that might have contravened the agreement did not do so. In many instances, there was some form of communication between the exchange about to take the step and another exchange. Generally, employees of one exchange would contact employees of a second exchange and ensure that the second exchange did not encroach on listings allocated to the first by the agreement.

Further, in other instances, one exchange would pressure another, or the market makers on that exchange, in some way in order to stop a threat to the agreement. Generally, the threats involved the promise of retaliatory listing of valuable exclusives or some

other form of economic harm to the exchange or market maker. In sum, threats, intimidation and harassment helped preserve the agreement.

### Use of OPRA To Preserve the Agreement

The defendant exchanges also relied on their joint participation in OPRA to reduce threats to the agreement. OPRA is jointly controlled by the four defendant exchanges. It contracts with the Securities Industry Automation Corporation to consolidate and transmit information on quotes and transactions from the exchanges to third parties, who send it to investors, brokerage houses and back to exchanges. In this process, OPRA acts as the exchanges' agent to acquire the message capacity needed to accept and forward the quote and transaction information generated by the exchanges. Decisions on the amount of message capacity OPRA will acquire and how it is allocated among exchanges are reached jointly by the defendant exchanges.

Historically, this structure gave exchanges the ability to jointly control the amount of message capacity available to each exchange. Because of the operation of OPRA, the exchanges were collectively able to limit capacity, which discouraged multiple listing.

### Break Down of the Agreement

In November 1998, the Department opened an investigation into allegations of collusion among the four existing options exchanges. The SEC also opened an investigation of the options markets. In the summer of 1999, all the defendants began to list many options that were already listed on another exchange. The exchanges' change in behavior cannot be explained by concurrent changes in the market or the fundamentals of the underlying stocks.

### Effects of the Agreement

The purpose and effect of the agreement was to limit competition among exchanges in the purchase and sale of options. As a result of the agreement, price competition among the defendants and co-conspirators in the purchase and sale of some options was unreasonably restrained. In addition, consumers were denied the benefits of lower transaction fees and higher quality executions, including quicker executions and greater liquidity that would have occurred had the exchanges competed by multiply listing equity options. In sum, investors who have purchased or sold options that would have been multiply listed were deprived of the benefits of free and open competition in the purchase and sale of options.

## III. Explanation of the Proposed Final Judgment

### Agreements

The proposed Final Judgment (Section IV.A) ensures that defendants do not enter into, continue or reinstate agreements among themselves relating to whether, or the circumstances under which, options will be listed on a particular exchange. To this end, it enjoins each defendant from agreeing with another exchange, directly or indirectly, to trade an option class exclusively on one exchange, to allocate any option class between or among exchanges or to require, prevent or limit the listing or delisting of any option class. This provision would also preclude agreements like the protocol governing corporate mergers and covers agreements with all existing and future exchanges.

### Rules, Practices and Procedures

The proposed Final Judgment (Section IV.B) also prohibits any defendant from maintaining any rule, policy, practice or interpretation that directly prohibits or that has the purpose and effect of indirectly prohibiting it from listing an option class because the option class is listed on another exchange. This provision is meant to preclude the development of internal exchange procedures, like those uncovered in the investigation, that effectively prevented exchange employees and members from having an option already listed elsewhere be listed on an exchange. Having such procedures in place helped preserve the agreement among the exchanges.

### Threats, Harassment and Intimidation

The proposed Final Judgment (Section IV.C) bars each of the defendants from threatening to retaliate, retaliating against, harassing or intimidating any exchange or any exchange member because it begins to list or trade an option class. It also forbids such conduct in response to an exchange seeking to increase OPRA capacity or an exchange or exchange member seeking to introduce a new options product. This provision will ensure that the exchanges cannot use such tactics in the future to discourage competitive behavior or enforce anticompetitive agreements.

### Exceptions

The proposed Final Judgment includes a section designed to ensure that the Final Judgment is not construed to prohibit certain conduct. Specifically, Section V.A states that the proposed Final Judgment shall not be construed to

prohibit conduct expressly permitted by statute, SEC rule, SEC order, exchange rule or authorized by SEC personnel. Authorized by SEC personnel means, for purposes of the decree, that the conduct has been explicitly described to the SEC in writing, and about which the SEC has stated, in a writing signed by a person at the Directory level or higher, that it has no objection to such conduct or otherwise approves it. Conduct is also "authorized by SEC personnel" if it has been expressly requested to be undertaken in a writing signed by a person at the Director level or higher.

Section V.B provides that the decree does not prohibit any defendant from making unilateral business decisions, reflecting independent business judgment based upon factors set forth in SEC approved rules, regarding whether to list or delist an option class, whether to introduce a new option product, or whether to increase or decrease capacity to list option classes.

Nor does the proposed Final Judgment (i) address the legality of a merger, or acquisition of another exchange, or a legitimate joint venture between a defendant exchange and a non-defendant (Section V.C); (ii) limit defendants' right to petition in accordance with the doctrine established in *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961), and its progeny (Section V.D); or (iii) prohibit an exchange member from engaging in normal business activity such as unilaterally setting the spreads, quantities or prices at which such member will trade any option or communicating terms at which he or she is willing to trade any option, for the purpose of exploring the possibility of a purchase or sale of such option (Sections V.E and V.F). Finally, the Final Judgment does not prohibit defendant exchanges from undertaking surveillance or taking action in conjunction with the Intermarket Surveillance Group (Section V.G).<sup>2</sup>

#### Additional Relief

The proposed Final Judgment would further require each defendant to establish and maintain an antitrust compliance program (Section VI). Under the compliance program, an Antitrust Compliance Officer, to be appointed by each defendant, is required to distribute copies of the Final Judgment to certain personnel, including members of a defendant's board of directors or governors, all officers and all employees

and members whose responsibilities include selecting option classes to be listed, developing new options products or surveillance, enforcement or ensuring compliance with laws and regulations. The Antitrust Compliance Officer must also brief defendant's personnel on the meaning and requirements of the federal antitrust laws and the meaning of the Final Judgment, as well as obtain their certification that they have read and agree to abide by the Final Judgment and understand the penalties for non-compliance.

The Final Judgment further provides that the United States may obtain information from defendants concerning possible violations of the Final Judgment (Section VIII.A and B). Each Antitrust Compliance Officer is required to submit an annual report that details each request made to list an option and what action was taken in response to the request, and to provide information on each allegation of harassment in possible violation of Section IV.C and what efforts were undertaken to investigate it (Section VIII.C). Defendants are required to report semi-annually on each option that has been listed or delisted (Section VIII.D).

In order to facilitate monitoring of regulatory filings that may affect the Final Judgment, the Final Judgment provides that each defendant must submit to the Department copies of any filing or submission to the SEC that relates to compliance with Section IV of the decree, or Sections IV.B. (a), (b), (c), (h) or (j) of the SEC Order (Section VIII.E). The obligation extends to any request, formal or informal, to the SEC, including any request for extension of time or additional time for compliance. This will allow the Department to consult with the SEC on proposed changes to provisions of the SEC Order that are important to promoting competition.

#### SEC Action

The Department determined that, because of the important role played by the SEC in regulating this industry, various corrective actions needed to prevent the recurrence of the agreement alleged in the Compliant and to promote competition could best be addressed by the SEC. Some activities or changes in activities that were needed required new rules or rule modifications that would need to be filed with and reviewed by the SEC. The Department, therefore, has worked with the SEC to see that needed corrective actions were included in the SEC Order.

For example, the Options Plan needed to be modified to make it less useful as a way to signal the intent of an exchange

to multi-list or to allow one exchange to delay another from listing a particular option. The best way to address this problem was to require defendants to propose revisions to the Options Plan that will eliminate the opportunity to engage in anticompetitive conduct and for the SEC to conduct a rulemaking proceeding to revise the Options Plan. Consequently, in Section IV.B.(a) of the SEC Order, the defendants have committed to submit rules eliminating anticompetitive provisions of the Options Plan no later than 90 days after entry of the SEC Order.

Similarly, the absence of procedures for exchange members to get prompt consideration of multiple listing proposals is best addressed by requiring defendants to formulate procedural rules that would provide for the submissions and processing of such requests. Therefore, in Section IV.B.(b) of the SEC Order, defendants have committed to submit rules establishing such procedures no later than 120 days after entry of the SEC Order. The rules to be submitted will require each exchange to specify the criteria it will use to consider such requests and to respond to such requests in writing within a specified time frame.

As noted above, OPRA, as traditionally managed, has served to create a shared industry capacity for the dissemination of quote and trade data in the options markets. This approach has led to a situation where the exchange participants in OPRA have managed data transmission capacity growth and allocation as a joint endeavor. Thus, each competitor has had knowledge of every other competitor's capacity plans and needs and, by acting jointly, the exchanges can thwart competitors' plans by failing to provide needed capacity.

The Department believes that the option industry must be required to move away from the shared capacity paradigm in order for competition to significantly increase. To that end, defendant exchanges have agreed to move to a system in which each exchange can acquire and manage its own data transmission capacity independently. Significant changes in the rules under which OPRA operates are necessary in order to achieve this result. Specifically, defendants have agreed, as a part of the SEC Order, to modify the structure and operation of OPRA to (i) establish a system for procuring and allocating data transmission capacity that eliminates joint action by the participants in OPRA in determining the amount of total capacity procured and the allocation thereof, and provides that each participant in OPRA will independently

<sup>2</sup> The Intermarket Surveillance Group is an exchange organization formed to detect illegal activity occurring across the options exchanges.

determine the amount of capacity it will obtain; (ii) establish a system for gathering and disseminating business information from and to participants of OPRA such that all non-public information specific to a participant in OPRA shall remain segregated and confidential from other participants; and (iii) set forth a statement of OPRA's functions and objectives and provide for rules and procedures that limit any joint action by the participants in OPRA to circumstances in which such joint action is necessary in order to fulfill the stated functions and objectives. SEC Order Section IV.B.(c). Defendants have committed to submit rules establishing such procedures no later than seven months after entry of the SEC Order.

The defendants have also agreed, as part of the SEC order to increase transparency on the activities on their trading floors. Specifically, Section IV.B.(j) of the SEC order requires that any practice or procedure, not currently authorized by rule, by which any market makers trading any particular option class determine by agreement the spreads or option prices at which any particular option class, or the allocation of orders in an option class, be filed for approval within six months of the date of the SEC order. The defendants have committed to stop any such practice or procedure that is not submitted to and ultimately approved by the Commission. This obligation will ensure that market maker practices concerning spreads, option prices and order allocations are permitted by the SEC and are publicly known. This will promote competition between market makers to the benefit of investors.

Other provisions of the SEC Order will also promote competition. In this regard, the SEC Order provides for significant increases in expenditures for surveillance activities by the defendants, particularly with respect to options order handling rules governing best execution, limit order display, priority rules, trade reporting and firm quotes. It also requires exchanges to report trades within 90 seconds and to enhance incentives to quote competitively, particularly in the context of automatic execution systems. Taken together, these actions constitute a major restructuring of the options industry and a dramatic move toward increasing competition in it.

#### IV. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover

three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the Final Judgment has no prima facie effect in any subsequent lawsuits that may be brought against the defendants.

#### V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest. The Department believes that entry of this Final Judgment is in the public interest.

The APPA provides a period of at least sixty days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty days of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its contents to the Final Judgment at any time prior to entry. The comments and the responses of the United States will be filed with the Court and published in the **Federal Register**. Written comments should be submitted to: Nancy M. Goodman, Chief, Computers and Finance Section, Antitrust Division, U.S. Department of Justice, 600 E Street, NW., Suite 9500, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment. The proposed Final Judgment would expire ten (10) years from the date of its entry.

#### VI. Alternatives to the Proposed Final Judgment

As an alternative to the proposed Final Judgment, the Department considered litigation on the merits. The Department rejected that alternative for two reasons. First, a trial would involve substantial cost both to the United

States and to the defendants, and is not warranted since the proposed Final Judgment provides all the relief the Government would likely obtain following a successful trial. Second, the Department is satisfied that the various compliance procedures to which defendants have agreed will ensure that the anticompetitive practices alleged in the Complaint are unlikely to recur and, if they do recur, will be punishable by civil or criminal contempt, as appropriate.

#### VII. Standard of Review Under the APPA for the Proposed Final Judgment

The APPA requires that proposed final judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the Court shall determine whether entry of the proposed final judgment "is in the public interest." In making that determination

the court may consider:

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e) (emphasis added). As the Court of Appeals for the District of Columbia Circuit held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *United States v. Microsoft*, 56 F.3d 1448, 1458-62 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."<sup>3</sup> Rather,

<sup>3</sup> 119 Cong. Rec. 24598 (1973). See *United States v. Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues

[a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should \* \* \* carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

*United States v. Mid-America Dairymen, Inc.*, 1977-1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981). See also *United States v. Microsoft*, 56 F.3d 1448 (D.C. Cir. 1995). Precedent requires that:

the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.<sup>4</sup>

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' (citations omitted)." *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 150 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460

and that further proceedings would aid the court in resolving those issues. See H.R. 93-1463, 93rd Cong. 2d Sess. 8-9, reprinted in (1974) U.S. Code Cong. & Ad. News 6535, 6538.

<sup>4</sup> *United States v. Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); see *United States v. BNS, Inc.*, 858 F.2d at 463; *United States v. National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States v. Gillette Co.*, 406 F. Supp. at 716. See also *United States v. American Cyanamid Co.*, 719 F.2d 558, 565 (2d Cir. 1983).

U.S. 1001 (1983) quoting *United States v. Gillette Co.*, supra, 406 F. Supp. at 716; *United States v. Alcan Aluminum, Ltd.*, 605 F.Supp. 619, 622 (W.D. Ky. 1985).

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in the complaint, and does not authorize the court to "construct [its] own hypothetical case and then evaluate the decree against that case." *Microsoft*, 56 F.3d at 1459. Since "[t]he court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing the case in the first place," it follows that the court "is only authorized to review the decree itself," and not to "effectively redraft the complaint" to inquire into other matters that the United States might have but did not pursue. *Id.*

#### VIII. Determinative Materials/ Documents

The Department considers the SEC Order to be a determinative document within the meaning of Section (b) of the APPA, 15 U.S.C. § 16(b). As noted above, the Department determined that various corrective actions needed to prevent the recurrence of the agreement alleged in the Complaint and to promote competition could best be addressed by the SEC. Absent the SEC Order, the Department would have included additional corrective actions in this settlement. Accordingly, the SEC Order will be filed with this Final Judgment.

Dated: September 11, 2000.

Respectfully submitted,

George S. Baranko,  
D.C. Bar No. 288407.

John D. Worland, Jr.,  
D.C. Bar No. 427797.

John H. Chung, Molly L. Debusschere,  
Catherine E. Fazio, Richard L. Irvine, Joshua Soven,

Attorneys, U.S. Department of Justice,  
Antitrust Division, 600 E Street, N.W., Suite  
9500, Washington, D.C. 20530, Tel: 202/  
307-6200, Fax: 202/616-8544.

#### In the Matter of Certain Activities of Options Exchanges; Order Instituting Public Administrative Proceedings Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions

[Securities Exchange Act of 1934; Release No. 43268/September 11, 2000 and Administrative Proceeding File No. 3-10282]

#### I

The Securities and Exchange Commission ("Commission") deems it appropriate, in the public interest, and for the protection of investors that

public administrative proceedings be instituted pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934 ("Exchange Act") against respondents American Stock Exchange LLC, Chicago Board Options Exchange, Inc., Pacific Exchange, Inc. and Philadelphia Stock Exchange, Inc. In anticipation of this proceeding, the respondents have submitted Offers of Settlement which the Commission has determined to accept. Solely for the purposes of this proceeding and any other proceeding brought by or on behalf of the Commission or to which the Commission is a party, and prior to a hearing pursuant to the Commission's Rules of Practice, 17 CFR § 201.100 *et seq.*, the respondents, by their Offers of Settlement, without admitting or denying the Commission's findings except those contained in Section III.A. below, which are admitted, consent to the entry of this Order Instituting Public Administrative Proceedings, Making Findings and Imposing Remedial Sanctions.

#### II

Accordingly, *it is hereby ordered* that proceedings pursuant to Section 19(h)(1) of the Exchange Act be, and they hereby are, instituted.

#### III

On the basis of this Order and the Offers of Settlement submitted by the respondents, the Commission finds<sup>1</sup> that:

##### A. Respondents

##### 1. The American Stock Exchange LLC

The American Stock Exchange LLC ("AMEX") is located in New York, New York. The AMEX is registered with the Commission as an exchange pursuant to Section 6 of the Exchange Act.

##### 2. The Chicago Board Options Exchange, Inc.

The Chicago Board Options Exchange, Inc. ("CBOE") is located in Chicago, Illinois. The CBOE is registered with the Commission as an exchange pursuant to Section 6 of the Exchange Act.

##### 3. The Pacific Exchange, Inc.

The Pacific Exchange, Inc. ("PCX") is located in San Francisco, California and Los Angeles, California. Options trading on the PCX is conducted in its San Francisco facilities. The PCX is registered with the Commission as an

<sup>1</sup> The findings herein are made pursuant to the respondents' Offers of Settlement and are not binding on any other person or entity in this or any other proceeding. Moreover, the findings made herein do not affect any respondent's rights in any respect as to parties other than the Commission.

exchange pursuant to Section 6 of the Exchange Act.

#### 4. The Philadelphia Stock Exchange, Inc.

The Philadelphia Stock Exchange, Inc. ("PHLX") is located in Philadelphia, Pennsylvania. The PHLX is registered with the Commission as an exchange pursuant to Section 6 of the Exchange Act.

#### B. Overview

The Commission, in its oversight of the options exchanges, has investigated significant issues relating to the competitiveness of the options market and the fulfillment by the options exchanges of their obligations as self-regulatory organizations. Section 19(g) of the Exchange Act obligates registered exchanges to comply with their own rules and to enforce compliance with their own rules by their members and persons associated with their members. The options exchanges have significantly impaired the operations of the options market by (a) following a course of conduct under which they refrained from multiply listing a large number of options; and (b) inadequately discharging their obligations as self-regulatory organizations by failing adequately to enforce compliance with (i) certain of their rules, including order handling rules, that promote competition as well as investor protection, and (ii) certain of their rules prohibiting anticompetitive conduct, such as harassment, intimidation, refusals to deal and retaliation directed at market participants who sought to act competitively. In addition, the options exchanges each have inadequately discharged their obligations as self-regulatory organizations by failing to enforce compliance with their trade reporting rules, which promote transparency of the market and facilitate surveillance and enforcement of other exchange rules and the federal securities laws. These matters are discussed below.

#### C. The Respondent Exchanges' Impediments to Multiple Listing of Options

##### 1. Respondents Followed a Course of Conduct that Limited Multiple Listing

Rule 19c-5 under the Exchange Act<sup>2</sup> incorporates into the rules of all exchanges a prohibition against any "rule, stated policy, practice or interpretation" that prohibits or conditions the listing of any stock option class listed on another exchange.

The respondent options exchanges failed to comply with Rule 19c-5 as incorporated into their rules, by following a course of conduct under which they refrained from multiply listing certain options listed on a single exchange that were available for multiple listing.<sup>3</sup> In this connection, the respondents engaged in certain courses of conduct that hindered, discouraged or prevented the multiple listing of these exclusively listed options, including, among other things, the following:

a. The respondents maintained (i) an improper interpretation of procedures for the listing of options that impeded the multiple listing of options, and (ii) improper limitations on the listing of options that hindered the multiple listing of options of merged entities;

b. Certain respondents improperly deterred efforts by their members to have the respondents multiply list options; and

c. Certain respondents utilized their voting power in the Options Price Reporting Authority ("OPRA"), which provides for the transmission of quotations and trade reports from the options market to vendors for dissemination to the public, in an improper effort to limit transmission capacity in order to hinder and discourage multiple listing of an option.

These activities are discussed below.

##### 2. Respondents Impeded Competition in Multiple Listing

###### a. Respondents' Interpretation of the Joint-Exchange Options Plan Inhibited the Multiple Listing of Options

On September 17, 1991, the Commission approved the Joint-Exchange Options Plan (the "Joint Plan"), which set forth procedures governing the listing of new options. The Joint Plan did not restrict the multiple listing of options that were already exclusively listed at the time of the plan's adoption. The respondent exchanges participated in communications with each other about the meaning of the Joint Plan after it was authorized by the Commission, which led to their interpretation that the absence of procedures regarding the exclusively listed options prevented

<sup>3</sup> For purposes of determining whether the exchanges violated Section 19(g) of the Exchange Act and Rule 19c-5 as incorporated into their rules, the Commission need not determine, and does not in this Order decide, whether or not this course of conduct was pursuant to an agreement among them. The conduct was inconsistent with Rule 19c-5 as incorporated into their rules either way. However, nothing stated herein would be inconsistent with a finding that the exchanges have engaged in collective conduct.

them from multiply listing any of the exclusively listed options. This interpretation of the Joint Plan improperly created a barrier to the multiple listing of options.

###### b. Respondents' Course of Conduct Impaired the Multiple Listing of Options for Merged Entities

The respondent exchanges followed a course of conduct that impaired the multiple listing of options of merged entities. In general, when a public company acquired another public company, both of which had options for their securities exclusively listed on different exchanges, the respondent exchange on which options for the acquiring company were listed would thereafter list the options for the merged entity. The respondent exchange on which the options for the acquired company had been listed would refrain from listing the options of the merged entity.

When the respondent exchanges listing the options for the acquiring and acquired companies disagreed about which of them should list the options for the merged entity, the exchanges followed a procedure for resolving the disagreement that resulted in only one of the two exchanges listing the option for the merged entity, thereby improperly limiting competition in listings.

###### c. Respondents Discouraged Competitive Action by Their Members

Member firms of certain of the respondent exchanges made proposals to multiply list options. In order to avoid or defer multiple listing, the respondent exchanges rebuffed or denied these proposals without an adequate basis in their rules and, in some instances, threatened or harassed member firms who made the proposals.

###### d. Certain Respondents Acted Through OPRA To Limit Transmission Capacity

OPRA provides for the transmission of quotation and trade data from the options exchanges to vendors that disseminate such data to public subscribers. OPRA historically has contracted with a third party for transmission capacity. The transmission capacity is quantitatively limited at any given point in time. In June 1998, the options exchanges met at OPRA to discuss the possibility of accelerating the expansion of their transmission capacity. Certain of the respondents voted against the acceleration in order to prevent the multiple listing of an option. This resulted in a tie vote and the planned capacity expansion was not accelerated. The results of the vote in

<sup>2</sup> 17 CFR 240.19c-5.

this instance allowed the facilities of OPRA to be used improperly to discourage multiple listing of an option.

e. In August 1999, the Respondent Exchanges Began To Multiple List Options

In August 1999, and soon thereafter, the respondent exchanges initiated multiple listing of a number of formerly exclusively listed options.

#### *D. The Respondent Exchanges' Performance as Self-Regulatory Organizations*

The Exchange Act requires the respondents, as registered exchanges, to conduct oversight of their members and their markets.<sup>4</sup> In conducting such oversight, the respondents must comply with, and vigorously enforce, in an evenhanded and impartial manner, the provisions of the Exchange Act, the rules and regulations thereunder and their own rules. The respondents have the affirmative obligation to be vigilant in surveilling for and taking effective enforcement action to address violations of such provisions.

The respondents have not satisfied their obligations under the Exchange Act to enforce their rules and the federal securities laws, in that they have inadequately surveilled their markets for potential violations, failed to conduct thorough investigations when needed, and failed adequately to enforce rules applicable to members on their floors. As a result of these regulatory deficiencies, the respondents have violated the Exchange Act. In addition, the respondents have not adequately addressed issues of competition that have arisen in their markets. The respondents' regulatory deficiencies are discussed at greater length below.

#### 1. Respondents Have Engaged in Inadequate Enforcement of Order Handling Rules, Policies or Procedures

The respondents failed effectively to enforce compliance by their members with exchange rules, policies or procedures relating to order handling. More specifically, the respondents have failed effectively to surveil for, or take appropriate action with respect to evidence of, violations of priority rules,<sup>5</sup> firm quote rules,<sup>6</sup> and limit order

<sup>4</sup> Sections 19(g) and 19(h) of the Exchange Act, 15 U.S.C. §§ 78s(g) and 78s(h).

<sup>5</sup> With certain exceptions, priority rules generally require that a customer limit order be executed before any other orders if it has the best price (i.e., highest bid or lowest offer). If there is more than one order at the best price, the customer order that arrived at the trading post first has priority.

<sup>6</sup> Firm quote rules require specialists or market makers to trade specified minimum numbers of options at the prices they quote.

display rules, policies or procedures.<sup>7</sup> Respondents generally lack automated surveillance systems, and rely too heavily on complaints to detect potential violations. In addition, when violations were uncovered, respondents, in many instances, did not take appropriate enforcement action. In many other instances, if enforcement action was taken, respondents did not impose sanctions adequate to provide reasonable deterrence against future violations. As a result of these deficiencies in surveillance and enforcement, the respondents did not adequately enforce their order handling rules.

#### 2. Respondents Have Permitted Deficiencies in Trade Reporting

The respondents failed effectively to enforce compliance by their members with exchange trade reporting rules. The respondents have conducted either no automated surveillance, or inadequate automated surveillance, of trade reporting. Their existing surveillance processes have been inadequate to ensure compliance with their trade reporting rules. As a consequence, the respondents failed adequately to detect noncompliance by their members.

The respondents applied their trade reporting requirements in a manner that often allowed trades not to be reported in a sufficiently prompt manner or they utilized surveillance parameters that were not sufficiently comprehensive to adequately detect noncompliance with the rules. The inadequacies of the respondents' application of their trade reporting rules and surveillance for rule violations have undermined effective enforcement of those rules. Ensuring reliable trade reporting enhances the transparency of the markets and effective surveillance and enforcement with respect to order handling and other rules.

#### 3. Respondents Have Failed Appropriately to Enforce Rules Relating to Harassment and Intimidation of Members

The respondents have failed adequately to surveil for, or take appropriate action with respect to evidence of, harassment and intimidation of members who acted competitively or sought to act competitively. Certain members on the floors of the respondent exchanges who competed or sought to compete on certain occasions have indicated that

<sup>7</sup> The exchanges' limit order display rules, policies or procedures generally require that customer limit orders that are priced better than the highest bid or lowest ask price otherwise quoted on the exchange be displayed in the quotations.

they have been subjected to harassment, intimidation, refusals to deal and retaliation by other participants on the floors of the respondent exchanges. The indicated harassment, intimidation, refusals to deal and retaliation were, in various instances, verbal, economic or physical conduct, and could violate exchange rules.

The respondents' surveillance for such improper conduct was deficient, in that it relied on complaints and the observations of limited numbers of floor officials. The respondents did not have effective means of surveillance for refusals to deal or economic retaliation. The respondents also responded inadequately to indications of rule violations that were brought to their attention. In some instances, floor officials overlooked indications of rule violations by, or addressed them selectively against, some members, but not others. In a number of instances, the respondent exchanges did not investigate or failed adequately investigate allegations of harassment, intimidation, refusals to deal and retaliation.

In addition, the respondents have not taken appropriate steps to inquire into quoting activities on their markets. Bid-ask quotations made on respondents' markets have frequently been at the maximum allowable bid-ask spreads.<sup>8</sup> The frequency of maximum spreads may indicate anticompetitive conduct. The respondents have not adequately surveilled or investigated for anticompetitive conduct that may be indicated by the high frequency of maximum spreads.

#### *E. Conclusion*

Based upon the foregoing, the Commission finds that during the relevant period the AMEX, CBOE, PCX and PHLX failed to comply with certain of their rules, including, among others, Rule 19c-5 promulgated under the Exchange Act, and, without reasonable justification or excuse, failed to enforce compliance with certain of their own rules, in violation of Section 19(g) of the Exchange Act.

#### **IV**

In view of the foregoing, it is appropriate, in the public interest, and for the protection of investors to impose the sanctions specified in the Respondents' Offers of Settlement.

Accordingly, *it is hereby ordered that:*

<sup>8</sup> The "bid-ask" spread is the difference between the highest quoted bid price and the lowest quoted ask price. The respondent exchanges have rules prescribing maximum spreads that can be quoted for options.

A. The AMEX, CBOE, PCX and PHLX be, and hereby are, censured.

B. The AMEX, CBOE, PCX and PHLX comply with the following undertakings within the time frames specified below, or such longer times as are (a) provided by further order of the Commission or (b) approved in writing by the Directors of the Commission's Division of Enforcement, Division of Market Regulation and Office of Compliance Inspections and Examinations:

a. No later than four months after the date of this Order, each respondent exchange shall, acting jointly with all other options exchanges, amend the joint-Exchange Options Plan (the "Joint Plan"), so as to: (i) eliminate advance notice to any other exchange, alternative trading system, or other trading venue that lists options issued by the Options Clearing Corporation (collectively referred to herein as "markets") of the intention to list a new option; (ii) eliminate advance notice to any other market of the intention to list an existing option, except for not more than one business day's notice to any other market that already lists or has applied to list the option in question; (iii) eliminate any provisions of the Joint Plan (other than any advance notice provision permissible under (ii) of this subsection) that prevent a market from commencing to list or trade any option listed on another market or an option that another market has expressed an intent to list; (iv) eliminate any provisions of the Joint Plan allowing one market to prevent or delay another market from listing an option; and (v) eliminate any provisions of the Joint Plan that allow one market to delay the commencement of trading of an option by another market. Nothing in this subsection shall prohibit any exchange from providing (a) not more than one business day's notice to the Options Clearing Corporation of the exchange's intention to list an existing option, or (b) reasonable advance notice to the Options Clearing Corporation of the exchange's intention to list a new option. As part of its compliance with this undertaking, each respondent exchange shall, acting jointly with all other options exchanges, discuss, develop, and provide to the Commission staff, no later than 60 days after the date of the Order, draft proposed amendments to the Joint Plan that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder and which would be, if approved by the Commission, sufficient to effect the changes required by this undertaking; provided, however, that in the absence of joint agreement after a good faith effort to reach joint agreement, each

respondent exchange shall individually provide to the Commission staff, no later than 90 days after the date of the Order, draft proposed amendments reasonably designed to effect the changes required by this undertaking.

b. No later than six months after the date of this Order, each respondent exchange shall adopt new, or amend existing, rules that establish formal procedures for exchange members (whether specialists, Designated Primary Market Makers, Lead Market Makers, or others) to submit proposals for such respondent exchange to list particular options classes (whether or not such options are already traded on any other exchange), which shall (i) specify the criteria to be considered by such respondent exchange in deciding whether or not to approve such proposals, or in placing conditions or limitations, if any, on the approval of such proposals; (ii) provide for a reasonable time frame in which such proposals will be reviewed and decisions thereon made; (iii) require such respondent exchange to respond in writing to any proposal that is denied or which is subject to conditions or limitations, and specify in such written response the bases for the denial or the conditions or limitations; and (iv) in such new or amended rules, or in code of conduct provisions approved by the Commission, prohibit any member, officer, director, governor, employee, committee member or agent of such respondent exchange, or any other person or entity subject to its jurisdiction, from threatening, harassing or retaliating against any person or entity in any way because (aa) of a listing proposal made by such person or entity to any exchange or other market; (bb) of such person's or entity's advocacy or proposals concerning listing or trading on any exchange or other market; or (cc) such person or entity commences to make markets in or trade any option on any exchange or other market.<sup>9</sup> Actions taken by the respondent exchanges in accordance with rules filed with and approved by the Commission pursuant to Section 19 of the Exchange Act shall not be deemed to be threats, harassment or retaliation for the purposes of this undertaking. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than 120 days after the date of the Order, draft proposed rules, rule amendments, and/or code of conduct provisions, that comply with section 19

<sup>9</sup>The AMEX and the CBOE have adopted new, or amended existing, rules required by this undertaking IV.B.b.(iv).

of the Exchange Act and Rule 19b-4 thereunder and which would be, if approved by the Commission, sufficient to effect the changes required by this undertaking.

c. Each respondent exchange shall act jointly with all other options exchanges to amend the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("Plan") no later than one year after the date of this Order, so as to modify the structure and operation of the Options Price Reporting Authority ("OPRA") in a manner that (i) establishes a system for procuring and allocating options market data transmission capacity ("capacity") that eliminates joint action by the participants in OPRA in determining the amount of total capacity procured and the allocation thereof, and provides that each participant in OPRA will independently determine the amount of capacity it will obtain; (ii) establishes a system for gathering and disseminating business information from and to participants of OPRA such that all nonpublic information specific to a participant in OPRA shall remain segregated and confidential from other participants (except for information that may be shared in connection with activities permitted under Section 3.c.(iii) hereof); and (iii) sets forth a statement of OPRA's functions and objectives, as permitted under the Exchange Act, and provides for rules and procedures that limit any joint action with respect to OPRA by the participants in OPRA to circumstances in which such joint action is necessary in order to fulfill the stated functions and objectives. As part of its compliance with this undertaking, each respondent exchange shall, acting jointly with all other options exchanges, discuss, develop, and provide to the Commission staff, no later than six months after the date of the Order, draft proposed amendments to the Plan, pursuant to and in compliance with Section 11A of the Exchange Act, which would be, if approved by the Commission, sufficient to effect the changes detailed above in this undertaking no later than one year from the date of this Order; provided, however, that in the absence of joint agreement after a good faith effort to reach joint agreement, each respondent exchange shall individually provide to the Commission staff, no later than seven months after the date of the Order, draft proposals reasonably designed to effect the changes required by this undertaking.

d. Pursuant to Section 17(b) of the Exchange Act and Rule 17a-1(c) promulgated thereunder, each respondent exchange shall

simultaneously provide to the Directors of the Divisions of Enforcement and Market Regulation, and of the Office of Compliance Inspections and Examinations, all reports and documents provided by such respondent exchange to the Antitrust Division of the U.S. Department of Justice ("D.O.J.") pursuant to such respondent exchange's settlement of a civil action instituted by D.O.J. substantially contemporaneously with the institution of this proceeding.

e. Each respondent exchange shall, acting jointly with all other options exchanges, design and implement a consolidated options audit trail system ("COATS"), as specified below, that will enable the options exchanges to reconstruct markets promptly, effectively surveil them and enforce order handling, firm quote, trade reporting and other rules. Specifically, each respondent exchange, acting jointly with all other options exchanges, shall: (i) No later than six months after the date of the Order, synchronize its trading and supporting systems time clocks with all other options exchanges; (ii) no later than nine months after the date of the Order, design and implement a method to merge all options exchanges' reported and matched transaction data on a daily basis and disseminate this merged data among all options exchanges using a uniform computer-readable format (the "common computer format"); (iii) no later than twelve months after the date of the Order, incorporate its own quotes and the National Best Bid and Offer as displayed in its market with the merged transaction data ("merged transactions and quotations data") in such a manner that it could be promptly retrieved and readily merged in the common computer format with other options exchanges' merged transactions and quotations data; (iv) no later than eighteen months after the date of the Order, design and implement an audit trail that provides an accurate, time-sequenced record of electronic orders, quotations, and transactions on such respondent exchange, beginning with the receipt of an electronic order by such respondent exchange, and further documenting the life of the order through the process of execution, partial execution, or cancellation of that order, which audit trail shall be readily retrievable in the common computer format; and (v) no later than twenty-four months after the date of the Order, incorporate into the audit trail all non-electronic orders (such that the audit trail provides an accurate, time-

sequenced record of electronic and other orders, quotations and transactions on such respondent exchange, beginning with the receipt of an order by such respondent exchange and further documenting the life of the order through the process of execution, partial execution, or cancellation of that order, which audit trail shall be readily retrievable in the common computer format. Concurrently with the design of each part of COATS, each respondent exchange shall also design effective surveillance systems, or effectively enhance existing surveillance systems, to use the newly available COATS data to enforce the federal securities laws and such exchange's rules, and shall promptly implement such surveillance systems after implementing the corresponding part of COATS. As part of its compliance with this undertaking, each respondent exchange shall, acting jointly with all other options exchanges, discuss, develop and provide to the Commission staff, at least 90 days before the respective deadlines for items (i) through (v) above, a draft proposed plan, or draft proposed rules or rule amendments relating to the item that is the subject of the deadline which comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder, and which would be, if approved by the Commission, sufficient to effect the changes required by each of these items; provided, however, that in the absence of joint agreement after a good faith effort to reach joint agreement, each respondent exchange shall individually provide to the Commission staff, at least 60 days before the deadlines above, a draft proposed plan, or draft proposed rules or rule amendments reasonably designed to effect the changes required by each of those items of this undertaking.

f. Each respondent exchange shall promptly enhance and improve its surveillance, investigative and enforcement processes and activities with respect to options order handling rules, including, the duty of best execution with respect to the handling of orders after the broker-dealer routes the order to such respondent exchange, compliance with limit order display rules, priority rules, trade reporting and firm quote rules.

g. No later than six months after the date of this Order, each respondent exchange shall adopt new, or amend existing, rules that require trades to be reported within 90 seconds, or less, of the time of execution of the trade. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than 120 days after the date of the Order, draft proposed rules or rule

amendments that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder and that would be, if approved by the Commission, sufficient to effect the changes required by this undertaking.<sup>10</sup>

h. Each respondent exchange shall: (i) no later than one year after the date of this Order, adopt new, or amend existing, rules concerning its automated quotation and execution systems which (aa) substantially enhance incentives to quote competitively and substantially reduce disincentives for market participants to act competitively; and (bb) specify the circumstances, if any, under which automated execution systems can be disengaged or operated in any manner other than the normal manner set forth in the exchange's rules and require the documentation of the reasons for each decision to disengage an automated execution system or operate it in any manner other than the normal manner. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than six months after the date of the Order, draft proposed rules or rule amendments that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder and that would be, if approved by the Commission, sufficient to effect the changes required by this undertaking.

(ii) no later than six months after the date of this Order, adopt rules, rule amendments or interpretations, or code of conduct provisions approved by the Commission, that expressly prohibit harassment, intimidation, refusals to deal and retaliation by exchange members, or by officers, directors, governors, employees, committee members, and other officials and agents of such exchange, against exchange members or other market participants for acting, or seeking to act,, competitively. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than 120 days after the date of the Order, draft proposed rules, rule amendments or interpretations, and/or code of conduct provisions, that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder and that would be, if approved by the Commission, sufficient to effect the changes required by this undertaking.<sup>11</sup>

(iii) promptly enhance and improve its surveillance, investigative and

<sup>10</sup> The AMEX, the CBOE and the PHLX have adopted new, or amended existing, rules required by this undertaking IV.B.g.

<sup>11</sup> The AMEX and the CBOE have adopted new, or amended existing, rules required by this undertaking IV.B.h(ii).

enforcement processes and activities with a view to preventing and eliminating (aa) harassment, intimidation, refusals to deal and retaliation against market participants, for acting competitively, or seeking to act competitively, and (bb) other anticompetitive conduct.

i. No later than one year after the date of this Order, each respondent exchange shall adopt rules establishing, or modifying existing, sanctioning guidelines such that they are reasonably designed to effectively enforce compliance with such exchange's options order handling rules, including, the duty of best execution with respect to the handling of orders after the broker-dealer routes the order to such respondent exchange, limit order display, priority, firm quote, and trade reporting rules. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than nine months after the date of the Order, draft proposed rules or rule amendments that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder and that would be, if approved by the Commission, sufficient to effect the changes required by this undertaking.

j. No later than twelve months after the date of this Order, each respondent exchange shall adopt new, or amend existing, rules to include any practice or procedure, not currently authorized by rule, whereby market makers trading any particular option class determine by agreement the spreads or option prices at which they will trade any option class, or the allocation of orders in that option class. As part of its compliance with this undertaking, each respondent exchange shall provide to the Commission staff, no later than six months after the date of the Order, draft proposed rules or rule amendments that comply with Section 19 of the Exchange Act and Rule 19b-4 thereunder that would be, if approved by the commission, sufficient to effect the changes required by this undertaking. Each respondent exchange shall take all reasonable steps within six months after the date of this Order to promptly stop any other such practice or procedure if neither it nor a related practice or procedure that would supersede the existing practice or procedure, has been submitted to the Commission for approval or is not already authorized by rule.

k. The rule changes adopted pursuant to these undertakings shall not preclude a respondent exchange from exercising or enforcing an intellectual property right in an option, or a license of an intellectual property right in an option,

if another exchange proposes to list or has listed the option and such respondent exchange has a good faith belief that the intellectual property right or license thereof exists and the action taken is consistent with the federal securities laws and the Commission's rules, regulations and orders.

l. The respondent exchanges shall, for each of calendar 2000 and 2001, expend for options-related surveillance systems and for staffing in the areas of options-related surveillance, investigation and enforcement, an annual amount that equals or exceeds: (a) \$11 million, in the case of the AMEX; (b) \$17 million, in the case of the CBOE; (c) \$6.5 million, in the case of the PCX; and (d) \$4 million in the case of the PHLX.<sup>12</sup> This undertaking shall be deemed fulfilled if the average annual amount of a respondent exchange's expenditures in calendar 2000 and 2001 required by this undertaking equals or exceeds such respondent exchange's annual amount specified earlier in this undertaking. The fulfillment of this undertaking will not necessarily be deemed sufficient to satisfy any other undertakings in this Order and the fulfillment of all other undertakings shall be determined independently of the fulfillment of this undertaking.<sup>13</sup>

m. Each respondent exchange shall, on the first three anniversaries after the date of the Order, provide to the Directors of the Divisions of Enforcement and Market Regulation, and of the Office of Compliance Inspections and Examinations affidavits or affirmations, detailing its progress in implementing undertakings 3.f., 3.h.iii., and 3.1.

n. In evaluating a respondent exchange's compliance with these undertakings, the Commission will consider: (i) any rule proposals filed by such respondent exchange since August 1, 1999, or any rules adopted by such respondent exchange since August 1, 1999, which are relevant to the purposes of any of the undertakings; and (ii) any and all steps taken since August 1, 1999 by such respondent exchange to enhance and improve its surveillance, investigative and enforcement processes and activities in any manner relevant to the purposes of any of the undertakings. The Order specifically notes any

<sup>12</sup> The amounts specified for each respondent do not reflect any determination of a respondent's relative degree of culpability with respect to the conduct alleged in the Order.

<sup>13</sup> If, over the course of calendar 2000 or 2001, the Board of Governors or Directors of a respondent exchange believe that the specified expenditures are not achievable or feasible, or are unwarranted in light of changed circumstances, such respondent exchange may, by application to the Commission, seek modification of this undertaking.

instances in which the rules previously proposed and adopted by a respondent exchange, or the steps previously taken by a respondent exchange to enhance and improve its surveillance, investigative and enforcement processes and activities, shall be deemed to have fulfilled a particular undertaking.

By The Commission.

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 00-24605 Filed 9-25-00; 8:45 am]

BILLING CODE 4410-11-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cable Television Laboratories, Inc.

Notice is hereby given that, on July 11, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Cable Television Laboratories, Inc. ("CableLabs") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Buford Media Group, Tyler, TX has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on March 22, 2000. A notice for this filing was published in the **Federal Register** on August 9, 2000 (65 FR 48736 ).

**Constance K. Robinson,**  
*Director of Operations, Antitrust Division.*

[FR Doc. 00-24608 Filed 9-25-00; 8:45 am]

BILLING CODE 4410-11-M

**DEPARTMENT OF JUSTICE****Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Management of Accelerated Technology Insertion II (MATI II)**

Notice is hereby given that, on August 28, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Management of Accelerated Technology Insertion II (MATI II) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Baxter Healthcare Corporation, Deerfield, IL; DSM Desotech Inc., Elgin, IL; General Motors Corporation, Warren, MI; Roche Diagnosis Corporation, Indianapolis, IN; Rockwell Automation, Milwaukee, WI; Siemens Westinghouse Power Corporation, Orlando, FL; and United Technologies Corporation, East Hartford, CT have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Management of Accelerated Technology Insertion II intends to file additional written notification disclosing all changes in membership.

On October 15, 1999, Management of Accelerated Technology Insertion II filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 12, 2000 (65 FR 30610).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 00-24609 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE****Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rotorcraft Industry Technology Association, Inc. ("RITA")**

Notice is hereby given that, on August 8, 2000, pursuant to Section 6(a) of the

National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Rotorcraft Industry Technology Association, Inc. ("RITA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lord Corporation, Cary, NC has been added as a party to this venture. Also, The University of Illinois at Chicago, Chicago, IL and The University of Alabama, Tuscaloosa, AL have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RITA intends to file additional written notification disclosing all changes in membership.

On September 28, 1995, RITA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 3, 1996 (61 FR 14817).

The last notification was filed with the Department on November 24, 1999. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 11, 2000 (65 FR 42726).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 00-24606 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE****Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum**

Notice is hereby given that, on March 7, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Telemanagement Forum ("the Forum") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, GE Information Services, Inc., Tampa, FL; US West, Inc., Denver, CO; Omnitel Pronto Italia S.p.A.,

Corsico (MI), ITALY; CASEwise, Waltham, MA; Huawei Technologies Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Agilent Technologies, South Queensferry, West Lothian, Scotland, UNITED KINGDOM; Global Crossing, Morristown, NJ; and MTN RSA, Sandton, SOUTH AFRICA have become Corporate Members. Matsushita Communication Industrial Co., Ltd., Kadoma City, Osaka, JAPAN; CEGETEL, Paris la Defense Cedex, FRANCE; Inlogic Software, Inc., Toronto, Ontario, CANADA; Saville, Edmonton, Alberta, CANADA; Videotron, Montreal, Quebec, CANADA; USHA Martin Telekom Ltd., Calcutta, INDIA; Wisor, Rockville, MD; Connectus, Chantilly, VA; Mobistar SA, Brussels, BELGIUM; Vitria Technology, Inc., Sunnyvale, CA; Burlington Northern Santa Fe Railway, Kansas City, KS; Sigma Systems Group, Toronto, Ontario, CANADA; Popkin Software & Systems, Inc., Leamington Spa Warks, Warwickshire, England, UNITED KINGDOM; Mediation Technology Corporation, Calgary, Alberta, CANADA; IFS Nordic AB, Solua, SWEDEN; Lockheed Martin IMS, Communications Industry Services, Washington, DC; Williams Communication Group, Tulsa, OK; Stentor, Managing Consultant—Data Services Engineering, Ottawa, Ontario, CANADA; Ennovate Networks, Inc., Boxborough, MA; Avisto S.A., Sophia Antipolis, FRANCE; Bosch Telekom Software, Systeme GmbH & Co. KG, Backnang, GERMANY; Pluris, Inc., Cupertino, CA; eMis eMerging Information Systems, Inc., Morrisville, NC; Sirius Software GmbH, Oberhaching, GERMANY; Orchrestream, London, England, UNITED KINGDOM; Actiz, London, England, UNITED KINGDOM; NextLink, Bellevue, WA; Aptis Software, San Antonio, TX; Telrad Networks, Lod, ISRAEL; Leading Edge Systems, Inc., Falls Church, VA; Objectif Pty Ltd., North Sydney, New South Wales, AUSTRALIA; Cellcom Israel, Inc., Herzliya B, ISRAEL; BMS Corporation, Denver, CO; Avnisoft Corp., Sunnyvale, CA; Velankani Information Systems, Somerset, NJ; Jetstream Communications, Los Gatos, CA; Altus Solutions, Inc., Burnaby, British Columbia, CANADA; Objectswitch, Irving, TX; Mer Telemanagement Solutions, Bnei Brak, ISRAEL; Avilin Ltd., Raanana, ISRAEL; Abobase Systems Ltd., Tallinn, ESTONIA; Smartrek Ltd., Wabern, SWITZERLAND; Samsung Electronics Co., Ltd., Seohyeon-Dong, Pundang-Gu, Sungnam-Shi, Kyunggi-Do, REPUBLIC

OF KOREA; Star Home Ltd., Tel Aviv, ISRAEL; ViewGate Networks, Alexandria, VA; Chromatis Networks, Bethesda, MD; Cambio, Reston, VA; Deriveitt, LLC, Campbell, CA; and Conmitel Technologies, Cork, IRELAND have become Associate Members. EPS, McKinney, TX; BBW Consulting Services, Aylmer, Ontario, CANADA; US Web/CKS, Toronto, Ontario, CANADA; Laboratory For Telecommunications, Ljubljana, SLOVENIA; State of California Telecommunications Division, Sacramento, CA; and Cohen Communications Group, New York, NY have become Affiliate Members.

The following existing members have changed their names: Kokusai Denshin Denwa Col., Ltd. is now KDD Corp., Saitama, JAPAN; Lightera Networks is now Ciena, Cupertino, CA; Wandel & Golterman, Ltd. is now Wavetek Wandel Goltermann, Plymouth, Devon, England, UNITED KINGDOM; Beechwood Data Systems is now Cap Gemini Telecommunications, Clark, NJ; Accunet Ltd. is now Axarte, Newbury, Berkshire, England, UNITED KINGDOM; Open Technology Pty., Ltd. is now Open Telecommunications, Ltd., North Sydney, AUSTRALIA; FirstTel Systems is now Ceon, Redwood Shores, CA; Nokia Telecommunications is now Nokia Networks Oy, Espoo, FINLAND; Object-Mart Inc. is now Optical Networks, San Jose, CA; InConcert, Inc. is now Tibco/Inconcert, Cambridge, MA; Spazio ZeroUno S.p.A. is now Advanced Network Solutions S.p.A., Vimodrone, ITALY; Lockheed Martin IMS, Communications Industry Services is now NeuStar, Inc., Washington, DC; InLogic Software, Inc. is now Daleen Technologies, Toronto, Ontario, CANADA; and Hermes Europe Railtel-Her Network Services BVBA is now Global Telesystems Group (GTS), Hoellaart, BELGIUM.

Telefonos de Mexico, S.A. de C.V., Col. Florida, Mexico D.F., MEXICO; Premisys Communications Inc., Fremont, CA; Bosch Telekom Inc., Gaithersburg, MD; Netmansys, Meylan, FRANCE; Infostrada, SJA, Milan, ITALY; Expertsoft Corporation, Reston, VA; John E. Watson, Consultant/ Developer, Telecom Software Solutions, Morgaton, GA; DEJ Consulting, Madrid, SPAIN; Versant Object Technologies, Menlo Park, CA; O.Tel.O Communications, Koln, GERMANY; X-Cel Communications Ltd., Camberley, Surrey, England, UNITED KINGDOM; Worldbridge Broadband Services, Inc., Nashville, TN; Visual Networks, Hudson, MA; Ernst & Young, LLP., Sacramento, CA; ITTI, Ltd., Pozman, POLAND; JK Zcom, Inc., Manassas, VA;

Dynamic Consulting International, Berrocales Del Jarama, SPAIN; ETRI, Taejon, REPUBLIC OF KOREA; GRC International, Inc., Vienna, VA; Ukrainian Research Institute of Communications (UNDIZ), Kyiv, UKRAINE; National Westminster Bank PLC, Kegworth, Derby, England, UNITED KINGDOM; INRIA Lorraine, Botanique, Villers-Les-Nancy, FRANCE; Verdonck, Klooster & Associates BV, Zoetermeer, THE NETHERLANDS; Concert Communications Company, Reston, VA; Metapath, Bellevue, WA; Liacom Systems, Holon, ISRAEL; Novadigm, Inc., Saddle Brook, NJ; Teligent, Herndon, VA; Sprint PCS, Lenexa, KS; Cintel, Santafe de Bogota, D.C., COLUMBIA; Saville, Edmonton, Alberta, CANADA; Teleglobe Canada, Inc., Montreal, Quebec, CANADA; ForeSystems, Dublin, IRELAND; Applied Digital Access-Canada, Inc., Burnaby, British Columbia, CANADA; Ascend Communications, Beachwood, OH; and Hanson Cooke, London, England, UNITED KINGDOM have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on June 8, 1999. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 21, 2000 (65 FR 15177).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 00-24607 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-11-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

September 14, 2000.

The Department of Labor (DOL) has submitted the following public information collection request (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork

Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 693-4127 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 693-4129 or by E-mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological review techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Type of Review:* New.

*Agency:* Employment and Training Administration.

*Title:* Revising Quarterly Contribution and Wage Reports to Accommodate Expanded Name Fields and Additional Labor Market Information.

*OMB Number:* 1205-0New.

*Affected Public:* State, Local, or Tribal Government.

*Frequency:* One-time.

*Number of Respondents:* 53.

*Estimated Time Per Respondent:* 51 Hours.

*Total Burden Hours:* 2,703.

*Total Annualized capital/startup costs:* \$0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The information collected with this survey is necessary

to assess the burden employers and SESAs would experience if the quarterly contribution and wage reports filed by employers and processed by SESAs were revised to accommodate full names and additional labor market information (LMI). The full name fields are necessary to enhance the efficiency of the National Directory of New Hires database in locating the employment of individuals who are not meeting their parental responsibilities. The additional LMI data are needed to improve the ability to accurately assess the value of various Workforce Investment Act vocational training programs and to enrich the pool of LMI data available.

Ira L. Mills,

Department Clearance Officer.

[FR Doc. 00-24657 Filed 9-25-00; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

September 20, 2000

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 693-4127 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 693-4129 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235 Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use 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:* Extension of a currently approved collection.

*Agency:* Employment Standards Administration (ESA).

*Title:* Health Insurance Claim Form.

*OMB Number:* 1215-0055.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government; and Individuals or households.

*Frequency:* On occasion.

*Number of Respondents:* 1,574,688.

*Number of Annual Responses:* 1,574,688.

*Estimated Time Per Response:* 7 minutes.

*Total Burden Hours:* 183,539.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* This information is required to reimburse health care providers for services rendered injured employees covered under the Federal Employees' Compensation Act (FECA) and the Federal Black Lung Benefits Act (FBLBA). Appropriate reimbursement cannot be made without documentation that details services provided by health care professionals throughout the country.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00-24658 Filed 9-25-00; 8:45 am]

BILLING CODE 4510-47-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

September 19, 2000.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13,

44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 693-4127 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 693-4129 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Type of Review:* Extension of a currently approved collection.

*Agency:* Pension and Welfare Benefits Administration.

*Title:* Voluntary Fiduciary Correction Program.

*OMB Number:* 1210-0118.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions.

*Frequency of Response:* On occasion.

*Total Respondents:* 700.

*Total Responses:* 700.

*Total Estimated Burden Hours:* 5,600.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Cost (Operating and Maintenance):* \$294,000.

*Description:* On March 15, 2000, PWBA published a notice concerning its adoption of a Voluntary Fiduciary Correction Program (65 FR 14164),

which allows certain persons to correct possible fiduciary breaches of Part 4 of Title I of ERISA, and to avoid potential civil actions initiated by the Department of Labor under the Employee Retirement Income Security Act of 1974 (ERISA), and the assessment of civil penalties under section 502(1) of ERISA.

Although written comments on the VFC Program were accepted through May 15, 2000, the Department submitted the information collection request (ICR) included in the VFC Program to OMB under emergency provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320 and requested approval by April 14, 2000. OMB approved the ICR under control number OMB 1210-0118, on April 14, 2000. The approval will expire on September 30, 2000. The information collection provisions of the VFC Program generally require that documentation of the correction of a fiduciary breach be supplied to the Department. The ICR has now been submitted to OMB for an extension of this approval.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 00-24659 Filed 9-25-00; 8:45 am]

BILLING CODE 4510-29-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Working Group on Benefit Continuity After Organizational Restructuring Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group of the Advisory Council on Employee Welfare and Pension Benefit Plans studying benefit continuity after organizational restructuring will hold an open public meeting on Friday, October 13, 2000, in Room N-5437 A-D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to discuss what recommendations will be included in their report.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before October 13, 2000, to Sharon Morrissey, Executive Secretary, ERISA

Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 13, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 13.

Signed at Washington, DC this 29th day of September, 2000.

**Leslie Kramerich,**

*Acting Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 00-24654 Filed 9-25-00; 8:45 am]

BILLING CODE 4510-29-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Working Group on Phased Retirement Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Thursday, October 12, 2000, of the Working Group on Phased Retirement of the Advisory Council on Employee Welfare and Pension Benefit Plans.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately 12:30 p.m. in Room N-5437 A-D, U.S. Department of Labor Building, Second and Constitution Avenue NW., Washington, DC 20210, is for working group members to discuss what recommendations they wish to include in their report to the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before October 5, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution

Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the working group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 5, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received October 5.

Signed at Washington, DC this 20th day of September 2000.

**Leslie Kramerich,**

*Acting Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 00-24655 Filed 9-25-00; 8:45 am]

BILLING CODE 4510-29-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Working Group on Long-Term Care; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Thursday, October 12, 2000, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group studying long-term care.

The session will take place in Room N-5437 A-D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for working group members to discuss the recommendations they will include in their final report to the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before October 5, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the

Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 5, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 5.

Signed at Washington, DC this 20th day of September 2000.

**Leslie Kramerich,**

*Acting Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 00-24656 Filed 9-25-00; 8:45 am]

**BILLING CODE 4510-29-M**

---

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Submission for OMB Review; Comment Request

September 20, 2000.

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with Paperwork Reduction Act of 1995 [Pub. L. 104-13, 44 U.S.C. Chapter 35]. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the National Endowment for the Arts' Research Division, Tom Bradshaw, Director, 202/682-5432. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call 202/682-5496 between 10 a.m. and 4 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 202/395-7316, within 30 days from the date of this publication in the Federal Register.

The Office of Management and Budget (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 submissions of responses.

*Agency:* National Endowment for the Arts.

*Title:* Jazz Musician Questionnaires.

*OMB Number:* New.

*Frequency:* One Time.

*Affected Public:* Jazz musicians in New York, New Orleans, Detroit, and San Francisco.

*Estimated Number of Respondents:* 3,100.

*Estimated Time Per Respondent:* 25 minutes.

*Total Burden Hours:* 1,231.

*Total Annualized Capital/Startup Costs:* 0.

*Total Annual Costs (Operating/Maintaining Systems or Purchasing Services):* 0.

*Description:* Information on the condition and needs of jazz artists working in these four major jazz cities. This information is necessary for the NEA to make informed policy decisions regarding the appropriate design of agency programs to support the jazz community. The NEA has sponsored this survey pursuant to its mandate to support "project and productions that will encourage and assist artists \* \* \*" and "other relevant projects including surveys, research, and publications \* \* \*" (U.S.C. 20 Section (5)).

**ADDRESSES:** Tom Bradshaw, Research Division, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 617, Washington, DC 20506-0001, telephone 202/682-5432 (this is not a toll-free number), fax 202/682-5677.

**Murray Welsh,**

*Director, Administrative Services, National Endowment for the Arts.*

[FR Doc. 00-24684 Filed 9-25-00; 8:45 am]

**BILLING CODE 7536-01-M**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

### Florida Power and Light Company, Turkey Point Nuclear Plant; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR-31 and DPR-41 for an Additional Twenty-Year Period

On September 11, 2000, the U.S. Nuclear Regulatory Commission received, by letter dated September 8, 2000, an application from Florida Power and Light Company, filed pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, and 10 CFR part 54, for renewal of Facility Operating License Nos. DPR-31 and DPR-41, which authorizes the applicant to operate Turkey Point Units 3 and 4 for an additional 20-year period. The current operating licenses for Turkey Point Units 3 and 4 expire on July 19, 2012 and April 10, 2013, respectively. Turkey Point Units 3 and 4 are pressurized-water reactors designed by Westinghouse and are located in Miami-Dade County, Florida. The acceptability of the tendered application for docketing and other matters, including an opportunity to request a hearing, will be the subject of a subsequent **Federal Register** notice.

A copy of the application is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, and on the NRC website at <http://www.nrc.gov>, (the Electronic Reading Room).

Dated at Rockville, Maryland, this 19th day of September 2000.

For the Nuclear Regulatory Commission.

**Christopher I. Grimes,**

*Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-24664 Filed 9-25-00; 8:45 am]

**BILLING CODE 7590-01-P**

---

## NUCLEAR REGULATORY COMMISSION

### Notice of Correction to Biweekly Notice of Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

On September 20, 2000, the **Federal Register** published the Biweekly Notice of Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Consideration. On page 56958, column 1, delete notices

beginning with Commonwealth Edison Company and ending on page 56959, column 3, with the FirstEnergy Nuclear Operating Company notice. These notices are duplicates of those that correctly appear under the heading **Notice of Issuance of Amendments to Facility Operating Licenses.**

Dated at Rockville, Maryland, this 20th day of September 2000.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-24665 Filed 9-25-00; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Salary Council

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Federal Salary Council will meet at the time and place shown below. The Council is an advisory body composed of experts in the fields of labor relations or pay policy and representatives of Federal employee organizations. The Council will discuss issues related to locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA) for General Schedule employees. The meeting is open to the public.

**DATE:** October 5, 2000, at 9:30 a.m.

**ADDRESSES:** Office of Personnel Management, 1900 E Street NW., Pendleton Room (Rm.5305) Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jerome D. Mikowicz, Chief, Salary and Wage Systems Division, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415-8200. Phone: (202) 606-2838; FAX (202) 606-0824; or email at [payleave@opm.gov](mailto:payleave@opm.gov).

For the President's Pay Agent.

**Janice R. Lachance,**

*Director.*

[FR Doc. 00-24638 Filed 9-25-00; 8:45 am]

**BILLING CODE 6425-01-U**

## POSTAL SERVICE BOARD OF GOVERNORS

### Sunshine Act Meeting

#### Board Votes To Close September 22, 2000, Special Meeting

By recorded vote on September 20, 2000, a majority of the Board of Governors of the United States Postal Service voted to hold a special meeting by telephone conference call and close it to public observation on September 22, 2000.

#### MATTERS TO BE CONSIDERED:

1. Priority Mail Processing Center Contract.

Persons Expected to Attend: Governors Ballard, Daniels, del Junco, Dyhrkopp, Fineman, and Walsh; Postmaster General Henderson, Deputy Postmaster General Nolan, Secretary of the Board Hunter, and General Counsel Gibbons.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

#### CONTACT PERSON FOR MORE INFORMATION:

Requests for information about the special meeting should be addressed to the Secretary of the Board, David G. Hunter, at (202) 268-4800.

**David G. Hunter,**

*Secretary.*

[FR Doc. 00-24856 Filed 9-22-00; 3:46 pm]

**BILLING CODE 7710-12-M**

## POSTAL SERVICE BOARD OF GOVERNORS

### Sunshine Act Meeting; Certification Regarding Closed Meeting of the United States Postal Service Board of Governors

Pursuant to 5 U.S.C. Section 552b(f)(1) and 39 CFR Section 7.6(a), I, Mary Anne Gibbons, General Counsel of the United States Postal Service, hereby certify that in my opinion the special meeting of the Board of Governors to be held on September 22, 2000, may be properly closed to the public pursuant to the provisions of section 552b(c)(9)(B), 10(A) of title 5, United States Code; and section 7.3(i), (j) of title 39, Code of Federal Regulations.

The members will consider: (1) Priority Mail Processing Centers contract.

Dated: September 21, 2000.

**Mary Anne Gibbons,**

*General Counsel.*

[FR Doc. 00-24857 Filed 9-22-00; 3:46 pm]

**BILLING CODE 7710-12-M**

## POSTAL SERVICE BOARD OF GOVERNORS

### Sunshine Act Meeting

**TIME AND DATE:** 1 P.M., Friday, September 22, 2000;

**PLACE:** United States Postal Service Headquarters, 475 L'Enfant Plaza, SW., Room 10300, Washington, DC 20260-1000 and by telephone conference call.

**STATUS:** Closed.

#### MATTER TO BE CONSIDERED:

1. Priority Mail Processing Center Contract.

#### CONTACT PERSON FOR INFORMATION:

David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

**David G. Hunter,**

*Secretary.*

[FR Doc. 00-24858 Filed 9-22-00; 3:48 pm]

**BILLING CODE 7710-12-M**

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

- (1) *Collection title:* Vocational Report.
- (2) *Form(s) submitted:* G-251.
- (3) *OMB Number:* 3220-0141.
- (4) *Expiration date of current OMB clearance:* 11/30/2000.
- (5) *Type of request:* Revision of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 6,000.
- (8) *Total annual responses:* 6,000.
- (9) *Total annual reporting hours:* 3,045.

(10) *Collection description:* Section 2 of the Railroad Retirement Act provides for the payment of disability annuities to qualified employees and widower(s). The collection obtains the information needed to determine their ability to work.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be

addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 and the OMB reviewer, Joe Lackey (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Chuck Mierzwa,**

*Clearance Officer.*

[FR Doc. 00-24687 Filed 9-25-00; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24648; 812-11964]

### Eaton Vance Management, et al., Notice of Application

September 19, 2000.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 18(c) and 18(i) of the Act, and pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

#### *Summary of Application:*

Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to amend a prior order that permits the imposition of asset-based distribution fees.

*Applicants:* Eaton Vance Management ("EVM"), Eaton Vance Distributors, Inc. ("Distributor") (collectively, "Eaton Vance"), Boston Management and Research ("BMR"), Senior Debt Portfolio (the "Portfolio"), Eaton Vance Prime Rate Reserves ("Prime Rate"), EV Classic Senior Floating-Rate Fund ("EV Classic," and together with Prime Rate, the "Fund"), Eaton Vance Advisers Senior Floating-Rate Fund ("EV Advisers"), and Eaton Vance Institution Senior Floating-Rate Fund ("EV Institutional," and together with EV Advisers and the Funds, the "Feeder Funds").

*Filing Dates:* The application was filed on February 2, 2000 and amended on August 4, 2000. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving

applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 13, 2000, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549-0609; Applicants, c/o Eric G. Woodbury, Esq., Eaton Vance Management, The Eaton Vance Building, 225 State Street, Boston, MA 02109.

**FOR FURTHER INFORMATION CONTACT:** Deepak T. Pai, Senior Counsel, at (202) 942-0574, or Christine Y. Greenless, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (telephone (202) 942-8090)

#### Applicants' Representations

1. The Feeder Funds and the Portfolio are business trusts organized under Massachusetts and New York law, respectively, and are registered under the Act as closed-end management investment companies. The Feeder Funds invest their assets in the Portfolio pursuant to a master-feeder structure. Eaton Vance serves as principal underwriter and administrator for the Feeder Funds. BMR, a wholly-owned subsidiary of EVM, serves as investment adviser to the Portfolio and is registered under the Investment Advisers Act of 1940. Applicants request that the order also apply to any other registered closed-end investment company existing now or in the future for which BMR or the Distributor or any entity controlling, controlled by, or under common control with BMR or the Distributor acts as investment advisers or principal underwriter. Any such investment company relying on the requested relief will do so in a manner consistent with the terms and conditions of the application. Each investment company presently intending to rely on the requested relief is named as an applicant.

2. The Feeder Funds continuously offer their shares to the public at net asset value ("NAV"). The Feeder Funds do not redeem shares daily and there presently is no secondary market for their shares. Shareholders who wish to sell their shares depend on quarterly repurchase offers in which the Feeder Funds offer to repurchase shares at NAV (less any applicable early withdrawal charges ("EWCs")). These repurchase offers are made pursuant to rule 23c-3 under the Act and an exemptive order.<sup>1</sup>

3. Each Fund, pursuant to an exemptive order, imposes an annual asset-based distribution fees.<sup>2</sup> Applicants represent that each Fund's distribution fees will comply with the requirement of Conduct Rule 2830(d) of the National Association of Securities Dealers, Inc. ("NASD").

4. Currently, each of prime Rate and EV Classic offers a single class of shares ("Original Class"). Prime Rate may offer two additional classes of shares, Class A and Class B, and EV Classic may offer one additional class of shares, Class C. The Original Class of shares of the Funds would be closed to new investors and would only be available to current shareholders of the Funds. Class A shares initially would be made available only upon the conversion of Class B shares or by exchange of Class A shares of other Eaton Vance funds. Class B shares would be offered without a front-end sales charge but would be subject to an EWC in amounts declining over time. Class B shares would automatically convert to Class A shares after a certain period of time from which they were originally purchased. Shareholders would not incur any sales charge on the conversion of Class B shares to Class A shares. Class C shares would be offered with no front-end sales charge but Class C shares repurchased by EV Classic within a certain time period would be subject to an EWC. The Class B and Class C EWCs may be waived in certain circumstances. Class A, Class B, and Class C shares may be subject to an annual shareholder servicing fee.

5. All expenses incurred by a Feeder Fund will be allocated among the various classes of shares based on the net assets of a Feeder fund attributable

<sup>1</sup> See Eaton Vance Management, et al., Investment Company Act Release Nos. 22670 (May 19, 1997) (Notice) and 22709 (June 16, 1994) (Order).

<sup>2</sup> See Eaton Vance Management, et al., Investment Company Act Release Nos. 23770 (April 6, 1999) (Notice) and 23818 (April 30, 1999) (Order) ("1999 Order"). Applicants request to amend the 1999 Order to extend the relief granted in the 1999 Order to any other registered closed-end investment company for which BMR or the Distributor or any entity controlled by, or under common control with BMR or the Distributor acts as investment adviser or principal underwriter.

to each class, except that the NAV and expenses of each class will reflect distribution fees, service fees (including transfer agency fees), and any other incremental expenses of that class. Expenses of a Feeder Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Each Feeder Fund may create additional classes of shares in the future that may have different terms from the Original Class, Class A, Class B, and Class C shares. Applicants state that each Feeder Fund will comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

#### Applicants' Legal Analysis

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of a Feeder Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants request an exemptive order to the extent that the proposed issuance and sale of multiple classes of shares of the Feeder Funds might be deemed (a) to result in the issuance of a "senior security;" within the meaning of section 18(g) of the Act and thus be prohibited by section 18(c) of the Act; and (b) to violate the equal voting provisions of section 18(i) of the Act.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) of the Act from sections 18(c) and 18(i) of the Act to permit the Feeder Funds to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Feeder Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert

that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f-3 under the Act. Applicants state that each Feeder fund will comply with the provisions of rule 18f-3 as if it were an open-end investment company.

#### Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 12b-1, 17d-3, 18f-3, and 22d-1 under the Act, as amended from time to time, as if those rules applied to closed-end investment companies, and will comply with NASD Conduct rule 2830(d), as amended from time to time.

For the Commission, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-24610 Filed 9-25-00; 8:45 am]

**BILLING CODE 8010-01-M**

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43304; File No. SR-CHX-00-26]

#### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated to Make Its After-Hours Trading "E-Session" a Permanent Part of its Operations

September 19, 2000

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 12, 2000, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission.<sup>5</sup> The Commission is

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Exchange provided the Commission with written notice of its intent to file the proposal on September 6, 2000, pursuant to Rule 19b-4(f)(6). 17 CFR 240.19b-4(f)(6).

publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposal

On October 13, 1999, the Securities and Exchange Commission approved, on a pilot basis through March 1, 2000, a new Article XXA and amendments to existing rules that allowed the Exchange to implement a new extended trading hours session (the "E-Session").<sup>6</sup> On February 28, 2000, the CHX extended the operation of the E-Session through October 1, 2000.<sup>7</sup> The CHX now proposes to make the operation of the E-Session permanent.

#### 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 CHX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

In September 1999, the Exchange proposed new Article XXA and several related rule changes to implement the E-Session. The E-Session was designed to meet the needs of market participants and CHX members who had demanded that the Exchange begin trading in hours that extend beyond the then-current trading day. The Exchange continues to believe that investors are best served if registered securities exchanges are participants in the burgeoning after-hours trading market and submits this proposal to make the operation of the E-Session permanent. The Exchange does not propose to make any additional changes to the E-Session at this time; this proposal seeks only to make the E-

<sup>6</sup> See Securities Exchange Act Release No. 42004 (October 13, 1999), 64 FR 56548 (October 20, 1999) (SR-CHX-99-16).

<sup>7</sup> See Securities Exchange Act Release No. 42463 (February 28, 2000), 65 FR 11817 (March 6, 2000) (SR-CHX-00-02).

Session a permanent part of the CHX's current operations.

*The operation of the E-Session.* The E-Session began operating on October 29, 1999. It currently operates from 3:30 p.m. (immediately following the close of the CHX's post primary trading session) to 5:30 p.m., Central Time, Monday through Friday.<sup>8</sup>

Trading during the E-Session is conducted, in some respects, as it is during the CHX's primary trading session; however, new features more fully automate the transmission of orders and provide additional protections to investors who trade during the session. Only unconditional limit orders and immediate or cancel limit orders are eligible for execution in the E-Session, and each limit order must be appropriately designated for trading in the E-Session.<sup>9</sup> Any orders remaining unexecuted at the end of the session are automatically canceled and do not carry over to any other trading session. Specialist firms continue to make two-sided, continuous markets in E-Session eligible stocks, generally the more active stocks assigned to them during the existing trading sessions, at their posts on the floor of the CHX (unless a specialist firm has transferred its assignment, for the E-Session only, to another specialist firm with the approval of the Committee on Specialist Assignment and Evaluation).

During the E-Session, in most cases (subject to an exception described below), limit orders must be electronically and directly transmitted, via the MAX<sup>TM</sup> electronic order routing system, to the specialist's limit order book. Floor brokers may route limit orders to the specialist's limit order book via MAX or may transmit the orders to another market. In addition, a floor broker may route orders to buy and sell equivalent quantities of the same security eligible to be executed at the same price through MAX to the specialist's limit order book or may execute those orders as a crossing transaction at the specialist's post in

accordance with existing Exchange rules.

Except as described in Article XXA or in other E-Session rule amendments, execution, reporting, clearance and settlement of transactions that occur during the E-Session follow the procedures currently in place for those activities in the Exchange's primary trading session.<sup>10</sup> Among other things, this general principle means that the National Securities Clearing Corporation clears the transactions that take place during this session, and the Securities Industry Automation Corporation and Nasdaq, Inc. disseminate CHX quotations and trade data. Three exceptions to this general rule arise from either the Exchange's desire to more fully automate the E-Session, or from the fact that no primary market of the kind that operates under the same terms and conditions during traditional trading hours is available during the E-Session.<sup>11</sup>

*Securities eligible for trading during the E-Session.* The CHX's Committee on Floor Procedure identifies, from time to time, the securities eligible for trading during the E-Session. In general, the securities listed on the Standard & Poor's 100 Stock Index<sup>TM</sup> (OEX) and on the Nasdaq-100 Index<sup>®</sup> (NDX), as well as other securities that rank among the 100 most active listed and 100 most active Nasdaq/NM securities at the end of each quarter trade during the E-Session. Currently, 303 securities are eligible for trading during the E-Session.

*Members eligible to participate in the E-Session.* All CHX members have access to the E-Session, in accordance with applicable CHX rules.

*Mandatory disclosures to non-members.* Because the E-Session operates in a manner, and at a time, that is different from the CHX's primary trading session, members must provide specific disclosures to non-members before accepting orders for execution in the E-Session. These disclosures are designed to ensure that participants in the after-hours market understand the potential risks of that participation.

*Surveillance and oversight.* The Exchange conducts surveillance of E-

Session trading using many of the same surveillance programs it uses to monitor trading during the primary trading session. E-Session order delivery, quoting and matching is almost entirely controlled by the Exchange's electronic systems. These systems reduce the possibility for intentional or inadvertent mishandling of orders and enhance the effectiveness of the surveillance programs. The CHX believes that E-Session surveillance has operated effectively during the first ten months of after-hours trading.

*Procedures for reviewing capacity, security and contingency planning.* The CHX uses many of the same review procedures for systems security, capacity management, and recovery and contingency planning that it employs for the systems that support the primary trading session.

## 2. Statutory Basis

The CHX believes the proposal is consistent with Section 6(b)(5) of the Act<sup>12</sup> in that it is designed to promote just and equitable principles of trade, to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.

### B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange believes that no burden will be placed on competition as a result of its proposal to make the E-Session a permanent part of the Exchange's current operations.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>13</sup> and Rule 19b-4(f)(6) thereunder.<sup>14</sup> At any time within 60 days of the filing

<sup>8</sup> The amendments to Article IX, Rule 10(b) (Business Days and Hours of Trading) and Article XX, Rule 2 (Hours of Floor Dealing) confirm the existence of this new trading session.

<sup>9</sup> The CHX proposed a rule change to allow its members to accept immediate or cancel limit orders during the E-Session so that the Exchange could participate in an anticipated linkage with a group of electronic communications networks who accept this type of order. Although the Commission has approved the rule change needed to allow the CHX to accept these orders (See Securities Exchange Act Release No. 42916 (June 9, 2000), 65 FR 38015 (June 19, 2000) (SSR-CHX-00-17)), the CHX is still working to develop the linkages with other market centers through which those orders will be transmitted.

<sup>10</sup> The amendments to Article XX, Rule 1 (Application [of Article] and Article XXI, Rule 1 (Reporting of Transaction) confirm that these rules encompass transactions that occur during the E-Session.

<sup>11</sup> The amendments to Article XX, Rule 37 (confirming that the Best System and the automatic execution features of the Midwest Automated Execution System do not operate during the E-Session), Article XXXI, rules 6 and 9 (confirming that odd-lot order execution occurs differently than during the primary trading session) and Article XXXIV (confirming that market makers do not participate in the E-Session) reflect these exceptions.

<sup>12</sup> U.S.C. 78f(b)(5).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>14</sup> 17 CFR 240.19b-4(f)(6).

of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become operative immediately because such designation is consistent with the protection of investors and the public interest. The Commission believes that the E-Session provides retail investors with an additional means to trade after traditional trading hours, and that the operation of the E-Session is consistent with Section 6(b)(5) of the Act<sup>15</sup> in that it is designed to remove impediments to, and to perfect the mechanism of, a free and open market. The Commission believes the availability of the E-Session may enhance competition in the after-hours market. Currently, electronic trading systems provide retail investors the opportunity to trade after-hours. The continued presence of a national securities exchange in the after-hours market will provide retail investors with an alternative forum through which to conduct after-hours transactions. The CHX has been operating the E-Session on a pilot basis. The Commission believes there is no particular benefit to investors if the CHX is required to wait 30 days before its proposal to make the E-Session a permanent part of its operations becomes operative. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.<sup>16</sup>

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to file number SR-CHX-00-26 and should be submitted by October 17, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-24641 Filed 9-25-00; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43302; File No. SR-NASD-00-56]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. to Extend the Operation of Certain Nasdaq Services and Facilities Until 6:30 P.M. Eastern Time

September 19, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 14, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission.<sup>5</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Commission agreed to waive the 5-day pre-filing notice requirement. The Commission also finds good cause to waive the 30-day pre-operative waiting period. See Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to extend, through March 1, 2001, its pilot program extending the availability of several Nasdaq services and facilities until 6:30 p.m. Eastern Time. Nasdaq has designated this proposal as non-controversial, and requests that the Commission waive both the 5-day pre-filing notice and the 30-day pre-operative waiting period contained in Rule 19b-4(f)(6)(iii) under the Act,<sup>6</sup> to allow the proposal to be both effective and operative immediately upon filing with the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

Nasdaq proposes to extend, through March 1, 2001, its current pilot program that makes available certain Nasdaq systems and facilities until 6:30 p.m. Eastern Time. The Commission originally approved the pilot on October 13, 1999.<sup>7</sup> The pilot will continue to operate under its current terms and conditions, including mandating 90-second trade reporting until 6:30 p.m. Eastern Time.

##### 2. Statutory Basis

Nasdaq believes that the proposal is consistent with the provisions of Section 15A(b)(6) of the Act<sup>8</sup> in that it is 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

<sup>6</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>7</sup> See Securities Exchange Act Release No. 42003 (October 13, 1999), 64 FR 56554 (October 20, 1999) (SR-NASD-99-57).

<sup>8</sup> 15 U.S.C. 78o-3(b)(6).

<sup>15</sup> 15 U.S.C. 78f(b)(5).

<sup>16</sup> For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

information with respect to, and facilitating transactions in securities.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does 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**

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and
- (iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and Rule 19b-4(f)(6) thereunder.<sup>10</sup> At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Nasdaq has requested that the Commission waive the 30-day pre-operative waiting period. The Commission finds good cause to designate the proposal to become immediately operative upon filing, because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the pilot to continue without interruption through March 1, 2001. The Commission believes the pilot provides beneficial information and services to investors, and that acceleration of the operative date will ensure that those benefits do not lapse. For these reasons, the Commission finds good cause to waive the 30-day operative waiting period, and to designate that the proposal become operative immediately.<sup>11</sup>

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-00-56 and should be submitted by October 17, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-24640 Filed 9-25-00; 8:45 am]

**BILLING CODE 8010-01-M**

### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-43303; File No. SR-NASD-00-52]

#### **Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to an Alternative Method of Reporting Riskless Principal Trades**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 30, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed

efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>12</sup> 17 CFR 200.30-3(a)(12)

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission.<sup>5</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Nasdaq proposes to amend NASD Rules 4632, 4642, 4652, 6130, 6420, and 6620, regarding Nasdaq, non-Nasdaq over-the-counter ("OTC") equity, and Nasdaq InterMarket<sup>6</sup> riskless principal trade-reporting, to provide members with an alternative method for complying with the riskless principal trade reporting rules, to add a new "riskless principal" capacity indicator symbol, and to make technical changes to NASD Rule 6420. The text of the proposed rule change is below. Proposed new language is in italics.

\* \* \* \* \*

#### **Rule 4630. Reporting Transactions in Nasdaq National Market Securities**

#### **Rule 4632. Transaction Reporting**

(a) through (c) No Change.  
(d) Procedures for Reporting Price and Volume. Members which are required to report pursuant to paragraph (b) above shall transmit last sale reports for all purchases and sales in designated securities in the following manner:

- (1) through (3)(A) No Change.
- (3)(B) Exception. A "riskless" principal transaction in which a member, after having received an order to buy a security, purchases the security as principal at the same price to satisfy the order to buy or, after having received an order to sell, sells the security as principal at the same price to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down, commission-equivalent, or other fee. *Alternatively, a member may report a riskless principal transaction by submitting the following report(s) to ACT:*

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> Nasdaq provided written notice to the Commission on August 21, 2000, that it intended to file this proposal. See Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

<sup>6</sup> Nasdaq changed the name of its Third Market to Nasdaq Intermarket. See Nasdaq Press Release, June 13, 2000 at <http://www.nasdaqnews.com>.

(i) The member with the obligation to report the transaction pursuant to paragraph (b) above must submit a last sale report for the initial leg of the transaction.

(ii) Regardless of whether a member has a reporting obligation pursuant to paragraph (b) above, the firm must submit, for the offsetting, "riskless" portion of the transaction, either:

a. a clearing-only report with a capacity indicator of "riskless principal," if a clearing report is necessary to clear the transaction; or

b. a non-tape, non-clearing report with a capacity indicator of "riskless principal," if a clearing report is not necessary to clear the transaction.

**Example:**

SELL as a principal 100 shares to another member at 40 to fill an existing order;

BUY as principal 100 shares from a customer at 40 minus a mark-down of \$12.50;

REPORT 100 shares at 40 by submitting to ACT either a single trade report marked with a "riskless principal" capacity indicator or by submitting the following reports:

(1) where required by this Rule, a tape report marked with a "principal" capacity indicator; and

(2) either a non-tape, non-clearing report or a clearing-only report marked with a "riskless principal" capacity indicator.

(e) through (f) No Change.

\* \* \* \* \*

**Rule 4640. Reporting Transactions in Nasdaq SmallCap<sup>SM</sup> Market Securities**

**Rule 4642. Transaction Reporting**

(a) through (c) No Change.

(d) Procedures for Reporting Price and Volume. Members which are required to report pursuant to paragraph (b) above shall transmit last sale reports for all purchases and sales in designated securities in the following manner:

(1) through (3)(A) No Change.

(3)(B) Exception. A "riskless" principal transaction in which a member, after having received an order to buy a security, purchases the security as principal at the same price to satisfy the order to buy or, after having received an order to sell, sells the security as principal at the same price to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down, commission-equivalent, or other fee. Alternatively, a member may report a riskless principal transaction by submitting the following report(s) to ACT:

(i) The member with the obligation to report the transaction pursuant to paragraph (b) above must submit a last sale report for the initial leg of the transaction.

(ii) Regardless of whether a member has a reporting obligation pursuant to paragraph (b) above, the firm must submit, for the offsetting, "riskless" portion of the transaction, either:

a. a clearing-only report with a capacity indicator of "riskless principal," if a clearing report is necessary to clear the transaction; or

b. a non-tape, non-clearing report with a capacity indicator of "riskless principal," if a clearing report is not necessary to clear the transaction.

**Example:**

SELL as a principal 100 shares to another member at 40 to fill an existing order;

BUY as principal 100 shares from a customer at 40 minus a mark-down of \$12.50;

REPORT 100 shares at 40 by submitting to ACT either a single trade report marked with a "riskless principal" capacity indicator or by submitting the following reports:

(1) where required by this Rule, a tape report marked with a "principal" capacity indicator; and

(2) either a non-tape, non-clearing report or a clearing-only report marked with a "riskless principal" capacity indicator.

(e) through (f) No Change.

\* \* \* \* \*

**Rule 4650. Reporting Transactions in Nasdaq Convertible Debt Securities**

**Rule 4652. Transaction Reporting**

(a) through (c) No Change.

(d) Procedures for Reporting Price and Volume. Members which are required to report pursuant to paragraph (b) above shall transmit last sale reports for all purchases and sales in designated securities in the following manner:

(1) through (3)(A) No Change.

(3)(B) Exception. A "riskless" principal transaction in which a member, after having received an order to buy a security, purchases the security as principal at the same price to satisfy the order to buy or, after having received an order to sell, sells the security as principal at the same price to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down, commission-equivalent, or other fee. Alternatively, a member may report a riskless principal transaction by submitting the following report(s) to ACT:

(i) The member with the obligation to report the transaction pursuant to paragraph (b) above must submit a last sale report for the initial leg of the transaction.

(ii) Regardless of whether a member has a reporting obligation pursuant to paragraph (b) above, the firm must submit, for the offsetting, "riskless" portion of the transaction, either:

a. a clearing-only report with a capacity indicator of "riskless principal," if a clearing report is necessary to clear the transaction; or

b. a non-tape, non-clearing report with a capacity indicator of "riskless principal," if a clearing report is not necessary to clear the transaction.

**Example:**

SELL as a principal 100 shares to another member at 40 to fill an existing order;

BUY as principal 100 shares from a customer at 40 minus a mark-down of \$12.50;

REPORT 100 shares at 40 by submitting to ACT either a single trade report marked with a "riskless principal" capacity indicator or by submitting the following reports:

(1) where required by this Rule, a tape report marked with a "principal" capacity indicator; and

(2) either a non-tape, non-clearing report or a clearing-only report marked with a "riskless principal" capacity indicator.

(e) through (f) No Change.

\* \* \* \* \*

**Rule 6600. REPORTING TRANSACTIONS IN OVER-THE-COUNTER EQUITY SECURITIES**

**Rule 6620. Transaction Reporting**

(a) through (c) No Change.

(d) Procedures for Reporting Price and Volume. Members which are required to report pursuant to paragraph (b) above shall transmit last sale reports for all purchases and sales in designated securities in the following manner:

(1) through (3)(A) No Change.

(3)(B) Exception. A "riskless" principal transaction in which a member, after having received an order to buy a security, purchases the security as principal at the same price to satisfy the order to buy or, after having received an order to sell, sells the security as principal at the same price to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down, commission-equivalent, or other fee. Alternatively, a member may report a riskless principal transaction by submitting the following report(s) to ACT:

(i) The member with the obligation to report the transaction pursuant to paragraph (b) above must submit a last sale report for the initial leg of the transaction.

(ii) Regardless of whether a member has a reporting obligation pursuant to paragraph (b) above, the firm must submit, for the offsetting, "riskless" portion of the transaction, either:

a. a clearing-only report with a capacity indicator of "riskless principal," if a clearing report is necessary to clear the transaction; or

*b. a non-tape, non-clearing report with a capacity indicator of "riskless principal," if a clearing report is not necessary to clear the transaction.*

*Example:*

SELL as a principal 100 shares to another member at 40 to fill an existing order;

BUY as principal 100 shares from a customer at 40 minus a mark-down of \$12.50;

REPORT 100 shares at 40 by submitting to ACT either a single trade report marked with a "riskless principal" capacity indicator or by submitting the following reports:

(1) where required by this Rule, a tape report marked with a "principal" capacity indicator; and

(2) either a non-tape, non-clearing report or a clearing-only report marked with a "riskless principal" capacity indicator.

(e) through (f) No Change.

\* \* \* \* \*

## **Rule 6400. REPORTING TRANSACTIONS IN LISTED SECURITIES**

### **Rule 6420. Transaction Reporting**

(a) through (c) No Change.

(d) Procedures for Reporting Price and Volume. Members which are required to report pursuant to paragraph (b) above shall transmit last sale reports for all purchases and sales in designated securities in the following manner:

(1) through (3)(A) No Change.

(3)(B) Exception. A "riskless" principal transaction in which a member, after having received [from a customer] an order to buy a security, purchases to security as principal [from another member or customer] at the same price to satisfy the order to buy or, after having received [from a customer] an order to sell, sells the security as principal [to another member] at the same price to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down, *commission-equivalent*, or *other fee*. Alternatively, a member may report a riskless principal transaction by submitting the following report(s) to ACT:

(i) The member with the obligation to report the transaction pursuant to paragraph (b) above must submit a last sale report for the initial leg of the transaction.

(ii) Regardless of whether a member has a reporting obligation pursuant to paragraph (b) above, the firm must submit, for the offsetting, "riskless" portion of the transaction, either:

a. a clearing-only report with a capacity indicator of "riskless principal," if a clearing report is necessary to clear the transaction; or

b. a non-tape, non-clearing report with a capacity indicator of "riskless principal," if a clearing report is not necessary to clear the transaction.

A riskless principal transaction in which a member purchases or sells the security on an exchange to satisfy a customer's order will be reported by the exchange and the member shall not report.

*Example:*

BUY as principal 100 shares from another member at 40 to fill an existing order;

SELL as principal 100 shares to a customer at 40 plus mark-up of \$12.50;

REPORT 100 shares at 40 by submitting, to ACT either a single trade report marked with a "riskless principal" capacity indicator or by submitting the following reports:

(1) where required by this Rule, a tape report marked with a "principal" capacity indicator; and

(2) either a non-tape, non-clearing report or a clearing-only report marked with a "riskless principal" capacity indicator.

*Example:*

BUY as principal 100 shares on an exchange at 40 to fill an existing order;

SELL as principal 100 shares to a customer at 40 plus a mark-up of \$12.50;

DO NOT REPORT (will be reported by exchange).

(e) No Change.

\* \* \* \* \*

## **Rule 6000. NASD SYSTEMS AND PROGRAMS**

### **Rule 6100. AUTOMATED CONFIRMATION TRANSACTION SERVICE (ACT)**

#### **Rule 6130. Trade Report Input**

(a) through (c) No Change.

(d) Trade Report To Be Input—

(7) A symbol indicating whether the trade is as principal, *riskless principal*, or agent.

(e) No Change.

\* \* \* \* \*

## **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

#### **1. Purpose**

On March 24, 1999 and July 8, 1999, the SEC approved proposals to amend the NASD trade reporting rules relating to riskless principal transactions in

Nasdaq National Market, Nasdaq SmallCap Market, Nasdaq convertible debt, non-Nasdaq OTC equity securities, and exchange-listed securities traded in the Nasdaq InterMarket ("Riskless Principal Trade Reporting Rules").<sup>7</sup> Under the new Riskless Principal Trade Reporting Rules, a "riskless" principal transaction is one where an NASD member, after having received an order to buy (sell) a security, purchases (sells) the security as principal at the same price to satisfy the order to buy (sell). The Rules require a firm to report a riskless principal trade as one transaction.

*Notices to Members 99-65* (discussing the trade reporting rules for riskless principal transactions in Nasdaq and OTC securities) and *99-66* (discussing, among other things, the trade reporting rules for the Nasdaq InterMarket) were published in August 1999. The *Notices* provided guidance on compliance with the new Rules, stating that market makers must report the initial leg of a riskless principal transaction to ACT and mark the ACT report "riskless principal" and must not report to ACT the offsetting transaction with the customer. The *Notices* announced that the Riskless Principal Trade Reporting Rules would become effective on September 30, 1999.

The implementation date of the new Riskless Principal Trade Reporting Rules has been delayed three times, most recently until November 1, 2000.<sup>8</sup> One of the reasons for delaying the implementation date was to allow Nasdaq an opportunity to respond to concerns raised by a number of NASD member firms about trade reporting problems presented by the Rules.<sup>9</sup> The firms represented that the approach to riskless principal trade reporting described in *Notice to Members 99-65* and *99-66*, which requires firms to report the first leg of a riskless principal

<sup>7</sup> See Securities Exchange Act Release Nos. 41208 (Mar. 24, 1999), 64 FR 15386 (Mar. 31, 1999) (SR-98-59) and 41606 (July 8, 1999), 64 FR 38226 (July 15, 1999) (SR-NASD-98-08).

<sup>8</sup> See Securities Exchange Act Release Nos. 41974 (Oct. 4, 1999), 64 FR 55508 (Oct. 13, 1999) (SR-99-52); 42494 (Mar. 3, 2000), 65 FR 13069 (Mar. 10, 2000) (SR-NASD-00-04); and 43103 (August 1, 2000), 65 FR 48774 (August 9, 2000) (SR-NASD-00-44).

<sup>9</sup> See letter to Belinda Blaine, Associate Director, SEC, dated February 18, 2000 from Automated Securities Clearance, Ltd. and the following NASD member firms: Bernard L. Madoff Securities; CIBC World Markets; Credit Suisse First Boston; Deutsche Banc Alex. Brown; Donaldson, Lufkin & Jenrette; Goldman Sachs & Co.; Jefferies & Company, Inc.; Lehman Bros.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Morgan Stanley Dean Witter; and Salomon Smith Barney Inc.

transaction to ACT and mark the report "riskless principal", would be problematic and would result in inaccurate reporting of the initial leg of a riskless principal transaction. The firms indentified the following problems:

- Trades reported by a third party (e.g., an ECN) on behalf of a broker-dealer can not be properly marked "riskless principal" because market makers do not know whether a particular order will trigger a riskless principal execution at the time the broker-dealer sends the order for execution.
- To the extent SOES and SelectNet executions trigger a riskless principal execution (for example, as result of Manning protection), the principal capacity assumed by Nasdaq's systems will be inaccurate.
- Systemic delay would be introduced into the trade reporting process for trades executed within a market maker's own trading system, because the system would be required to determine if Manning protection is owed to any orders on the books before the first trade is reported as riskless principal.

Nasdaq believes it has arrived at a workable approach to riskless principal trade reporting that can be used as an alternative to the original approach set forth in the new Riskless Principal Trade Reporting Rules and announced in the *Notices*. Under the alternative approach, member firms may report a riskless principal transaction by submitting either one or two reports to ACT. The first report would be required only if the member is the party with a reporting obligation under the relevant Rule. The second report, representing the offsetting, "riskless" portion of the transaction, must be submitted by all members electing to use the alternative method for riskless principal trade reporting, regardless of whether the firm has a reporting obligation. The report will be either a non-tape, non-clearing report (if there is no need to submit clearing information to ACT) or a clearing-only report. In either case, the report must be marked with a capacity indicator of "riskless principal." Because this is not a last sale report, it does not have to be submitted within 90 seconds after the transaction is executed.

The effect of the proposed rule change can be illustrated by the following examples. A market maker (MM1) holds a customer limit order to sell 1000 shares of ABCD, a Nasdaq National Market security, at \$10 that is displayed in its quote. MM1 sells 1000 shares to a second market maker (MM2) at \$10. When there is a trade between two market makers, the Nasdaq transaction reporting rules require the member representing the sell side to report the

transaction.<sup>10</sup> MM1 reports the sale of 1000 shares by submitting a last sale report to ACT marked "principal." MM1 then fills its customer order for 1000 shares. MM1 submits to ACT one of two reports marked "riskless principal" for the offsetting, riskless portion of the transaction: either a clearing-only report if necessary to complete the transaction with the customer or, if a clearing entry is not necessary, a non-tape, non-clearing report. This submission is not entered for reporting purposes and thus there will be no public trade report for this leg of the transaction.

In another example, both MM1 and MM2 hold customer limit orders: MM1 holds a customer limit order to sell 1000 shares of ABCD and MM2 holds a customer limit order to buy 1000 shares of ABCD, both of which are displayed in the market makers' quotes. MM1 sells 1000 shares to MM2 at \$10. MM1 and MM2 then fill both of their customer orders. MM1 reports the two transactions as described above. MM2 does not have a reporting obligation under the Nasdaq transaction reporting rules because it is the member representing the buy side. Therefore, it does not submit a last sale report for the transaction with MM1. However, for the transaction with its customer, MM2 is obligated to submit to ACT either a clearing-only entry or a non-tape, non-clearing report marked "riskless principal."

Firms can elect to use either the original approach described in *Notices to Members 99-65* and *99-66* or this alternative approach for reporting riskless principal trades. Also, firms can elect a given approach either for all trades or on a trade by trade basis. While the new alternative method is voluntary, firms that elect not to use this method must comply with the original method or will be violation of the trade reporting rules. It should be noted that the alternative approach is available for all Nasdaq and OTC transactions, and for transactions in listed securities executed off an exchange, but is not available for transactions in listed securities executed on an exchange, which are reported by the exchange under either approach. Nasdaq proposes to make the alternative approach to riskless principal trade reporting effective on November 1, 2000.

No ACT fee will be assessed for the non-tape, non-clearing report. An ACT fee will be assessed for the clearing-only report, however, because the firm is receiving clearing services in connection with the report.

<sup>10</sup> See Rules 4632(b), 4642(b), 4652(b), 6420(b), and 6620(b).

The guidance provided in *Notices to Members 99-65* and *99-66* is still valid for firms that elect to use the original approach to riskless principal trade reporting. Furthermore, the guidance provided in the *Notices* with respect to compliance with SEC Rule 10b-10 is valid for either the original or the alternative approach.

Nasdaq also proposes a technical change to Rule 6130(d)(7) to explicitly include in the risk "riskless principal" as a symbol on an ACT trade report, in addition to the principal and agent capacity indicators. The riskless principal symbol already is utilized in Nasdaq systems and in ACT trade reports, so this is not a new requirement; this is merely a technical change that adds this capacity indicator to the current list of symbols in the rule.

Finally, Nasdaq proposes to make technical changes to Rule 6420(d)(3)(B) to conform the language in that rule to language in Rules 4632(d)(3)(B), 4642(d)(3)(B), 4652(d)(3)(B), and 6620(d)(3)(B). In particular, Nasdaq proposes to delete language from Rule 6420(d)(3)(B) to ensure consistent application of the Riskless Principal Trade Reporting Rules to any order received by a member, regardless of the person or entity from which it was received. Specially, while the current rule refers to orders received from a "customer," the proposed rule simply refers to "an order." Thus, a transaction can be defined as riskless when the market maker is holding an order from a customer, another member, the customer of another member, or any other entity including non-member broker-dealers. Furthermore, the text of the rule is being amended to more clearly provide that such trades are reported exclusive of any fee. Identical revisions were made to Rules 4632(d)(3)(B), 4642(d)(3)(B), 4652(d)(3)(B), and 6620(d)(3)(B) in SR-NASD-98-59.<sup>11</sup>

## 2. Statutory Basis

Nasdaq believes that the proposal is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>12</sup> and that it will result in more accurate and reliable information regarding last sale transaction reports. Section 15A(b)(6) requires that the rules of a registered 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, settling,

<sup>11</sup> Securities Exchange Act Release No. 41208 (Mar. 24, 1999), 64 FR 15386 (Mar. 31, 1999).

<sup>12</sup> 15 U.S.C. 78o-3(b)(6).

processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect to 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.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does 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, as amended.

#### *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

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed,<sup>13</sup> or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>14</sup> and Rule 19b-4(f)(6) thereunder.<sup>15</sup> At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed

rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-00-52 and should be submitted by October 17, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-24642 Filed 9-25-00; 8:45 am]

**BILLING CODE 8010-01-M**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD09-00-101]

#### Great Lakes Regional Waterways Management Forum

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meeting and request for comments.

**SUMMARY:** "The Great Lakes Regional Waterways Management Forum" will hold a meeting to discuss various waterways management issues. Agenda items will include updates on Great Lakes dredging and aquatic nuisance species issues; progress reports from Forum Subcommittees on Communications, Navigation Technologies, Outreach, Cruise Ships; reports from Forum members on Waterway User Conflicts, and discussions about the agenda for the next meeting. The meeting will be open to the public.

**DATES:** The meeting will be held October 10, 2000 from 1 p.m. to 4 p.m. Comments must be submitted on or before October 9, 2000 to be considered at the meeting.

**ADDRESSES:** The meeting will be held in the U.S. Coast Guard Club located on the U.S. Coast Guard Moorings, 1055 East Ninth Street, Cleveland, OH 44199. Any written comments and materials should be submitted to Commander (map), Ninth Coast Guard District, 1240 E. 9th Street, Room 2069, Cleveland, OH 44199.

<sup>16</sup> 17 CFR 200.30-3(a)(12).

**FOR FURTHER INFORMATION CONTACT:** CDR Patrick Gerrity (map), Ninth Coast Guard District, OH 44199, telephone (216) 902-6049. Persons with disabilities requiring assistance to attend this meeting should contact CDR Gerrity.

**SUPPLEMENTARY INFORMATION:** The Great Lakes Waterways Management Forum identifies and resolves waterways management issues that involve the Great Lakes region. The forum meets twice a year to assess the Great Lakes region, assign priorities to areas of concern and identify issues for resolution. The forum membership has identified agenda items for this meeting that include: updates on Great Lakes dredging and aquatic nuisance species issues; progress reports from Forum Subcommittees on Communications, Navigation Technologies, Outreach, Cruise Ships; reports from Forum members on Waterway User Conflicts, and discussions about the agenda for the next meeting. Additional topics of discussion are solicited from the public.

Dated: September 7, 2000.

**G.S. Cope,**

*Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.*

[FR Doc. 00-24597 Filed 9-25-00; 8:45 am]

**BILLING CODE 4910-15-U**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2000-4)]

#### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the fourth quarter 2000 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2000 RCAF (Unadjusted) is 1.062. The fourth quarter 2000 RCAF (Adjusted) is 0.589. The fourth quarter 2000 RCAF-5 is 0.567.

**EFFECTIVE DATE:** October 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** H. Jeff Warren, (202) 565-1533. TDD for the hearing impaired: 1-800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DA•TO•DA OFFICE SOLUTIONS, Room 405, 1925 K Street, NW, Washington, DC 20423-0001, telephone (202) 466-5530.

<sup>13</sup> The Commission notes that the proposed rule change will not be effective until November 1, 2000. See footnote 8 and accompanying discussion

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 240.19b-4(f)(6).

[Assistance for the hearing impaired is available through TDD services 1-800-877-8339].

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

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

Decided: September 19, 2000.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 00-24691 Filed 9-25-00; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 19, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before October 26, 2000 to be assured of consideration.

### Bureau of Alcohol, Tobacco and Firearms (BATF)

*OMB Number:* 1512-0017.

*Form Number:* ATF F 6 Part I (5330.3A).

*Type of Review:* Extension.

*Title:* Application and Permit for Importation of Firearms, Ammunition and Implements of War.

*Description:* This information collected is needed to determine whether firearms, ammunition and implements of war are eligible for importation into the United States. Used to secure authorization to import such articles. All persons who desire to import such articles except for persons who are members of the United States Armed Forces.

*Respondents:* Individuals or households, Business or other for-profit,

Federal Government, State, Local or Tribal Government.

*Estimated Number of Respondents:* 9,000.

*Estimated Burden Hours Per*

*Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 4,500 hours.

*OMB Number:* 1512-0019.

*Form Number:* ATF Form 6A (5330.3C).

*Type of Review:* Extension.

*Title:* Release and Receipt of Imported Firearms, Ammunition and Implements of War.

*Description:* This information collection is needed to verify importation of firearms, ammunition and implements of war. ATF Form 6A is completed by Federal firearms licensees, active duty military members, nonresident U.S. citizens returning to the U.S. and aliens immigrating to the United States.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 20,000.

*Estimated Burden Hours Per*

*Respondent:* 24 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 8,000 hours.

*OMB Number:* 1512-0119.

*Form Number:* ATF F 5200.14 (2149/2150).

*Type of Review:* Extension.

*Title:* Notice of Removal of Tobacco Products, Cigarette Papers or Cigarette Tubes.

*Description:* Tobacco manufacturers or export warehouse proprietors are liable for tax on tobacco products removed from their premises. Tobacco products, cigarette papers and tubes may be removed without payment of tax, for specific and verifiable purposes. This form documents and verifies these removals.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 221.

*Estimated Burden Hours Per*

*Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 18,500 hours.

*OMB Number:* 1512-0162.

*Form Number:* ATF F 3067 (5210.9).

*Type of Review:* Extension.

*Title:* Manufacturer of Tobacco Products.

*Description:* This form is necessary to determine the beginning and ending inventories of tobacco products manufacturer. The inventory is recorded

on this form by the proprietor and is used to determine tax liability, compliance with regulations and for protection.

*Respondents:* Business of other for-profit, Farms.

*Estimated Number of Respondents:* 34.

*Estimated Burden Hours Per*

*Respondent:* 5 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 170 hours.

*OMB Number:* 1512-0334.

*Recordkeeping Requirement ID Number:* ATF REC 5150/3.

*Type of Review:* Extension.

*Title:* Usual and Customary Business Records Relating to Tax-Free Alcohol.

*Description:* Tax-free alcohol is used for nonbeverage purposes by educational organizations, hospitals, laboratories, etc. Records maintain spirits accountability and protect tax revenue and public safety.

*Respondents:* Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

*Estimated Number of Recordkeepers:* 4,560.

*Estimated Burden Hours Per*

*Recordkeeper:* 1 hour.

*Estimated Total Recordkeeping*

*Burden:* 1 hour.

*OMB Number:* 1512-0336.

*Recordkeeping Requirement ID Number:* ATF REC 5150/2.

*Type of Review:* Extension.

*Title:* Letterhead Applications and Notices Relating Denatured Spirits.

*Description:* Denatured spirits are used for nonbeverage industrial purposes in the manufacture of personal/household products. Permits/Applications control the authorized uses and flow. Tax revenue and public safety is protected.

*Respondents:* Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

*Estimated Number of Recordkeepers:* 3,111.

*Estimated Burden Hours Per*

*Recordkeeper:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Recordkeeping*

*Burden:* 1,556 hours.

*OMB Number:* 1512-0358.

*Recordkeeping Requirement ID Number:* ATF REC 5210/1.

*Type of Review:* Extension.

*Title:* Tobacco Products Manufacturers—Records of Operations.

*Description:* Tobacco Products manufacturers must maintain a system of records that provide accountability over the tobacco products received and produced. Needed to ensure tobacco

transactions to be traced, and ensure that tax liabilities have been totally satisfied.

*Respondents:* Business or other for-profit.

*Estimated Number of Recordkeepers:* 108.

*Estimated Burden Hours Per Recordkeeper:* 150 hours.

*Frequency of Response:* On occasion.

*Estimated Total Recordkeeping Burden:* 16,200 hours.

*OMB Number:* 1512-0368.

*Recordkeeping Requirement ID Number:* ATF REC 5230/1.

*Type of Review:* Extension.

*Title:* Tobacco Products Importer or Manufacturer—Records of Large Cigar Wholesale Prices.

*Description:* This record is maintained by manufacturers and importers of large cigars. Because the tax on large cigars is based on the sales price, this record is needed to verify that the correct tax has been determined by manufacturer or importer.

*Respondents:* Business of other for-profit.

*Estimated Number of Recordkeepers:* 108.

*Estimated Burden Hours Per Recordkeeper:* 2 hours, 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Recordkeeping Burden:* 252 hours.

*Clearance Officer:* Frank Bowers (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 00-24681 Filed 9-25-00; 8:45 am]

**BILLING CODE 4810-31-U**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review; Comment Request**

September 19, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be

addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before October 26, 2000 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0140.

*Form Number:* IRS Forms 2210 and 2210-F.

*Type of Review:* Extension.

*Title:* Underpayment of Estimated Tax by Individuals, Estates, and Trusts (2210); and Underpayment of Estimated Tax by Farmers and Fishermen (2210-F).

*Description:* Internal Revenue Code section 6654 imposes a penalty for failure to pay estimated tax. These forms are used by taxpayers to determine whether they are subject to the penalty and to compute the penalty if it applies. The Service uses this information to determine whether the taxpayer is subject to the penalty, and to verify the penalty amount.

*Respondents:* Individuals or households, Business or other for-profit, Farms.

*Estimated Number of Respondents/Recordkeepers:* 900,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

	Short method (in mins)	Regular method
Record-keeping.	19	13 min.
Learning about the law or the form.	15	31 min.
Preparing the form.	37	2 hr., 0 min.
Copying, assembling, and sending the form to the IRS.		

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 2,481,500 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New

Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 00-24682 Filed 9-25-00; 8:45 am]

**BILLING CODE 4830-01-U**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review; Comment Request**

September 20, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before October 26, 2000 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0052.

*Form Number:* IRS Forms 990-PF and 4720.

*Type of Review:* Revision.

*Title:* Return of Private Foundation or Section 4947(a)(1) Nonexempt Charitable Trust Treated as a Private Foundation (990-PF); and Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code (4720).

*Description:* Internal Revenue Code (IRC) section 6033 requires all private foundations, include section 4947(a)(1) trusts treated as private foundations, to file an annual information return. Section 53.4940-1(a) of the Income Tax Regulations requires that the tax on net investment income be reported on the return filed under section 6033. Form 990-PF is used for this purpose. Section 6011 requires a report of taxes under Chapter 42 of the Code for prohibited acts by private foundation and certain related parties. Form 4720 is used by foundations and/or related persons to report prohibited activities in detail and pay the tax on them.

*Respondents:* Not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 54,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

	Form 990-PF	Form 4720
Record-keeping.	140 hr., 37 min.	39 hr., 56 min.
Learning about the law or the form.	27 hr., 40 min.	16 hr., 31 min.
Preparing the form.	32 hr., 7 min.	23 hr., 29 min.
Copying, assembling, and sending the form to the IRS.	16 min .....	1 hr., 36 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 10,901,853 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 00-24683 Filed 9-25-00; 8:45 am]

**BILLING CODE 4830-01-U**

# Corrections

Federal Register

Vol. 65, No. 187

Tuesday, September 26, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 141

[FRL-6863-3]

RIN 2040-AD58

#### Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for List 2 Contaminants; Clarifications to the Unregulated Contaminant Monitoring Regulation

##### Correction

In proposed rule document 00-22488 beginning on page 55362 in the issue of Wednesday, September 13, 2000, make the following correction:

#### §141.40 [Corrected]

On page 55395, in §141.40(a)(3), in the second table, "List 3-Pre-Screen Testing-Radionuclides" should read "List 3-Pre-Screen Testing-Microorganisms".

[FR Doc. C0-22488 Filed 9-25-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Parts 204 and 245

[INS No. 2048-00]

RIN 1115-AF75

#### National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities

##### Correction

In rule document 00-22832 beginning on page 53889 in the issue of

Wednesday, September 6, 2000, make the following corrections:

#### §204.12 [Corrected]

1. On page 53893, in the third column, in §204.12(c), in the third line, "is" should read "as".

#### §245.18 [Corrected]

2. On page 53895, in the third column, in §245.18(d)(1), in the fifth and sixth lines the words "waiver based upon full-time clinical practice in an underserved" were repeated and should be removed.

3. On page 53896, in the first column, in §245.18(f)(3), in the fourth line "here" should read "her".

4. On the same page, in the second column, §245.18(h)(1), in the fourth line "of" should read "or".

[FR Doc. C0-22832 Filed 9-25-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 214

[INS No. 1811-96]

1115-AE61

#### Habitual Residence in the Territories and Possessions of the United States

##### Correction

In rule document 00-23788 beginning on page 56463 in the issue of Tuesday, September 19, 2000, make the following correction:

On page 56464, in the third column, in the third full paragraph, in the 14th line, "now" should read "not".

[FR Doc. C0-23788 Filed 9-25-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-26-AD; Amendment 39-11902; AD 2000-19-01]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600) and CL-600-2A12 (CL-601) Series Airplanes

##### Correction

In rule document 00-23579 beginning on page 56780 in the issue of Wednesday, September 20, 2000, make the following correction:

#### §39.13 [Corrected]

On page 56782, in §39.13, in the third column, in the paragraph (h), in the last line, "October 20, 2000" should read "October 25, 2000".

[FR Doc. C0-23579 Filed 9-25-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 192

[RSPA-97-2094; Amdt. Nos. 192-89; 195-69]

RIN 2137-AC54

#### Pipeline Safety: Underwater Abandoned Pipeline Facilities

##### Correction

In rule document 00-22986 beginning on page 54440 in the issue of Friday, September 8, 2000, make the following correction:

#### PART 192 [CORRECTED]

On page 54443, in the third column, in §192.727(g)(2), in the third line, "April 10, 2000." should read "April 10, 2001.".

[FR Doc. C0-22986 Filed 9-25-00; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

---

**Tuesday,  
September 26, 2000**

---

## **Part II**

### **Postal Service**

---

**39 CFR Part 20**

**International Mail; Proposed Changes in  
Postal Rates, Fees, and Mail  
Classifications; Proposed Rule**

**POSTAL SERVICE****39 CFR Part 20****International Mail; Proposed Changes in Postal Rates, Fees, and Mail Classifications****AGENCY:** Postal Service.**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to its authority under Title 39 U.S.C. 407, the Postal Service is proposing changes in international postal rates and fees and certain categories of mail classifications. As required under the Postal Reorganization Act, the proposed changes will result in international postal rates that do not apportion the costs of the service so as to impair the overall value of the service to the users, are fair and reasonable, and are not unduly or unreasonably discriminatory or preferential.

**DATES:** Comments on the proposed changes must be received on or before October 26, 2000.

**ADDRESSES:** Written comments should be mailed or delivered to the Manager, Business Results, International Business, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 370-IBU, Washington DC 20260-6500. Copies of all written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, in International Business, 10th Floor, 901 D Street SW., Washington DC.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Grandjean, (202) 314-7256, or Bruce Hirt, (202) 314-7195.

**SUPPLEMENTARY INFORMATION:** Under Title 39, U.S. Code 407, the Postal Service is required to have postal rates that (1) do not apportion the costs of the service so as to impair the overall value of the service to the users, (2) are fair and reasonable, and (3) are not unduly or unreasonably discriminatory or preferential. This notice contains changes in postage rates and fees that will maintain this requirement. At the same time, the Postal Service is proposing changes to the international mail classification scheme which will simplify service offerings and result in better access by the public to international mail services and which meet the requirements of the Acts of the Universal Postal Union of which the United States is a signatory. In addition, certain regulatory changes mandated by the adoption of the Acts by the Beijing Congress of the Universal Postal Union are being implemented concurrent with these changes in postal rates, fees, and mail classifications.

**I. Mail Classification Changes**

Under the provisions of Article 8 of the Universal Postal Convention, postal administrations "shall provide for the acceptance, handling, conveyance and delivery of letter-post items." Letter-post items may be classified according to one of two systems. The first system is based on speed of service and is divided into priority and nonpriority items. The second system is based on the contents of the items and is divided into letters and cards ("LC" items) and printed papers, literature for the blind, and small packets ("AO" items).

The Postal Service currently uses the second system and classifies international mail based on the nature of the contents. The Postal Service proposes to change from the content-based classification system to the speed-based system for letter-post items. Under this system there will be two categories of letter-post mail: priority (airmail) and nonpriority (economy). Mailers can select either category, without regard to the nature of mailable contents. However, special nonpriority rate schedules will continue for items such as books, sheet music, domestically approved publishers' mail, and literature for the blind. At the same time the Postal Service proposes to eliminate a number of services which are not used by customers or which would duplicate services available under the speed-based structure.

Under the proposed system categories of international mail will be related to speed of service. These categories are Priority Mail Global Guaranteed (PMGG), Express Mail International Service (EMS), Global Priority Mail (GPM), airmail, and economy mail. Both airmail and economy mail include letter-post and parcel post service. The letter-post classification encompasses all classes of international mail (*i.e.*, letters and letter packages, post and postal cards, aerogrammes, printed matter, and small packets) that were formerly categorized as LC (letters and cards) and AO (other articles).

Priority Mail Global Guaranteed is the U.S. Postal Service's premium international mail service. PMGG is an expedited delivery service that is the product of a business alliance between the U.S. Postal Service and DHL Worldwide Express, Inc. It provides reliable, high-speed, time-definite service from designated U.S. ZIP Code areas to locations in most destination countries and territorial possessions. Regulations for this service are currently listed in the *International Mail Manual* (IMM) 215. These regulations are moved to IMM 210 without change. This notice

does not make any changes to this service. Changes to PMGG are the subject of an independent series of **Federal Register** notices.

Express Mail International Service is an expedited mail service that can be used to send documents and merchandise to most of the country locations that are individually listed in the *International Mail Manual*. Principal features include EMS insurance coverage against loss, damage, or rifling, up to a maximum of \$500, at no additional charge. On Demand service is being retained; however, Custom Designed service is eliminated. Regulations for EMS are moved to IMM 220.

Global Priority Mail is an accelerated airmail service that provides customers with a reliable and economical means of sending correspondence, documents, printed matter, and lightweight merchandise items to certain foreign destinations. GPM items receive priority handling within the U.S. Postal Service and the postal administration of the country of destination. Senders can pay flat-rate postage by placing their contents into a standardized GPM envelope; or they can elect to pay variable-weight postage by affixing a GPM sticker to an envelope, box, or other customer-furnished packaging. There are no changes to this service. Regulations are moved to IMM 230.

Airmail may be used to send both letter-post items and parcel post packages to most foreign countries. Letter-post is a generic term for mailpieces of differing shapes, sizes, and contents that weigh 4 pounds or less and are subject to the provisions of the Universal Postal Union Convention. Letter-post encompasses letters and cards ("LC" items) and printed papers, literature for the blind, and small packets ("AO" items). There will no longer be separate rates for printed matter or small packets. These categories are included with letter-post, either airmail or economy. Letter-post items may contain any mailable matter that is not prohibited by the destination country. At the sender's option special services, such as registry, return receipt, and recorded delivery, may be added on a country-specific basis. Regulations for letter-post are listed in IMM 240. Parcel post, which is otherwise referred to as "CP" mail, is differentiated from letter-post because it is governed by the parcel provisions of the UPU convention. That classification is primarily designed to accommodate larger and heavier shipments, for which size and/or weight transcend the established limitations for letter-post items. It also affords senders the opportunity to obtain optional

mailing services, such as insurance coverage and return receipt, which would otherwise be unavailable. The conditions for parcel post are unchanged. Regulations are moved to IMM 280.

Economy mail includes letter-post and parcel post that are transported by surface. They are subject to the same regulatory requirements and conditions of mailing as the airmail items. The substantive differences between the two levels of service primarily relate to mode of transportation (air or surface), speed of service, and price. All bulk commercial services are moved to IMM 290. These include International Priority Airmail, International Surface Air Lift, Publishers' Periodicals, and Books and Sheet Music.

ValuePost/Canada is eliminated. A Canada rate group is added for International Surface Air Lift service to provide for bulk economy mailings to Canada.

The New Market Opportunities Program is eliminated. Few mailers have taken advantage of this program.

Global Package Link is also eliminated. Current customers will be offered other services for their mail.

Recall/change of address service, special delivery, special handling, and storage charges are eliminated. These services are rarely used by customers or have equal or better alternatives.

**II. Rate Changes**

Rates have been redesigned for the new international mail categories. For the most part the number of rate groups have been increased to better reflect the cost of providing service to particular groups of countries. In some cases (e.g., economy letter-post and economy parcel post) higher initial rate increments have been used. This reflects the higher cost associated with providing surface service for lightweight items.

The publishers' periodical rates in this notice have been previously adopted by the Postal Service with an effective date of January 13, 2001. See 65 FR 29955. The effective date of these rates is hereby changed to the effective date of the international rates and fees in this notice. The rates, fees, and conditions of mailing proposed in this notice, if adopted, will become effective concurrent with any domestic rates adopted as a result of the current proceedings before the Postal Rate Commission.

All regulatory changes necessary to implement this proposal are given below. Chapter 1, International Mail Services, is published in its entirety. Chapter 2, Conditions for Mailing, is also printed in its entirety except labeling lists, which are omitted to save space, and section 210 (formerly 215), Priority Mail Global Guaranteed.

Changes to this service will be announced in a separate **Federal Register** notice. The labeling lists have not been changed.

Only amended sections in chapters 3 through 9 are given. Changes to these chapters are not extensive.

Although the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites public comment at the above address.

The Postal Service proposes to adopt the following rates and to amend the International Mail Manual is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

**List of Subjects in 39 CFR Part 20**

Foreign relations, International postal services.

**PART 20—[AMENDED]**

1. The authority citation for 39 CFR part 20 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The *International Mail Manual* is amended to incorporate the following postage rates and regulations:

**INTERNATIONAL RATES AND FEES—EXPRESS MAIL INTERNATIONAL SERVICE**

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain) & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
.5	15.50	16.75	20.00	17.00	19.00	17.00	23.00
1	16.25	20.00	24.75	21.00	22.75	19.15	26.00
2	17.00	23.70	28.75	25.00	26.05	21.65	29.00
3	18.25	27.60	32.75	29.00	30.50	24.95	32.00
4	19.25	31.10	35.75	33.00	34.90	28.15	35.00
5	20.50	34.20	38.75	36.75	39.20	31.85	38.00
6	22.75	36.40	41.75	40.05	43.45	34.95	41.20
7	25.00	38.60	44.75	43.35	47.70	38.05	44.40
8	27.25	40.80	47.75	46.65	51.95	41.15	47.60
9	29.50	43.00	50.75	49.95	56.20	44.25	50.80
10	31.75	45.20	53.75	53.25	60.45	47.35	54.00
11	34.00	47.40	56.75	56.55	64.70	50.45	57.20
12	36.25	49.60	59.75	59.85	68.95	53.55	60.40
13	38.50	51.80	62.75	63.15	73.20	56.65	63.60
14	40.75	54.00	65.75	66.45	77.45	59.75	66.80
15	43.00	56.20	68.75	69.75	81.70	62.85	70.00
16	45.25	58.40	71.75	73.05	85.95	65.95	73.20
17	47.50	60.60	74.75	76.35	90.20	69.05	76.40
18	49.75	62.80	77.75	79.65	94.45	72.15	79.60
19	52.00	65.00	80.75	82.95	98.70	75.25	82.80
20	54.25	67.20	83.75	86.25	102.95	78.35	86.00
21	56.50	69.40	86.75	89.55	107.20	81.45	89.20
22	58.75	71.60	89.75	92.85	111.45	84.55	92.40
23	61.00	73.80	92.75	96.15	115.70	87.65	95.60
24	63.25	76.00	95.75	99.45	119.95	90.75	98.80
25	65.50	78.20	98.75	102.75	124.20	93.85	102.00
26	67.75	80.40	101.75	106.05	128.45	96.95	105.20

## INTERNATIONAL RATES AND FEES—EXPRESS MAIL INTERNATIONAL SERVICE—Continued

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
27	70.00	82.60	104.75	109.35	132.70	100.05	108.40
28	72.25	84.80	107.75	112.65	136.95	103.15	111.60
29	74.50	87.00	110.75	115.95	141.20	106.25	114.80
30	76.75	89.20	113.75	119.25	145.45	109.35	118.00
31	79.00	91.40	116.75	122.55	149.70	112.45	121.20
32	81.25	93.60	119.75	125.85	153.95	115.55	124.40
33	83.50	95.80	122.75	129.15	158.20	118.65	127.60
34	85.75	98.00	125.75	132.45	162.45	121.75	130.80
35	88.00	100.20	128.75	135.75	166.70	124.85	134.00
36	90.25	102.40	131.75	139.05	170.95	127.95	137.20
37	92.50	104.60	134.75	142.35	175.20	131.05	140.40
38	94.75	106.80	137.75	145.65	179.45	134.15	143.60
39	97.00	109.00	140.75	148.95	183.70	137.25	146.80
40	99.25	111.20	143.75	152.25	187.95	140.35	150.00
41	101.50	113.40	146.75	155.55	192.20	143.45	153.20
42	103.75	115.60	149.75	158.85	196.45	146.55	156.40
43	106.00	117.80	152.75	162.15	200.70	149.65	159.60
44	108.25	120.00	155.75	165.45	204.95	152.75	162.80
45	110.50	122.20	158.75	168.75	209.20	155.85	166.00
46	112.75	124.40	161.75	172.05	213.45	158.95	169.20
47	115.00	126.60	164.75	175.35	217.70	162.05	172.40
48	117.25	128.80	167.75	178.65	221.95	165.15	175.60
49	119.50	131.00	170.75	181.95	226.20	168.25	178.80
50	121.75	133.20	173.75	185.25	230.45	171.35	182.00
51	124.00	135.40	176.75	188.55	234.70	174.45	185.20
52	126.25	137.60	179.75	191.85	238.95	177.55	188.40
53	128.50	139.80	182.75	195.15	243.20	180.65	191.60
54	130.75	142.00	185.75	198.45	247.45	183.75	194.80
55	133.00	144.20	188.75	201.75	251.70	186.85	198.00
56	135.25	146.40	191.75	205.05	255.95	189.95	201.20
57	137.50	148.60	194.75	208.35	260.20	193.05	204.40
58	139.75	150.80	197.75	211.65	264.45	196.15	207.60
59	142.00	153.00	200.75	214.95	268.70	199.25	210.80
60	144.25	155.20	203.75	218.25	272.95	202.35	214.00
61	146.50	157.40	206.75	221.55	277.20	205.45	217.20
62	148.75	159.60	209.75	224.85	281.45	208.55	220.40
63	151.00	161.80	212.75	228.15	285.70	211.65	223.60
64	153.25	164.00	215.75	231.45	289.95	214.75	226.80
65	155.50	166.20	218.75	234.75	294.20	217.85	230.00
66	157.75	168.40	221.75	238.05	298.45	220.95	233.20
67	.....	.....	.....	.....	.....	224.05	236.40
68	.....	.....	.....	.....	.....	227.15	239.60
69	.....	.....	.....	.....	.....	230.25	242.80
70	.....	.....	.....	.....	.....	233.35	246.00

## EXPRESS MAIL INTERNATIONAL SERVICE

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12
.5	17.00	19.00	22.75	28.50	22.25
1	20.50	22.00	25.25	31.25	24.75
2	24.00	26.00	28.25	35.50	28.00
3	28.00	30.00	32.50	40.50	32.00
4	32.00	35.00	36.50	44.75	36.00
5	36.00	40.00	40.75	49.75	40.00
6	40.20	44.65	45.00	54.50	44.00
7	44.40	49.30	49.25	59.25	48.00
8	48.60	53.95	53.50	64.00	52.00
9	52.80	58.60	57.75	68.75	56.00
10	57.00	63.25	62.00	73.50	60.00
11	61.20	67.90	66.25	78.25	64.00
12	65.40	72.55	70.50	83.00	68.00
13	69.60	77.20	74.75	87.75	72.00
14	73.80	81.85	79.00	92.50	76.00
15	78.00	86.50	83.25	97.25	80.00
16	82.20	91.15	87.50	102.00	84.00

EXPRESS MAIL INTERNATIONAL SERVICE—Continued

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12
17	86.40	95.80	91.75	106.75	88.00
18	90.60	100.45	96.00	111.50	92.00
19	94.80	105.10	100.25	116.25	96.00
20	99.00	109.75	104.50	121.00	100.00
21	103.20	114.40	108.75	125.75	104.00
22	107.40	119.05	113.00	130.50	108.00
23	111.60	123.70	117.25	135.25	112.00
24	115.80	128.35	121.50	140.00	116.00
25	120.00	133.00	125.75	144.75	120.00
26	124.20	137.65	130.00	149.50	124.00
27	128.40	142.30	134.25	154.25	128.00
28	132.60	146.95	138.50	159.00	132.00
29	136.80	151.60	142.75	163.75	136.00
30	141.00	156.25	147.00	168.50	140.00
31	145.20	160.90	151.25	173.25	144.00
32	149.40	165.55	155.50	178.00	148.00
33	153.60	170.20	159.75	182.75	152.00
34	157.80	174.85	164.00	187.50	156.00
35	162.00	179.50	168.25	192.25	160.00
36	166.20	184.15	172.50	197.00	164.00
37	170.40	188.80	176.75	201.75	168.00
38	174.60	193.45	181.00	206.50	172.00
39	178.80	198.10	185.25	211.25	176.00
40	183.00	202.75	189.50	216.00	180.00
41	187.20	207.40	193.75	220.75	184.00
42	191.40	212.05	198.00	225.50	188.00
43	195.60	216.70	202.25	230.25	192.00
44	199.80	221.35	206.50	235.00	196.00
45	204.00	226.00	210.75	239.75	200.00
46	208.20	230.65	215.00	244.50	204.00
47	212.40	235.30	219.25	249.25	208.00
48	216.60	239.95	223.50	254.00	212.00
49	220.80	244.60	227.75	258.75	216.00
50	225.00	249.25	232.00	263.50	220.00
51	229.20	253.90	236.25	268.25	224.00
52	233.40	258.55	240.50	273.00	228.00
53	237.60	263.20	244.75	277.75	232.00
54	241.80	267.85	249.00	282.50	236.00
55	246.00	272.50	253.25	287.25	240.00
56	250.20	277.15	257.50	292.00	244.00
57	254.40	281.80	261.75	296.75	248.00
58	258.60	286.45	266.00	301.50	252.00
59	262.80	291.10	270.25	306.25	256.00
60	267.00	295.75	274.50	311.00	260.00
61	271.20	300.40	278.75	315.75	264.00
62	275.40	305.05	283.00	320.50	268.00
63	279.60	309.70	287.25	325.25	272.00
64	283.80	314.35	291.50	330.00	276.00
65	288.00	319.00	295.75	334.75	280.00
66	292.20	323.65	300.00	339.50	284.00
67	296.40	328.30	304.25	344.25	288.00
68	300.60	332.95	308.50	349.00	292.00
69	304.80	337.60	312.75	353.75	296.00
70	309.00	342.25	317.00	358.50	300.00

EMS corporate account: 5 percent discount from single piece rates.

GLOBAL PRIORITY MAIL

	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
Small Envelope					
\$4.00		\$4.00	\$5.00	\$5.00	\$5.00
Large Envelope					
7.00		7.00	9.00	9.00	9.00

VARIABLE WEIGHT

Weight not Over (lbs.)	Rate Group 1 (Canada)	Rate Group 2 (Mexico)	Rate Group 3	Rate Group 4 (Australia, Japan, New Zealand)	Rate Group 5
.5 .....	\$6.00	\$7.00	\$9.00	\$8.00	\$8.00
1 .....	8.00	9.00	11.00	10.00	12.00
1.5 .....	9.00	10.00	13.00	12.00	14.00
2 .....	11.00	12.00	16.00	15.00	17.00
2.5 .....	12.00	13.00	19.00	18.00	20.00
3 .....	14.00	15.00	22.00	21.00	23.00
3.5 .....	16.00	17.00	24.00	23.00	25.00
4 .....	18.00	19.00	27.00	26.00	28.00

Airmail

Letter-post (Aerogrammes: \$0.70. Postcards: Canada and Mexico, \$0.50; Rest of World, \$0.70).

SINGLE PIECE LETTER-POST

Weight not over (ozs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
1 .....	\$0.60	\$0.60	\$0.80	\$0.80	\$0.80
2 .....	0.85	0.85	1.60	1.70	1.55
3 .....	1.10	1.25	2.40	2.60	2.30
4 .....	1.35	1.65	3.20	3.50	3.05
5 .....	1.60	2.05	4.00	4.40	3.80
6 .....	1.85	2.45	4.80	5.30	4.55
7 .....	2.10	2.85	5.60	6.20	5.30
8 .....	2.35	3.25	6.40	7.10	6.05
12 .....	3.10	4.00	7.55	8.40	7.65
16 .....	3.75	5.15	8.70	9.70	9.25
20 .....	4.40	6.30	9.85	11.00	10.85
24 .....	5.05	7.45	11.00	12.30	12.45
28 .....	5.70	8.60	12.15	13.60	14.05
32 .....	6.35	9.75	13.30	14.90	15.65
36 .....	7.00	10.95	14.50	16.25	17.35
40 .....	7.65	12.15	15.70	17.60	19.05
44 .....	8.30	13.35	16.90	18.95	20.75
48 .....	8.95	14.55	18.10	20.30	22.45
52 .....	9.65	15.80	19.35	21.70	24.20
56 .....	10.35	17.05	20.60	23.10	25.95
60 .....	11.05	18.30	21.85	24.50	27.70
64 .....	11.75	19.55	23.10	25.90	29.45

INTERNATIONAL PRIORITY AIRMAIL

Rate group	Per piece	Drop shipment per pound	Full service per pound
1 (Canada) .....	\$0.25	\$2.60	\$3.60
2 (Mexico) .....	0.12	4.60	5.60
3 .....	0.20	4.25	5.25
4 .....	0.20	5.50	6.50
5 .....	0.12	4.60	5.60
6 .....	0.12	4.75	5.75
7 .....	0.12	6.25	7.25
8 .....	0.12	7.25	8.25
Worldwide .....	0.20	7.00	8.00

## AIRMAIL PARCEL POST SINGLE PIECE

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
1	\$13.25	\$13.00	\$16.00	\$16.25	\$15.25	\$14.00	\$16.50
2	13.25	15.50	20.00	20.50	19.75	15.50	19.00
3	14.25	17.75	24.00	24.50	24.50	17.50	21.75
4	15.50	20.25	28.00	29.00	29.75	20.25	24.50
5	16.75	23.00	32.00	33.50	35.00	22.75	27.25
6	17.85	25.00	35.00	36.80	39.25	25.65	30.25
7	18.95	27.00	38.00	40.10	43.50	28.55	33.25
8	20.05	29.00	41.00	43.40	47.75	31.45	36.25
9	21.15	31.00	44.00	46.70	52.00	34.35	39.25
10	22.25	33.00	47.00	50.00	56.25	37.25	42.25
11	23.35	35.00	50.00	53.30	60.50	40.15	45.25
12	24.45	37.00	53.00	56.60	64.75	43.05	48.25
13	25.55	39.00	56.00	59.90	69.00	45.95	51.25
14	26.65	41.00	59.00	63.20	73.25	48.85	54.25
15	27.75	43.00	62.00	66.50	77.50	51.75	57.25
16	28.85	45.00	65.00	69.80	81.75	54.65	60.25
17	29.95	47.00	68.00	73.10	86.00	57.55	63.25
18	31.05	49.00	71.00	76.40	90.25	60.45	66.25
19	32.15	51.00	74.00	79.70	94.50	63.35	69.25
20	33.25	53.00	77.00	83.00	98.75	66.25	72.25
21	34.35	55.00	80.00	86.30	103.00	69.15	75.25
22	35.45	57.00	83.00	89.60	107.25	72.05	78.25
23	36.55	59.00	86.00	92.90	111.50	74.95	81.25
24	37.65	61.00	89.00	96.20	115.75	77.85	84.25
25	38.75	63.00	92.00	99.50	120.00	80.75	87.25
26	39.85	65.00	95.00	102.80	124.25	83.65	90.25
27	40.95	67.00	98.00	106.10	128.50	86.55	93.25
28	42.05	69.00	101.00	109.40	132.75	89.45	96.25
29	43.15	71.00	104.00	112.70	137.00	92.35	99.25
30	44.25	73.00	107.00	116.00	141.25	95.25	102.25
31	45.35	75.00	110.00	119.30	145.50	98.15	105.25
32	46.45	77.00	113.00	122.60	149.75	101.05	108.25
33	47.55	79.00	116.00	125.90	154.00	103.95	111.25
34	48.65	81.00	119.00	129.20	158.25	106.85	114.25
35	49.75	83.00	122.00	132.50	162.50	109.75	117.25
36	50.85	85.00	125.00	135.80	166.75	112.65	120.25
37	51.95	87.00	128.00	139.10	171.00	115.55	123.25
38	53.05	89.00	131.00	142.40	175.25	118.45	126.25
39	54.15	91.00	134.00	145.70	179.50	121.35	129.25
40	55.25	93.00	137.00	149.00	183.75	124.25	132.25
41	56.35	95.00	140.00	152.30	188.00	127.15	135.25
42	57.45	97.00	143.00	155.60	192.25	130.05	138.25
43	58.55	99.00	146.00	158.90	196.50	132.95	141.25
44	59.65	101.00	149.00	162.20	200.75	135.85	144.25
45	60.75	.....	152.00	.....	205.00	138.75	147.25
46	61.85	.....	155.00	.....	209.25	141.65	150.25
47	62.95	.....	158.00	.....	213.50	144.55	153.25
48	64.05	.....	161.00	.....	217.75	147.45	156.25
49	65.15	.....	164.00	.....	222.00	150.35	159.25
50	66.25	.....	167.00	.....	226.25	153.25	162.25
51	67.35	.....	170.00	.....	230.50	156.15	165.25
52	68.45	.....	173.00	.....	234.75	159.05	168.25
53	69.55	.....	176.00	.....	239.00	161.95	171.25
54	70.65	.....	179.00	.....	243.25	164.85	174.25
55	71.75	.....	182.00	.....	247.50	167.75	177.25
56	72.85	.....	185.00	.....	251.75	170.65	180.25
57	73.95	.....	188.00	.....	256.00	173.55	183.25
58	75.05	.....	191.00	.....	260.25	176.45	186.25
59	76.15	.....	194.00	.....	264.50	179.35	189.25
60	77.25	.....	197.00	.....	268.75	182.25	192.25
61	78.35	.....	200.00	.....	273.00	185.15	195.25
62	79.45	.....	203.00	.....	277.25	188.05	198.25
63	80.55	.....	206.00	.....	281.50	190.95	201.25
64	81.65	.....	209.00	.....	285.75	193.85	204.25
65	82.75	.....	212.00	.....	290.00	196.75	207.25
66	83.85	.....	215.00	.....	294.25	199.65	210.25
67	.....	.....	.....	.....	298.50	202.55	213.25
68	.....	.....	.....	.....	302.75	205.45	216.25

AIRMAIL PARCEL POST SINGLE PIECE—Continued

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
69 .....	.....	.....	.....	.....	307.00	208.35	219.25
70 .....	.....	.....	.....	.....	311.25	211.25	222.25

AIRMAIL PARCEL POST SINGLE PIECE

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12	Rate group 13
1 .....	\$12.50	\$14.50	\$16.00	\$18.00	\$14.00	\$17.00
2 .....	16.00	18.75	18.50	22.00	15.50	19.00
3 .....	20.00	23.25	21.50	26.00	17.25	22.00
4 .....	24.25	26.75	24.00	30.00	19.25	25.00
5 .....	28.75	32.75	26.50	34.00	21.25	28.00
6 .....	32.65	36.50	29.50	37.50	23.75	31.25
7 .....	36.55	40.40	32.50	41.00	26.25	34.50
8 .....	40.45	44.30	35.50	44.50	28.75	37.75
9 .....	44.35	48.20	38.50	48.00	31.25	41.00
10 .....	48.25	52.10	41.50	51.50	33.75	44.25
11 .....	52.15	56.00	44.50	55.00	36.25	47.50
12 .....	56.05	59.90	47.50	58.50	38.75	50.75
13 .....	59.95	63.80	50.50	62.00	41.25	54.00
14 .....	63.85	67.70	53.50	65.50	43.75	57.25
15 .....	67.75	71.60	56.50	69.00	46.25	60.50
16 .....	71.65	75.50	59.50	72.50	48.75	63.75
17 .....	75.55	79.40	62.50	76.00	51.25	67.00
18 .....	79.45	83.30	65.50	79.50	53.75	70.25
19 .....	83.35	87.20	68.50	83.00	56.25	73.50
20 .....	87.25	91.10	71.50	86.50	58.75	76.75
21 .....	91.15	95.00	74.50	90.00	61.25	80.00
22 .....	95.05	98.90	77.50	93.50	63.75	83.25
23 .....	98.95	102.80	80.50	97.00	66.25	86.50
24 .....	102.85	106.70	83.50	100.50	68.75	89.75
25 .....	106.75	110.60	86.50	104.00	71.25	93.00
26 .....	110.65	114.50	89.50	107.50	73.75	96.25
27 .....	114.55	118.40	92.50	111.00	76.25	99.50
28 .....	118.45	122.30	95.50	114.50	78.75	102.75
29 .....	122.35	126.20	98.50	118.00	81.25	106.00
30 .....	126.25	130.10	101.50	121.50	83.75	109.25
31 .....	130.15	134.00	104.50	125.00	86.25	112.50
32 .....	134.05	137.90	107.50	128.50	88.75	115.75
33 .....	137.95	141.80	110.50	132.00	91.25	119.00
34 .....	141.85	145.70	113.50	135.50	93.75	122.25
35 .....	145.75	149.60	116.50	139.00	96.25	125.50
36 .....	149.65	153.50	119.50	142.50	98.75	128.75
37 .....	153.55	157.40	122.50	146.00	101.25	132.00
38 .....	157.45	161.30	125.50	149.50	103.75	135.25
39 .....	161.35	165.20	128.50	153.00	106.25	138.50
40 .....	165.25	169.10	131.50	156.50	108.75	141.75
41 .....	169.15	173.00	134.50	160.00	111.25	145.00
42 .....	173.05	176.90	137.50	163.50	113.75	148.25
43 .....	176.95	180.80	140.50	167.00	116.25	151.50
44 .....	180.85	184.70	143.50	170.50	118.75	154.75
45 .....	184.75	188.60	146.50	174.00	121.25	158.00
46 .....	188.65	192.50	149.50	177.50	123.75	161.25
47 .....	192.55	196.40	152.50	181.00	126.25	164.50
48 .....	196.45	200.30	155.50	184.50	128.75	167.75
49 .....	200.35	204.20	158.50	188.00	131.25	171.00
50 .....	204.25	208.10	161.50	191.50	133.75	174.25
51 .....	208.15	212.00	164.50	195.00	136.25	177.50
52 .....	212.05	215.90	167.50	198.50	138.75	180.75
53 .....	215.95	219.80	170.50	202.00	141.25	184.00
54 .....	219.85	223.70	173.50	205.50	143.75	187.25
55 .....	223.75	227.60	176.50	209.00	146.25	190.50
56 .....	227.65	231.50	179.50	212.50	148.75	193.75
57 .....	231.55	235.40	182.50	216.00	151.25	197.00

## AIRMAIL PARCEL POST SINGLE PIECE—Continued

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12	Rate group 13
58 .....	235.45	239.30	185.50	219.50	153.75	200.25
59 .....	239.35	243.20	188.50	223.00	156.25	203.50
60 .....	243.25	247.10	191.50	226.50	158.75	206.75
61 .....	247.15	251.00	194.50	230.00	161.25	210.00
62 .....	251.05	254.90	197.50	233.50	163.75	213.25
63 .....	254.95	258.80	200.50	237.00	166.25	216.50
64 .....	258.85	262.70	203.50	240.50	168.75	219.75
65 .....	262.75	266.60	206.50	244.00	171.25	223.00
66 .....	266.65	270.50	209.50	247.50	173.75	226.25
67 .....	270.55	274.40	212.50	251.00	176.25	229.50
68 .....	274.45	278.30	215.50	254.50	178.75	232.75
69 .....	278.35	282.20	218.50	258.00	181.25	236.00
70 .....	282.25	286.10	221.50	261.50	183.75	239.25

## AIRMAIL M-BAGS

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
11 .....	\$16.50	\$17.60	\$27.50	\$38.50	\$38.50
Each additional pound or fraction of a pound .....	1.50	1.60	2.50	3.50	3.50

## ECONOMY MAIL—LETTER-POST SINGLE PIECE

Weight not over (ozs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
16 .....	\$2.70	\$4.35	\$3.80	\$4.05	\$4.95
20 .....	4.05	5.15	4.45	4.70	5.70
24 .....	4.55	5.95	5.10	5.35	6.50
28 .....	5.05	6.70	5.70	6.00	7.30
32 .....	5.60	7.50	6.30	6.65	8.10
36 .....	6.00	8.15	6.90	7.25	8.75
40 .....	6.40	8.80	7.50	7.85	9.40
44 .....	6.80	9.45	8.10	8.45	10.05
48 .....	7.20	10.10	8.70	9.05	10.70
52 .....	7.60	10.75	9.30	9.65	11.35
56 .....	8.00	11.40	9.90	10.25	12.00
60 .....	8.40	12.05	10.50	10.85	12.65
64 .....	8.80	12.70	11.10	11.45	13.30

## INTERNATIONAL SURFACE AIR LIFT

Rate group	Per piece	Drop shipment per pound	Direct shipment per pound	Full service per pound	M-Bag drop shipment	M-Bag direct shipment	M-Bag full service
1 (Canada) .....	\$0.25	\$2.15	\$2.65	\$3.15	\$1.40	\$1.50	\$1.50
2 (Mexico) .....	0.12	3.20	3.70	4.20	1.50	1.60	1.60
3 .....	0.20	2.50	3.00	3.50	1.50	1.75	1.75
4 .....	0.20	2.75	3.25	3.75	2.50	2.50	2.50
5 .....	0.12	3.45	3.95	4.45	2.00	2.25	2.25
6 .....	0.12	3.40	3.90	4.40	2.00	2.25	2.25
7 .....	0.12	3.50	4.00	4.50	2.25	2.50	2.50
8 .....	0.12	5.50	6.00	6.50	3.00	3.25	3.25

PUBLISHERS' PERIODICALS

Weight not over		Canada	Mexico	All other countries (except Canada and Mexico)
lbs. ozs.				
0	1	\$0.40	\$0.48	\$0.44
0	2	0.46	0.60	0.55
0	3	0.52	0.78	0.71
0	4	0.59	0.90	0.83
0	5	0.65	1.13	1.05
0	6	0.72	1.13	1.05
0	7	0.78	1.36	1.27
0	8	0.85	1.36	1.27
0	9	0.91	1.57	1.50
0	10	0.98	1.57	1.50
0	11	1.04	1.80	1.71
0	12	1.11	1.80	1.71
0	13	1.17	2.03	1.93
0	14	1.24	2.03	1.93
0	15	1.30	2.26	2.15
0	16	1.37	2.26	2.15
0	18	1.43	2.46	2.36
0	20	1.49	2.68	2.56
0	22	1.55	2.88	2.77
0	24	1.61	3.10	2.98
0	26	1.67	3.30	3.19
0	28	1.73	3.52	3.39
0	30	1.79	3.72	3.60
0	32	1.85	3.94	3.81
3	0	4.00	5.38	5.13
4	0	4.64	6.82	6.45

\$0.25 per pound discount for volume made up to country and tendered at the New Jersey International and Bulk Mail Center.

BOOKS AND SHEET MUSIC

Weight not over (ozs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Japan, Australia, New Zealand)	Rate group 5
0.5	\$1.70	\$2.85	\$2.65	\$2.60	\$2.80
1.0	1.70	2.85	2.65	2.60	2.80
2.0	1.70	2.85	2.65	2.60	2.80
3.0	1.70	2.85	2.65	2.60	2.80
4.0	1.70	2.85	2.65	2.60	2.80
5.0	1.70	2.85	2.65	2.60	2.80
6.0	1.70	2.85	2.65	2.60	2.80
7.0	1.70	2.85	2.65	2.60	2.80
8.0	1.70	2.85	2.65	2.60	2.80
12.0	1.70	2.85	2.65	2.60	2.80
16.0	1.70	2.85	2.65	2.60	2.80
20.0	1.85	3.40	3.20	3.10	3.35
24.0	2.00	3.95	3.75	3.60	3.90
28.0	2.15	4.50	4.25	4.10	4.45
32.0	2.30	5.00	4.75	4.60	5.00
36.0	3.00	5.45	5.10	5.00	5.45
40.0	3.68	5.90	5.50	5.38	5.90
44.0	4.35	6.35	5.90	5.75	6.35
48.0	5.00	6.75	6.20	6.10	6.70
52.0	5.20	7.65	6.60	6.50	7.15
56.0	5.40	8.55	7.00	6.90	7.60
60.0	5.60	9.45	7.40	7.35	8.05
64.0	5.80	10.30	7.80	7.75	8.40

## Matter for the Blind—Free

## ECONOMY PARCEL POST SINGLE PIECE

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
5	\$15.25	\$19.50	\$23.00	\$23.25	\$21.25	\$18.25	\$22.00
6	15.75	20.75	25.00	25.00	22.75	19.35	24.00
7	16.50	22.00	27.00	26.25	24.25	20.45	26.00
8	17.25	23.00	29.00	27.75	25.75	21.55	28.00
9	17.75	24.00	31.00	29.00	27.25	22.65	30.00
10	18.25	24.75	32.75	30.25	28.75	23.75	32.00
11	18.70	25.50	34.45	31.30	30.00	24.70	33.60
12	19.15	26.25	36.15	32.35	31.25	25.65	35.20
13	19.60	27.00	37.85	33.40	32.50	26.60	36.80
14	20.05	27.75	39.55	34.45	33.75	27.55	38.40
15	20.50	28.50	41.25	35.50	35.00	28.50	40.00
16	20.95	29.25	42.95	36.55	36.25	29.45	41.60
17	21.40	30.00	44.65	37.60	37.50	30.40	43.20
18	21.85	30.75	46.35	38.65	38.75	31.35	44.80
19	22.30	31.50	48.05	39.70	40.00	32.30	46.40
20	22.75	32.25	49.75	40.75	41.25	33.25	48.00
21	23.30	32.95	51.35	41.70	42.40	34.15	49.60
22	23.85	33.65	52.95	42.65	43.55	35.05	51.20
23	24.40	34.35	54.55	43.60	44.70	35.95	52.80
24	24.95	35.05	56.15	44.55	45.85	36.85	54.40
25	25.50	35.75	57.75	45.50	47.00	37.75	56.00
26	26.05	36.45	59.35	46.45	48.15	38.65	57.60
27	26.60	37.15	60.95	47.40	49.30	39.55	59.20
28	27.15	37.85	62.55	48.35	50.45	40.45	60.80
29	27.70	38.55	64.15	49.30	51.60	41.35	62.40
30	28.25	39.25	65.75	50.25	52.75	42.25	64.00
31	28.80	39.95	67.25	51.15	53.85	43.10	65.50
32	29.35	40.65	68.75	52.05	54.95	43.95	67.00
33	29.90	41.35	70.25	52.95	56.05	44.80	68.50
34	30.45	42.05	71.75	53.85	57.15	45.65	70.00
35	31.00	42.75	73.25	54.75	58.25	46.50	71.50
36	31.55	43.45	74.75	55.65	59.35	47.35	73.00
37	32.10	44.15	76.25	56.55	60.45	48.20	74.50
38	32.65	44.85	77.75	57.45	61.55	49.05	76.00
39	33.20	45.55	79.25	58.35	62.65	49.90	77.50
40	33.75	46.25	80.75	59.25	63.75	50.75	79.00
41	34.30	46.95	82.25	60.15	64.85	51.60	80.50
42	34.85	47.65	83.75	61.05	65.95	52.45	82.00
43	35.40	48.35	85.25	61.95	67.05	53.30	83.50
44	35.95	49.05	86.75	62.85	68.15	54.15	85.00
45	36.50	.....	88.25	.....	69.25	55.00	86.50
46	37.05	.....	89.75	.....	70.35	55.85	88.00
47	37.60	.....	91.25	.....	71.45	56.70	89.50
48	38.15	.....	92.75	.....	72.55	57.55	91.00
49	38.70	.....	94.25	.....	73.65	58.40	92.50
50	39.25	.....	95.75	.....	74.75	59.25	94.00
51	39.80	.....	97.25	.....	75.85	60.10	95.50
52	40.35	.....	98.75	.....	76.95	60.95	97.00
53	40.90	.....	100.25	.....	78.05	61.80	98.50
54	41.45	.....	101.75	.....	79.15	62.65	100.00
55	42.00	.....	103.25	.....	80.25	63.50	101.50
56	42.55	.....	104.75	.....	81.35	64.35	103.00
57	43.10	.....	106.25	.....	82.45	65.20	104.50
58	43.65	.....	107.75	.....	83.55	66.05	106.00
59	44.20	.....	109.25	.....	84.65	66.90	107.50
60	44.75	.....	110.75	.....	85.75	67.75	109.00
61	45.30	.....	112.25	.....	86.85	68.60	110.50
62	45.85	.....	113.75	.....	87.95	69.45	112.00
63	46.40	.....	115.25	.....	89.05	70.30	113.50
64	46.95	.....	116.75	.....	90.15	71.15	115.00
65	47.50	.....	118.25	.....	91.25	72.00	116.50
66	48.05	.....	119.75	.....	92.35	72.85	118.00
67	.....	.....	.....	.....	93.45	73.70	119.50
68	.....	.....	.....	.....	94.55	74.55	121.00
69	.....	.....	.....	.....	95.65	75.40	122.50

ECONOMY PARCEL POST SINGLE PIECE—Continued

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3 (Great Britain & No. Ireland)	Rate group 4 (Japan)	Rate group 5 (China)	Rate group 6	Rate group 7
70 .....	.....	.....	.....	.....	96.75	76.25	124.00

ECONOMY PARCEL POST SINGLE PIECE

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12
5 .....	\$21.50	\$28.75	\$21.75	\$26.25	\$20.25
6 .....	22.80	30.95	23.50	28.75	22.00
7 .....	24.10	33.15	25.00	31.00	23.75
8 .....	25.40	35.35	26.75	33.25	25.50
9 .....	26.70	37.55	29.00	35.50	27.25
10 .....	28.10	39.75	32.00	37.75	28.90
11 .....	29.40	41.65	33.40	39.80	30.55
12 .....	30.70	43.55	34.80	41.85	32.20
13 .....	32.00	45.45	36.20	43.90	33.85
14 .....	33.30	47.35	37.60	45.95	35.50
15 .....	34.60	49.25	39.00	48.00	37.15
16 .....	35.90	51.15	40.40	50.05	38.80
17 .....	37.20	53.05	41.80	52.10	40.45
18 .....	38.50	54.95	43.20	54.15	42.10
19 .....	39.80	56.85	44.60	56.20	43.75
20 .....	41.10	58.75	46.00	58.25	45.40
21 .....	42.40	60.45	47.25	60.15	46.85
22 .....	43.70	62.15	48.50	62.05	48.30
23 .....	45.00	63.85	49.75	63.95	49.75
24 .....	46.30	65.55	51.00	65.85	51.20
25 .....	47.60	67.25	52.25	67.75	52.65
26 .....	48.90	68.95	53.50	69.65	54.10
27 .....	50.20	70.65	54.75	71.55	55.55
28 .....	51.50	72.35	56.00	73.45	57.00
29 .....	52.80	74.05	57.25	75.35	58.45
30 .....	54.10	75.75	58.50	77.25	59.90
31 .....	55.40	77.40	59.75	79.00	61.30
32 .....	56.70	79.05	61.00	80.75	62.70
33 .....	58.00	80.70	62.25	82.50	64.10
34 .....	59.30	82.35	63.50	84.25	65.50
35 .....	60.60	84.00	64.75	86.00	66.90
36 .....	61.90	85.65	66.00	87.75	68.30
37 .....	63.20	87.30	67.25	89.50	69.70
38 .....	64.50	88.95	68.50	91.25	71.10
39 .....	65.80	90.60	69.75	93.00	72.50
40 .....	67.10	92.25	71.00	94.75	73.90
41 .....	68.40	93.60	72.25	96.50	75.30
42 .....	69.70	94.95	73.50	98.25	76.70
43 .....	71.00	96.30	74.75	100.00	78.10
44 .....	72.30	97.65	76.00	101.75	79.50
45 .....	73.60	99.00	77.25	103.50	80.90
46 .....	74.90	100.35	78.50	105.25	82.30
47 .....	76.20	101.70	79.75	107.00	83.70
48 .....	77.50	103.05	81.00	108.75	85.10
49 .....	78.80	104.40	82.25	110.50	86.50
50 .....	80.10	105.75	83.50	112.25	87.90
51 .....	81.40	107.10	84.75	114.00	89.30
52 .....	82.70	108.45	86.00	115.75	90.70
53 .....	84.00	109.80	87.25	117.50	92.10
54 .....	85.30	111.15	88.50	119.25	93.50
55 .....	86.60	112.50	89.75	121.00	94.90
56 .....	87.90	113.85	91.00	122.75	96.30
57 .....	89.20	115.20	92.25	124.50	97.70
58 .....	90.50	116.55	93.50	126.25	99.10
59 .....	91.80	117.90	94.75	128.00	100.50
60 .....	93.10	119.25	96.00	129.75	101.90
61 .....	94.40	120.60	97.25	131.50	103.30
62 .....	95.70	121.95	98.50	133.25	104.70
63 .....	97.00	123.30	99.75	135.00	106.10
64 .....	98.30	124.65	101.00	136.75	107.50

ECONOMY PARCEL POST SINGLE PIECE—Continued

Weight not over (lbs.)	Rate group 8	Rate group 9	Rate group 10	Rate group 11	Rate group 12
65 .....	99.60	126.00	102.25	138.50	108.90
66 .....	100.90	127.35	103.50	140.25	110.30
67 .....	102.20	128.70	104.75	142.00	111.70
68 .....	103.50	130.05	106.00	143.75	113.10
69 .....	104.80	131.40	107.25	145.50	114.50
70 .....	106.10	132.75	108.50	147.25	115.90

ECONOMY (SURFACE) M-BAGS

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
Regular					
11 .....	\$11.55	\$14.30	\$15.95	\$16.50	\$16.50
Each additional pound or fraction of a pound .....	1.05	1.30	1.45	1.50	1.50
Books and Sheet Music and Publishers' Periodicals					
11 .....	\$8.80	\$8.80	\$9.90	\$11.00	\$11.00
Each additional pound or fraction of a pound .....	0.80	0.80	0.90	1.00	1.00

Special Services and Miscellaneous Fees and Charges

Fees with an asterisk are based on the equivalent domestic service.

CERTIFICATE OF MAILING\*

	Fee
Individual Pieces	
Individual articles listing, per article .....	\$0.75
Firm mailing books (PS Form 3877), per article listed .....	0.25
Each individual copy of individual article listing or original mailing receipt for registered, insured, or recorded delivery (per copy) .....	0.75
Bulk Pieces	
Up to 1,000 pieces (one certificate for total number) .....	3.50
Each additional 1,000 pieces or fraction .....	0.40
Duplicate copy .....	0.75

INSURANCE—PARCEL POST

Indemnity limit not over	Canada*	All other countries
\$50 .....	\$1.35	\$1.85
100 .....	2.10	2.60
200 .....	3.10	3.60
300 .....	4.10	4.60
400 .....	5.10	5.60
500 .....	6.10	6.60
600 .....	7.10	7.60
675 .....	8.10	.....
700 .....	.....	8.60
Add'l. \$100 .....	.....	\$1.00

EXPRESS MAIL\*

Indemnity limit not over	All countries
\$500 .....	No Fee
Add'l. \$100 .....	\$1.00
<b>Registered Mail—Countries other than Canada: \$7.25*</b>	
Canada:	
Indemnity limit not over	Fee
\$100 .....	\$7.50
500 .....	8.25
1000 .....	9.00

Return Receipt\*: \$1.50  
 Restricted Delivery\*: \$3.20  
 Recorded Delivery\*: \$2.10  
 International Postal Money Orders —  
     Direct (MP1): \$3.25  
     List: \$8.50 (no change)  
 International Reply Coupons: \$1.75  
 International Business Reply Service —  
     Cards: \$0.80  
     Envelope up to 2 ounces: \$1.20  
 Customs Clearance and Delivery Fee:  
     \$4.50  
 Pick up Service\*: \$10.25  
 Shortpaid Mail Charge: \$0.45

## COUNTRY RATE GROUP LIST

Country	EMS	Air CP	Surface CP	Letter-post	IPA ISAL <sup>1</sup>
Afghanistan		7	7	5	8
Albania	6	7	7	5	5
Algeria	11	10	11	5	8
Andorra	6	7	6	3	3
Angola	11	10	11	5	8
Anguilla	12	12	12	5	6
Antigua and Barbuda		12	12	5	6
Argentina	12	13	12	5	6
Armenia	7	7	7	5	8
Aruba	12	12	12	5	6
Ascension		—	11	5	5
Australia	8	9	8	4	4
Austria	7	7	6	5	3
Azerbaijan	6	7	7	5	8
Bahamas	12	12	12	5	6
Bahrain	11	10	10	5	8
Bangladesh	9	8	8	5	8
Barbados	12	12	12	5	6
Belarus	6	6	7	5	5
Belgium	7	6	6	3	3
Belize	12	12	12	5	6
Benin	11	10	10	5	8
Bermuda	12	13	12	5	6
Bhutan	8	9	9	5	8
Bolivia	12	13	12	5	6
Bosnia-Herzegovina	6	6	6	5	5
Botswana	10	11	11	5	8
Brazil	12	13	12	5	6
British Virgin Islands		12	12	5	6
Brunei Darussalam	8	8	8	5	7
Bulgaria	6	6	7	5	5
Burkina Faso	10	10	11	5	8
Burma (Myanmar)		6	6	5	8
Burundi	11	11	11	5	8
Cambodia	8	8		5	7
Cameroon	10	11	11	5	8
Canada	1	1	1	1	1
Cape Verde	11	10	11	5	8
Cayman Islands	12	12	12	5	6
Central African Republic	11	11	11	5	8
Chad	10	10		5	8
Chile	12	13	12	5	6
China	5	5	5	5	7
Colombia	12	12	12	5	6
Comoros Islands		10	10	5	8
Congo (Brazzaville), Republic of the	11	10	10	5	8
Congo (Kinshasa), Democratic Republic of the	10	11	11	5	8
Costa Rica	12	12	12	5	6
Cote d'Ivoire (Ivory Coast)	10	11	11	5	8
Croatia	6	6	6	5	5
Cuba				5	6
Cyprus	6	6	6	5	8
Czech Republic	7	6	7	5	5
Denmark	7	6	6	3	3
Djibouti	11	10	10	5	8
Dominica	12	12	12	5	6
Dominican Republic	12	12	12	5	6
Ecuador	12	13	12	5	6
Egypt	11	11	11	5	8
El Salvador	12	12	12	5	6
Equatorial Guinea	10	10	10	5	8
Eritrea	10	11	11	5	8
Estonia	6	7	7	5	5
Ethiopia	10	10	10	5	8
Falkland Islands			12	5	6
Faroe Islands	7	6	6	3	5
Fiji	8	8	8	5	7
Finland	7	6	6	3	3
France (Includes Corsica & Monaco)	6	6	6	3	3
French Guiana	12	13	12	5	6
French Polynesia (Includes Tahiti)	9	9	9	5	7

## COUNTRY RATE GROUP LIST—Continued

Country	EMS	Air CP	Surface CP	Letter-post	IPA ISAL <sup>1</sup>
Gabon	11	10	11	5	8
Gambia	.....	11	11	5	8
Georgia, Republic of	7	7	7	5	8
Germany	7	6	6	3	3
Ghana	10	11	11	5	8
Gibraltar	.....	6	6	3	3
Great Britain and Northern Ireland	3	3	3	3	3
Greece	7	6	6	3	3
Greenland	.....	6	6	3	3
Grenada	12	12	12	5	6
Guadeloupe	12	13	12	5	6
Guatemala	12	12	12	5	6
Guinea	10	10	10	5	8
Guinea-Bissau	11	11	11	5	8
Guyana	12	12	12	5	6
Haiti	12	12	12	5	6
Honduras	12	13	12	5	6
Hong Kong	8	9	8	5	7
Hungary	7	6	6	5	5
Iceland	7	6	6	3	3
India	8	9	8	5	8
Indonesia (Includes East Timor)	8	8	8	5	7
Iran	.....	11	11	5	8
Iraq	11	11	11	5	8
Ireland	6	6	6	3	3
Israel	10	10	10	3	3
Italy	7	6	6	3	3
Jamaica	12	12	12	5	6
Japan	4	4	4	4	4
Jordan	10	10	10	5	8
Kazakhstan	6	6	7	5	8
Kenya	10	10	10	5	8
Kiribati	.....	8	8	5	7
Korea, Dem. People's Rep. of (North)	.....	.....	.....	5	7
Korea, Republic of (South)	8	9	8	5	7
Kuwait	11	10	10	5	8
Kyrgyzstan	6	6	7	5	5
Laos	9	9	9	5	7
Latvia	7	6	6	5	5
Lebanon	.....	10	.....	5	8
Lesotho	11	11	11	5	8
Liberia	10	10	10	5	8
Libya	.....	7	7	5	8
Liechtenstein	7	6	6	3	3
Lithuania	6	6	7	5	5
Luxembourg	6	6	6	3	3
Macao	8	9	9	5	5
Macedonia, Republic of	7	6	7	5	5
Madagascar	10	11	11	5	8
Malawi	10	11	11	5	8
Malaysia	8	8	8	5	7
Maldives	9	9	9	5	8
Mali	10	10	11	5	8
Malta	7	7	7	5	8
Martinique	12	13	12	5	6
Mauritania	10	10	11	5	8
Mauritius	10	10	10	5	8
Mexico	2	2	2	2	2
Moldova	6	7	7	5	8
Mongolia	9	9	9	5	7
Montserrat	.....	8	8	5	6
Morocco	11	10	11	5	8
Mozambique	10	11	11	5	8
Namibia	11	11	11	5	8
Nauru	8	8	8	5	7
Nepal	8	9	9	5	7
Netherlands	7	6	6	3	3
Netherlands Antilles	12	12	12	5	6
New Caledonia	9	9	9	5	7
New Zealand	8	8	8	4	4
Nicaragua	12	12	12	5	6

## COUNTRY RATE GROUP LIST—Continued

Country	EMS	Air CP	Surface CP	Letter-post	IPA ISAL <sup>1</sup>
Niger .....	10	10	10	5	8
Nigeria .....	11	10	10	5	8
Norway .....	7	6	6	3	3
Oman .....	11	10	10	5	8
Pakistan .....	8	9	8	5	8
Panama .....	12	12	12	5	6
Papua New Guinea .....	8	9	9	5	7
Paraguay .....	12	13	12	5	6
Peru .....	12	13	12	5	6
Philippines .....	8	9	8	5	7
Pitcairn Island .....	.....	8	8	5	7
Poland .....	6	6	6	5	5
Portugal (Includes Azores & Madeira Islands) .....	7	7	7	3	3
Qatar .....	11	10	10	5	8
Reunion .....	.....	13	12	5	8
Romania .....	6	7	7	5	5
Russia .....	7	7	7	5	5
Rwanda .....	10	10	11	5	8
Saint Christopher (St. Kitts) and Nevis .....	12	12	12	5	6
Saint Helena .....	.....	11	11	5	8
Saint Lucia .....	12	12	12	5	6
Saint Pierre & Miquelon .....	.....	6	6	5	6
Saint Vincent and the Grenadines .....	12	13	12	5	6
San Marino .....	.....	9	8	3	3
Sao Tome and Principe .....	.....	10	10	5	5
Saudi Arabia .....	10	10	10	5	8
Senegal .....	11	10	10	5	8
Serbia-Montenegro (Yugoslavia) .....	7	7	7	5	5
Seychelles .....	10	10	11	5	8
Sierra Leone .....	10	10	10	5	8
Singapore .....	8	8	8	5	7
Slovak Republic (Slovakia) .....	6	6	6	5	5
Slovenia .....	7	6	7	5	5
Solomon Islands .....	8	8	8	5	7
Somalia .....	10	10	10	5	8
South Africa .....	11	11	10	5	8
Spain (Includes Canary Islands) .....	6	7	6	3	3
Sri Lanka .....	8	9	8	5	8
Sudan .....	10	11	11	5	8
Suriname .....	.....	12	12	5	6
Swaziland .....	11	10	10	5	8
Sweden .....	7	7	7	3	3
Switzerland .....	7	6	6	3	3
Syria .....	10	10	10	5	8
Taiwan .....	8	9	8	5	7
Tajikistan .....	7	6	6	5	8
Tanzania .....	10	10	10	5	8
Thailand .....	9	8	8	5	7
Togo .....	11	10	10	5	8
Tonga .....	.....	8	8	5	7
Trinidad and Tobago .....	12	12	12	5	6
Tristan da Cunha .....	.....	10	11	5	8
Tunisia .....	11	10	10	5	8
Turkey .....	10	10	10	5	5
Turkmenistan .....	7	7	7	5	5
Turks and Caicos Islands .....	.....	12	12	5	6
Tuvalu .....	.....	8	8	5	7
Uganda .....	10	10	11	5	8
Ukraine .....	7	7	7	5	8
United Arab Emirates .....	10	10	10	5	8
Uruguay .....	12	13	12	5	6
Uzbekistan .....	.....	7	7	5	8
Vanuatu .....	8	8	8	5	7
Vatican City .....	.....	6	6	3	3
Venezuela .....	12	12	12	5	6
Vietnam .....	8	9	8	5	7
Wallis and Futuna Islands .....	.....	9	9	5	7
Western Samoa .....	8	8	8	5	7
Yemen .....	10	10	11	5	8
Zambia .....	10	10	11	5	8

## COUNTRY RATE GROUP LIST—Continued

Country	EMS	Air CP	Surface CP	Letter-post	IPA ISAL <sup>1</sup>
Zimbabwe .....	11	11	11	5	8

<sup>1</sup> ISAL service not available to all countries. See Individual Country Listings for availability.

## 1 International Mail Services

### 110 General Information

#### 111 Scope

This manual sets forth the conditions and procedures for the preparation and treatment of mail sent from the United States to other countries and the treatment of mail received from other countries. Its counterpart in the domestic mail service is the Domestic Mail Manual (DMM). Cross-references to the DMM are provided wherever domestic conditions and procedures apply to the preparation or treatment of international mail.

#### 112 Mailer Responsibility

Regardless of any statement contained in this manual or the statements of any employee of the United States Postal Service, the burden rests with the mailer to ensure that he or she has complied with the prescribed laws and regulations governing domestic and international mail, both those of the United States and those of the destination country.

#### 113 Individual Country Listings

Individual Country Listings (ICLs) provide information about conditions of mailing, postage rates, and special services for each country. ICLs are arranged alphabetically. Most subtitles are followed by a chapter citation in parentheses.

#### 114 Availability

Customers may access this manual online at <http://pe.usps.gov>. A printed copy may be purchased from: Superintendent of Documents, U.S. Government Printing Office, 941 N Capitol St NE, Washington, DC 20402-9371.

#### 115 Official Correspondence

##### 115.1 Correspondence With Headquarters

###### 115.11 Operations

Questions regarding the proper classification, postal rates and fees, preparation requirements, claims and inquiries, special services, mailability, or any other classification aspect of international mail should be directed to local postal officials. Regulatory matters relating to international mail should be

directed to the appropriate rates and classification service center (RCSC). See DMM G042 for listing of RCSCs and service areas.

###### 115.12 Policy and Representation

Correspondence concerning the following should be addressed to: Director International Postal Affairs, U.S. Postal Service, 475 L'Enfant Plz SW, Washington, DC 20260-6500.

- Policy matters relating to international mail and international postal affairs.
- Negotiation and interpretation of postal agreements.
- Communications of a nonroutine nature from foreign postal officials.
- Postal Service representation at international postal meetings.
- Postal Service representation at meetings with other federal departments and agencies relating to international postal affairs.
- Visits by foreign postal officials.

###### 115.13 Transportation and Distribution

Correspondence concerning the transportation of international civil and military mail by surface and air, including the following, should be addressed to: Manager International Operations, U.S. Postal Service, 475 L'Enfant Plz SW, Washington, DC 20260-6500.

- Containerization and plant loads.
- Conveyance rates.
- Designation of U.S. exchange offices.
- Documentation.
- Internal air conveyance, terminal, and transit charges.
- Mode of transport.
- Related forms and reports.
- Routing.
- Schedules and performance of U.S. and foreign flag carriers.
- Distribution procedures and schemes.

###### 115.14 Investigations

Correspondence relating to investigation of losses, deprecations (robberies or riflings), and security of international mail should be addressed to: Chief Postal Inspector, Inspection Service, U.S. Postal Service, 475 L'Enfant Plz SW, Washington, DC 20260-2100.

###### 115.15 International Money Orders

Correspondence relating to international money orders, including operational procedures, accounting, cashing, and issuing, should be addressed to: International Money Order Section, Accounting Service Center, U.S. Postal Service, PO Box 14964, St Louis MO 63182-9421.

###### 115.2 Correspondence With Foreign Postal Authorities

###### 115.21 Correspondence Permitted

Correspondence is permitted between foreign postal authorities and Postal Inspectors-in-Charge and the postmasters (listed in 931.2) acting under the instructions for processing inquiries described in 928. U.S. exchange offices may correspond with their foreign counterparts only through bulletins of verification and exchanges of documentation.

###### 115.22 Correspondence Not Permitted

In all other cases, postmasters, area offices, and other field units of the Postal Service must not correspond directly with postal officials in other countries, but must refer inquiries from those officials to Headquarters for attention. (See 115.1 for referral points for particular subjects.)

###### 115.3 Correspondence With Foreign Individuals

###### 115.31 Correspondence Permitted

Postmasters, area offices, and other field units of the Postal Service may reply directly to inquiries and engage in other necessary correspondence with individuals and firms in other countries.

###### 115.32 Customer's Address

A customer's address may not be given out without the customer's consent.

## 120 Preparation for Mailing

### 121 Packaging—Sender's Responsibility

It is the responsibility of the sender to prepare items and to address them clearly and correctly. In preparing items for mailing, the sender must (1) use strong envelopes or durable packaging material, and (2) consider the nature of the articles being mailed and the distance they must travel to reach the

addressee. (See DMM C010.2.0 for detailed instructions.)

## 122 Addressing

### 122.1 Destination Address

a. At least the entire right half of the address side of the envelope, package, or card should be reserved for the destination address, postage, labels, and postal notations.

b. Addresses must be printed in ink or typewritten. Pencil is unacceptable.

c. The name and address of addressee must be written legibly with roman letters and Arabic numbers, all placed lengthwise on one side of the item. For parcels, addresses should also be written on a separate slip enclosed in the parcel.

d. Addresses in Russian, Greek, Arabic, Hebrew, Cyrillic, Japanese, or Chinese characters must bear an interline translation in English of the names of the post office and country of destination. If the English translation is not known, the foreign language words must be spelled in roman characters (print or script). See 293.91 and 284.1 for an optional addressing procedure that applies only to direct country sacks of International Surface Air Lift (ISAL) mail or International Priority Airmail (IPA), respectively.

e. Mail may not be addressed to a person in one country "in care of" a person in another country.

f. The name of the sender and/or addressee may not be in initials except where they are an adopted trade name.

g. Mail may not be addressed to Boxholder or Householder.

h. The following exceptional form of address, in French or a language known in the country of destination, may be used on printed matter: the addressee's name or Occupant.

Example: MR THOMAS CLARK OR OCCUPANT

i. The house number and street address or box number must be included when mail is addressed to towns or cities.

j. The address of items sent to General Delivery (in French, Poste Restante) must indicate the name of the addressee. The use of initials; figures; simple, given names; or fictitious names is not permitted on articles addressed for general delivery.

k. The last line of the address must show only the country name, written in full (no abbreviations) and in capital letters. For example:

MR THOMAS CLARK 117 RUSSELL  
DRIVE  
LONDON WIP 6HQ ENGLAND  
MS C P APPLE APARTADO 3068  
46807 PUERTO VALLARTA JALISCO  
MEXICO

*Exception:* To Canada, either of the following address formats may be used when the postal delivery zone number is included in the address:

MS HELEN SAUNDERS 1010 CLEAR  
STREET OTTAWA ON K1A 0B1  
CANADA  
MS HELEN SAUNDERS 1010 CLEAR  
STREET OTTAWA ON CANADA  
K1A 0B1

### 122.2 Return Address

The complete address of the sender, including ZIP Code and country of origin, should be shown in the upper left corner of the address side of the envelope, package, or card. Only one return address may be used. It must be located so that it does not affect either the clarity of the address of destination or the application of service labels and notations (postmarks, etc.). Unregistered items bearing a return address in another country are accepted only at the sender's risk. In the case of bulk mailings, the return address must be in the country of mailing. For the purpose of this section, a "bulk mailing" is 200 or more pieces mailed at the same time by the sender.

## 123 Customs Forms

### 123.1 General

Only two customs declaration forms are used, as required under 123.6, for international mail: PS Form 2976, *Customs—CN 22 (Old C 1) and Sender's Declaration* (green label); and PS Form 2976–A, *Customs Declaration and Dispatch Note CP 72* (Old C 2/CP 3/CP 2). PS Form 2976–E, *Customs Declaration Envelope CP 91*, is used with PS Form 2976–A for parcel post packages.

**Note:** The May 1996 and December 1996 versions of PS Form 2976 may no longer be used. Postal customers are now required to use the June 1997 version, or a subsequent version, whenever a mailing transaction necessitates the affixing of PS Form 2976. Except as provided in 123.3, it is also mandatory that they present a fully completed Sender's Declaration, which specifies both the Sender's Name and Address and the Addressee's Name and Address, at the time of mailing.

### 123.2 Availability

Customs declaration forms are available without charge at post offices. Upon request, mailers may receive a reasonable supply for mail preparation.

### 123.3 Privately Printed Forms

If authorized, mailers may privately print PS Forms 2976 and 2976–A. Privately printed forms must be identical in size, design, and color to the Postal Service forms, and each form

must contain a unique code 128 barcode number that can be read by Postal Service equipment. Form specifications may be obtained from: Manager Pricing Costing and Classification, International Business, U.S. Postal Service, 475 L'Enfant Plz SW, Washington, DC 20260–6500.

For authorization, mailers must submit at least two preproduction samples to the Manager, International Pricing, Costing, and Classification, at the above address, for review and approval. If three or more items are presented at one time, the mailer may omit printing the post office copy of PS Forms 2976 and 2976–A if a manifest of the items is provided. The manifest must contain the same mailer's certification statement and edition date printed on the Postal Service forms. Entries on the manifest must be typewritten or printed in ink or by ballpoint pen. The manifest must contain the sender's name and address; the sender's print authorization (i.e., barcode) number; the edition date of the privately printed PS Form 2976 that is being affixed to the mailpieces; a signed and dated reproduction of the certification statement that is printed on the USPS Sender's Declaration; and a list of the foreign recipients' names and delivery addresses.

### 123.4 Nonpostal Forms

Certain items must bear one or more of the forms required by the nonpostal export regulations described in chapter 5.

### 123.5 Place of Mailing

Except as specified below, postal items that require a completed customs declaration form may not be deposited into a street collection box or a post office lobby drop. Such items must be tendered to a USPS employee at a post office or other location as designated by the postmaster. Otherwise, they will be returned to the sender for proper entry and acceptance.

*Exception:* The above restriction on the deposit of customs mail does not apply to Express Mail International Service (EMS) shipments paid through an Express Mail corporate account. Those items may be deposited into a designated Express Mail collection box or post office lobby drop.

### 123.6 Required Usage

#### 123.61 Conditions

Customs declaration PS Forms 2976 or 2976–A and 2976–E must be used as shown in Exhibit 123.61.

EXHIBIT 123.61—CUSTOMS DECLARATION FORMS USAGE

Mail category	Declared value	Required form	Comment
Priority Mail Global Guaranteed (documents) .....	All values .....	Mailing label (item 11FGG1X).	
Express Mail International Service (EMS) .....	All values .....	Use 2976 or 2976-A unless otherwise specified.	See Note 4 at the bottom of this exhibit and the Individual Country Listings.
Global Priority Mail (GPM) items, airmail letter-post items, and economy letter-post items that: (a) Weigh less than 16 ounces and do not have potentially dutiable contents. (b) Weigh 16 ounces or more; do not have potentially dutiable contents; and are entered by a known mailer.	N/A .....	None .....	A known mailer, as defined in 123.62, may be exempt from affixing customs forms to nondutiable mailpieces that weigh 16 ounces or more.
Global Priority Mail (GPM) items, airmail letter-post items, and economy letter-post items that:	Under \$400 ..... \$400 and over .....	Use 2976* ..... Use 2976-A* ..... (a) Weigh less than 16 ounces and have potentially dutiable contents. (b) Weigh 16 ounces or more, regardless of their contents.	
Free Matter for the Blind—Economy ..... Parcel Post—Airmail or Economy .....	Under \$400 ..... Regardless of value 2976-A with 2976-E.	\$400 and over 2976* ... Form 2976 (green label) may not be used on parcel post packages..	2976-A*
M-bag—Airmail or Economy ( <b>Note:</b> An M-bag requires a customs form when it contains potentially dutiable printed matter, admissible merchandise items as defined in 261.22, or some combination thereof.).	Under \$400 ..... \$400 and over .....	2976* ..... 2976-A*.	

\*Placement of forms: For items under \$400 in value, PS Form 2976 (green label) should be used and affixed to the outside of the item. If the value of the contents is \$400 and over, the upper left section of PS Form 2976 (green label) should be attached to the outside of the item, and a separate PS Form 2976-A must be completed and enclosed inside the package.

**Notes:** 1. See 233.3 for the customs form requirements that specifically pertain to Global Priority Mail (GPM) items.

2. Bulk business products, including International Surface Air Lift (ISAL) and International Priority Airmail (IPA), require customs forms based on package contents and weight as specified above and as required by the country of destination.

3. Express Mail International Service (EMS) shipments that contain correspondence, documents, or commercial papers are subject to the following customs form requirements:

a. When an EMS shipment with those categories of contents weighs less than 16 ounces, the determination as to whether or not to affix PS Form 2976 is dependent upon the conditions of mailing that are applicable to a particular destination country. Some countries require that a customs form be affixed to EMS shipments in that situation. Others require only that a "BUSINESS PAPERS" endorsement be placed on the wrapper of such shipments. See the Individual Country Listings for each country's specification in that area.

b. When the EMS shipment with those categories of contents weighs 16 ounces or more, PS Form 2976 is required.

**123.62 Known Mailers**

A "known mailer" is defined as:

a. A business customer who tenders volume mailings through a business mail entry unit (BMEU) or other bulk mail acceptance location; completes a statement of mailing at the time of entry; pays postage through an advance deposit account; and uses a permit imprint as an indication of postage payment. International Surface Air Lift (ISAL) and International Priority Airmail (IPA) customers are considered to be known mailers for this purpose.

b. A federal, state, or local government agency whose mail is regarded as Official Mail.

c. A contractor who sends out prepaid mail on behalf of a military service, provided the mail is endorsed "Contents for Official Use—Exempt from Customs Requirements."

**Note:** For aviation security purposes a known mailer may be exempt from providing customs declaration forms (as required in 123.61) on items weighing 16 ounces or more, unless required by the destination country. A known mailer must complete the declaration on the postage statement, certifying that all items in the mailing contain no dangerous material that is prohibited by postal regulations. Known mailers and other mailers must complete the necessary customs form when sending

dutiable items or merchandise. International mail with meter postage is not considered from a known mailer.

**123.63 Additional Security Controls**

When the chief postal inspector determines that a unique, credible threat exists, the Postal Service may require a mailer to provide photo identification at the time of mailing. The signature on the identification must match the signature on the customs declaration form.

**123.7 Completing Customs Forms**  
**123.71 PS Form 2976, Customs—CN 22 (Old C 1) and Sender's Declaration (green label) (see Exhibit 123.71)**  
**Exhibit 123.71 PS Form 2976, Customs—CN 22 (Old C 1) and Sender's Declaration (green label)**

[Exhibit not included.]

**123.711 Preparation by Sender**

A sender completes PS Form 2976, Customs—CN 22 (Old C 1) and Sender's Declaration (green label), by:

a. Providing a complete description of each article in the item, even if it contains commercial samples, documents, gifts, or merchandise.

General descriptions such as "food," "medicine," "gifts," or "clothing" are not acceptable. The description must be in English, although an interline translation in another language is permitted.

b. Stating the exact quantity of each article in the item.

c. Declaring the value, in U.S. dollars, of each article in the item. The sender may declare that the contents have no value (declaring no value does not exempt an item from customs examination or charges in the destination country).

d. Showing the total weight of the item, if known.

e. Indicating in the appropriate check box on the form whether the item contains gifts, merchandise, or commercial samples. If not, the sender does not check these boxes.

f. Entering the sender's full name and address and the addressee's full name and address in the blocks indicated.

g. Signing and dating in the blocks indicated on both parts of the form. The sender's signature certifies that all entries are correct and that the item contains no dangerous material prohibited by postal regulations.

h. Affixing the form to the address side of the item and presenting it for mailing.

#### **123.712 Acceptance by Postal Employee (PS Form 2976)**

The Postal Service acceptance employee must:

a. Instruct the sender how to complete, legibly and accurately, the customs declaration form, as required. Failure to complete the form properly can delay delivery of the item or inconvenience the sender and addressee. Moreover, a false, misleading, or incomplete declaration can result in the seizure or return of the item and/or in criminal or civil penalties. The United States Postal Service assumes no responsibility for the accuracy of information that the sender enters on PS Form 2976.

b. Verify that the required information is entered on the form and that the sender has signed both parts of the form (the part affixed to the item and the part separated for postal records).

c. Enter the weight of the item on the form, if not already done.

d. Remove the post office copy of PS Form 2976 and advise the customer that a copy of the declaration will be retained as a record of mailing for 30 days.

e. Round stamp any uncanceled stamps, and if postage is paid by meter, round stamp the front of the piece near the meter postage.

**Note:** To comply with international mail aviation security procedures, any items weighing 16 ounces or more which are not accepted by an authorized employee, or where acceptance conditions are uncertain (e.g., if received through a collection box or left on an unattended dock) must be endorsed properly with "customer notification DDD-2 sticker" and "surface only" and returned to the sender by surface transportation. Consult the most recent International Aviation Security Procedures for comprehensive acceptance procedures.

#### **123.72 PS Form 2976-A, Customs Declaration and Dispatch Note CP 72 (Old C 2/CP 3/CP 2) (see Exhibit 123.72) Exhibit 123.72 PS Form 2976-A, Customs Declaration and Dispatch Note CP 72 (Old C 2/CP 3/CP 2)**

[Exhibit not included.]

#### **123.721 Preparation by Sender**

A sender completes PS Form 2976-A, Customs Declaration and Dispatch Note CP 72 (Old C 2/CP 3/CP 2), by:

a. Providing the names and addresses of the sender and addressee.

b. Providing information about the contents of the parcel or item. (If there is insufficient space on the customs declaration form to list all contents of the parcel or item, a second form is used to continue listing the contents. The first form must be annotated to indicate two forms. Both forms are placed into PS Form 2976-E (envelope).) The sender lists this information by:

(1) Providing a complete description of each article in the parcel or each item, even if it contains commercial samples, documents, gifts, or merchandise. General descriptions such as "food," "medicine," "gifts," or "clothing" are not acceptable. The description must be in English, although an interline translation in another language is permitted.

(2) Showing the exact quantity of each article in the parcel or item.

(3) Declaring the value, in U.S. dollars, of each article in the parcel or item. The sender may declare that the contents have no value (declaring no value does not exempt the parcel or item from customs examination or charges in the destination country).

(4) Showing the net weight of each article in the parcel or item.

c. Indicating in the appropriate check box on the form whether the parcel or item contains commercial samples, documents, gifts, or merchandise. If not, the sender does not check these boxes.

d. For parcel post only, providing disposal instructions in the event that a parcel cannot be delivered. The sender checks the appropriate box on the form to indicate whether the parcel is to be returned, treated as abandoned, or

forwarded to an alternate address. (Undeliverable parcels returned to the sender are subject to collection on delivery of return postage and any other charge assessed by the foreign postal authorities. The sender must check the box "Abandon" for any parcel for which the sender is unwilling to pay return postage.)

e. Signing and dating the form in the block indicated. The sender's signature certifies that all entries are correct and that the parcel or item contains no dangerous material prohibited by postal regulations.

f. Presenting the parcel post package or item for mailing at a post office and affixing PS Form 2976-A according to the class of mail, as follows:

(1) For parcel post, the sender must not place PS Form 2976-A inside PS Form 2976-E (envelope) before the postal acceptance employee completes the required information described in 123.722. After the postal employee completes PS Form 2976-A, the sender places the form inside PS Form 2976-E and affixes it to the outside of the parcel.

(2) For an item other than parcel post (*i.e.*, letter-post items) valued at \$400 or more, the sender places PS Form 2976-A inside the item before the postal employee accepts the item. If the sender does not want to show on the outside wrapper the contents of letter-post items, the sender affixes the upper-left part of PS Form 2976 to the wrapper and completes PS Form 2976-A and encloses it in the item.

#### **123.722 Acceptance by Postal Employee (PS Form 2976-A)**

The Postal Service acceptance employee must:

a. Instruct the sender how to complete, legibly and accurately, PS Form 2976-A, Customs Declaration and Dispatch Note, as required. Failure to complete the form properly can delay delivery of the item or inconvenience the customer. Moreover, a false, misleading, or incomplete declaration can result in the seizure or return of the item and/or in criminal or civil penalties. The United States Postal Service assumes no responsibility for the accuracy of information that the sender enters on the form.

b. Verify that the required information is entered on the form and that the sender has signed both parts of the form (the part affixed to the item and the part separated for postal records). The sender's address on the mailpiece must match the sender's address on the customs declaration.

c. Complete an insurance receipt and affix the insured number label to the

package, if the contents are to be insured. The postal employee enters on the form the insured number and the insured amount in U.S. dollars and SDRs. (See Exhibit 324.22 for conversion to SDRs.)

d. Weigh the parcel and enter on the form the gross weight and the amount of postage.

e. Postmark the third copy of the form in the appropriate place.

f. Remove the post office copy of the form and advise customer that a copy of the declaration will be retained as a record of mailing for 30 days.

g. Round stamp any uncancelled stamps and, if postage is paid by meter, round stamp the front of the piece near the meter postage.

**Note:** To comply with international mail aviation security procedures, any items weighing 16 ounces or more which are not accepted by an authorized employee, or where acceptance conditions are uncertain (e.g., if received through a collection box or left on an unattended dock) must be endorsed properly with "customer notification DDD-2 sticker" and "surface only" and returned to the sender by surface transportation. Consult the most recent International Aviation Security Procedures for comprehensive acceptance procedures.

### 123.73 PS Form 2976-E, Customs Declaration Envelope CP 91

PS Form 2976-E is a transparent plastic envelope designed for carriage of PS Form 2976-A for parcel post. Upon completion of the forms, the sender inserts the form into the envelope and affixes it to the outside of the parcel.

## 130 Mailability

### 131 General

#### 131.1 Domestic Limits

All articles that are nonmailable in domestic mail are nonmailable in international mail. See DMM C020 and C030 and Publication 52, Acceptance of Hazardous, Restricted, or Perishable Matter.

#### 131.2 International Limits

Many articles that are mailable in domestic mail are nonmailable in international mail. See section 630 of Publication 52 and "Prohibitions and Restrictions" in the Individual Country Listings.

### 131.3 Individual Country Prohibitions and Restrictions

#### 131.31 Information Available

Information on articles that are prohibited or restricted to individual countries appears under "Prohibitions and Restrictions" in the Individual Country Listings. These prohibitions and restrictions are based on

information furnished by the countries concerned. Customers should inquire at the post office about specific prohibitions or restrictions.

### 131.32 Prohibited and Restricted Articles

Articles that are prohibited by the destination country are nonmailable. For mail known to contain articles restricted by the destination country, the sender must be informed of the restrictions and advised that the articles are subject to the import requirements of that country.

### 131.33 Return or Seizure of Mail

A country may return or seize mail containing articles prohibited or restricted within that country, whether or not notice of such prohibition or restriction has been provided to or published by the Postal Service.

### 131.34 Foreign Customs Information

The Postal Service does not maintain or provide information concerning the assessment of customs duty in other countries. Postal employees must not attempt to inform customers whether articles (gifts or commercial shipments) will be subject to customs duty. Postal employees may suggest to customers, however, that they inform the addressees in advance of the articles they intend to mail. Addressees can then obtain information from their local customs authorities. No provision is made for prepayment of customs duty on mail addressed for delivery in foreign countries.

### 131.4 Mailer Responsibility

Regardless of any statement in this manual or the statement of any employee of the United States Postal Service, the burden rests with the mailer to ensure compliance with domestic, international, and individual country rules and regulations for mailability.

### 131.5 Preparation for Mailing

#### 131.51 General Packaging Requirements

Parcels of articles or goods must meet the requirements of DMM C010.2.0. The size and weight limits for each of several grades of fiberboard boxes are as specified for difficult loads in DMM C010.3.1c. Reinforce boxes in each of two directions around the package (see DMM C010.3.1g).

#### 131.52 Special Packaging Requirements

Each mailer must meet the following special packaging requirements when mailing any of the following articles:

a. Fragile articles, such as glass, must be cushioned in accordance with DMM C010.4.0 to dissipate shock and pressure forces over as much of the surface of the item as possible.

b. Liquids must be packaged in accordance with DMM C010.2.4.

c. Package fatty substances that do not easily liquefy, such as ointments, soft soap, resins, etc., as well as silkworm eggs, in an interior container (box, cloth, or plastic bag) and place them in an outer shipping container of minimum 275-grade test strength.

d. Enclose dry, powdered dyes, such as aniline, in sift-proof, sturdy tin or plastic boxes in an outer sift-proof shipping container. This container must have a minimum 275-grade test strength fiberboard or equivalent (see DMM C010.3.1).

## 132 Written, Printed, and Graphic Matter

### 132.1 Domestic Limits

All written, printed, and graphic matter that is described as nonmailable in DMM C030 is nonmailable internationally. This matter includes but is not limited to:

a. Advertisements for abortion (DMM C031.4.3).

b. Advertisements for motor vehicle master keys (DMM C031.4.2).

c. Copyright violations (DMM C031.5.2).

d. Fictitious matter (DMM C031.5.1).

e. Lottery matter (DMM C031.3.0).

f. Matter inciting violence (DMM C031.5.5).

g. Solicitations in the guise of bills or statements of account (DMM C031.1.0).

h. Solicitations or inducements for mailing harmful matter, radioactive materials, controlled substances, or intoxicating liquors (DMM C031.4.0).

**Note:** Immoral or obscene articles and advertisements for them are nonmailable.

### 132.2

Reply Cards and Envelopes

Items may not contain any card or envelope intended for reply purposes (addressed for return) if postage for that reply is denoted by U.S. stamps, domestic business reply, or other domestic indicia. International Business Reply Service (IBRS) cards and envelopes may be enclosed.

### 133 Improperly Addressed Mail

The following items are nonmailable in international mail:

a. Unaddressed items.

b. Items whose ultimate destination cannot be determined due to insufficient, illegible, or incorrect addressing.

c. Items bearing multiple addresses to the same or different countries.

## 134 Valuable Articles

### 134.1 List of Articles

The following valuable articles may be sent only in registered letter-post mailpieces or insured parcels and are not mailable in Express Mail International Service (EMS) shipments (see 211.2).

a. Coins, banknotes, and currency notes (paper money).

b. Instruments payable to bearer. (The term "instruments payable to bearer" includes checks, drafts, or securities that can be legally cashed or easily negotiated by anyone who may come into possession of them. A check or draft payable to a specific payee is not regarded as payable to bearer unless the payee has endorsed it. If not endorsed, or if endorsed in favor of another specific payee, it is not regarded as payable to bearer.)

c. Traveler's checks.

d. Manufactured and unmanufactured platinum, gold, and silver.

e. Precious stones, jewels, jewelry, and other valuable articles.

**Note:** The term "jewelry" is generally understood to denote articles of more than nominal value. Inexpensive jewelry, such as tie clasps and costume jewelry, containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. Inexpensive jewelry is accepted to countries that prohibit jewelry, but only at the sender's risk.

### 134.2 Prohibitions

Individual countries prohibit or restrict some or all of the valuable items listed above. See the "Prohibitions and Restrictions" section in the Individual Country Listings.

## 135 Mailable Dangerous Goods

### 135.1 Biological Substances

#### 135.11 General Conditions

Infectious and noninfectious biological substances are acceptable in the international mail subject to the provisions of DMM C023.10 and under the additional conditions specified in subsections below.

#### 135.12 Type of Mail

Such substances may be sent only in registered airmail letter-post mailpieces.

#### 135.13 Senders and Receivers

Such substances may be sent only by authorized laboratories to their foreign counterparts in those countries that have indicated a willingness to accept them.

**Note:** Countries distinguish between infectious and noninfectious biological substances and may prohibit one or the other or both. See "Prohibitions" in the Individual Country Listings.

### 135.2 Authorization

#### 135.21 Authorized Institutions

Biological substances can be sent to or received by only the following types of institutions:

a. Laboratories of local, state, and federal government agencies.

b. Laboratories of federally licensed manufacturers of biological products derived from bacteria and viruses.

c. Laboratories affiliated with or operated by hospitals, universities, research facilities, and other teaching institutions.

d. Private laboratories licensed, certified, recognized, or approved by a public authority.

#### 135.22 Request for Authorization

Qualifying institutions wishing to mail letter packages containing biological substances must submit a written request on its organizational letterhead to the following address: Manager Pricing Costing and Classification, International Business, US Postal Service, 475 L'Enfant Plz SW 370 IBU, Washington DC 20260-6500. In its letter of application, the institution must indicate the nature of its work, the identity and qualifications of the prospective recipient, and the number of packages to be mailed. On approval of the application, the requisite number of biological substance mailing labels will be furnished by the Postal Service.

### 135.3 Packaging

#### 135.31 Infectious Biological Substances

Infectious biological substances are limited to 50 milliliters (ml) per outside package and must be packaged in accordance with DMM C023.10.3 and as follows:

a. The second watertight container must also be surrounded by sufficient absorbent material to absorb the entire contents in case of leakage.

b. Screw cap closures must be reinforced with pressure-sensitive tape.

c. Infectious substances shipped in a refrigerated or frozen state must not be sent in an inner container with a metal screw cap. A heat-sealed skirted stopper or metal crimp seal must be used to prevent the contents from leaking.

d. When wet ice is used as a preservative, the following procedures must be followed:

(1) The ice must be placed between the second container and the outer packaging.

(2) The outer packaging should be designed with interior supports to prevent it from collapsing after the ice melts.

(3) The entire package must be leak-proof.

#### 135.32 Noninfectious Biological Substances

Noninfectious biological substances are limited to 1,000 ml per interior primary container and 4,000 ml per outer shipping container and must be packaged in accordance with DMM C023.10.4.

**Note:** Dry ice (carbon dioxide solid) is not acceptable in international mail.

### 135.4 Marking

#### 135.41 Infectious Biological Substances

Letter-post items that contain infectious biological substances should be identified by a black and white diamond-shaped label with the division number 6.2 in the bottom, in addition to the Etiologic Agents/Biohazard Material label. The top half of the label must bear the designated symbol for infectious substances, while the bottom half must contain the following warning: "INFECTIOUS SUBSTANCE. IN CASE OF DAMAGE OR LEAKAGE IMMEDIATELY NOTIFY THE PUBLIC HEALTH AUTHORITY."

#### 135.42 Noninfectious Biological Substances

Letter-post items that contain noninfectious biological substances must be identified by a violet-colored label bearing the prescribed symbol and French wording for perishable biological materials: "MATIERES BIOLOGIQUES PERISSABLES."

#### 135.43 Shipping Descriptions

The appropriate shipping description must be marked on each package, e.g., for infectious substances affecting humans, "CONTAINS (NAME OF SUBSTANCE), UN2814," or for infectious substances affecting animals, "CONTAINS (NAME OF SUBSTANCE), UN2900."

#### 135.44 Shipper's Declaration

If the material is to be transported by air, a shipper's declaration is also required. See Publication 52, Exhibit 622.1b.

### 135.5 Handling and Dispatch

#### 135.51 Biological Substances

Letter-post items that contain perishable biological substances must be

given careful yet expeditious handling from receipt through dispatch.

### 135.52 Infectious Substances

Shipments containing infectious substances must be segregated from other types of mail matter (i.e., placed in separate sacks). PS Tag 44, Sack Contents Warning, must be attached to the outside of sacks to identify the hazardous nature of the contents. PS Tag 44 is for internal use only, and must be removed from mail sacks, and the hazardous materials tendered to air carriers as outside pieces.

### 135.6 Radioactive Materials

Shipments containing radioactive materials are acceptable in the international mail subject to the provisions of DMM C023.9 (Publication 52, Acceptance of Hazardous, Restricted, or Perishable Matter, and under the following conditions:

a. Shipments may be sent only in registered letter-post mailpieces.

b. Shipments may be sent only to those countries that have expressed a willingness to accept radioactive materials. See "Prohibitions and Restrictions" in the Individual Country Listings.

c. Shipments must comply with the International Atomic Energy Agency rules and regulations.

d. Senders and recipients of radioactive materials must receive prior authorization from the appropriate regulatory authorities within their countries.

e. A white package label bearing the French words "Materies Radioactives" (Radioactive Materials) must be applied to the address side of each package containing radioactive materials.

Senders are responsible for supplying and affixing this label to the package.

f. The package must also bear the following endorsements in bold letters: "RETURN TO SENDER IN CASE OF NONDELIVERY" and "RADIOACTIVE MATERIALS, QUANTITIES PERMITTED FOR MOVEMENT BY POST."

### 136 Nonmailable Dangerous Goods

The following dangerous goods (hazardous materials, as defined in DMM C023) are prohibited in the international mail:

a. Explosives or explosive devices (DMM C023.2.0).

b. Flammable materials (DMM C023.3.0).

(1) Pyrophoric, flammable, or combustible liquids with a closed cup flash point below 200°F (DMM C023.3.1 and C023.3.2).

(2) Flammable solids, including matches (DMM C023.3.3 and C023.3.5).

c. Oxidizers (DMM C023.3.4).

d. Corrosives, liquid or solid (DMM C023.4.0).

e. Compressed gases (DMM C023.5.0).

(1) Flammable.

(2) Nonflammable with an absolute pressure exceeding 40 psi at 70°F or 104 psi at 130°F.

f. Poisons, irritants, controlled substances, and drug paraphernalia (DMM C023.6.0, C023.7.0, and C023.8.0).

g. Magnetized material with a magnetic field strength of .002 gauss or more at a distance of 7 feet (DMM C023.11.1).

h. Dry ice (carbon dioxide solid) (DMM C023.11.2).

### 137 Other Restricted Materials

The items listed under DMM C024.7.0 through C024.14.0 are prohibited in the international mail, except as specified in the Individual Country Listings. This includes intoxicating liquor, matter emitting obnoxious odor (liquids and powders), motor vehicle master keys, battery-powered devices, odd-shaped items in envelopes, and abortive and contraceptive devices.

### 138 Firearms, Knives, and Sharp Instruments

The items listed under DMM C024.1.0 through C024.5.0 may be mailed to certain countries under the conditions specified in the Individual Country Listings. See 540 for U.S. Department of State licensing requirements applicable to the international mailing of arms or implements of war, component parts, and related technical data.

### 139 Perishable Matter

#### 139.1 Animals

All live or dead animals are nonmailable, except the following:

a. Live bees, leeches, and silkworms (DMM C022.3.7 and C022.3.8).

b. Dead insects or reptiles, when thoroughly dried.

c. Parasites and predators of injurious insects, if the following conditions are met:

(1) They are admissible in the domestic mail.

(2) They are useful in controlling harmful insects.

(3) They are exchanged by officially recognized scientific or health agencies.

(4) They are sent in letter packages or small packets.

(5) Mailable animals must be in containers conforming to the requirements in the DMM.

### 139.2 Plants

#### 139.21 General Restrictions

Plants, seeds, and plant materials, including fruits and vegetables, are subject to the provisions of DMM C022; Publication 14, Prohibitions and Restrictions on Mailing Animals, Plants, and Related Products; and the quarantine regulations of the country of destination. Customers can obtain information from the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) Programs at: USDA APHIS PPQ, 4700 River Rd, Riverdale MD 20737-1228.

#### 139.22 Tobacco Seeds and Tobacco Plants

It is unlawful to export any tobacco seed or live tobacco plants without a written permit granted by the U.S. Secretary of Agriculture. See 560 for procedures and processing requirements.

#### 139.3 Eggs

##### 139.31 Restrictions

Eggs may be sent only by parcel post. See 550 for nonpostal regulations on dried whole eggs.

##### 139.32 Packaging

Eggs must be packaged in the following manner:

a. Eggs mailed to any country except Canada must be placed in a metal egg container. Each egg must be packed in cushioning material. The metal egg container must be enclosed in an outer container of wood with cushioning packed between the two containers.

b. Eggs mailed to Canada may be packed either as prescribed in 139.32a or in a box of rigid material with a tight-fitting lid. Each egg must be wrapped in protective material and placed on end. Vacant spaces in the box must be filled with packing material to prevent the eggs from striking each other or the box.

#### 139.4 Food and Other Perishable Articles

Fruits, vegetables, fresh meats, and other articles that easily decompose or that cannot reasonably be expected to reach their destination without spoiling are nonmailable.

### 140 International Mail Categories

#### 141 Definitions

##### 141.1 General

There are five principal categories of international mail that are primarily differentiated from one another by speed of service. They are Priority Mail Global Guaranteed (PMGG), Express

Mail International Service (EMS), Global Priority Mail (GPM), airmail, and economy mail.

#### 141.2 Priority Mail Global Guaranteed

Priority Mail Global Guaranteed is the U.S. Postal Service's premium international mail service. PMGG is an expedited delivery service that is the product of a business alliance between the U.S. Postal Service and DHL Worldwide Express, Inc. It provides reliable, high-speed, time-definite service from designated U.S. ZIP Code areas to locations in most destination countries and territorial possessions. PMGG is guaranteed to meet destination-specific delivery standards or the postage will be refunded. If a shipment is lost or damaged, liability for document reconstruction is limited to a maximum of \$100. The maximum weight limit is 70 pounds to all destinations.

#### 141.3 Express Mail International Service

The next level of service, in terms of speed and value-added features, is Express Mail International Service. EMS is an expedited mail service that can be used to send documents and merchandise to most of the country locations that are individually listed in this publication. EMS insurance coverage against loss, damage, or rifling, up to a maximum of \$500, is provided at no additional charge. Additional merchandise insurance coverage up to \$5,000 may be purchased at the sender's option. However, document reconstruction insurance coverage is limited to a maximum of \$500 per shipment. Return receipt service is available, at no additional charge, for EMS shipments that are sent to a limited number of countries. See 211.4. Country specific maximum weight limits range from 22 pounds to 70 pounds. See the Individual Country Listings. Although EMS shipments are supposed to receive the most expeditious handling available in the destination country, they are not subject to a postage refund guarantee if a delivery delay occurs.

#### 141.4 Global Priority Mail

Global Priority Mail is an accelerated airmail service that provides customers with a reliable and economical means of sending correspondence, documents, printed matter, and light-weight merchandise items to the foreign destinations that are listed in 231.42. GPM items receive priority handling within the U.S. Postal Service and the postal administration of the country of destination. Senders can pay flat-rate

postage by placing their contents into a standardized GPM envelope; or they can elect to pay variable weight postage by affixing a GPM sticker to a tyvek envelope, box, or other customer-furnished packaging. The maximum weight limit for GPM items is 4 pounds. Special services, such as registry, return receipt, recorded delivery, and insurance, are not available in combination with GPM service.

#### 141.5 Airmail

Subject to the following definitions, airmail service may be used to send both letter-post items and parcel post packages to most foreign countries. Letter-post is a generic term for mailpieces of differing shapes, sizes, and contents, which weigh four pounds or less, that are subject to the provisions of the Universal Postal Union Convention. Letter-post items may contain any mailable matter that is not prohibited by the destination country. At the sender's option, special services, such as registry, return receipt, and recorded delivery, may be added on a country-specific basis.

**Note:** The letter-post classification encompasses all of the classes of international mail (i.e., letters and letter packages, post and postal cards, aerogrammes, printed matter, and small packets) that were formerly categorized as LC (letters and cards) and AO (other articles) respectively. Parcel post, which is otherwise referred to as CP mail, is differentiated from letter-post because it is governed by the provisions of the UPU Postal Parcels Agreement. That classification is primarily designed to accommodate larger and heavier shipments, whose size and/or weight transcend the established limitations for letter-post items. It also affords senders the opportunity to obtain optional mailing services, such as insurance coverage and return receipt, which would otherwise be unavailable.

#### 141.6 Economy Mail

Mailpieces that are classified as letter-post or parcel post can also be entered as economy mail. Under that classification, they are subject to the same regulatory requirements and conditions of mailing as the airmail items. The substantive differences between the two levels of service primarily relate to mode of transportation (air or surface), speed of service, and price.

### 142 Envelope and Card Specifications

#### 142.1 Color

Only light-colored envelopes and cards that do not interfere with the reading of the address and postmark should be used. Do not use brilliant colors.

#### 142.2 Quality

Envelopes and cards should be constructed of paper strong enough to withstand normal handling. Highly glazed paper or paper with an overall design is not satisfactory.

#### 142.3 Shape

Rectangular.

#### 142.4 Minimum Size

- Length: 5½ inches.
- Height: 3½ inches.

#### 142.5 Window Envelopes

Window envelopes may be used under the following conditions:

- The address window must be parallel with the length of the envelope.
- The address window must be in the lower portion of the address side.
- Nothing but the name, address, and any key number used by the mailer may appear through the address window.
- The return address should appear in the upper-left corner. If there is no return address and the delivery address does not show through the window, the piece will be handled as undeliverable mail.
- The address disclosed through the window must be on white paper or paper of a very light color.
- When used for registered mail, window envelopes must conform with the conditions in DMM S911.3.7.
- Open panel envelopes, i.e., those in which the panel is not covered with a transparent material, are not acceptable in international mail.

#### 142.6 Bordered Envelopes and Cards

Envelopes and cards that have green-colored bars or red-and blue-stripped borders may be used for the sending of airmail letter-post items.

### 143 Official Mail

#### 143.1 Mailings by Federal Agencies

Official mail (sent by federal agencies and departments listed in USPS Handbook DM-103, Official Mail) that bears the indicia prescribed in DMM E060.6.0 through E060.8.0 may be sent to foreign destinations. Such items are subject to the postage payment requirements, weight and size limits, customs form requirements, and general conditions for mailing that otherwise apply to the class and category of the international mail being sent.

#### 143.2 USPS Mailings

International mailpieces that are sent by or on behalf of the U.S. Postal Service must bear the prescribed G-10 permit indicia. USPS official mail is subject to a 66-pound weight limit

except for Express Mail International Service (EMS) shipments going to Austria, Haiti, and Serbia-Montenegro and Priority Mail Global Guaranteed (PMGG) shipments going to all authorized destination countries, which have a 70-pound weight limit.

### 143.3 Mail of a Former President and Surviving Spouse of a Former President

All nonpolitical mail of former United States Presidents, and of the surviving spouse of a former President, must be accepted without prepayment of postage if it bears the written signature of the sender, or a facsimile signature and the words "POSTAGE AND FEES PAID" in the upper-right corner of the address side.

### 143.4 General Secretariat of the Organization of American States (OAS)

a. Ordinary (unregistered) economy mail and airmail letter-post items bearing the return address of the OAS General Secretariat and weighing not more than 4 pounds are accepted without postage when addressed to the OAS member countries listed in 143.4c.

b. Airmail service for items other than letter-post items and other special services may not be provided for OAS General Secretariat official mail without the prepayment of air postage or the fee for the special service requested.

c. The following countries are members of the Organization of American States (OAS):

Antigua and Barbuda  
 Argentina  
 Bahamas  
 Barbados  
 Bolivia  
 Brazil  
 Canada  
 Chile  
 Colombia  
 Costa Rica  
 Dominica  
 Dominican Republic  
 Ecuador  
 El Salvador  
 Grenada  
 Guatemala  
 Haiti  
 Honduras  
 Jamaica  
 Mexico  
 Nicaragua  
 Panama  
 Paraguay  
 Peru  
 St. Christopher and Nevis  
 St. Lucia  
 St. Vincent and the Grenadines  
 Suriname  
 Trinidad and Tobago  
 United States  
 Uruguay

Venezuela

### 143.5 Pan American Sanitary Bureau Mail

a. Ordinary (unregistered) economy mail and all letter-post items bearing the return address of the bureau and weighing not more than 4 pounds is accepted without postage affixed when addressed to an OAS member country listed in 143.4c or to Cuba.

b. Airmail service for items other than letter-post items and other special services may not be provided for bureau official mail without prepayment of air postage or of the fee for the special service requested.

### 150 Postage

#### 151 Postage Rates

See Individual Country Listings.

### 152 Payment Methods

#### 152.1 Prepayment

Each item must be fully prepaid to ensure prompt dispatch and to avoid assessment of charges against the addressee. For the treatment of shortpaid and unpaid mail, see 420.

#### 152.2 Stamps

a. Postage and fees for special services (see chapter 3) may be paid by means of U.S. postage stamps, postage meter stamps, or postage validation imprinter (PVI) labels. PVIs are acceptable for all international mail transactions.

b. Precanceled stamps may be used under the conditions applicable to domestic mail (see DMM P023).

c. Airmail stamps may not be used on economy items.

d. Postal customers may affix nondenominated postage stamps (e.g., the "C" stamp) to international mailpieces, except for those that bear a uniquely domestic rate marking, such as First-Class Presort, Bulk Rate, Presorted Standard, or Nonprofit Organization. The nondenominated Breast Cancer Research Semipostal stamp, which has a postage value that is equivalent to the domestic rate for a 1-ounce First-Class letter, may also be used for international mailing purposes. See DMM P022.1.6.

**Note:** See DMM P022.2.2 for stamps not valid as postage.

### 152.3 Permit Imprint

#### 152.31 Conditions of Use

Postage may be paid by permit imprints, subject to the general conditions stated in DMM P040 and P710.2.4. Postage charges are computed on PS Form 3651, International Statement of Mailing with Permit Imprints, or other postage statements as required.

### 152.32 Minimum Number of Pieces

A single mailing must consist of not less than 200 pieces identical in size and weight and addressed to foreign destinations, unless otherwise specified.

**Note:** The pieces comprising the mailing do not have to be addressed to a single country.

**Exception:** See 293.2.

### 152.33 Required Format

Permit imprints for international mail must be prepared in one of the forms shown in Exhibit 152.3. No variations or additions such as Bulk Letter, Presorted Standard, Enhanced Carrier Route Sort, Automation Rate, or Nonprofit Organization are allowed.

### 152.4 Publishers' Periodicals

Postage on publishers' periodicals (Periodicals Mail) mailed by publishers or registered news agents who are domestic Periodicals Mail permit holders may be paid as provided in 242.22 and 242.23.

### Exhibit 152.3 Permit Imprints

[Exhibit not included.]

### 153 Placement of Postage

a. Postage stamps and postage-paid impressions must be applied to the address side of mail in the upper-right corner. The postage meter stamp, postage validation imprinter (PVI) label, or permit may be affixed directly on the mailpiece or on the wrapper when plastic wrap is used.

b. Nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions must not be placed on the address side of international mailpieces.

### 154 Remailed Items

New postage is required when mailpieces are reentered after having been returned to the sender by a foreign postal administration.

## 2 Conditions for Mailing

### 210 Priority Mail Global Guaranteed

\* \* \* \* \*

### 220 Express Mail International Service

#### 221 Description

##### 221.1 General

Express Mail International Service (EMS) is a reliable high-speed mail service available to certain countries (see Individual Country Listings for service availability). There is no service guarantee for Express Mail International Service. Express Mail International is available at designated postal facilities for nonscheduled expedited services to

addresses located in countries that offer Express Mail International Service.

### 221.2 Allowable Contents

Any item not prohibited in international mail is allowed in EMS. Refer to the "Country Conditions for Mailing" in the Individual Country Listings for individual country prohibitions. International postal money orders are admissible in EMS. However, they are only negotiable if the proper form is used. The following items are prohibited in all EMS shipments: coins; banknotes; currency notes (paper money); securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles.

### 221.3 Insurance and Indemnity

Express Mail International Service items are insured against loss, damage, or rifling at no additional cost. Indemnity will be paid by the U.S. Postal Service as provided in DMM S010 and S500. However, Express Mail International Service items are not insured against delay in delivery. Neither indemnity payments nor postage refunds will be made in the event of delay.

#### 221.31 EMS Merchandise Insurance

Express Mail merchandise insurance coverage against loss, damage, or rifling is provided up to \$500 at no additional charge. Additional insurance coverage above \$500 may be purchased at the sender's option. The fee for optional Express Mail International Service merchandise insurance coverage is \$1.00 for each \$100 or fraction thereof, up to a maximum of \$5,000 per shipment. See the Individual Country Listings for the applicable Express Mail insurance fees.

#### 221.32 Purchase of Additional Insurance

When a mailer wants to insure an EMS merchandise shipment in an amount more than \$500, the insurance fee is entered in the block marked "Insurance" on the mailing label. Coverage is limited to the actual value of the contents, regardless of the fee paid, or the highest insurance value increment for which the fee is fully paid, whichever is lower. See DMM S500.

#### 221.33 Document Reconstruction Insurance

Nonnegotiable EMS documents are insured against loss, damage, or rifling at no additional cost to the mailer. Document reconstruction insurance

coverage is limited to a maximum of \$500 per shipment. Additional coverage beyond the \$500 indemnity limit is not available. See DMM S010 and S500.

**Note:** EMS indemnity payments are subject to the provisions of DMM S010, DMM S500, and IMM 935. Neither indemnity payments nor postage refunds are payable for delayed delivery.

### 221.4 Return Receipt Service

Return Receipt service is available for Express Mail International items only to the following countries at no additional charge (see 340 for preparation procedures):

Argentina  
Australia  
Bahrain  
Belgium  
Germany  
Greece  
Guinea-Bissau  
Hong Kong  
Korea, Republic of (South)  
Kuwait  
Liechtenstein  
Pakistan  
Qatar  
Singapore  
South Africa  
Spain  
Switzerland  
Taiwan  
Tunisia

## 222 Postage

### 222.1 Rates

#### 222.11 Country Rates

See the Individual Country Listings for countries that offer Express Mail International Service.

#### 222.12 Express Mail Corporate Account Rates

Express Mail International Service (EMS) rates will be reduced by 5 percent for all payments made through an Express Mail corporate account (EMCA) or through the federal agency payment system. The discount applies only to the postage portion of EMS rates. It does not apply to the pickup service charge, additional merchandise insurance coverage fees, or shipments made under an International Customized Mail agreement.

#### 222.2 Payment of Postage

##### 222.21 Methods of Payment

Express Mail International Service items may be paid by postage stamps, postage validation imprinter (PVI) labels, postage meter stamps, or through the use of an Express Mail corporate account.

### 222.22 Application for Corporate Account

A written application is required before mailing can be made under a corporate account (see DMM P500).

### 222.23 Official Mail

#### 222.231 Mailings by Federal Agencies

Express Mail International Service shipments that are entered by federal agencies and departments are subject to the same postage payment requirements, weight and size limits, customs form requirements, and general conditions for mailing as EMS shipments that are originated by nongovernmental entities.

#### 222.232 USPS Mailings

EMS shipments mailed by U.S. Postal Service entities must bear the G-10 permit indicia that is prescribed for all USPS official mail. There is a 66-pound weight limit for USPS-originated EMS shipments going to all destination countries, unless the destination country has a higher weight limit. See 143.2.

#### 222.24 Pickup Service

On-call and scheduled pickup services are available for an added charge of \$10.25 for each pickup stop, regardless of the number of pieces picked up. Only one pickup fee will be charged if domestic Express Mail, domestic Priority Mail, international parcel post, and/or domestic Parcel Post is picked up at the same time. No pickup fee will be charged when international Express Mail is picked up during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee. Pickup service is provided in accordance with DMM D010.

## 223 Weight and Size Limits

### 223.1 Weight Limits

See the Individual Country Listings for countries that offer Express Mail International Service.

### 223.2 Size Limits

- Maximum length: 36 inches.
- Maximum length and girth combined: 79 inches.

**Note:** For exceptional size limits, see Individual Country Listings for countries that offer Express Mail International Service.

## 224 Preparation Requirements

### 224.1 Preparation by Sender

- Complete the "From" and "To" portions of Label 11-B, Express Mail Post Office to Addressee, for each piece of mail and affix the completed label to each piece.

b. Prepare and affix the appropriate customs form to the piece of mail. See the Individual Country Listings for countries that offer Express Mail International Service for required customs declarations.

**224.2 Preparation by Acceptance Employee**

- a. Check the address label to ensure that the sender has completed the "From" and "To" portions.
- b. Verify that customer has properly completed the appropriate customs declaration form, if required.
- c. Enter the originating facility ZIP Code; date and time received; weight; merchandise insurance fee, if applicable (see 211.52); total postage; and initial. Ensure that the correct amount of postage is affixed to the mailpiece.
- d. Give the Customer Receipt copy to the mailer and retain the Finance Copy. Peel off the backing of the remaining portion and affix it to the item.
- e. After acceptance, place each item in the appropriate working pouch and forward it to the international exchange office authorized to dispatch Express Mail International Service to that destination. (See Handbook T-5, International Mail Operators.)

**224.3 Customs Forms Required**

See the Individual Country Listings for countries that offer Express Mail International Service. Mailers are responsible for determining customs requirements and complying with them. Mailers should confirm before mailing merchandise whether an import license is required for that class of goods.

**230 Global Priority Mail**

**231 Description**

**231.1 General**

Global Priority Mail is an expedited airmail letter-post service providing fast,

reliable, and economical delivery of all mailable items not over 4 pounds. Global Priority Mail items receive priority handling in the United States and in destination countries. Service is available only to destination countries identified in 231.42, from post offices identified in 231.41.

**231.2 Allowable Contents**

All items which may be sent as letter-post mail (see 241.1) are accepted in Global Priority Mail, provided that the contents are mailable and fit securely in the envelope or box. Items must fit comfortably within the envelope or box without distorting or bursting the container. Do not use excessive tape to keep the envelope or box from bursting. Use only one piece of tape to secure the flap. Global Priority Mail items may contain dutiable merchandise unless the country of destination specifically prohibits dutiable merchandise in letters. Any item that is prohibited in international mail is prohibited in Global Priority Mail. Refer to the "Country Conditions of Mailing" in the Individual Country Listings for individual country prohibitions.

**231.3 Service Standards**

Global Priority Mail is accepted at all USPS retail locations. There is a four-day delivery objective for GPM items that are deposited at postal locations that are linked to the USPS Eagle network (see Exhibit 231.41). When GPM items are tendered at "off-net" locations (all other locations), it generally requires an additional 1-2 business days to obtain delivery in the destination country. (Note: GPM mailings consisting of 200 or more identical pieces, which bear a permit imprint, must be deposited at a locally designated business mail entry unit.) Within each of the listed service areas, prepaid GPM items may be tendered to

a letter carrier, deposited in an Express Mail street collection box, or placed in a post office or lobby mail drop.

**231.4 Service Areas**

**231.41 Origins**

Global Priority Mail service is available only through the designated post offices and the additional post offices listed in Exhibits 231.41a and b. Pickup Service is available for an additional fee. (See 236.3.)

**Exhibit 231.41a GPM Acceptance Locations Linked to the Eagle Network ("On-Net")**

[Exhibit not included. Formerly Exhibit 226.32a.]

**Exhibit 231.41b GPM Acceptance Locations Not Linked to the Eagle Network ("Off-Net")**

[Exhibit not included. Formerly Exhibit 226.32b.]

**231.42 Destinations**

Global Priority Mail service is available to the destination countries listed below. Those countries that have service only to designated locations are identified with a footnote. [Table not included.]

**Exhibit 231.42 GPM Locations—China**

[Exhibit not included. Formerly Exhibit 226.2.]

**232 Postage**

**232.1 Rates**

**232.11 Flat-Rate Envelope Postage Rates**

Each Global Priority Mail flat-rate envelope is charged at a flat rate. The rate is based on the geographic rate zone regardless of its actual weight. Postage is required for each piece. (See Exhibit 232.11.)

EXHIBIT 232.11—FLAT-RATE ENVELOPE POSTAGE RATES

Envelope	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
Small .....	\$4.00	\$4.00	\$5.00	\$5.00	\$5.00
Large .....	7.00	7.00	9.00	9.00	9.00

**232.12 Variable-Weight Option Postage Rates**

Global Priority Mail variable-weight rates are calculated in half-pound (or fraction thereof) increments based on

the weight of each piece (up to 4 pounds) and the destination geographic rate zone. Each GPM mailpiece that is paid for on that basis must have a variable-weight sticker affixed to the

address side or be enclosed in a USPS-furnished flat-size (Tyvek) envelope or cardboard box that is specifically intended for the transmittal of GPM items. (See Exhibit 232.12.)

EXHIBIT 232.12—VARIABLE-WEIGHT OPTION POSTAGE RATES

Weight not over (lbs.)	Rate group 1 (Canada)	Rate group 2 (Mexico)	Rate group 3	Rate group 4 (Australia, Japan, New Zealand)	Rate group 5
.5 .....	\$6.00	\$7.00	\$9.00	\$8.00	\$8.00
1 .....	8.00	9.00	11.00	10.00	12.00
1.5 .....	9.00	10.00	13.00	12.00	14.00
2 .....	11.00	12.00	16.00	15.00	17.00
2.5 .....	12.00	13.00	19.00	18.00	20.00
3 .....	14.00	15.00	22.00	21.00	23.00
3.5 .....	16.00	17.00	24.00	23.00	25.00
4 .....	18.00	19.00	27.00	26.00	28.00

**232.2 Payment of Postage**

**232.21 Methods of Payment**

Nonidentical-weight piece mailings must have the applicable postage affixed by adhesive stamps, meter stamps, or, if presented at a post office, postal validation imprinter (PVI labels). Identical-weight piece mailings may be paid by meter stamps, adhesive stamps, PVI labels, or permit imprint, subject to certain standards. To use a permit imprint, a mailing must consist of 200 or more identical-weight pieces. Mailers may use a permit imprint with nonidentical pieces only if authorized by the USPS under a Manifest Mailing System (MMS), as specified in DMM P710.

**232.22 Permit Imprint Content and Format**

All permit imprints on Global Priority Mail must show city and state, "Global Priority Mail," "U.S. Postage Paid," and permit number. They may show the mailing date, amount of postage paid, or the number of ounces.

**232.23 Postage Meter Stamps**

At a minimum, a meter stamp must show in the postmark the month, day, and year; city and state designation of the licensing post office; the number; and the amount of postage. See DMM P030.4.6.

**233 Preparation Requirements**

**233.1 Addressing**

All items must bear the complete delivery address of the addressee and

the full name (no abbreviations) of the destination country. See 122.

**233.2 Packaging**

Flat-rate Global Priority Mail must be enclosed in a designated USPS envelope (EP-15A or EP-15B). Variable-weight Global Priority Mail must be tendered in a USPS Tyvek envelope (EP-15GP), a USPS Global Priority Mail box (O1099), or have a Global Priority Mail sticker (DEC-10) affixed to the address side of the mailpiece. (GPM mailing supplies can be obtained by calling 800-222-1811.) Unmarked pieces are subject to regular airmail letter-post rates and treatment.

**233.3 Customs Form Required**

If the GPM mailpiece weighs	And it contains	Required customs form(s)
Less than 16 ounces .....	Documents; business papers; or non-dutiable printed matter. Dutiable printed matter or merchandise items with a value under \$400.. Merchandise items with a value of \$400 or more .....	No form required. Affix a completed PS Form 2976 (green label) to the exterior of the mailpiece. Place a completed PS Form 2976-A inside the packaging. Affix the upper-left section of PS Form 2976 (green label) to the exterior of the mailpiece.
16 ounces or more .....	Documents; business papers; dutiable and non-dutiable printed matter; or merchandise items with a value under \$400. Merchandise items with a value of \$400 or more .....	Affix a completed PS Form 2976 (green label) to the exterior of the mailpiece. Place a completed PS Form 2976-A inside the packaging. Affix the upper-left section of PS Form 2976 (green label) to the exterior of the mailpiece.

**Note:** GPM customers who send flat-rate envelopes or variable-weight option mailpieces that weigh 16 ounces or more, bear a permit imprint, and contain correspondence, business papers, or nondutiable printed matter are eligible for the known mailer exemption that is referenced in 123.62.

**234 Size and Weight Limits**

**234.1 Size Limits**

**234.11 Flat-Rate Envelope Sizes**

- a. Small—6 x 10 inches.
- b. Large—9½ x 12½ inches.

**234.12 Package Sizes for Variable-Weight Option**

- a. Minimum length and height: 5½ x 3½ inches.
- b. Minimum depth (thickness): .007 inches.
- c. Maximum length: 24 inches.
- d. Maximum length, height, and depth (thickness) combined: 36 inches.

**234.13 Rolls**

- a. Minimum length: 4 inches.
- b. Minimum length plus twice the diameter combined: 6¾ inches.

- c. Maximum length: 36 inches.
- d. Maximum length plus twice the diameter combined: 42 inches.

**234.14 Global Priority Mail Tyvek Envelope**

The dimensions of the Global Priority Mail Tyvek envelope are 12 x 15½ inches.

**234.2 Weight Limit**

All Global Priority Mail items are subject to a 4-pound weight limit.

**235 Special Services**

Mailers may obtain certificates of mailing (see 310). No other special services, such as registry, insurance, restricted delivery, return receipt, or recorded delivery, are available.

**236 Mail Entry****236.1 Preparation**

Unless otherwise instructed by USPS acceptance personnel, customers who tender Global Priority Mail at a business mail entry unit (BMEU) must separate the items by destination rate group and by flat-rate envelope size (i.e., small or large), if applicable. Mailpieces that bear a permit imprint or a postage meter impression must be faced in the same direction.

**236.2 Deposit of Mail**

Global Priority Mail flat-rate envelopes and variable-weight option mailpieces, which bear either stamped or metered postage, may be deposited wherever Express Mail is accepted. This includes acceptance by a retail employee at a post office counter; acceptance by a letter carrier while a delivery route is being served; deposit into an Express Mail street collection box if the mailpiece weighs less than 16 ounces; or by telephoning 800-222-1811 to request pickup at the customer's premises. Global Priority Mail that bears a permit imprint must be deposited at a business mail entry unit or other acceptance point that is authorized by the postmaster. Global Priority Mail that bears a meter stamp or impression must be deposited at a location that is under the jurisdiction of the licensing post office, except as permitted under DMM P030.

**236.3 Pickup Service**

On call and scheduled pickup services are available for Global Priority Mail acceptance cities. There is a charge of \$10.25 for each pickup stop, regardless of the number of pieces picked up. (See DMM D010 for standards of pickup service.) Pickup service is not available for GPM items that bear a permit imprint and that are paid for through an advance deposit account.

**240 Letter-Post****241 Description****241.1 Definition**

The letter-post classification encompasses all of the classes of international mail: letters and letter packages, post and postal cards, aerogrammes, printed matter, and small packets that were formerly categorized

as LC (letters and cards) and AO (other articles).

**241.2 Mailable Matter**

Any article that is otherwise acceptable and not prohibited by the country of destination, subject to applicable weight and size limits, may also be mailed at the letter-post rate, either airmail or economy.

**242 Postage****242.1 Rates**

See Individual Country Listings for airmail and economy rates.

**242.2 Payment of Postage**

Mailers of letter-post items may pay postage with postage stamps, postage meter stamps, postage validation imprinter (PVI) label, and by permit imprint.

**243 Weight and Size Limits****243.1 Weight Limit**

The weight limit is 4 pounds.

**243.2 Size Limits****243.21 Envelopes and Packages**

- a. Minimum length and height: 5½ x 3½ inches.
- b. Minimum depth (thickness): .007 inch.
- c. Maximum length: 24 inches.
- d. Maximum length, height, depth (thickness) combined: 36 inches.

**243.22 Rolls**

- a. Minimum length: 4 inches.
- b. Minimum length plus twice the diameter combined: 6¾ inches.
- c. Maximum length: 36 inches.
- d. Maximum length plus twice the diameter combined: 42 inches.

**243.23 Cards**

Unenclosed cards exceeding the size limits for post cards are admissible at the letter-post rate if they do not exceed 4¾ x 9¼ inches.

**243.24 Nonstandard Surcharge**

A surcharge of \$0.11 per article will be assessed on all outbound air and economy letter-post items weighing 1 ounce or less if:

- a. Its length exceeds 11½ inches.
- b. Its height exceeds 6⅞ inches.
- c. Its thickness exceeds ¼ inch.
- d. Its length divided by its height results in an aspect ratio that is less than 1.3 or more than 2.5.

**244 Preparation Requirements****244.1 Addressing**

See 122.

**244.2 Marking**

a. Whenever items, because of their size and manner of preparation, may be mistaken for items of another class, the sender should add the word "LETTER" or "LETTRE" on the address side.

b. The sender should mark "AIRMAIL/PAR AVION" or affix Label 19-A, Par Avion Air Mail, or Label 19-B, Air Mail Par Avion, on front and back of items paid at the airmail letter-post rate.

**244.3 Sealing**

Unregistered letter-post items may be sealed at the sender's option. Registered items must be sealed. (See 334.4 for sealing requirements for registered mail.)

**244.4 Packaging**

Items prepaid at the letter-post rate of postage must be placed in envelopes or prepared in package form.

**244.5 Customs Forms Required****244.51 Dutiable Merchandise**

a. Any merchandise sent to another country may be subject to duty under the customs regulations of that country. The Postal Service does not maintain or provide information concerning the assessment of customs duty.

b. Letter-post items may contain dutiable merchandise unless the country of destination prohibits dutiable merchandise in letters. (See Individual Country Listings.)

c. When mailing articles that may be dutiable, sender must comply with 123.61 and with special instructions under "Customs Forms Required" and "Observations" in Individual Country Listings.

**244.52 Nondutiable Merchandise**

Nondutiable merchandise may be mailed (at the sender's risk) to countries that do not accept dutiable merchandise. The Postal Service assumes no responsibility for the treatment such items may receive in the country of destination.

**Note:** Because PS Form 2976 described in 123.61, generally denotes dutiable contents, it should be omitted from letter-post mail when the sender knows the contents are not dutiable, unless the item weighs 16 ounces or more.

**250 Postcards and Aerogrammes****251 Description****251.1 Postal Cards/Postcards****251.11 Definition**

Postal cards and postcards consist of single cards sent without a wrapper or envelope. Folded (double) cards must be

mailed in envelopes at the letter-post rate of postage.

#### 251.12 Reply-Paid Cards

Reply-paid cards are not accepted in international mail, except as provided in 132.2.

#### 251.13 Specifications

Postcards must be made of cardboard or paper that meets the material and color specifications in 142.

#### 251.14 Privately Manufactured Postcards

Privately manufactured postcards, except picture postcards, must bear the heading Postcard.

#### 251.15 Permitted Attachments

The following may be glued on the left half of the address side of a card, or on the side opposite the address side, if they are made of paper or other thin material and adhere completely to the card:

- Clippings of any kind.
- Illustrations or photographs.
- Labels other than address labels.
- Stamps of any kind, except stamps likely to be confused with postage stamps, must not be placed on the address side of the card.
- Address labels or address tabs that may be glued to the address side of the card.

#### 251.16 Nonpermitted Attachments

The following must not be attached to cards:

- Cloth, embroidery, or spangles.
- Samples of merchandise.

#### 251.2 Aerogrammes

##### 251.21 Definition

Aerogrammes are letter sheets that can be folded into the form of an envelope and sealed. Tape or stickers must *not* be used to seal aerogrammes.

##### 251.22 Postage

Aerogrammes (bearing imprinted postage) are sold at all post offices. Approved aerogrammes (without imprinted postage) obtained from private firms must have aerogramme-rate postage affixed. However, privately printed aerogrammes sent to Canada and Mexico may bear the appropriate airmail letter-post postage rate.

##### 251.23 Available Service

Aerogramme service is available to all countries. Registry is available for aerogrammes. Recorded delivery service is available for aerogrammes if that service is available to the country of destination. See Individual Country Listings.

#### 251.24 Enclosures

Enclosures are not permitted in aerogrammes. Aerogrammes that contain enclosures are treated as airmail letters and are subject to air letter postage rates. Aerogrammes with enclosures on which postage has not been paid at airmail letter rates must be returned to the sender for the deficiency or treated in accordance with 423.

#### 251.3 Aerogrammes of Private Manufacture

##### 251.31 Authorization

Individuals or firms may be authorized by the Postal Service to manufacture aerogrammes, without imprinted postage, for their own use or for sale to the public.

##### 251.32 Approval

Before engaging in production, the applicant must apply for an aerogramme permit, submit three printed samples of the proposed aerogramme, and obtain authorization from: Manager, Pricing Costing and Classification, International Business, U.S. Postal Service, 475 L'Enfant Plz SW 370 IBU, Washington, DC 20260-6500.

A sample format may be obtained from that office.

##### 251.33 Specifications for Submitted Samples

The samples submitted for approval and the final printing of the aerogrammes must be on 18-pound paper (500 sheets, 17 × 22 inches) of light blue color as well as the texture equivalent to the regular three-flap aerogramme issued by the U.S. Postal Service. No artificial slippery finish, such as a silicon plastic, is permitted. The sheets, when folded, must measure 7¼ × 3⅞ inches and have three sealing flaps. Samples submitted for approval need not have the flaps gummed, but the areas to be gummed must be identified. The sheets must:

- Bear the printed endorsements that appear on the address and reverse sides of the aerogramme issued by the Postal Service.
- Contain the printed return address of the applicant, or lines on which the return address may be written if the sheets are to be reproduced for sale to the public.
- Bear the words "AUTHORIZED FOR MAILING AS AN AEROGRAMME—P.S. PERMIT NO. \* \* \*" (the number to be filled in when issued).

These words must be printed in small, clear type and appear on the lower edge of the address side (when the sheet is folded for mailing). The permit number

will be issued at the time the aerogramme is approved.

#### 252 Postage Rates

Postal Cards/Postcards

Canada: \$0.50

Mexico: \$0.50

All other countries: \$0.70

Aerogrammes

All countries: \$0.70

#### 253 Weight and Size Limits

##### 253.1 Weight Limits

Postcards weigh approximately the same as postal cards. See 142.

##### 253.2 Size Limits

##### 253.21 Postcards

- Minimum: 3½ × 5½ inches.
- Maximum: 4¼ × 6 inches.

**Note:** See 243.23 for larger cards.

##### 253.22 Aerogrammes

The size limit for an aerogramme is 7¼ × 3⅞ inches.

#### 254 Preparation Requirements

##### 254.1 Addressing

See 122.

##### 254.2 Marking—Postal Cards/Postcards

##### 254.21 Airmail

The sender should mark postcards *Par Avion* or affix Label 19-A, *Par Avion Air Mail*, or Label 19-B, *Air Mail Par Avion*, on the left side on the front.

##### 254.22 Right Half of Postcard

The right half of the address side of a card must be reserved for the address of the addressee and postal notations or labels.

##### 254.23 Left Half and Reverse Side

The sender may use the left half of the address side of the card and the reverse side for a message or permissible attachments described in 231.15. The sender must use the upper-left half of the address side for his or her return address. (Unless they bear the name and address of the sender, undeliverable cards are disposed of in the country of destination.)

#### 254.3 Sealing Aerogrammes

Tape or stickers must not be used to seal aerogrammes.

#### 260 Direct Sacks of Printed Matter to One Addressee (M-Bags)

#### 261 General Description

##### 261.1 Definition

Direct sacks of printed matter to a single foreign addressee, which are also

known as M-bags, are subject to the following conditions of mailing:

Minimum weight: 11 pounds. (**Note:** M-bags weighing less than 11 pounds may be admitted, provided that the sender pays the applicable 11-pound postage rate.)

Maximum weight: 66 pounds (including the tare weight of the sack).

Availability: All destinations that are referenced in the Individual Country Listings.

Identification: PS Tag 158, M-Bag Addressee Tag, must be completed and attached to the neck of the sack.

Postage: The applicable airmail, economy (formerly surface), or International Surface Air Lift (ISAL) postage must be affixed to PS Tag 158.

Special services: Certificate of mailing and recorded delivery are available. Registry, insurance, return receipt, and restricted delivery are not available.

## 261.2 Allowable Contents

### 261.21 Printed Matter

Printed matter is admissible in M-bags. Printed matter is defined as paper on which words, letters, characters, figures, images, or any combination thereof, not having the character of a bill or statement of account, or of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting. Articles that meet the printed matter definition include newspapers, magazines, journals, books, sheet music, catalogues, directories, commercial advertising, and promotional matter.

### 261.22 Merchandise

Articles of merchandise may be enclosed in M-bags under the following conditions:

a. The merchandise items being sent are limited to disks, tapes, and cassettes; commercial samples shipped by manufacturers and distributors; or other non-dutiable commercial articles or informational materials that are not subject to resale.

b. The merchandise items relate to the printed matter (see 261.21) with which they are being mailed.

c. The merchandise items are affixed to or are otherwise combined with the accompanying printed matter.

d. The weight of each mailpiece or package, which contains merchandise in combination with printed matter, may not exceed 4 pounds.

e. The M-bag must be accompanied by a fully completed PS Form 2976, Customs—CN 22 (Old C1) and Sender's Declaration.

## 262 Postage

### 262.1 Rates

See the Individual Country Listings for airmail and economy M-bag rates, and 293.71 for International Surface Air Lift (ISAL) M-bag rates.

### 262.2 Payment of Postage

#### 262.21 Stamps

Postage is calculated on the weight of the sack's contents. It is payable by affixing postage stamps, meter stamps, or a postage validation imprinter (PVI) label to PS Tag 158, M-Bag Addressee Tag.

#### 262.22 By Indicia

If a publisher or registered news agent prepares a direct sack of publishers' periodicals (Periodicals Mail matter) for one addressee and desires to pay the postage from money on deposit with the postmaster, the postage must be computed at the per-copy rate based on the report on PS Form 3541-N, Postage Statement—Periodicals Nonprofit Rates, or PS Form 3541-R, Postage Statement—Periodicals Regular and Science-of-Agriculture Rates. In lieu of stamped or metered postage, the accompanying M-bag tag must bear the applicable Periodicals Mail indicia.

**Note:** The \$0.25 per pound postage rate discount that is available to publishers or registered news agents who "drop ship" their mail at the New Jersey International and Bulk Mail Center (NJI&BMC) does not apply to M-bags.

## 263 Weight and Size Limits

### 263.1 Weight Limits

The minimum weight limit is 11 pounds and the maximum weight limit is 66 pounds, including the tare weight of the sack.

**Note:** M-bags weighing less than 11 pounds may be admitted, provided that the sender pays the applicable 11-pound postage rate.

### 263.2 Size Limits

There are no defined size limits so long as articles being sent can be enclosed in the mailbag.

## 264 Preparation Requirements

### 264.1 Marking

Printed matter, or printed matter in combination with merchandise items, must be placed into one or more individual packages bearing the name and address of the sender and addressee. Each package must be marked "POSTAGE PAID—M-BAG."

## 264.2 Sacking and Labeling

### 264.21 Equipment

The sacks and mailing tags (i.e., PS Tag 158) needed for M-bag entry can be obtained from the local post offices. Airmail pouches, if available, will be furnished to customers who intend to utilize that type of M-bag service.

### 264.22 Tagging

PS Tag 158, M-Bag Addressee Tag, must be completed and attached to the neck of the sack. It must bear the requisite amount of stamped or metered postage or the sender's authorized permit imprint or indicia (see 262.2).

### 264.23 Multiple Sacks to One Addressee

If multiple sacks are sent to the same foreign addressee, PS Tag 158 must be marked with an identifiable fraction such as  $\frac{1}{5}$ ,  $\frac{2}{5}$ ,  $\frac{3}{5}$ , etc.

### 264.24 Country Destination Name

The post office must label the sack with the name of the country of destination in large letters and the name of the U.S. dispatching exchange office in small letters (for example, Great Britain via New York), and send it to that exchange office for dispatch to destination.

### 264.3 Customs Forms Required

M-bags containing merchandise items (see 261.22) or printed matter that is known to be dutiable in the country of destination must be accompanied by a fully completed PS Form 2976, Customs—CN 22 (Old C1) and Sender's Declaration.

## 270 Matter for the Blind

### 271 Description

Matter for the blind in international mail is limited to:

a. Books, periodicals, and other matter (including unsealed letters) impressed in Braille or other special type for the use of the blind.

b. Plates for embossing literature for the blind.

c. Discs, tapes, or wires bearing voice recordings and special paper intended solely for the use of the blind, provided they are sent by or addressed to an officially recognized institution for the blind.

d. Sound recordings or tapes that are mailed by a blind person.

e. Those items listed in DMM E040.2.0.

## 272 Postage Rates

Surface: Free.

Air: No separate airmail rates are provided for matter for the blind. If

airmail service is desired, use airmail letter-post, air parcel post, or other category that meets service request. These items are subject to the weight, size, and preparation requirements of the category of mail selected.

## 273 Weight and Size Limits

### 273.1 Weight Limit

The weight limit is 15 pounds.

### 273.2 Size Limits

#### 273.21 Envelopes and Packages

a. Minimum length and height: 5½ × 3½ inches.

b. Minimum depth (thickness): .007 inch.

c. Maximum length: 24 inches.

d. Maximum length, height, depth (thickness) combined: 36 inches.

#### 273.22 Rolls

a. Minimum length: 4 inches.

b. Minimum length plus twice the diameter combined: 6¾ inches.

c. Maximum length: 36 inches.

d. Maximum length plus twice the diameter combined: 42 inches.

## 274 Preparation Requirements

### 274.1 Addressing

See 122.

### 274.2 Marking

#### 274.21 Matter for the Blind Sent as Surface Mail

For surface mail accepted as matter for the blind, the word "FREE" must be placed in the upper-right corner, immediately above the words "MATTER FOR THE BLIND."

#### 274.22 Name of Officially Recognized Institution

The officially recognized institution for the blind must appear in the address or the return address for the following items:

a. Disks, tapes, or wires bearing voice recordings.

b. Special paper intended solely for the use of the blind.

### 274.3 Sealing

Matter for the blind must *not* be sealed, even if registered.

### 274.4 Packaging

#### 274.41 Subject to Postal Inspection

Matter for the blind is subject to postal inspection (see ASM 274), and must be prepared in such a way that the contents are protected but inspection of the contents is not hindered.

#### 274.42 Types of Containers

The items must be placed in wrappers, in rolls, between cardboard,

or in bags, boxes, unsealed envelopes, or containers. Dangerous fasteners may not be used. The articles may also be tied with string or twine in a manner that will permit them to be easily untied.

## 280 Parcel Post

### 281 General

Parcel post resembles domestic zone-rated Standard Mail (B) mail.

Merchandise is permitted, but written communications having the nature of current and personal correspondence are not permitted.

**Note:** Parcel post is the only class of mail that may be insured (see 322).

### 282 Postage

#### 282.1 Rates

See Individual Country Listings.

#### 282.2 Mailing Locations

Parcels should be presented for mailing at a post office window.

#### 282.3 Pickup Service

Scheduled pickup service is available for an added charge of \$8.25 for each pickup stop regardless of the number of pieces picked up. Only one pickup fee will be charged if domestic Express Mail, international Express Mail, domestic Priority Mail, and/or domestic Parcel Post is also picked up at the same time. No pickup fee will be charged when international parcel post is picked up during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee. Pickup service is provided in accordance with DMM D010.

## 283 Weight and Size Limits

### 283.1 Weight Limits

See Individual Country Listings.

### 283.2 Size Limits

#### 283.21 Rectangular Parcels

a. Minimum length and width: 5½ × 3½ inches.

b. Maximum length: 42 inches.

c. Maximum length and girth combined: 79 inches.

#### 283.22 Circular Parcels

Maximum girth (measured along diameter): 64 inches.

#### 283.23 Exceptional Size Limits

Rectangular-shaped parcels with dimensions that exceed the standard 42-inch (maximum length) and 79-inch (maximum length and girth combined) size limits can be sent to Belgium, Canada, Germany, Great Britain, Hong Kong, Ireland, Japan, Liechtenstein, Macao, Sweden, and Switzerland. See the relevant Individual Country

Listings, under the heading "Size Limits," for the exceptional size limits that apply to parcels addressed to each of those destination countries.

## 284 Preparation Requirements

### 284.1 Addressing

See 122. Name and address of sender and addressee should also be recorded on a separate slip enclosed in the parcel.

### 284.2 Marking

For air

parcels, the accepting clerk must place Label 19-A or Label 19-B on the address side, below and to the left of the name of the country of destination. To preclude an airmail parcel from being handled as surface mail, accepting clerks may also put the written endorsement or Label 19-A or Label 19-B on the back lower left of the parcel.

### 284.3 Sealing

#### 284.31 Requirements

All international parcels must be sealed.

#### 284.32 Sealing Materials

Senders must seal their own parcels. Wax, gummed-paper tape, nails, screws, wire, metal bands, or other materials may be used to seal parcels. The seal must be sufficient to allow detection of tampering.

### 284.4 Packaging

#### 284.41 Packaging Requirements

Every parcel must be securely and substantially packed. In packing, the sender must consider the nature of the contents, the climate, the length of the journey, and the numerous handlings involved in the conveyance of international mail.

#### 284.42 Types of Containers

Ordinary paperboard containers are not acceptable. Parcels must be packed in one of the following:

a. Canvas or similar material.

b. Double-faced corrugated or solid (minimum 275-pound test) fiber boxes or cases.

c. Strong wooden boxes made of lumber at least ½ inch thick or plywood of at least three plies.

#### 284.43 Use of Wrapping Paper

Heavy wrapping paper or waterproof paper is permitted only as the outside covering of a carton.

#### 284.44 Boxes With Screwed or Nailed Lids

If otherwise acceptable, boxes with screwed- or nailed-on lids and bags closed by sewing may be used. Heavy

objects, such as cans of food, must be surrounded with other contents or packing material in order to prevent their shifting within the parcel. For illustrations or recommended packing procedures, see DMM C010.

#### 284.45 Customs Forms Required

All parcel post packages must bear PS Form 2976-A.

#### 284.46 Nonpostal Documentation

Forms required by nonpostal export regulations are described in chapter 5.

### 290 Commercial Services

#### 291 [Reserved]

### 292 International Priority Airmail Service

#### 292.1 Description

##### 292.11 General

International Priority Airmail (IPA) service is as fast as or faster than regular international airmail service. It is available to bulk mailers of all letter-post items that are prepared by the sender in accordance with the requirements of this subchapter. Separate rates are provided for presorted mail and nonpresorted mail with drop shipment and volume discounts available.

##### 292.12 Qualifying Mail

Any item of the letter-post classification, as defined in 141.5 and 141.6, qualifies, including aerogrammes and post cards. Items do not have to be of the same size and weight to qualify.

##### 292.13 Minimum Quantity Requirements

##### 292.131 Worldwide Nonpresort Mail

The mailer must have a minimum of 11 pounds of mail in the total mailing. The minimum does not apply to each country destination.

##### 292.132 Presort Mail

The mailer must have a minimum of 11 pounds of presorted mail to a single rate group, including Canada, to qualify for the presort rate for that rate group.

**Note:** Mail that cannot be made up in direct country packages (292.452a), in direct country sacks (292.461), or in trays (292.465a) does not qualify for the presort rates and is subject to the worldwide nonpresort rates.

##### 292.14 Dutiable Items

Dutiable items may be sent in accordance with the applicable rules in this subchapter for those classes of mail. Parcel post (CP) items, either ordinary or insured, may not be mailed as International Priority Airmail.

### 292.15 Deposit

#### 292.151 Full Service

Mailings must be deposited and accepted at a business mail entry unit of the post office where the mailer holds an advance deposit account or postage meter license.

#### 292.152 Drop Shipment

To qualify for the drop shipment rates, the mailer must tender the mail to one of the locations in 292.153. The mailer must pay postage at the drop shipment location either through an advance deposit account or postage meter license at the serving post office. As an alternative, mailers who are participating in a PVDS program (see DMM P750) may have the mail verified, accepted, and paid for at the mailer's plant or at the origin post office serving the mailer's plant if authorized under DMM P750.2.2. Plant-verified drop shipment mail must be transported by the mailer to the drop shipment location and the mail accompanied by PS Form 8125, Drop Shipment Clearance Document.

#### 292.153 Drop Shipment Locations

Drop shipment rates are available from the following offices:

New York:

John F Kennedy Airport Mail Ctr, U.S. Postal Service, John F Kennedy International Airport, Bldg 250, Jamaica, NY 11430-9998

Florida:

Miami International Service Ctr\*, U.S. Postal Service, 11690 NW 25th St, Miami FL 33172-1702

Miami Processing and Distribution Ctr, U.S. Postal Service, 2200 NW 72nd Ave, Miami FL 33152-9997

Texas:

Dallas International Service Ctr, U.S. Postal Service, 15050 Trinity Blvd, Fort Worth TX 76155-3203

Illinois:

Chicago O'Hare International Annex, U.S. Postal Service, 514 Express Center Dr, Chicago IL 60688-9998

California:

San Francisco ISC, U.S. Postal Service, 2650 Bayshore Blvd, Daly City, CA 94013-1631

Worldway Airport Mail Ctr, U.S. Postal Service, 21750 Arnold Center Rd, Carson, CA 90810-9998

\*Only plant-verified mail is transported to these facilities by the mailer.

### 292.16 Special Services Not Available

Items sent in this service may not be registered.

### 292.2 Postage

#### 292.21 Rates

##### 292.211 General

There are two rate options for International Priority Airmail service: a presort rate option that has eight rate groups, and a worldwide nonpresort rate. For both options, there are full service rates for mail deposited at offices other than the drop shipment offices listed in 292.153, and drop shipment rates for mail deposited at one of the drop shipment offices. The per-piece rates and per-pound rates are shown in Exhibit 292.211. The per-piece rate applies to each piece regardless of its weight. The per-pound rate applies to the net weight (gross weight minus tare weight of sack) of the mail for the specific rate group. Fractions of a pound are rounded to the next whole pound for postage calculation.

EXHIBIT 292.211.—INTERNATIONAL PRIORITY AIRMAIL RATES

Rate group	Per piece	Drop shipment per pound	Full service per pound
1 (Canada) .....	\$0.25	\$2.60	\$3.60
2 (Mexico) .....	0.12	4.60	5.60
3 .....	0.20	4.25	5.25
4 .....	0.20	5.50	6.50
5 .....	0.12	4.60	5.60
6 .....	0.12	4.75	5.75
7 .....	0.12	6.25	7.25
8 .....	0.12	7.25	8.25
Worldwide .....	0.20	7.00	8.00

##### 291.212 Volume Discount

Mailers who spend \$2 million or more on IPA and ISAL in the preceding postal fiscal year may receive discounts as follows:

- a. \$2 million to \$5 million: 5 percent discount.
- b. Over \$5 million to \$10 million: 10 percent discount.
- c. Over \$10 million: 15 percent discount.

Mailers entitled to these discounts must place the full per-piece rate on each piece of mail if payment is by postage meter or mailer-precanceled stamps. The discount is calculated on the postage statement.

##### 292.213 Qualifying for Volume Discounts

To qualify for volume discounts, mailers must apply in writing to:

Manager Marketing and Sales, International Business, U.S. Postal Service, 475 L'Enfant Plz SW 370 IBU, Washington DC 20260-6500.

The manager evaluates all requests and informs the mailer and the post office(s) of mailing whether discounts are approved and the level of discount. Mailers must supply the following information:

- a. Postal fiscal year for the qualifying mail.
- b. Permit number(s) and post office(s) where the permits are held.
- c. Total revenue for the postal fiscal year.
- d. Post office(s) where the discount is to be claimed.

The combined IPA and ISAL revenue is counted toward the discounts. The Postal Service will count as revenue to qualify for the volume discounts only postage paid by the permit holder. If a permit holder has more than one account, or accounts in several cities, then these revenues may be combined to qualify for discounts. Agents who prepare mail for the owner of the mail and mail paid by the owner's permit may not be included in the revenue to qualify for the discounts. Customers may be required to substantiate their request by providing copies of all postage statements for the appropriate postal fiscal year. All decisions of the Manager, Mail Order are final.

#### 292.214 Availability

IPA service is available to all foreign countries, as listed in Exhibit 292.452, which shows the rate group assigned to each country.

#### 292.215 Presort Rates

To qualify for the presort rates (see Exhibit 292.211), a mailing must consist of a minimum of 11 pounds to a specific rate group. This minimum applies to each rate group and not to the entire mailing. Within a rate group, all mail addressed to an individual country must be sorted into direct country packages of 10 or more pieces (or 1 pound or more of mail) and/or sacked in direct country sacks of 11 pounds or more. Mail that cannot be made up into direct country packages or direct country sacks must be sent at the worldwide nonpresort rates.

**Note:** There are separate preparation requirements for mail to Canada. See 292.465.

#### 292.216 Separation by Rate Group

The mailer must specify the rate group on the back of PS Tag 115, International Priority Airmail, with 1 (Canada), 2 (Mexico), 3, 4, 5, 6, 7, 8, or WW (Worldwide), and must physically

separate the sacks by rate group at the time of mailing.

#### 292.217 Computation of Postage

Postage is computed on PS Form 3652, Postage Statement—International Priority Airmail. Postage at the worldwide nonpresort rate is calculated by multiplying the number of pieces in the mailing by the applicable per-piece rate, multiplying the net weight (in whole pounds) of the entire mailing by the applicable per-pound rate, and then adding the two totals together. Postage at the presorted rates is calculated by multiplying the number of pieces in the mailing destined for countries in a specific rate group by the appropriate per-piece rate, multiplying the net weight (in whole pounds) of those pieces by the corresponding per-pound rate, and then adding the two totals together. Volume discounts are calculated on the postage statement.

#### 292.22 Postage Payment Methods

##### 292.221 General

a. Postage Meter or Permit Imprint. Postage must be paid by postage meter, permit imprint, or mailer-precanceled stamps (see DMM P023.3.0) or a combination. Postage charges are computed on PS Form 3652.

b. Piece Rate Portion. The applicable per-piece postage must be affixed to each piece by meter unless postage is paid by permit imprint (see 292.223).

c. Pound Rate Portion. Postage for the pound rate portion must be paid either by meter stamp(s) attached to the postage statement or from the mailer's authorized permit imprint advance deposit account.

##### 292.222 Postage Meter

a. Postage Endorsement. When postage is paid by meter or mailer-precanceled stamps, each piece must be legibly endorsed with the words "INTERNATIONAL PRIORITY AIRMAIL."

b. Specifications for Endorsement. The endorsement required in 292.222a must appear on the address side of each piece and must be applied by a printing press, hand stamp, or other similar printing device. It must be printed above the name of the addressee and to the left or below the postage, or it may be printed adjacent to the meter stamp in either the postal inscription slug area or ad plate area. If the postal endorsement appears in the ad plate area, no other information may be printed in the ad plate. The endorsement may not be typewritten or hand-drawn. The endorsement is not considered adequate if it is included as

part of a decorative design or advertisement.

c. Unmarked Pieces. Unmarked pieces lacking the postage endorsement required by 292.222a are subject to the airmail letter-post single piece rates.

d. Drop Shipment of Metered Mail. Mailers who want to enter metered IPA mail at a post office other than where the meter is licensed must obtain a drop shipment authorization. To obtain an authorization, the mailer must submit a written request to the postmaster at the office where the mail will be entered (see DMM D072).

#### 292.223 Permit Imprint

Mailers may use a permit imprint for mailings that contain identical weight pieces. Any of the permit imprints shown in Exhibit 152.3 are acceptable. The postage charges are computed on PS Form 3652 and deducted from the advance deposit account. Permit imprints must not denote Priority Mail, bulk mail, nonprofit, or other domestic or special rate mail. Mailers may use permit imprint with nonidentical weight pieces only if authorized to use postage mailing systems under DMM P710, P720, or P730.

#### 292.3 Weight and Size Limits

See 243 for the weight and size limits for letter-post items sent in this service. Items may not weigh more than 4 pounds.

#### 292.4 Preparation Requirements for Individual Items

##### 292.41 Addressing

International Priority Airmail is subject to the addressing requirements contained in 122.

a. Exception: International Priority Airmail items destined for Canada must have the applicable alphanumeric postcode included in the delivery address. See 122.1k for the address formatting requirements that generally apply to mailpieces sent to Canada.

b. Exception: International Priority Airmail in direct country sacks (see 292.461) is not subject to the interline addressing requirement that is specified in 122.1d. At the sender's risk, the English translation of the destination post office or city name may be omitted from printed addresses that are in Russian, Greek, Arabic, Hebrew, Cyrillic, Japanese, or Chinese characters. An English translation of the country name (e.g., Japan) is still required on the individual mailpieces.

##### 292.42 Marking

##### 292.421 Airmail

The sender should mark "PAR AVION" or "AIR MAIL" on the address

side of each piece. Use of bordered airmail envelopes is optional and may be used for items sent in this service if the envelope contains the "AIR MAIL" endorsement.

#### 292.422 Packages

Items that might be mistaken for another class of mail because of their size, weight, or appearance should be marked "LETTER" on the address side.

#### 292.43 Sealing

Any item sent in this service may be sealed at the option of the sender.

#### 292.44 Packaging

All items must be placed in envelopes or prepared in package form.

#### 292.45 Sortation Requirements for IPA

##### 292.451 Worldwide Nonpresorted Mail

a. Working Packages. IPA mail paid at the nonpresorted rate must be made up into working packages. Letters and flats must be packaged separately, although nonidentical pieces may be commingled within each of these categories. Pieces that cannot be packaged because of their physical characteristics must be placed loose in the sack.

b. Facing of Nonpresorted Mail Within Package. All pieces in the working packages must be faced the same way.

##### 292.452 Presorted Mail

a. Direct Country Packages. When there are 10 or more pieces or 1 pound or more of mail for the same country (except Great Britain), it must be made up into a country package. Great Britain requires a finer sortation. At the mailer's option, a finer breakdown by city or postal code may be made based on sortation information provided by the postal administration of the destination country.

b. Country Package Label.

(1) The label (facing slip) for country packages that contain 10 or more pieces to a specific country (except for Great Britain and Mexico) must be completed as follows:

Line 1: Foreign Exchange Office.

Line 2: Country of Destination.

Line 3: Mailer, Mailer Location.

Example:

1150 Vienna Flug Austria RBA Company Washington DC
--

(2) See Exhibit 284.522 for Direct Country Package Label and PS Tag 178, CN 35 Par Avion, for information.

#### Exhibit 292.452 Foreign Exchange Office and Country Rate Groups

[Exhibit not included, except rate groups. Formerly Exhibit 284.522.]

Country	IPA	Country	IPA
Afghanistan	8	Finland	3
Albania	5	France (Includes Corsica & Monaco)	3
Algeria	8	French Guiana	6
Andorra	3	French Polynesia (Includes Tahiti)	7
Angola	8	Gabon	8
Anguilla	6	Gambia	8
Antigua and Barbuda	6	Georgia, Republic of	8
Argentina	6	Germany	3
Armenia	8	Ghana	8
Aruba	6	Gibraltar	3
Ascension	5	Great Britain and Northern Ireland	3
Australia	4	Greece	3
Austria	3	Greenland	3
Azerbaijan	8	Grenada	6
Bahamas	6	Guadeloupe	6
Bahrain	8	Guatemala	6
Bangladesh	8	Guinea	8
Barbados	6	Guinea-Bissau	8
Belarus	5	Guyana	6
Belgium	3	Haiti	6
Belize	8	Honduras	6
Benin	6	Hong Kong	7
Bermuda	6	Hungary	5
Bhutan	8	Iceland	3
Bolivia	6	India	8
Bosnia-Herzegovina	5	Indonesia (Includes East Timor)	7
Botswana	8	Iran	8
Brazil	6	Iraq	8
British Virgin Islands	6	Ireland	3
Brunei Darussalam	7	Israel	3
Bulgaria	5	Italy	3
Burkina Faso	8	Jamaica	6
Burma (Myanmar)	8	Japan	4
Burundi	8	Jordan	8
Cambodia	7	Kazakhstan	8
Cameroon	8	Kenya	8
Canada	1	Kiribati	7
Cape Verde	8	Korea, Dem. People's Rep. of (North)	7
Cayman	6	Korea, Republic of (South)	7
Central African Republic	8	Kuwait	8
Chad	8	Kyrgyzstan	5
Chile	6	Laos	7
China	7	Latvia	5
Colombia	6	Lebanon	8
Comoros Islands	8	Lesotho	8
Congo (Brazzaville), Republic of the	8	Liberia	8
Congo (Kinshasa), Democratic Republic of the	8	Libya	8
Costa Rica	6	Liechtenstein	3
Cote d'Ivoire (Ivory Coast)	8	Lithuania	5
Croatia	5	Luxembourg	3
Cuba	6	Macao	5
Cyprus	8	Macedonia, Republic of	5
Czech Republic	5	Madagascar	8
Denmark	3	Malawi	8
Djibouti	8	Malaysia	7
Dominica	6	Maldives	8
Dominican Republic	6	Mali	8
Ecuador	6	Malta	8
Egypt	8	Martinique	6
El Salvador	6	Mauritania	8
Equatorial Guinea	8	Mauritius	8
Eritrea	8	Mexico	2
Estonia	5	Moldova	8
Ethiopia	8	Mongolia	7
Falkland Islands	6	Montserrat	6
Faroe Islands	5	Morocco	8
Fiji	7	Mozambique	8
		Namibia	8
		Nauru	7
		Nepal	7
		Netherlands	3
		Netherlands Antilles	6
		New Caledonia	7
		New Zealand	4

Country	IPA
Nicaragua	6
Niger	8
Nigeria	8
Norway	3
Oman	8
Pakistan	8
Panama	6
Papua New Guinea	7
Paraguay	6
Peru	6
Philippines	7
Pitcairn Island	7
Poland	5
Portugal (Includes Azores & Madeira Islands)	3
Qatar	8
Reunion	8
Romania	5
Russia	5
Rwanda	8
Saint Christopher (St. Kitts) and Nevis	6
Saint Helena	8
Saint Lucia	6
Saint Pierre & Miquelon	6
Saint Vincent and the Grenadines	6
San Marino	3
Sao Tome and Principe	5
Saudi Arabia	8
Senegal	8
Serbia-Montenegro (Yugoslavia)	5
Seychelles	8
Sierra Leone	8
Singapore	7
Slovak Republic (Slovakia)	5
Slovenia	5
Solomon Islands	7
Somalia	8
South Africa	8
Spain (Includes Canary Islands)	3
Sri Lanka	8
Sudan	8
Suriname	6
Swaziland	8
Sweden	3
Switzerland	3
Syria	8
Taiwan	7
Tajikistan	8
Tanzania	8
Thailand	7
Togo	8
Tonga	7
Trinidad and Tobago	6
Tristan da Cunha	8
Tunisia	8
Turkey	5
Turkmenistan	5
Turks and Caicos Islands	6
Tuvalu	7
Uganda	8
Ukraine	8
United Arab Emirates	8
Uruguay	6
Uzbekistan	8
Vanuatu	7
Vatican City	3
Venezuela	6
Vietnam	7
Wallis and Futuna Islands	7
Western Samoa	7
Yemen	8
Zambia	8
Zimbabwe	8

c. Country Packages to Great Britain. When there are 10 or more pieces or 1 pound or more per separation, International Priority Airmail to Great Britain must be sorted into packages in the following manner:

Separation	Exchange office (Line 1 bundle label)
LONDON CITY	LONDON TOWN.
SCOTLAND	GLASGOW FWD.
NORTHERN IRELAND.	BELFAST FWD.
ALL OTHER GREAT BRITAIN.	GREAT BRITAIN, GREAT BRITAIN.

Example:

LONDON TOWN Great Britain Mailer, Mailer Location
---

d. Facing of Pieces Within Country Package. All pieces in the country package must be faced in the same direction and a facing slip identifying the contents of the package must be placed on the address side of the top piece of each package in such a manner that it will not become separated from the package.

**Note:** The pressure-sensitive labels and optional endorsement lines used domestically for presort mail are prohibited for International Priority Airmail.

**292.452 Physical Characteristics and Requirements for Packages**

a. Thickness. Packages of letter-size mail should be no thicker than approximately a handful of mail (4 to 6 inches thick).

b. Securing Packages. Each package must be securely tied. Placing rubber bands around the length and then the girth is the preferred method of securing packages of letter-size mail. Plastic strapping placed around the length and then the girth is the preferred method of securing packages of flat-size mail.

c. Separation of Packages. Letter-size and flat-size mail must be packaged separately.

**292.46 Sacking Requirements**

**292.461 Direct Country Sack (11 Pounds or More)**

a. General. When there are 11 or more pounds of mail addressed to the same country (including Great Britain), the mail must be packaged and enclosed in blue international airmail sacks and labeled to the country with PS Tag 178, Airmail Bag Label LC (CN 35/AV 8) (white). All types of mail, including letter-size packages, flat-size packages, and loose items, can be commingled in the same sack for each destination and

counted toward the 11-pound minimum.

b. Direct Country Sack Tags. Direct country sacks must be labeled with PS Tag 178. The tag is white and specially coded to route the mail to a specific country and airport of destination. The blocks on the tag for date, weight, and dispatch information must be completed by the Postal Service and may not be completed by the mailer. The mailer must complete the "To" block showing the destination country. PS Tag 115, International Priority Airmail, must also be affixed to the direct country sacks. PS Tag 115 is a "Day-Glo" pink tag that identifies the mail to ensure it receives priority handling. The mailer must designate on the back of PS Tag 115 the applicable rate group, using 1 (Canada), 2 (Mexico), 3, 4, 5, 6, 7, 8, or WW (Worldwide).

**292.462 Mixed Direct Country Package Sacks**

a. General. The direct country packages containing 10 or more pieces or 1 pound or more of mail destined to a specific country that cannot be made up in direct country sacks must be enclosed in orange Priority Mail sacks unless other equipment is specified by the acceptance office.

b. Mixed Direct Country Sack Label. The sack label must be completed as follows. (See Exhibit 292.462 for list of U.S. International Exchange Offices.)

Line 1: Appropriate U.S. Exchange Office and Routing Code

Line 2: Contents—DRX

Line 3: Mailer, Mailer Location

Example:

AMC SEATTLE WA 980 INT'L PRIORITY AIRMAIL—DRX ABC STORE SEATTLE WA
--

**Exhibit 292.462 Labeling of IPA Mail to USPS Exchange Offices**

[Exhibit not included. Formerly Exhibit 284.622.]

**292.463 Worldwide Nonpresort Mail Sacks**

a. General. The working packages of mixed country mail and loose items must be enclosed in orange Priority Mail sacks unless other equipment is specified by the acceptance office. Nonpresorted letter-size mail may be presented in trays if authorized by the acceptance office.

**Note:** Working packages of mixed country mail cannot be enclosed in mixed direct country package sacks.

b. Worldwide Nonpresort Mail Sack Label. The sack label must be completed as follows:

Line 1: Appropriate U.S. Exchange Office and Routing Code  
 Line 2: Contents—WKG  
 Line 3: Mailer, Mailer Location  
 Example:

ISC MIAMI FL 33112  
 INT'L PRIORITY AIRMAIL—WKG  
 ABC COMPANY MIAMI FL

See Exhibit 292.462 for list of U.S. International Exchange Offices.

### 292.464 Tags and Weight Maximum for Sacks

a. PS Tag 115 and PS Tag 178. All IPA sacks (direct country, mixed direct country package sacks, and worldwide nonpresort mail sacks) must be labeled with PS Tag 115, International Priority Airmail. PS Tag 115 is a "Day-Glo" pink tag that identifies IPA mail to ensure that it receives priority treatment. PS Tag 178 (see 292.461) is a dispatching tag to be used only for direct country sacks. PS Tag 178 is white and specially coded to route the mail to a specific country and airport of destination. The Postal Service must complete the blocks on the tag for date, weight, and dispatch information. The mailer must complete only the "To" block showing the destination country. Postal tags and sacks are available from the post office.

b. Sack Weight Maximum. The maximum weight of the sack and contents must not exceed 66 pounds.

### 292.465 Preparation Requirements for Canada

To qualify for the presort rates for Canada, a mailer must have at least 11 pounds of mail for Canada. This includes letter-size, flat-size, and package-size items even though such items are prepared in separate equipment. If the mailing contains less than 11 pounds of mail for Canada, or if the mailer chooses to do so, mail for Canada is included in the worldwide nonpresort rate mail with mail for other countries. Worldwide nonpresort mail for Canada is prepared in accordance with 292.463. The preparation requirements of presorted mail to Canada follow.

a. Letter-Size Mail and Flat-Size Mail. Letter-size items are prepared in letter trays, either half-size or full-size, depending on volume. Flat-size items are prepared in flat trays. All items must be faced in the same direction, and all trays must be full enough to keep the mail from mixing during transportation. Do not prepare the content of the tray in packages. The mailer must label each tray to show the destination in Canada and the dispatching U.S. international exchange office in the following format:

Line 1: Canadian Destination, U.S. Exchange Office Code  
 Line 2: Contents  
 Line 3: Mailer, Mailer Location  
 Example:

TORONTO ON FWD 11430  
 IPA  
 ABC COMPANY NEW YORK NY

In addition, the mailer must complete PS Tag 115, International Priority Airmail. Write "Canada" on the reverse and tape the tag to the tray sleeve. All trays must be banded.

b. Packages. Items that cannot be prepared in trays because of their size or shape must be placed loose in blue airmail sacks. Use PS Tag 115, International Priority Airmail, and label to either Toronto or Vancouver, as appropriate. Attach a completed PS Tag 178. See 292.461b.

### Exhibit 292.465

Canadian Labeling Information [Exhibit not included. Formerly Exhibit 284.65.]

### 292.47 Customs Forms Requirements

See 123.

### 293 International Surface Air Lift (ISAL) Service

#### 293.1 Definition

International Surface Air Lift (ISAL) is a bulk mailing system that provides fast, economical international delivery of letter-post items. The cost is lower than airmail and the service is much faster than surface mail. ISAL shipments are flown to the foreign destinations and entered into that country's surface or nonpriority mail system for delivery.

#### 293.2 Qualifying Mail and Minimum Quantity Requirements

Letter-post mail as defined in 241 that meets all applicable mailing standards may be sent in this service. There is a minimum volume requirement of 50 pounds per mailing except for the Direct Shipment option, which requires a minimum 750 pounds to a single country destination. Mail is prepared as (1) direct country sacks when there are 11 pounds or more to a single country or required country separation; (2) mixed country package sacks when there are 10 or more pieces or at least 1 pound of mail to a single country, but less than 11 pounds; and (3) residual mail when there are fewer than 10 pieces or less than 1 pound of mail to a single country. Residual mail may not exceed 10 percent, by weight, of the mail presented in direct country sacks,

M-bags, and mixed country package sacks. Qualifying residual mail is subject to the appropriate ISAL rate (Full Service, Direct Shipment, M-Bag, or Dropship ISC).

**Note:** A package is defined as 10 or more pieces of mail to the same country separation or 1 pound or more regardless of the number of pieces. Packages of letter-size pieces of mail should be no thicker than approximately a handful of mail (4 to 6 inches). Packages of flat-size mail may be thicker than 6 inches but must not weigh more than 11 pounds.

### 293.3 Service Options

#### 293.31 Availability

ISAL service is available to the foreign countries listed in Exhibit 293.71 from all post offices where bulk mail is accepted and from the Drop Shipment ISCs listed in 293.32.

#### 293.32 Drop Shipment ISAL International Service Centers

ISAL deposited at the following Drop Shipment ISAL ISCs qualify for the Drop Shipment ISC rates shown in 293.71:

New York:

JOHN F KENNEDY AIRPORT MAIL CTR, US POSTAL SERVICE, JOHN F KENNEDY INTERNATIONAL AIRPORT, BLDG 250, JAMAICA, NY 11430-9998

Florida:

MIAMI INTERNATIONAL SERVICE CTR\*, US POSTAL SERVICE, 11690 NW 25TH ST, MIAMI, FL 33172-1702

MIAMI PROCESSING AND DISTRIBUTION CTR, US POSTAL SERVICE, 2200 NW 72ND AVE, MIAMI, FL 33152-9997

Texas:

DALLAS INTERNATIONAL SERVICE CTR, US POSTAL SERVICE, 15050 TRINITY BLVD, FORT WORTH, TX 76155-3203

Illinois:

CHICAGO OHARE INTERNATIONAL ANNEX, US POSTAL SERVICE, 514 EXPRESS CENTER DR, CHICAGO, IL 60688-9998

California:

SAN FRANCISCO ISC, US POSTAL SERVICE, 2650 BAYSHORE BLVD, DALY CITY, CA 94013-1631  
 WORLDWAY AIRPORT MAIL CTR, US POSTAL SERVICE, 21750 ARNOLD CENTER RD, CARSON, CA 90810-9998

Only plant-verified mail is transported to these facilities by the mailer.

### 293.4 Special Services

The special services described in chapter 3 are not available for items sent by ISAL.

**293.5 Customs Documentation**

See 123 for the requirements for customs forms.

**293.6 Permits**

Mailers depositing mail at a Drop Shipment ISC must maintain an advance deposit account at that city if

postage is paid by advance deposit account.

**293.7 Postage**

**293.71 Rates**

Rate group	Per piece	Drop shipment per pound	Direct shipment per pound	Full service per pound	M-bag drop shipment	M-bag direct shipment	M-bag full service
1 (Canada) .....	\$0.25	\$2.15	\$2.65	\$3.15	\$1.40	\$1.50	\$1.50
2 (Mexico) .....	0.12	3.20	3.70	4.20	1.50	1.60	1.60
3 .....	0.20	2.50	3.00	3.50	1.50	1.75	1.75
4 .....	0.20	2.75	3.25	3.75	2.50	2.50	2.50
5 .....	0.12	3.45	3.95	4.45	2.00	2.25	2.25
6 .....	0.12	3.40	3.90	4.40	2.00	2.25	2.25
7 .....	0.12	3.50	4.00	4.50	2.25	2.50	2.50
8 .....	0.12	5.50	6.00	6.50	3.00	3.25	3.25

**Exhibit 293.71 International Surface Air Lift Service Network Countries and Rates**

[Exhibit not included except rate groups. Formerly Exhibit 246.71.]

Country	ISAL rate group	Country	ISAL rate group
Albania .....	5	Great Britain and Northern Ireland ...	3
Algeria .....	8	Greece .....	3
Angola .....	8	Guatemala .....	6
Argentina .....	6	Guyana .....	6
Armenia .....	8	Haiti .....	6
Aruba .....	6	Honduras .....	6
Australia .....	4	Hong Kong .....	7
Austria .....	3	Hungary .....	5
Bahrain .....	8	Iceland .....	3
Bangladesh .....	8	India .....	8
Belgium .....	3	Indonesia (Includes East Timor) .....	7
Belize .....	6	Iran .....	8
Benin .....	8	Ireland .....	3
Bolivia .....	6	Israel .....	3
Brazil .....	5	Italy .....	3
Bulgaria .....	6	Jamaica .....	6
Burkina Faso .....	8	Japan .....	4
Burundi .....	8	Jordan .....	8
Cameroon .....	8	Kenya .....	8
Canada .....	1	Korea, Republic of (South) .....	7
Central African Republic .....	8	Kuwait .....	8
Chile .....	6	Lebanon .....	8
China .....	7	Liechtenstein .....	3
Colombia .....	6	Lithuania .....	5
Congo (Kinshasa), Democratic Republic of the .....	8	Luxembourg .....	3
Costa Rica .....	6	Madagascar .....	8
Cote d'Ivoire (Ivory Coast) .....	8	Malaysia .....	7
Cuba .....	6	Mali .....	8
Czech Republic .....	5	Mauritania .....	8
Denmark .....	3	Mauritius .....	8
Dominican Republic .....	6	Mexico .....	2
Ecuador .....	6	Morocco .....	8
Egypt .....	8	Mozambique .....	8
El Salvador .....	6	Netherlands .....	3
Estonia .....	5	Netherlands Antilles .....	6
Ethiopia .....	8	New Zealand .....	4
Fiji .....	7	Nicaragua .....	6
Finland .....	3	Niger .....	8
France (Includes Corsica & Monaco) .....	3	Nigeria .....	8
French Guiana .....	6	Norway .....	3
Gabon .....	8	Oman .....	8
Germany .....	3	Pakistan .....	8
Ghana .....	8	Panama .....	6
Gibraltar .....	3	Papua New Guinea .....	7
		Paraguay .....	6
		Peru .....	6
		Philippines .....	7
		Poland .....	5
		Portugal (Includes Azores & Madeira Islands) .....	3
		Qatar .....	8
		Reunion .....	8
		Romania .....	5
		Russia .....	5
		Saudi Arabia .....	8
		Senegal .....	8
		Singapore .....	7
		South Africa .....	8
		Spain (Includes Canary Islands) .....	3
		Sri Lanka .....	8
		Sudan .....	8
		Suriname .....	6
		Sweden .....	3
		Switzerland .....	3
		Syria .....	8
		Taiwan .....	7
		Tanzania .....	8
		Thailand .....	7
		Togo .....	8
		Tonga .....	7
		Trinidad and Tobago .....	6
		Tunisia .....	8
		Turkey .....	5
		Uganda .....	8
		United Arab Emirates .....	8
		Uruguay .....	6
		Venezuela .....	6
		Yemen .....	8
		Zambia .....	8
		Zimbabwe .....	8

**293.72 Full Service Rates**

ISAL mailings presented at any post office that accepts bulk mail, other than a Drop Shipment ISC listed in 293.32, and not eligible for the direct shipment rate, are paid at the full-service rates. Postage for regular ISAL is paid on a per-piece and a per-pound basis. M-bags are subject to the M-bag pound rate only.

**293.73 Direct Shipment Rates**

Mailers are eligible for the direct shipment rates from the acceptance post office (except Drop Shipment ISCs) when the Postal Service is able to arrange direct transportation from the origin office to the destination country. To qualify, mailers must present a

minimum of 750 pounds to each destination country. Mailers must contact the post office of mailing at least 14 days before the first desired mailing date. A postal employee must complete PS Form 3655, International Surface Airlift (ISAL) Direct Shipment Option Advisement and Confirmation of Transactions, and fax it to the distribution network office (DNO) to obtain a contract for transportation. If the DNO cannot arrange direct transportation, the direct shipment rate does not apply. The Postal Service may cancel direct shipment rates and service when direct transportation is no longer available.

#### **293.74 Drop Shipment ISC Rates**

ISAL mailings transported by the mailer to the Dropship ISCs listed in 293.32 are eligible for the Drop Shipment ISC rate.

#### **293.75 Volume Discount**

##### **293.751 General**

Mailers who spend \$2 million or more combined on ISAL and IPA in the preceding postal fiscal year may receive discounts off the rates shown in 293.71:

- a. Over \$2 million to \$5 million: 5 percent discount.
- b. Over \$5 million to \$10 million: 10 percent discount.
- c. Over \$10 million: 15 percent discount.

Mailers entitled to these discounts must place the full per-piece rate on each piece of mail if payment is by postage meter or mailer-precanceled stamps. The discount is calculated on the postage statement.

#### **293.752 Qualifying for Volume Discounts**

To qualify for volume discounts, mailers must apply in writing to: MANAGER MARKETING AND SALES, INTERNATIONAL BUSINESS, US POSTAL SERVICE, 475 L'ENFANT PLZ SW, 370 IBU, WASHINGTON, DC 20260-6500.

The manager evaluates all requests and informs the mailer and the post office(s) of mailing whether discounts are approved and the level of discount. Mailers must supply the following information:

- a. The postal fiscal year for the qualifying mail.
- b. The permit number(s) and post office(s) where the permits are held.
- c. The total revenue for the postal fiscal year.
- d. The post office(s) where the discount is to be claimed.

The combined ISAL and IPA revenue is counted toward the discounts. The

Postal Service will count as revenue to qualify for the volume discounts postage paid by only a permit holder. If a permit holder has more than one account, or accounts in several cities, then these revenues may be combined to qualify for discounts. Agents who prepare mail for the owner of the mail and mail paid by the owner's permit may not be included in the revenue to qualify for the discounts. Customers may be required to substantiate their request by providing copies of all mailing statements for the appropriate postal fiscal year. All decisions of the Manager, Mail Order are final.

#### **293.76 Payment Methods**

##### **293.761 Postage Meter, Permit Imprint, or Precanceled Stamps**

Postage must be paid by postage meter, permit imprint, or mailer-precanceled stamps. Postage is computed on PS Form 3650, Statement of Mailing—International Surface Air Lift. PS Form 3650 is required for all ISAL mailings.

##### **293.762 Piece Rate**

The applicable per-piece postage must be affixed to each piece (except M-bags, see 293.723) by meter or mailer-precanceled stamps, unless postage is paid by permit imprint. Mailers may use permit imprint only with identical weight pieces unless authorized under the postage mailing systems in DMM P710, P720, or P730. All of the permit imprints for printed matter shown in Exhibit 152.3 are acceptable.

##### **293.763 Pound Rate**

Postage for the pound rate portion must be paid either by meter stamp(s) attached to the finance copy of the postage statement or from the mailer's advance deposit account.

#### **293.8 Weight and Size Limits**

Any item sent by ISAL must conform to the weight and size limits for letter-post as described in 243.

#### **293.9 Preparation Requirements**

##### **293.91 Addressing**

International Surface Air Lift mail is subject to the addressing requirements contained in 122.

a. Exception: International Priority Airmail items destined for Canada must have the applicable alphanumeric post code included in the delivery address. See 122.1k for the address formatting requirements that generally apply to mailpieces sent to Canada.

b. Exception: International Surface Air Lift mail in direct country sacks (see 293.942a) is not subject to the interline

addressing requirement that is specified in 122.1d. At the sender's risk, the English translation of the destination post office or city name may be omitted from printed addresses that are in Russian, Greek, Arabic, Hebrew, Cyrillic, Japanese, or Chinese characters. An English translation of the country name (e.g., Russia) is still required on the individual mailpieces.

##### **293.92 Marking**

For publishers' periodicals (Periodicals Mail), the imprint authorized under 244.211c(2) or 244.211c(3) may be used. Individual items paid by meter postage or mailer-precanceled stamps must be endorsed "International Surface Air Lift" or "ISAL."

##### **293.93 Sealing and Packaging**

Any item sent in this service may be sealed at the option of the sender.

##### **293.94 Makeup Requirements for ISAL**

##### **293.941 Packaging**

The following guidelines apply:

- a. General. All ISAL mail must be prepared in packages within sacks as appropriate. A package is defined as 10 or more pieces of mail to the same country or separation or 1 pound or more regardless of the number of pieces. Packages of letter-size mail pieces should be no thicker than approximately a handful of mail (4 to 6 inches). Packages of flat-size mail may be thicker than 6 inches but must not weigh more than 11 pounds. Packages and sacks must be prepared and labeled as described below. All mailpieces in a package must be "faced" in the same direction (i.e., arranged so that the addresses read in the same direction, with an address visible on the top piece). Pieces that cannot be bundled because of their physical characteristics may be placed loose in the sack.

- b. Thickness. Packages of letter-size mail should be no thicker than approximately a handful of mail (4 to 6 inches). Packages of flat-size mail may be thicker than 6 inches but must not weigh more than 11 pounds. Each package must be securely tied. Placing rubber bands around the length and then the girth is the preferred method of securing packages of letter-size mail. Plastic strapping placed around the length and then the girth is the preferred method of securing packages of flat-size mail.

- c. Direct Country Packages. When there are 10 or more pieces or 1 pound or more to the same country, then such pieces must be prepared as a direct country package. If there is less than 11

pounds of mail to the same country, then the direct country package must be labeled with a facing slip showing the destination country or country separation. The facing slip must be placed on the address side of the top piece of each package in such a manner that it will not become separated from the package. The pressure-sensitive labels and optional endorsement lines used domestically for presort mail are prohibited for International Surface Air Lift Mail.

d. **Residual Packages.** If there is not enough mail to prepare a direct country package (fewer than 10 pieces or less than 1 pound), the mail is considered residual mail. When there are fewer than 10 pieces to the same country, then such pieces should be combined in packages with other mail for countries within the same rate group that similarly have fewer than 10 pieces. Such mixed country packages must be labeled with a facing slip marked "Residual, Rate Group . . ." The designated rate group (1, 2, 3, 4, 5, 6, 7, or 8) must be inserted as appropriate. The facing slip must be placed on the address side of the top piece of each package in such a manner that it will not become separated from the package. The pressure-sensitive labels and optional endorsement lines used domestically for presort mail are prohibited for International Surface Air Lift Mail.

*Exception:* The 10-piece criterion is when there are fewer than 10 pieces to the same country and those pieces weigh more than 11 pounds. Such mailpieces should be packaged together as a direct country package and placed in a direct country sack. Pieces that cannot be packaged because of their physical characteristics may be placed loose in the sack.

#### 293.942 Sacking

Once packages of ISAL mail are prepared, the packages are then placed into one of three types of designated sacks:

a. **Direct Country Sack.** Prepare a direct country sack if there are at least 11 pounds of mail to the same country. The mail must be packaged and enclosed in a gray plastic ISAL sack and labeled to the country with PS Tag 155, Surface Airlift Mail. The maximum weight of a direct country sack must not exceed 66 pounds.

b. **Mixed Country Package Sack.** Prepare a mixed country package sack for those direct country packages where there is less than 11 pounds of mail to the same country. The mail must be packaged as direct country packages, identified with a facing slip showing the

destination country or country separation, and enclosed in a green pouch labeled to the dropship ISAL service center. PS Tag 155 also must be attached to the sack. Prepare a mixed country package sack for each of the respective rate groups for which there is a direct country package and label as follows:

Rate group 1—AMC Kennedy—JFK 003  
Rate group 2—AMC Miami 33159  
Rate group 3—AMC Kennedy—JFK 003  
Rate group 4—AMC San Francisco 941  
Rate group 5—AMC Kennedy—JFK 003  
Rate group 6—AMC Miami 33159  
Rate group 7—AMC San Francisco 941  
Rate group 8—AMC Kennedy—JFK 003

c. **Residual Sack.** Prepare a residual sack for those packages of mail that contain fewer than 10 pieces or less than 1 pound of mail to any one country (residual packages). The mail must be packaged as residual packages, appropriately identified with a facing slip, and enclosed in a green pouch labeled to the Drop Shipment ISAL service center. PS Tag 155 also must be attached to the sack. The mailer must prepare a residual sack for each of the respective rate groups for which there is a residual package and label it as follows:

Rate group 1—AMC Kennedy—JFK 003  
Rate group 2—AMC Miami 33159  
Rate group 3—AMC Kennedy—JFK 003  
Rate group 4—AMC San Francisco 941  
Rate group 5—AMC Kennedy—JFK 003  
Rate group 6—AMC Miami 33159  
Rate group 7—AMC San Francisco 941  
Rate group 8—AMC Kennedy—JFK 003

#### 293.943 Sack Labeling

Depending on the type of sack, labels are prepared as follows:

a. **Direct Country Sack.** For a direct country sack, use a gray plastic ISAL sack. Use PS Tag 155 to label each sack with the destination country's name. Mailers must complete four blocks on PS Tag 155:

(1) **To (Pour) Block:** Enter the name of the ISAL country foreign exchange office, its three-letter exchange office code, and the country's name. See Exhibit 293.71 for the name of the foreign exchange office and its three-letter exchange office code. As an example, for Ireland, this block will be as follows:

Dublin DUB Ireland

(2) **Customer Permit No. Block:** Enter permit number.

(3) **Kg. Block:** Enter the combined weight of the sack and its contents in kilograms (1 pound = 0.4536 kilogram).

(4) **Date Block:** Enter date as shown on PS Form 3650, Statement of Mailing—

International Surface Air Lift. After completing the above items on PS Tag 155, attach it to the neck of the sack.

b. **Mixed Country Package Sack.** For a mixed country package sack, use a domestic green nylon pouch and label it to the appropriate Drop Shipment ISAL service center as follows:

Rate group 1—AMC Kennedy—JFK 003  
Rate group 2—AMC Miami 33159  
Rate group 3—AMC Kennedy—JFK 003  
Rate group 4—AMC San Francisco 941  
Rate group 5—AMC Kennedy—JFK 003  
Rate group 6—AMC Miami 33159  
Rate group 7—AMC San Francisco 941  
Rate group 8—AMC Kennedy—JFK 003

Labels are prepared as follows:

Content:

Line 1: Drop Shipment ISAL Service Center

Line 2: ISAL DRX

Line 3: Mailer, Mailer Location

Example:

AMC KENNEDY—JFK 003 ISAL DRX ABC COMPANY, NEW YORK, NY
--

For the mixed country package sack label, use Content Identification Number (CIN) 753.

In addition, use PS Tag 155 to label each sack with the appropriate Drop Shipment ISAL service center. Mailers must complete four blocks on PS Tag 155:

(1) **To (Pour) Block:** Enter the name of the Drop Shipment ISAL service center and rate group:

Rate group 1—AMC Kennedy—JFK 003  
Rate group 2—AMC Miami 33159  
Rate group 3—AMC Kennedy—JFK 003  
Rate group 4—AMC San Francisco 941  
Rate group 5—AMC Kennedy—JFK 003  
Rate group 6—AMC Miami 33159  
Rate group 7—AMC San Francisco 941  
Rate group 8—AMC Kennedy—JFK 003

(2) **Customer Permit No. Block:** Enter your permit.

(3) **Kg. Block:** Enter the combined weight of the sack and its contents in kilograms (1 pound = 0.4536 kilogram).

(4) **Date Block:** Enter date as shown on PS Form 3650. After completing the above items on PS Tag 155, attach it to the sack.

c. **Residual Sack.** For a residual sack, use a domestic green nylon pouch and label it to the appropriate Drop Shipment ISAL service center as follows:

Rate group 1—AMC Kennedy—JFK 003  
Rate group 2—AMC Miami 33159  
Rate group 3—AMC Kennedy—JFK 003  
Rate group 4—AMC San Francisco 941  
Rate group 5—AMC Kennedy—JFK 003  
Rate group 6—AMC Miami 33159  
Rate group 7—AMC San Francisco 941

**Rate group 8—AMC Kennedy—JFK 003**

Labels are prepared as follows:

Content:

Line 1: Drop Shipment ISAL Service Center

Line 2: ISAL WKG

Line 3: Mailer, Mailer Location

Example:

AMC KENNEDY—JFK 003 ISAL WKG ABC COMPANY, NEW YORK, NY
--

For the residual sack label, use CIN 754.

In addition, use PS Tag 155 to label each sack with the appropriate Drop Shipment ISAL service center. Mailers must complete three blocks on PS Tag 155:

(1) To (Pour) Block: Enter the name of the Drop Shipment ISAL service center and rate group:

Rate group 1—AMC Kennedy—JFK 003

Rate group 2—AMC Miami 33159

Rate group 3—AMC Kennedy—JFK 003

Rate group 4—AMC San Francisco 941

Rate group 5—AMC Kennedy—JFK 003

Rate group 6—AMC Miami 33159

Rate group 7—AMC San Francisco 941

Rate group 8—AMC Kennedy—JFK 003

(2) Customer Permit No. Block: Enter your 10-digit ISAL permit or customer identification number.

(3) Kg. Block: Enter the combined weight of the sack and its contents in kilograms (1 pound = 0.4536 kilogram).

(4) Date Block: Enter date as shown on PS Form 3650. After completing the above items on PS Tag 155, attach it to the sack.

**293.944 Sack Separation**

When presenting an ISAL shipment to the Postal Service, the mailer must physically separate the sacks of mail by type (direct, mixed, residual) and rate group (1, 2, 3, 4, etc.) at time of mailing.

**293.945 Direct Sacks to One Addressee (M-Bags) for ISAL**

M-bags may be sent in the ISAL service to all ISAL destination countries. Weight, makeup, sacking, and sorting requirements must conform to 260. PS Tag 158 must show the complete address of the addressee and the sender. PS Tags 155 and 158 must be attached securely to the neck of each sack. M-bags may not contain small packets.

**293.95 Mailer Notification**

Mailers who wish to mail shipments that weigh over 750 pounds but who are not eligible for direct shipment rates must notify the ISAL coordinator at the office of mailing at least 14 days before

the planned date of mailing. Specific country information and weight per country must be provided. No prior notification is required for mailers with 750 pounds or less.

**294 Publishers' Periodicals****294.1 Description****294.11 Definition**

Publishers' periodicals are domestically approved Periodicals Mail publications. See DMM E211.

**294.12 Eligibility**

Publishers' periodicals may be mailed only by publishers and registered news agents. When mailed by individuals, this type of publication is subject to regular printed matter postage rates.

**294.2 Postage****294.21 Rates**

See Individual Country Listings for rates.

**294.22 Special Rates**

There are no unique international postage rates that specifically apply to either nonprofit organizations or to classroom publications. If otherwise qualified, those categories of senders may enter their mail at publishers' periodicals rates. See 294.62 for the conditions of mailing governing a postage rate discount for publishers or registered news agents who drop ship their mail at the New Jersey International and Bulk Mail Center (NJI&BMC).

**294.23 Sample Copies**

Complete sample copies may be mailed at the rates for publishers' periodicals, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies.

**294.24 Single Copies Mailed to Countries Other Than Canada**

Single copies of publishers' periodicals addressed to all countries except Canada must be placed in wrappers or envelopes.

**294.25 Single Copies Mailed to Canada**

Single copies of publishers' periodicals may be entered without envelopes or wrappers, provided the mailing is sorted and packaged in the manner prescribed in 294.4. The exemption from the wrapper requirement is not applicable to copies addressed for delivery at Canadian overseas military post offices (CFPOs).

**242.26 Payment of Postage**

Postage on publishers' periodicals mailed by the publisher or by a

registered news agent may be paid (1) by means of postage stamps or postage meter stamp, or (2) from deposits of money made with the postmaster by the publisher or news agent. When the postage is paid from money on deposit with the postmaster, the postage charges are computed on PS Form 3541-N, Postage Statement—Periodicals Nonprofit Rates, or on PS Form 3541-R, Postage Statement—Periodicals Regular and Science-of-Agriculture Rates, filed by the publisher or news agent and completed by the postmaster.

**294.27 Postage on Mailings While Application Pending**

Postage at the regular printed matter rates must be paid for mailings of publications on which an application for Periodicals Mail privileges is pending. When the application is approved, postage charges should be adjusted on reported mailings based on rates for publishers' periodicals and according to the general procedure provided in DMM E216.

**294.28 Per Copy Rate of Postage**

Postage at the per-copy rate must be charged on all individually addressed copies of publishers' periodicals. All copies reported on PS Forms 3541-N or 3541-R, whether addressed or unaddressed, are subject to a per-copy rate. If a publisher or registered news agent prefers, he or she may pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

**294.3 Weight and Size Limits****294.31 Weight Limit**

The weight limit for individually addressed items is 4 pounds.

**294.32 Size Limits****294.321 Envelopes and Packages**

a. Minimum length and height: 5½ x 3½ inches.

b. Minimum depth (thickness): .007 inch.

c. Maximum length: 24 inches.

d. Maximum length, height, depth (thickness) combined: 36 inches.

**294.322 Rolls**

a. Minimum length: 4 inches.

b. Minimum length plus twice the diameter combined: 6¾ inches.

c. Maximum length: 36 inches.

d. Maximum length plus twice the diameter combined: 42 inches.

## 294.4 Makeup Requirements for Publishers' Periodicals

### 294.41 Sortation

Publishers' periodicals must be sorted into city and country packages as follows:

a. City packages must be prepared when six or more copies are addressed to the same city. Packages may be prepared by foreign alphanumeric postal codes. Each package must bear a facing slip showing the city and country of destination. Packages that destinate in Canada must be prepared using the Canadian postal codes that are specified in Exhibit 294.43a (standard entry) or Exhibit 294.43b (drop shipment at NJI&BMC). At the mailer's option, a finer presort based on Canadian postal codes may be used.

b. When six or more copies for the same country remain after the city packages are prepared, country packages must be prepared. Each country package must bear a facing slip showing the country of destination.

c. Copies remaining after city and country packages are prepared are residual copies. Residual copies must be packaged and bear a facing slip marked "MIXED WORKING FOREIGN." The packages must be labeled to the appropriate international exchange office or, for Canadian-bound mail, a concentration center as instructed by the post office of mailing.

d. All pieces in a package must have the address side facing up. Each package must be securely banded or tied with rubber bands or string to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to sorting equipment.

e. Single copies of publications addressed for delivery in Canada, which are not enclosed in wrappers or envelopes under 294.25, must be included in packages that are protected with cardboard, fiberboard, or other protective covering. The package label (facing slip) must bear these notations: "OPEN AND DISTRIBUTE"  
"Periodicals Mail Postage Paid At  
\* \* \*

or, as applicable,  
"Periodicals Mail Postage Paid At \* \* \*  
And Additional Mailing Offices."

**Note:** Under DMM C200.12.3, the simplified endorsement "PERIODICALS MAIL" may be placed on the package label (facing slip) in lieu of either of the above.

### 294.42 Sacking and Labeling

#### 294.421 Country Sacks and Labels (Except Canada)

Publishers' periodicals must be sacked and labeled when there are 11

pounds of mail to a particular country or country separation. All city and country packages must be included in the same country sack. See Exhibit 294.52 for separations, city, and routing ZIP Codes. Each sack must be labeled to show the destination, contents ("NEWS" or "PER"), and entry post office as follows:

Label color: Blue

Format:

Line 1: Destination exchange office code and routing ZIP Code for applicable USPS exchange office

Line 2: Contents ("NEWS" or "PER") and "AO"

Line 3: City and state of post office of mailing and ZIP Code

Example:

```
TAN CHINA 945
PER AO
Alexandria VA 22315
```

**Note:** Two or more separations are required when publishers' periodicals are mailed to China, Great Britain, Japan, and Mexico (see Exhibit 294.42). For each of those four countries, the destination exchange office name is used along with the city code and the country name.

Example:

```
PEK BEIJING CHINA 945
PER AO
Alexandria VA 22315
```

#### 294.422 Residual Sacks

After the required country sacks are prepared, the remaining city, country, and residual packages must be sacked and labeled to the international exchange office as directed by the entry post office. Each sack must be labeled as follows:

Label color: Pink

Format:

Line 1: International exchange office and routing ZIP Code for applicable USPS exchange office

Line 2: Contents ("NEWS" or "PER"), "AO" and "Mixed Working Foreign"

Line 3: City and state of post office of mailing and ZIP Code

Example:

```
FOREIGN CTR NJ 099
NEWS AO MIXED WORKING FOREIGN
ALEXANDRIA VA 22315
```

**Note:** See 294.62 for a sacking exception for residual mail that is applicable only to publishers or registered news agents who drop ship their mail at the New Jersey International and Bulk Mail Center (NJI&BMC).

#### Exhibit 294.42 Publishers' Periodicals—All Countries (Except Canada) Labeling and Routing Information

[Exhibit not included. Formerly Exhibit 244.52.]

#### 294.43 Canadian Sacks

Sacks of publishers' periodicals for delivery in Canada must be sorted by the Canadian post code designations that are specified in Exhibit 294.43a (standard entry) or Exhibit 294.43b (drop shipment at NJI&BMC) and labeled in the following manner:

Label color: White or Terra-Cotta

Format:

Line 1: Name of destination office in Canada is left-justified; routing ZIP Code for applicable USPS exchange office is right-justified

Line 2: Content designation (i.e., "NEWS" or "PER") followed by "AO"

Line 3: City, state, and ZIP Code of U.S. post office of mailing

Example:

```
OTTAWA ON FWD 099
PER AO
BETHESDA MD 20815
```

Residual mail for Canada is prepared under 294.422, except it is labeled to the local concentration center. See 294.62 for a sacking exception for residual mail that is only applicable to publishers or registered news agents who drop ship their mail at the New Jersey International and Bulk Mail Center (NJI&BMC).

#### Exhibit 294.43a Publishers' Periodicals—Canada Labeling and Routing Information (Standard Entry)

[Exhibit not included. Formerly Exhibit 244.53a.]

#### Exhibit 294.43b Publishers' Periodicals—Canada Labeling and Routing Information (Drop Shipment at NJI&BMC)

[Exhibit not included. Formerly Exhibit 244.53b.]

#### 294.44 Physical Characteristics and Requirements for Sacks

Sacks must meet these requirements:

a. *Maximum Weight.* No more than 66 pounds of mail may be placed in any one sack. The weight of tying, wrapping, and packaging materials is included in determining the weight of the mail enclosed in a sack.

b. *Sacks.* Disposable gray plastic sacks are recommended, however, other appropriate equipment may be provided by the post office.

c. *Labels.* Handbook PO-423, Requisitioning Labels, contains instructions for ordering labels. Mailers may also preprint labels if they are of the colors specified and used by the Postal Service.

#### 294.5 Customs Forms Required

Printed matter known to be dutiable in the country of destination must have a green customs label (PS Form 2976) affixed to the address side of the articles. (See 123 for detailed requirements for customs documentation.) This requirement is applicable to dutiable printed matter mailed in a direct sack (M-bags) (see 260).

#### 294.6 Mailing Locations

##### 294.61 Standard Entry

Surface mail that is entered at publishers' periodicals rates must be prepared in accordance with the provisions of 244.5 and tendered at a post office or other location that has been designated by the local postmaster.

##### 294.62 Drop Shipment

A publisher or registered news agent who deposits publishers' periodicals directly at the New Jersey International & Bulk Mail Center (NJI&BMC), under a drop shipment authorization, is eligible for a \$0.25 per pound postage rate discount, when the following conditions of entry are met:

a. The mailer must obtain a drop shipment authorization (PS Form 8125, Plant-Verified Drop Shipment (PVDS) Verification and Clearance) from the post office of original/additional entry, the business mail entry unit (BMEU), or the detached mail unit (DMU) where their mailing records are maintained.

b. The mailer must bring their sorted publishers' periodicals to the postal location referenced in 292.62a, where USPS acceptance employees will check the statement of mailing to ensure proper application of the \$0.25 per pound drop ship discount; confirm funds availability; and verify compliance with the prescribed mail makeup requirements.

c. Publishers' periodicals that are to be drop shipped at the NJI&BMC are subject to the mail makeup requirements contained in 294.41 and 294.42, except as specified below.

*Exception:* A drop shipment customer who has fewer than 11 pounds of publishers' periodicals for a particular country or country separation is required to place those residual mailpieces into a country-specific "skin" sack rather than aggregating them into a mixed working foreign sack, as specified in 294.422. Residual

bundles or packages that are placed into a skin sack are subject to the sorting, sacking, and labeling requirements for country sacks that are contained in 294.41 (except 294.41c) and 294.421, for all countries, except Canada, and in 294.43, for Canada only.

d. A publisher or agent who has a minimum of 250 pounds of mail for a single destination country may dispense with the use of sacks by placing the requisite presorted bundles or packages onto a strapped or shrink-wrapped pallet. To be admissible, a palletized load of discounted publishers' periodicals must conform to the mailing standards contained in DMM M041; adhere to the mail preparation requirements referenced in DMM M045, and be placarded (labeled) in accordance with the provisions of DMM M031.4.0.

e. Once the acceptance process is completed, the verified mailpieces and accompanying paperwork will be turned back to the publisher or agent who will transport the sacks or pallets to the NJI&BMC. Prior to bringing their mail to that postal facility, the publisher or agent must schedule a drop shipment appointment through the appropriate appointment control center as specified in DMM E652.3.4. The relevant statement of mailing and drop shipment authorization (i.e., PS Form 8125) must be presented at the time of entry.

f. Publishers' periodicals that are enclosed in direct sacks of printed matter to one addressee (M-bags) are not subject to the \$0.25 per pound postage discount that is referenced in this section. See 245.222 for the postage payment procedures governing M-bags.

#### 295 Books and Sheet Music

##### 295.1 Description

##### 295.11 Definition

This classification encompasses:

a. Books (including books issued to supplement other books) that have the following characteristics:

(1) Eight or more printed pages.

(2) Consist wholly of reading matter or scholarly bibliography, or reading matter with incidental blank spaces for notations.

(3) Contains no advertising matter other than incidental announcements of books, in the form of book pages, and other bound and loose enclosures that are permissible under the provisions of DMM E620.4.4. Advertising includes paid advertising and publishers' own advertising in display, classified, or editorial style.

b. Printed sheet music.

##### 295.12 Minimum Quantity Requirements

To qualify for this service mailers must have a minimum of 50 pounds of mail or 200 pieces.

##### 295.2 Postage

##### 295.21 Rates

See Individual Country Listings for rates.

##### 295.22 Postage Payment Methods

Nonidentical weight piece mailings must have the applicable postage affixed meter stamps. Identical-weight piece mailings may be paid by meter stamps, or permit imprint subject to certain standards. Mailers may use a permit imprint with nonidentical pieces only if authorized by the USPS under a Manifest Mailing System (MMS), as specified in DMM P710. All mailings are reported on PS Form 3651, Postage Statement—International Permit Imprint Mail.

##### 295.3 Weight and Size Limits

##### 295.31 Weight Limit

The weight limit for individually addressed items is 4 pounds.

##### 295.32 Size Limits

##### 295.321 Envelopes and Packages

- a. Minimum length and height: 5½ × 3½ inches.
- b. Minimum depth (thickness): .007 inch.
- c. Maximum length: 24 inches.
- d. Maximum length, height, depth (thickness) combined: 36 inches.

##### 295.322 Rolls

- a. Minimum length: 4 inches.
- b. Minimum length plus twice the diameter combined: 6¾ inches.
- c. Maximum length: 36 inches.
- d. Maximum length plus twice the diameter combined: 42 inches.

#### 295.4 Makeup Requirements for Publishers' Periodicals

##### 295.41 Endorsements

The sender must endorse the address side "BOOKS" or "SHEET MUSIC" on all items containing books or sheet music and paid at those rates.

##### 295.42 Sortation

Books and sheet music must be sorted into country packages as follows:

a. Country packages must be prepared when six or more copies are addressed to the same country. Packages may be prepared according to foreign alphanumeric postal codes. Each package must bear a facing slip showing the country of destination. Packages that

destinate in Canada must be prepared using the Canadian postal codes that are specified in Exhibit 295.43. At the mailer's option, a finer presort based on Canadian postal codes may be used.

b. Copies remaining after country packages are prepared are residual copies. Residual copies must be packaged and bear a facing slip marked "MIXED WORKING FOREIGN." The packages must be labeled to the appropriate international exchange office or, for Canada-bound mail, a concentration center as instructed by the post office of mailing.

c. All pieces in a package must have the address side facing up. Each package must be securely banded or tied with rubber bands or string to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to sorting equipment.

### 295.43 Sacking and Labeling

#### 295.431 Country Sacks and Labels (Except Canada)

Books and sheet music must be sacked and labeled when there are 11 pounds of mail to a particular country or country separation. All country packages must be included in the same country sack. See Exhibit 294.42 for separations, city, and routing ZIP Codes. Each sack must be labeled to show the destination, contents, and entry post office as follows:

Label color: Blue

Format:

Line 1: Destination exchange office code and country routing ZIP Code  
Line 2: Contents "AO"  
Line 3: City and state of post office of mailing and ZIP Code  
Example:

TAN CHINA 945  
AO  
ALEXANDRIA VA 22315

**Note:** Two or more separations are required for mail to China, Great Britain, Japan, and Mexico (see Exhibit 295.42). For each of those four countries, the destination exchange office name is used along with the city code and the country name.

Example:

PEK BEIJING CHINA 945  
AO  
ALEXANDRIA VA 22315

#### 295.432 Residual Sacks

After the required country sacks are prepared, residual packages must be sacked and labeled to the international exchange office as directed by the entry post office. Each sack must be labeled as follows:

Label color: Pink

Format:

Line 1: International exchange office and routing ZIP Code  
Line 2: Contents "AO" and "Mixed Working Foreign"  
Line 3: City and state of post office of mailing and ZIP Code  
Example:

FOREIGN CTR NJ 099  
AO MIXED WORKING FOREIGN  
ALEXANDRIA VA 22315

#### Exhibit 295.432 Books and Sheet Music—All Countries (Except Canada) Labeling and Routing Information

[Exhibit not included. Same as former 244.52.]

#### 295.44 Canadian Sacks

Sacks of books or sheet music for delivery in Canada must be sorted by the Canadian post code designations that are specified in Exhibit 295.43 and labeled in the following manner:

Label color: White or Terra-Cotta

Format:

Line 1: Name of destination office in Canada is left-justified; routing ZIP Code for applicable USPS exchange office is right-justified  
Line 2: Content designation "AO"  
Line 3: City, state, and ZIP Code of U.S. post office of mailing  
Example:

OTTAWA ON FWD 099  
AO  
BETHESDA MD 20815

Residual mail for Canada is prepared under 295.422, except it is labeled to the local concentration center.

#### Exhibit 295.44 Publishers' Periodicals—Canada Labeling and Routing Information (Standard Entry)

[Exhibit not included. Same as former 244.53a.]

#### 295.45 Physical Characteristics and Requirements for Sacks

Sacks must meet these requirements:  
a. Maximum Weight. No more than 66 pounds of mail may be placed in any one sack. The weight of tying, wrapping, and packaging materials is included in determining the weight of the mail enclosed in a sack.

b. Sacks. Disposable gray plastic sacks are recommended; however, other appropriate equipment may be provided by the post office.

c. Labels. Handbook PO-423, Requisitioning Labels, contains instructions for ordering labels. Mailers

may also preprint labels if they are of the colors specified and used by the Postal Service.

#### 295.5 Customs Forms Required

Printed matter known to be dutiable in the country of destination must have a green customs label (PS Form 2976) affixed to the address side of the articles. (See 123 for detailed requirements for customs documentation.) This requirement is applicable to dutiable printed matter mailed in a direct sack (M-bags).

#### 296 [Reserved]

#### 297 International Customized Mail

##### 297.1 Description

International Customized Mail (ICM) service is an international business mail service that is available only pursuant to an ICM service agreement between the Postal Service and a mailer meeting the requirements in 292. The Postal Service provides ICM service on a mailer-specific basis pursuant to the terms and conditions stipulated in a particular ICM service agreement.

##### 297.2 Qualifying Mailers

To qualify for ICM service, a mailer must be capable, on an annualized basis, of either (1) tendering at least 1 million pounds of international mail to the Postal Service, or (2) paying at least \$2 million in international postage to the Postal Service. The mailer must also be capable of tendering all of its ICM mail to the Postal Service.

##### 297.3 ICM Service Agreements

Each ICM service agreement must set forth the following:

- a. The term of the agreement, including any renewal options.
- b. The type of mail to be tendered by the mailer.
- c. The destination country or countries.
- d. The services to be provided by the Postal Service, including any speed-of-delivery targets.
- e. Minimum volume commitments for each service.
- f. Postage and method of payment.
- g. Weight and size limits.
- h. Preparation requirements.
- i. Makeup requirements.
- j. Any other obligations of either party.
- k. The location from which the mailer is required to tender its items to the Postal Service.

##### 297.4 Postal Bulletin Notifications

Within 30 days of entering into an ICM service agreement, the Postal Service must publish the following

information about the agreement in the Postal Bulletin:

- a. The term of the agreement, including any renewal options.
- b. The type of mail involved.
- c. The destination country or countries.
- d. A brief description of each of the services to be provided by the Postal Service.
- e. Minimum volume commitments for each service.
- f. A brief description of any worksharing to be performed by the mailer.
- g. The agreed-upon rate for each service at the volume level committed to by the mailer.

**3 Special Services**

**310 Certificate of Mailing**

\* \* \* \* \*

**312 Availability**

Customers can purchase a certificate of mailing when they send unregistered letter-post, post/postal cards, matter for the blind, and uninsured parcel post or require a duplicate of an original certificate that pertained to a previously mailed item. A certificate of mailing cannot be obtained in combination with registered mail, insured parcel post, recorded delivery, or bulk mailings of 200 pieces or more that bear a permit imprint.

\* \* \* \* \*

**313 Fees**

**313.1 Individual Pieces**

The fee for certificates of mailing for ordinary letter-post and ordinary parcel post is \$0.75 per piece, whether the item is listed individually on PS Form 3817, Certificate of Mailing, or on firm mailing bills. Additional copies of PS Form 3817 or firm mailing bills are available for \$0.75 per page. PS Form 3877, Firm Mailing Book for Accountable Mail, or forms printed at the mailer's expense may be used for certificates of three or more pieces of mail of any class presented at one time. If mailer-printed forms are used instead of PS Form 3877, these forms must contain, at a minimum, the same information as PS Form 3877. The fee is \$0.25 per article.

**313.2 Bulk Pieces**

Identical pieces of ordinary letter-post mail that are paid for with regular postage stamps, precanceled stamps, or meter stamps are subject to the following certificate of mailing fees:

Up to 1,000 pieces .....	\$3.50
Each additional 1,000 pieces or fraction .....	.40

Duplicate copy .....	.75
* * * * *	

**320 Insurance**

\* \* \* \* \*

**322 Availability**

Insurance is available only for parcel post and only to certain countries. See Individual Country Listings. Insurance is not available for letter-post items.

\* \* \* \* \*

**330 Registered Mail**

\* \* \* \* \*

**332 Availability**

Customers can purchase registered mail service when they send letter-post, post/postal cards, and matter for the blind. Registered mail service is not available in combination with parcel post or M-bags to one addressee. See Individual Country Listings for country-specific prohibitions and restrictions on registered mail service usage.

**333 Fees and Indemnity Limits**

**333.1 Registration Fees**

The registry fee for all countries is \$7.25.

*Exception:* See the Individual Country Listing for Canada.

\* \* \* \* \*

**334 Processing Requests**

\* \* \* \* \*

**334.2 Marking**

The accepting clerk must enter the following endorsements and special markings on each registered item:

- a. Affix Label 200 as noted above. All registered mail of U.S. origin must bear a Label 200.

[Items b and c are unchanged.]

\* \* \* \* \*

**334.3 Postmarking**

**334.31 Placement**

Postmark registered items twice on the back, on the crossing of the upper and lower flaps. If return receipts are used, postmark partially on the receipt and partially on the flaps of the letter. Items sealed on the address side must be postmarked on the address side.

\* \* \* \* \*

**334.33 Registered Printed Matter or Small Packets**

[Delete.]

**334.4 Sealing**

**334.41 Sender's Responsibility**

Senders must securely seal letter-post items presented for registration. \* \* \*

\* \* \* \* \*

**334.43 Registered Printed Matter or Small Packets**

[Delete.]

\* \* \* \* \*

**340 Return Receipt**

\* \* \* \* \*

**343 Fee**

The fee for a return receipt is \$1.50, and must be paid in addition to postage and other applicable charges. \*\*\*

\* \* \* \* \*

**350 Restricted Delivery**

\* \* \* \* \*

**353 Fee**

Fee is \$3.20 and is in addition to postage and other applicable fees.

\* \* \* \* \*

[Delete 360, 370, and 380. Renumber 385 as 360.]

**360 Recorded Delivery**

\* \* \* \* \*

**362 Availability**

Recorded delivery service is available in conjunction with the mailing of letter-post items, post/postal cards, aerogrammes, matter for the blind, and M-bags. Recorded delivery is not available to all countries. See the Individual Country Listing.

**363 Recorded Delivery Fee**

The recorded delivery fee is \$2.10 and is in addition to postage and other special service fees, if applicable.

\* \* \* \* \*

[Renumber 390, Supplemental Services, as 370.]

**370 Supplemental Services**

\* \* \* \* \*

**371 International Money Orders**

\* \* \* \* \*

**371.3 Fees**

There are two fees for international money orders:

- a. The fee for money orders payable in countries that accept the pink International Postal Money Order Form (MP1) is \$3.25 per money order. \* \* \*
- [Item b is unchanged.]

\* \* \* \* \*

**372 International Reply Coupons**

\* \* \* \* \*

**372.3 Selling Price and Rate of Exchange**

- a. The selling price of a reply coupon in the United States is \$1.75. \* \* \*
- b. International reply coupons purchased in foreign countries are

exchangeable at U.S. post offices toward the purchase of postage stamps, postage meter stamps, postage validation imprinter (PVI) labels, and embossed stamped envelopes (including aerogrammes) at the rate of \$0.80 per coupon, irrespective of the country where they were purchased.

\* \* \* \* \*

**373 International Business Reply Service**

\* \* \* \* \*

**373.4 Fees**

The fees for IBRS are as follows:

- a. Envelopes up to 2 ounces: \$1.20.
- b. Cards: \$0.80.

**Note:** The fee for each returned IBRS envelope and card includes the per piece charge that is applied to domestic business reply and subject to QBRM accounting procedures. It is not necessary for the sender to obtain a separate international business reply permit to have IBRS items processed through their advance deposit account.

\* \* \* \* \*

**4 Treatment of Outbound Mail**

\* \* \* \* \*

**420 Shortpaid and Unpaid Mail**

\* \* \* \* \*

**422.2 No Return Address**

**422.21 Letter-Post and Postcards**

Unpaid letter-post and postcards with no return address must be forwarded to the appropriate exchange office. \* \* \*

\* \* \* \* \*

**423 Shortpaid Mail**

**423.2 Exceptions**

\* \* \* \* \*

**423.21 Letter-Post and Postcards**

Shortpaid letter-post and postcards with no return address must be forwarded to the exchange office. Imprint with stock rubber stamp R-1300-4, Postage Due . . . Cents. Do not enter the amount of the deficiency.

*Exception:* For shortpaid letter-post and postcards to Canada having no return address, enter double the amount of the deficiency.

**423.22 Printed matter and Small Packets**

[Delete.]

**423.23 Parcels**

[Renumber as 423.22.]

**423.24 Express Mail International Service Shipments**

[Renumber as 423.23.]

\* \* \* \* \*

**430 Improperly Prepared Mail**

\* \* \* \* \*

**433 Oversized Cards**

Return oversized cards (those exceeding 9 1/4 x 4 3/4) to the sender. If the sender is unknown, dispatch cards to the exchange office.

**434 Reply-Paid Cards**

a. Reply-paid cards, except International Business Reply items, are not accepted as international mail.

[Item b is unchanged.]

\* \* \* \* \*

**440 Special Services Mail**

\* \* \* \* \*

**442 Special Delivery**

[Delete.]

\* \* \* \* \*

**443 Special Handling**

[Delete.]

\* \* \* \* \*

**5 Nonpostal Export Regulations**

\* \* \* \* \*

**550 Dried Whole Eggs**

\* \* \* \* \*

**552 Charges**

A charge of \$0.75 will be made for each certificate of mailing, or for each package if a single certificate covers more than one package. \* \* \*

\* \* \* \* \*

**560 Tobacco Seeds and Tobacco Plants**

\* \* \* \* \*

**562 Charges**

A charge of \$0.75 will be made for each permit presented by the sender and for each package when a single permit covers more than one package. \* \* \*

\* \* \* \* \*

**6 Special Programs**

\* \* \* \* \*

[Delete 620. Renumber 630 as 620.]

**620 Postal Qualified Wholesaler Program**

\* \* \* \* \*

**7 Treatment of Inbound Mail**

**711 Customs Examination of Mail Believed to Contain Dutiable or Prohibited Articles**

\* \* \* \* \*

**711.3 Examination of Registered Mail and Sealed Letters**

The postmaster or other designated employee must be present when

registered mail and sealed letters (except unregistered sealed letter mail bearing a green customs label) are opened by customs officers for examination. After customs treatment, the customs officer will repack and reseal the mail.

\* \* \* \* \*

**712 Customs Clearance and Delivery Fee**

\* \* \* \* \*

**712.3 Amount of USPS Fee**

The USPS fee for customs clearance and delivery for each dutiable item is \$4.50.

\* \* \* \* \*

**713 Treatment of Dutiable Mail at Delivery Office**

\* \* \* \* \*

**713.4 Payment of Duty**

\* \* \* \* \*

**713.43 Registration of Items to Be Returned to the United States**

\* \* \* \* \*

**713.432 Certification by Postal Service Personnel**

[In item c, change "\$0.50" to "\$0.75."] \* \* \*

\* \* \* \* \*

**730 Shortpaid Mail to the United States**

**731 Computation of Postage Due**

- a. [Unchanged.]
- b. [Change "\$0.42" to "\$0.45."]
- c. [Unchanged.]
- d. [Unchanged.]

\* \* \* \* \*

**740 Irregular Mail**

\* \* \* \* \*

[Delete 742. Renumber 743, 744, and 745 as 742, 743, and 744 respectively.]

**742 Stamps Not Affixed**

\* \* \* \* \*

**750 Special Services**

\* \* \* \* \*

[Delete 755 and 756. Renumber 757 as 755.]

**755 Recorded Delivery**

\* \* \* \* \*

[Delete 760. Renumber 770 through 790 as 760 through 780, respectively.]

**760 Forwarding**

\* \* \* \* \*

**762 Mail of Domestic Origin**

\* \* \* \* \*

**762.2 Undeliverable Domestic Mail Bearing U.S. Postage and a Foreign Return Address**

- a. [Unchanged.]
- b. [Unchanged.]
- c. [Change "letter class" to "First-Class."]
- d. [Unchanged.]

\* \* \* \* \*

**770 Undeliverable Mail**

\* \* \* \* \*

**771 Mail of Domestic Origin**

\* \* \* \* \*

**771.5 Return Charges for Letter-Post Mail**

The following charges must be collected from the sender for mail returned to the United States by foreign postal services:

- a. The return charge paid by publishers or registered news agents who originally mailed publishers' periodicals to Canada is the same as the economy (surface) letter-post postage rate for an item of the same weight mailed from the United States to Canada. The airmail letter-post rate may be used if it is less than the economy letter-post rate. See Individual Country Listings for fees.

- b. [Unchanged.]
- c. [Unchanged.]
- d. For economy letter-post the return charge is the same as economy (surface) letter-post postage rate for an item of the same weight mailed from the United States to the original country of destination. The airmail letter-post rate

may be used if it is less than the economy letter-post rate. See the Individual Country Listings for fees.

- e. [Unchanged.]

\* \* \* \* \*

**772 Mail of Foreign Origin**

**772.1 Marking**

\* \* \* \* \*

**772.14 Method of Return**

Undeliverable airmail letters and cards and all letter-post items marked "PRIORITY" are returned to origin by air. All parcels and other items are returned by surface. Any "AIRMAIL" or "PAR AVION" endorsements or label must be obliterated on undeliverable items returned by surface.

\* \* \* \* \*

**772.4 Storage Charges**

[Delete.]

\* \* \* \* \*

**9 Inquiries, Indemnities, and Refunds**

\* \* \* \* \*

**920 Inquiries and Claims**

\* \* \* \* \*

**922 Filing of Inquiries**

**922.1 Time Limits**

Inquiries concerning letter-post mail and parcel post are accepted within six months from the day following the date of mailing.

\* \* \* \* \*

**928 Processing Inquiries**

\* \* \* \* \*

**928.2 Mail Exchanged With Countries Other Than Canada**

**928.21 Forms Used**

**928.211 PS Form 542, Inquiry About a Registered Article or an Insured Parcel or an Ordinary Parcel**

\* \* \* \* \*

- d. The loss, rifling, damage, or delay of outbound or inbound ordinary letter-post mail.

\* \* \* \* \*

**928.3 Mail Exchanged With Canada**

\* \* \* \* \*

**928.35 Recorded Delivery Service**

For inquiries related to the loss, total damage, or rifling of letter-post and matter for the blind items for which the recorded delivery fee has been paid:

\* \* \* \* \*

**940 Postage Refunds**

**941 Postage Refunds for Letter-Post and Parcel Post**

**941.1 General**

A refund may be made when postage, special service fees, or other charges have been paid on letter-post and parcel post items:

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 00-24274 Filed 9-25-00; 8:45 am]

**BILLING CODE 7710-12-U**



# Federal Register

---

**Tuesday,  
September 26, 2000**

---

**Part III**

## **Department of Justice**

---

**Office of Juvenile Justice and  
Delinquency Prevention**

---

**Proposed Comprehensive Plan for Fiscal  
Year 2001; Notice**

**DEPARTMENT OF JUSTICE****Office of Juvenile Justice and  
Delinquency Prevention**

[OJP (OJJDP)—1297]

**Proposed Comprehensive Plan for  
Fiscal Year 2001****AGENCY:** Office of Justice Programs,  
Office of Juvenile Justice and  
Delinquency Prevention, Justice.**ACTION:** Notice of Proposed Program  
Plan for fiscal year 2001.**SUMMARY:** The Office of Juvenile Justice  
and Delinquency Prevention is  
publishing this notice of its Proposed  
Comprehensive Plan for fiscal year (FY)  
2001.**DATES:** Comments must be received on  
or before November 13, 2000.**ADDRESSES:** Comments may be mailed to  
John J. Wilson, Acting Administrator,  
Office of Juvenile Justice and  
Delinquency Prevention, 810 Seventh  
Street, NW., Washington, DC 20531.**FOR FURTHER INFORMATION CONTACT:**  
Eileen M. Garry, Director, Information  
Dissemination Unit, at 202-307-0751.  
[This is not a toll-free number.]**SUPPLEMENTARY INFORMATION:** The Office  
of Juvenile Justice and Delinquency  
Prevention (OJJDP) is a component of  
the Office of Justice Programs in the  
U.S. Department of Justice. Pursuant to  
the provisions of Section 204 (b)(5)(A)  
of the Juvenile Justice and Delinquency  
Prevention Act of 1974, as amended, 42  
U.S.C. § 5601 *et seq.* (JJDP Act), the  
Acting Administrator of OJJDP is  
publishing for public comment a  
Proposed Comprehensive Plan  
describing the program activities that  
OJJDP proposes to carry out during  
fiscal year (FY) 2001 under Parts C and  
D of Title II of the JJDP Act, codified at  
42 U.S.C. § 5651-5665a, 5667, 5667a.  
Taking into consideration comments  
received on this Proposed  
Comprehensive Plan, the Acting  
Administrator will develop and publish  
OJJDP's Final Comprehensive Plan  
describing the particular program  
activities that OJJDP intends to fund  
during FY 2001, using in whole or in  
part funds appropriated under Parts C  
and D of Title II of the JJDP Act.OJJDP acknowledges that at this time  
its FY 2001 appropriation is not yet  
final. Depending on the outcome of  
these legislative actions, OJJDP may  
alter how its programs are structured  
and will make any necessary  
modifications to this Proposed Program  
Plan when it is published in final form  
following the public comment period.  
The proposals presented here representOJJDP's current thinking and initial  
priorities for this fiscal year. These  
priorities also reflect feedback from  
OJJDP's ongoing outreach to the field  
asking for ideas on priority areas and  
the most promising types of programs  
for those areas.Notice of the official solicitation of  
grant or cooperative agreement  
applications for competitive programs to  
be funded under the Final  
Comprehensive Plan will be published  
at a later date in the **Federal Register**.  
No proposals, concept papers, or other  
forms of application should be  
submitted at this time.**Background**In developing its program plan for  
Parts C and D each year, OJJDP must  
take into consideration the latest  
available data on U.S. juvenile crime  
and victimization and view these  
statistics in relation to those of recent  
years. In 1998 (the latest year for which  
data are available), the Nation  
experienced its fourth consecutive year  
of an unprecedented drop in the rate of  
juvenile arrests for a violent offense.  
The preliminary indications from the  
Federal Bureau of Investigation indicate  
that the number of arrests in 1999 also  
declined (although these numbers do  
not differentiate between arrests of  
adults and juveniles). Although the  
recent decline is encouraging, the arrest  
rate for youth is still higher than it was  
in the mid-1980's. From 1987 to 1994,  
the country saw a two-thirds increase in  
the violent crime arrest rate for juvenile  
males and a doubling for juvenile  
females. By 1998, though, the rate for  
males was just 24 percent above the  
1987 rate and the rate for females was  
85 percent higher than in 1987. (For  
more information, see the OJJDP 1999  
Bulletin *Juvenile Arrests 1998* by  
Howard N. Snyder. Copies of this  
publication and others cited in this  
Proposed Program Plan are available  
from OJJDP's Juvenile Justice  
Clearinghouse at 800-638-8736 or  
online at OJJDP's Web site at  
[www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org).)The social conditions facing youth  
have also changed. According to  
*American's Children: Key National  
Indicators of Well-Being 2000*, a  
publication of the Federal Interagency  
Forum on Child and Family Statistics,  
the poverty rate of children dropped to  
18 percent in 1998 from its high of 22  
percent in 1993. Deaths among  
adolescents age 15 to 19 continued to  
decline. In 1997, the mortality rate of  
this age group was 75 per 100,000,  
compared with the high of 89 per 1,000  
seen in 1991. Declines in deaths from  
firearm injuries between 1994 and 1997contributed to this drop. Since 1993, the  
rate of juvenile violent victimization has  
decreased from 44 victims per 1,000  
juveniles ages 12-17 to 25 per 1,000.  
This decrease was present for virtually  
every demographic category.On the other hand, many negative  
social indicators have remained at high  
levels. From 1980 to 1998, the percent  
of young adults ages 18 to 24 who had  
completed high school remained  
relatively flat at 85 percent. The  
prevalence of heavy drinking among  
adolescents has remained constant as  
has the prevalence of regular cigarette  
smoking. Illegal drug use among 8th,  
10th, and 12th grade students has not  
changed from 1998 to 1999. In fact,  
although drug use among 12th graders  
had declined in the 1980's, since 1992,  
illicit drug use has increased among this  
population. (For more information, see  
the *American's Children: Key National  
Indicators of Well-Being 2000*.)Although the arrest rates for juveniles  
have dropped, the juvenile justice  
system still must deal with a very heavy  
case load of juvenile offenders. In 1997,  
the juvenile justice system held 105,790  
individuals for offenses in residential  
facilities throughout the country.  
Although not strictly comparable to past  
numbers (because of different data  
collection methods), this number  
indicates an increase over the  
approximately 94,500 offenders held in  
residential placement in 1995. The  
Nation's juvenile courts handled 1.76  
million delinquency cases in 1997.  
While this number had remained stable  
since 1996, it represented a 48-percent  
increase over the 1988 caseload. In  
1997, juvenile courts sentenced 179,800  
youth to out-of-home placement and  
another 645,600 to probation. The  
proportion of all cases in the courts  
receiving such dispositions did not  
change much from 1988 to 1997  
(fluctuating mildly in the intervening  
years). However, by 1997 juvenile courts  
were sentencing more youth than ever  
to these dispositions because of the  
increase in the total number of cases  
handled. The benefits of a decreased  
arrest rate have yet to filter through the  
system to decrease rates of incarceration  
or probation.Because of the dramatic changes in  
juvenile arrests and the state of youth in  
the country, concerns about the juvenile  
justice system have shifted over the past  
decade. While at the beginning of the  
1990's some predicted a plague of  
violence caused by juveniles, the Nation  
now faces quite a different situation as  
a new millennium dawns. Today the  
challenge is to find solutions to a  
different set of related issues such as  
drug dependency, mental health care,

and a large residential population of juvenile offenders. The decrease in juvenile arrests is not a signal to become lax in attending to the problems of youth. Instead, it should be considered a sign of encouragement to continue emphasizing the beneficial programs and the effective intervention efforts currently under way.

The causes of the downward trends in juvenile violence are complex. Current research cannot yet say with certainty what combination of programs and social factors led to this decline.

However, national statistics and research point to community policing, gun violence prevention programs, gang intervention, school safety efforts, and prevention programs such as mentoring as effective factors in reducing juvenile violence and victimization. OJJDP will continue support of innovative programs, evaluation of these and other programs, research, and national data collection. With the results of these efforts, policymakers and practitioners will be in a better position to make informed choices in their mix of programs and approaches to best serve their communities. Their efforts will help to reinforce the existing trends away from juvenile violence and delinquency, and OJJDP is committed to continuing to support their work.

OJJDP's Proposed Program Plan for Fiscal Year 2001 focuses on solidifying the gains achieved in reducing the rate of juvenile arrests. It continues to emphasize programs that provide an environment for youth that encourages prosocial development. The Proposed Program Plan contains research and program evaluation projects that expand an understanding of why the final years of the 1990's were so beneficial for youth. It expands efforts to enhance the capacity of the juvenile justice system as a whole to make the right decisions for youth.

In this Proposed Comprehensive Plan, OJJDP describes its priorities for funding activities authorized under Part C (National Programs) and Part D (Gang-Free Schools and Communities; Community-Based Gang Intervention) of Title II of the Juvenile Justice and Delinquency Prevention (JJDP) Act. The activities authorized under Parts C and D constitute part, but not all, of OJJDP's overall responsibilities, which are outlined briefly below.

In 1974, the JJDP Act established OJJDP as the Federal agency responsible for providing national leadership, coordination, and resources to develop and implement effective methods to prevent and reduce juvenile delinquency and improve the quality of juvenile justice in the United States.

OJJDP administers State Formula Grants under Part B of Title II, State Challenge Grants under Part E of Title II, and Community Prevention Grants under Title V of the JJDP Act to assist States and territories to fund a range of delinquency prevention, control, and juvenile justice system improvement activities. OJJDP provides support activities for these and other programs under statutory set-asides that are used to provide related research, evaluation, statistics, demonstration, and training and technical assistance services.

Under Part C of Title II of the JJDP Act, OJJDP funds Special Emphasis programs and—through its National Institute for Juvenile Justice and Delinquency Prevention—numerous research, evaluation, statistics, demonstration, training and technical assistance, and information dissemination activities. OJJDP funds school and community-based gang prevention, intervention, and suppression programs under Part D and mentoring programs under Part G of Title II of the JJDP Act. OJJDP also coordinates Federal activities related to juvenile justice and delinquency prevention through the Concentration of Federal Efforts Program and serves as the staff agency for the Coordinating Council on Juvenile Justice and Delinquency Prevention; both of these activities are authorized in Part A of Title II of the JJDP Act. Another OJJDP responsibility under the JJDP Act is to administer the Title IV Missing and Exploited Children's Program.

Other programs administered by OJJDP include the Drug Prevention Program, the Enforcing Underage Drinking Laws Program, the Safe Schools Initiative, the Tribal Youth Program, the Safe Start: Children Exposed to Violence Initiative, and the Juvenile Accountability Incentive Block Grants program. OJJDP also administers programs under the Victims of Child Abuse Act of 1990, as amended, 42 U.S.C. 13001 *et seq.*

OJJDP focuses its funding and support activities on the development and implementation of programs with the greatest potential for reducing juvenile delinquency and improving the juvenile justice system by establishing partnerships with State and local governments, American Indian and Alaska Native jurisdictions, and public and private agencies and organizations. OJJDP performs its role of national leadership in juvenile justice and delinquency prevention through a cycle of activities. These include collecting data and statistics to determine the extent and nature of issues affecting juveniles; supporting research studies

that can lead to program demonstrations; testing and evaluating demonstration projects; sharing lessons learned from the field with practitioners through a range of information dissemination vehicles; providing seed money to States and local governments through formula and block grants to implement programs, projects, or reform efforts; and providing training and technical assistance to assist States and local governments to implement programs effectively and to maintain the integrity of model programs as they are being replicated.

As noted previously, OJJDP is a component of the Office of Justice Programs (OJP). This Department of Justice agency emphasizes the importance of coordination among its components and with other Federal agencies whenever possible in order to obtain maximum results from OJP programs and initiatives. OJJDP's coordination efforts include joint funding, interagency agreements, and partnerships to develop, implement, and evaluate projects. This proposed plan reflects OJJDP's coordination efforts. For a more complete picture of OJP program activities that affect the field of juvenile justice, readers are encouraged to review the Office of Justice Programs Fiscal Year 2001 Program Plan when it becomes available. (Readers should check the OJP Web site at [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov) periodically for an announcement of the availability of the OJP Program Plan.)

#### **Fiscal Year 2001 Program Planning Activities**

The OJJDP program planning process for FY 2001 is being coordinated with the Acting Assistant Attorney General, Office of Justice Programs, and all OJP components. The program planning process involves the following steps:

- Internal review of existing programs by OJJDP staff.
- Internal review of proposed programs by OJP bureaus and Department of Justice components.
- Review of information and data from OJJDP grantees and contractors.
- Review of information contained in State comprehensive plans.
- Review of comments from youth service providers, juvenile justice practitioners, and researchers who provide input in proposed new program areas.
- Consideration of suggestions made by juvenile justice policymakers concerning State and local needs.
- Consideration of all comments received during the period of public comment on this Proposed Comprehensive Plan.

### Discretionary Grant Continuation Policy

OJJDP has listed on the following pages continuation projects currently funded in whole or in part with Part C and Part D funds and eligible for continuation funding in FY 2001, either within an existing project period or through an extension for an additional project or budget period. A grantee's eligibility for continued funding for an additional budget period within an existing project period depends on the grantee's compliance with funding eligibility requirements and achievement of the prior year's objectives. The amount of award is based on prior projections, demonstrated need, and fund availability.

The only projects described in this Proposed Program Plan are those that would receive Part C or Part D FY 2001 continuation funding under project period or discretionary continuation assistance awards and program areas that OJJDP is considering for new awards under Part C or Part D in FY 2001. This plan does not include descriptions of other OJJDP programs, including mentoring programs under Part G of Title II of the JJDP Act, the Drug Prevention Program, the Enforcing Underage Drinking Laws Program, the Safe Schools Initiative, the Tribal Youth Program, the Safe Start: Children Exposed to Violence Initiative, and the Juvenile Accountability Incentive Block Grants Program. When appropriate, OJJDP issues separate solicitations for applications for funding for these or other programs that are not authorized under Parts C and D. Readers interested in learning about all OJJDP funding opportunities are encouraged to call OJJDP's Juvenile Justice Clearinghouse at 800-638-8736 or visit OJJDP's Web site at [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org) and click on "Grants & Funding."

Consideration for continuation funding for an additional project period for previously funded discretionary grant programs will be based on several factors, including the following:

- The extent to which the project responds to the applicable requirements of the JJDP Act.
- Responsiveness to OJJDP and Department of Justice FY 2001 program priorities.
- Compliance with performance requirements of prior grant years.
- Compliance with fiscal and regulatory requirements.
- Compliance with any special conditions of the award.
- Availability of funds (based on appropriations and program priority determinations).

In accordance with Section 262 (d)(1)(B) of the JJDP Act, as amended, 42 U.S.C. 5665a, the competitive process for the award of Part C funds is not required if the (Acting) Administrator makes a written determination waiving the competitive process:

1. With respect to programs to be carried out in areas in which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act codified at 42 U.S.C. 5121 *et seq.* that a major disaster or emergency exists, or

2. With respect to a particular program described in Part C that is uniquely qualified.

### Introduction to Fiscal Year 2001 Program Plan

In administering the discretionary grants program under Parts C and D of Title II, OJJDP has identified four goals as the major elements of a sound policy that ensures public safety and security while establishing effective juvenile justice and delinquency prevention programs. Achieving these goals, which are discussed below, is vital to protecting the long-term safety of the public from juvenile delinquency and violence.

- OJJDP promotes *delinquency prevention and early intervention* efforts that reduce the flow of juvenile offenders into the juvenile justice system, the numbers of serious and violent offenders, and the development of chronic delinquent careers. While removing serious and violent juvenile offenders from the street serves to protect the public, long-term solutions lie primarily in taking aggressive steps to stop delinquency before it starts or becomes a pattern of behavior.

- OJJDP seeks to *improve the juvenile justice system* and the response of the system to juvenile delinquents, status offenders, and dependent, neglected, and abused children.

- OJJDP supports efforts in the area of *corrections, detention, and community-based alternatives* to preserve the public safety in a manner that serves the appropriate development and best use of secure detention and corrections options, while at the same time fostering the use of community-based programs for juvenile offenders.

- OJJDP seeks to *support law enforcement, public safety, and other justice agency efforts* to prevent juvenile delinquency, intervene in the development of chronic delinquent careers, and collaborate with the juvenile justice system to meet the needs of dependent, neglected, and abused children.

In 1993, OJJDP published its *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, which set forth a research-based comprehensive approach for addressing the problems of juvenile crime and victimization and for achieving its program goals. The Comprehensive Strategy was developed to assist States and local communities in preventing at-risk youth from becoming serious, violent, and chronic juvenile offenders and in crafting a practical response to those who do. Since 1995, OJJDP has utilized the *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, developed in partnership with consultant experts in the fields of prevention and graduated sanctions, which has been the blueprint for providing training and technical assistance to over 40 local communities in eight States in the development of local strategic plans based on the Comprehensive Strategy. This comprehensive strategic planning process involves a systematic method which utilizes data and research-based best practices and programs to fill identified gaps in services to youth and families. The desired product of this planning effort is a 5-year strategic plan supported by all the stakeholders within that community. The lessons learned from the Federal, State, and local partnerships developed through the Comprehensive Strategy Training and Technical Assistance Initiative are currently enhancing the well-being of the children and families in many of those communities and are assisting OJJDP in providing guidance and direction to many other State agencies and local jurisdictions seeking assistance in the development of this strategic planning approach designed to prevent, reduce and control juvenile delinquency.

This Proposed Plan also supports the Coordinating Council's 1996 National Juvenile Justice Action Plan, which grew out of the Comprehensive Strategy. This Action Plan, which the Coordinating Council is currently updating, provides eight objectives designed to reduce juvenile violence and describes ways to meet these objectives. Together, the Comprehensive Strategy and the Action Plan constitute a sound strategy for translating innovation and research findings to infrastructure.

### Continuation Programs

OJJDP organizes its proposed programs under four broad categories that reflect its program goals and the principles of the Comprehensive

Strategy. These categories are Public Safety and Law Enforcement, Delinquency Prevention and Intervention, Strengthening the Juvenile Justice System, and Child Abuse and Neglect and Dependency Courts. An additional category (Overarching) contains programs with significant elements common to more than one of the other four categories. Descriptions of the specific programs in each of the five categories appear after the discussion of new programs below.

#### *New Programs*

Because the FY 2001 Proposed Comprehensive Plan is being published prior to the enactment of the FY 2001 appropriation, proposed new programming is outlined from the highest to the lowest priority. If there is sufficient funding to support new programs in addition to those proposed for continuation funding, OJJDP proposes to develop new programs in 12 broad subject areas. The public is asked to comment on the proposed new programs, which are described briefly below, and suggest additional priority areas for funding consideration.

#### 1. Helping Families Navigate the Juvenile Justice System

OJJDP proposes to support a range of advocacy services for families designed to help them understand and navigate the juvenile justice system, and learning how they can appropriately and productively interact with the various entities in the system to meet their child's needs. Referral to services that can assist children and their families meet their needs would also be an important component of this effort. Possible approaches to be considered include support to private organizations that have experience in working with non-English-speaking families or providing advocacy and support for parenting networks in the community.

#### 2. Addressing the Problem of Juvenile Sex Offending

This program area was identified in the FY 2000 Program Plan and is included again in the Proposed FY 2001 Program Plan because of the many requests from the juvenile justice field and the public for information on effective sex offender treatment programs and model community responses to prevent sexual victimization. OJJDP is considering support for evaluations of treatment models for juvenile sex offenders that are currently in use. In addition, OJJDP is considering a study that examines the effects of State registration and notification legislation on juvenile sex

offenders. This work would build upon the development of a juvenile sex offender typology currently being funded by OJJDP. It will also respond to the needs of practitioners and policymakers by increasing the accessibility and strategic use of accurate information about the nature, extent, and impact of juvenile sex offending through a training, technical assistance, and information dissemination program to be funded in FY 2001.

#### 3. Preparing Juvenile Offenders for Reentry Into Their Communities

OJJDP proposes to develop several programs designed to facilitate juvenile offenders' reentry into the community from out-of-home placements. Two of these would focus specifically on improving education and training resources within correctional facilities. The first would teach juveniles to design, build, and maintain computer networks through Cisco Systems' Cisco Networking Academy Program. The second would develop and implement a pilot demonstration of a model correctional education program in both a juvenile detention facility and a correctional facility. The latter project would be an extension of prior work funded by OJJDP to provide assistance in addressing the literacy needs of juvenile offenders. OJJDP is also proposing to expand its work on juvenile aftercare services to target specialized populations such as adolescent female offenders, minority youth, and juvenile offenders with mental health and substance abuse problems and to assess the lessons learned about institutional programming for serious and violent juvenile offenders.

#### 4. Helping Youth and Families Prevent Violence

OJJDP proposes to expand its violence prevention activities by focusing on children who can be taught peaceful ways of resolving problems, families who can be counseled regarding violence prevention, and teachers who must effectively manage their classrooms. One proposed project would develop violence prevention protocols for pediatricians similar to those developed around unintentional injuries such as motor vehicle accidents. This project would respond to the need to address homicide and other injuries caused by interpersonal violence. Children must also be taught to avoid violence, and OJJDP proposes to expand its work on bullying prevention by providing training and technical assistance to schools to implement the

highly successful and proven program of Dr. Dan Olweus, the Principal Investigator who developed, refined, and systematically evaluated the Bullying Prevention Program in Norway. The program is one of the Blueprints for Violence Prevention (see the Blueprints program description below, under the Strengthening the Juvenile Justice System category of programs). OJJDP is also considering expanding training and technical assistance resources to new teachers in effective classroom and conflict management. From lessons learned in North Carolina, OJJDP would focus on changing practices in colleges of education and State boards of education, which have responsibility to create and manage the training of new teachers.

#### 5. Assessing and Meeting the Needs of Status Offenders and Other Youth Upon Initial Contact With the Juvenile Justice System

OJJDP is proposing to fund a program that would identify the best practices and programs from around the country that are effective in dealing with such status offenses as truancy, running away, curfew violations, alcohol possession and use, and incorrigibility. Juveniles who commit status offenses may be taking a first step into the juvenile justice system that will escalate into delinquent behavior. Prevention and treatment through early intervention at this stage have proven to be less expensive and more effective than efforts to change subsequent delinquent behavior.

OJJDP is also considering expanded support for two existing programs that address the needs of youth when they first come to the attention of law enforcement. One program would provide guidelines, materials, training, and technical assistance to the two currently funded Community Assessment Centers. These Centers operate as a single point of entry into the juvenile justice and the youth services systems, provide immediate and comprehensive assessment and integrated case management, and operate an appropriate management information system (MIS). OJJDP is also proposing to expand support for the Child Development-Community Policing model to support program implementation in the current replication sites. These ongoing collaborations between law enforcement and mental health professionals are designed to better address children's exposure to violence, which has been shown to be a risk factor for future problem behaviors.

#### 6. Studying Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) as Risk Factors for Delinquency

Fetal Alcohol Syndrome and Fetal Alcohol Effects (FAS/FAE) are associated with a specific set of neurobehavioral deficits that predispose affected individuals to delinquent and other high risk behaviors. A significant percentage of youth in detention and secure corrections may be affected by undiagnosed FAS/FAE. Traditional juvenile justice system programs are not designed to serve this population, and youth with FAS/FAE, once involved with the juvenile justice system, are likely to experience a high rate of recidivism. OJJDP proposes to support a study to assess the rate of FAS/FAE youth within the juvenile justice system, determine what services are available, and develop screening and individualized case management and planning to better serve youth affected by FAS/FAE.

#### 7. Supporting Field-Initiated Research, Demonstration, and Evaluation Programs

OJJDP proposes to support field-initiated research, demonstration, and evaluation projects that have the potential to provide valuable information to policymakers and practitioners, complement the new and current programs outlined in this Proposed Program Plan, and support OJJDP's mission in significant and creative ways. Topics explored in past OJJDP-funded field-initiated research include mental health issues in the juvenile justice system; juvenile justice system operations, sanctions, and treatments; programs for at-risk and female juvenile offenders; and delinquency prevention.

#### 8. Expanding the Use of Cost-Benefit Analyses

OJJDP is interested in expanding the uses of cost-benefit analyses in juvenile justice. Up to now, their use has been limited to select States or localities. As a first step to promoting the greater use of this method for assessing programs, OJJDP would convene a group of experts in the fields of policy analysis, economics, and juvenile justice to determine how cost-benefit analyses can best be used for juvenile justice policy analysis. Following the development of a set of recommended analyses, OJJDP would support the development of a guide containing information on methodology, data collection instruments, and a set of standard cost estimates.

#### 9. Increasing the Capacity and Effectiveness of Juvenile Probation

Despite the acknowledgment that probation is the "workhorse" of the juvenile justice system and many courts are dependent upon probation officers to assist them by recommending appropriate dispositions in juvenile cases, probation officers often receive only limited training before assuming their important roles and scant in-service training opportunities. OJJDP proposes to fund the development of a probation officer curriculum and to provide limited technical assistance to juvenile probation officers and their agencies. One training curriculum would be for supervisory staff, a second one for field officers.

#### 10. Understanding Youth Gangs in Chronic Gang Cities

OJJDP proposes to combine multiple state-of-the-art methods for understanding youth gangs through a single coordinated research project in two or more large population, chronic gang cities. The study would focus on comparing gangs representing multiple racial/ethnic groups (e.g., predominately African American, Hispanic, Asian, White, American Indian, or mixed). Research questions would include how different ethnic gangs vary in gang structure and group processes, what factors predict peaks and valleys in gang offending across each of the ethnic groups over time, and what prevention, intervention, and suppression approaches are most appropriate to respond to ethnic variations across a chronic gang city. Some of the methodological approaches that would be employed include analysis of incident-level law enforcement data, crime and resource mapping systems, school risk-factor surveys, qualitative field studies, and gang member interviews.

#### 11. Integrating Culturally Sensitive and Culturally Competent Strategies To Prevent Disproportionate Minority Confinement

OJJDP proposes to identify current best practices and provide specialized training and technical assistance to assist States in their efforts to address disproportionate minority confinement. While many program managers have made the initial step of broadening existing programming by hiring minority staff, a comprehensive approach to culturally sensitive and competent programming is needed. Experts in the field of culturally competent program design and implementation would provide targeted

support to assist States in broadening the scope of current delinquency prevention programs. This initiative would provide a critical tool in the implementation of States' compliance with the disproportionate minority confinement core protection.

#### 12. Expanding the Comprehensive Strategy Program

Recognizing the success of the research-based Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders since its inception in 1993, this project would promote the expansion of the Comprehensive Strategy Program by supporting planning and implementation in up to eight new States and/or localities. In addition, this project would support the development or refinement of management information systems in communities developing or implementing the Comprehensive Strategy Program.

#### Fiscal Year 2001 Programs

The programs that OJJDP proposes to fund in FY 2001 are listed alphabetically and summarized within each of the five categories discussed previously: Overarching, Public Safety and Law Enforcement, Strengthening the Juvenile Justice System, Delinquency Prevention and Intervention, and Child Abuse and Neglect and Dependency Courts.

With regard to implementation sites and other descriptive data and information, program priorities within each category will be determined based on grantee performance, application quality, fund availability, and other factors.

As part of the appropriations process, Congress is likely to identify a number of programs for funding consideration with regard to the grantee(s), the amount of funds, or both. These programs will be listed in the Final Program Plan. Congress is also likely to direct OJJDP to examine certain programs, provide assistance to them if warranted, and report to the Committees on Appropriations of both the House and the Senate on its intention for each one. These programs will also be listed in the Final Program Plan.

#### Fiscal Year 2001 Program Listing

##### *Overarching*

Coalition for Juvenile Justice  
Insular Area Support  
Juvenile Justice Clearinghouse  
Juvenile Justice Statistics and Systems Development Program  
National Resource Center for Safe Schools

National Training and Technical Assistance Center  
 OJJDP Management Evaluation Contract  
 OJJDP Technical Assistance Support Contract—Juvenile Justice Resource Center  
 Program of Research on the Causes and Correlates of Delinquency  
 SafeFutures: Partnerships To Reduce Youth Violence and Delinquency  
 Technical Assistance for State Legislatures  
 Telecommunications Assistance  
 Training and Technical Assistance Coordination for the SafeFutures Initiative

#### *Public Safety and Law Enforcement*

Evaluation of the Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program  
 Evaluation of the Partnerships to Reduce Juvenile Gun Violence Program  
 Evaluation of the Rural Gang Initiative  
 Evaluation of the Transfer of Responsibility for Child Protective Investigations to Law Enforcement Agencies  
 Gang Prevention Through Targeted Outreach (Boys & Girls Clubs)  
 Juvenile Justice Law Enforcement Training and Technical Assistance Program  
 Mesa Gang Intervention Project (MGIP)  
 National Youth Gang Center  
 Rural Gang Initiative Demonstration Sites  
 Technical Assistance to the Gang-Free Schools and Communities Initiatives

#### *Delinquency Prevention and Intervention*

Assessing Alcohol, Drug, and Mental (ADM) Disorders Among Juvenile Detainees  
 The Chicago Project for Violence Prevention  
 Communities in Schools  
 Diffusion of State Risk- and Protective-Factor-Focused Prevention  
 Do the Write Thing Challenge Program  
 Evaluation of the Truancy Reduction Demonstration Program  
 Intergenerational Transmission of Antisocial Behavior  
 Investing in Youth for A Safer Future—A Public Education Campaign  
 Multisite, Multimodal Treatment Study of Children With Attention Deficit/Hyperactivity Disorder  
 Risk Reduction Via Promotion of Youth Development  
 Strengthening Services for Chemically Involved Children, Youth, and Families  
 Study of the Marketing of Age-Restricted Violent Entertainment to Children

Technical Assistance for Community Prevention Programs—Title V  
 Truancy Reduction Demonstration Program  
*Strengthening the Juvenile Justice System*  
 Balanced and Restorative Justice (BARJ) Training Project  
 Blueprints for Violence Prevention: Training and Technical Assistance  
 Building Blocks for Youth  
 Census of Juveniles in Residential Placement  
 Center for Students With Disabilities in the Juvenile Justice System  
 Comprehensive Children and Families Mental Health Training and Technical Assistance  
 Connecticut/Cook County (IL) Girls Collaborative  
 Development of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders  
 Evaluation of the Department of Labor's Education and Training for Youthful Offenders Initiative  
 Evaluation of the Performance-Based Standards Project  
 Evaluation of SafeFutures  
 Juvenile Defender Training, Technical Assistance, and Resource Center  
 The Juvenile Justice Prosecution Unit  
 Juvenile Residential Facility Census  
 Longitudinal Study to Examine the Development of Conduct Disorder in Girls  
 National Juvenile Justice Data Analysis Project  
 National Juvenile Justice Program Directory  
 The National Longitudinal Survey of Youth 97  
 Performance-Based Standards for Juvenile Correction and Detention Facilities  
 Study Group on Very Young Offenders  
 Systems Improvement Training and Technical Assistance  
 Survey of Juvenile Probation  
 Technical Assistance to Native American Tribes and Alaskan Native Communities  
 TeenSupreme Career Preparation Initiative  
*Child Abuse and Neglect and Dependency Courts*  
 National Evaluation of the Safe Kids/Safe Streets Program  
 Safe Kids/Safe Streets: Community Approaches to Reducing Abuse and Neglect and Preventing Delinquency

#### **Overarching**

Coalition for Juvenile Justice  
 This project supports the Coalition for Juvenile Justice, an organization composed of member representatives of

State Advisory Groups appointed by State Governors under section 223(a)(3) of the JJDP Act to establish policies and priorities for the Formula Grants program. Pursuant to statutory requirements, the Coalition will: conduct an annual conference of member representatives; disseminate information on data, standards, advanced techniques, and program models developed and funded by OJJDP; offer training on how to work with the media on juvenile justice issues; review Federal policies regarding juvenile justice and delinquency prevention; advise the Administrator with respect to the work of OJJDP; and advise the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

This project would be implemented by the current grantee, the Coalition for Juvenile Justice. No additional applications would be solicited in FY 2001.

#### *Insular Area Support*

The purpose of this statutorily required program is to provide support to the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Funds are available to address the special needs and problems of juvenile delinquency in these insular areas, as specified by Section 261(e) of the JJDP Act of 1974, as amended, 42 U.S.C. 5665(e).

#### *Juvenile Justice Clearinghouse*

A component of the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse (JJC) collects, synthesizes, and disseminates information on all aspects of juvenile justice. OJJDP established the Clearinghouse in 1979 to serve the juvenile justice community, legislators, the media, and the public. JJC offers toll-free telephone access to information; prepares specialized responses to information requests; produces, warehouses, and distributes OJJDP publications; exhibits at national conferences; maintains a comprehensive juvenile justice library and database; and administers several electronic information resources. NCJRS is administered by the National Institute of Justice (NIJ) under a competitively awarded contract to Aspen Systems Corporation.

This program will be implemented by the current contractor, Aspen Systems Corporation. No additional applications will be solicited in FY 2001.

### *Juvenile Justice Statistics and Systems Development Program*

The Juvenile Justice Statistics and Systems Development (SSD) Program was competitively awarded in 1990 to the National Center for Juvenile Justice (NCJJ) to improve national, State, and local statistics on juveniles as victims and offenders. The SSD project has traditionally consisted of three tracks of work: National Statistics, Dissemination, and Systems Development. In FY 2001, NCJJ would continue many activities under the first two tracks, including maintaining an extensive library of data files, producing Easy Access software packages and the Web-based OJJDP Statistical Briefing Book, and continuing to service requests for juvenile justice information. In FY 2000, additional funding from OJJDP allowed NCJJ to enhance activities under the Systems Development track of the project. This work would continue with FY 2001 funding.

To meet the challenge of managing the cases of youth within their jurisdiction effectively and efficiently, juvenile court administrators and judges need ready access to information that will support the operation, management, and decisionmaking of the full-service juvenile court system. Knowledge-based decisionmaking (which should be the hallmark of every juvenile justice system) requires not just the collection of data but the collaboration of the community leaders who will give meaning to the data. This was the focus of the recently released book *Juvenile Justice With Eyes Open*, published in FY 2000 as part of the Statistics and Systems Development Project (Systems Development Track). Also in FY 2000, NCJJ used the principles outlined in this publication to develop and field-test an approach that local jurisdictions can employ to systematically identify and fulfill their local information needs. This includes training local juvenile justice leaders in the rational decisionmaking model (RDM) as a design tool for management information systems; developing data specifications for an effective information system to meet operational, management, and research needs; identifying data needs from collateral service providers and data that will be of use to collaterals; and modeling agreements and protocols with collateral service providers to share case-level and/or aggregate data. Field-testing would continue in FY 2001.

This project would be implemented by the current grantee, the National Center for Juvenile Justice. No

additional applications would be solicited in FY 2001.

### *National Resource Center for Safe Schools*

Since 1984, OJJDP and the U.S. Department of Education have provided joint funding to promote safe schools. This work has focused national attention on cooperative solutions to problems that disrupt the educational process. Because an estimated 3 million incidents of crime occur in America's schools each year, it is clear that this problem continues to plague many schools, threatening students' safety and undermining the learning environment. With FY 1998 funding, the U.S. Department of Education's Safe and Drug-Free Schools Program and OJJDP established the National Resource Center for Safe Schools for a 3-year project period. This project expanded the scope and provision of previous training and technical assistance to communities and school districts across the country. The grantee is working to help schools develop and put in place comprehensive safe school plans. It does this by providing onsite training and consultation to schools and communities, creating and distributing resource materials and tools, providing Web-based information services, and partnering with State-level agencies to build State capacity to assist local education agencies. Through the inclusion on the project's Advisory Committee of representatives of Hamilton Fish National Institute on School and Community Violence and other school-related training and technical assistance providers, this project has developed training materials and information resources based on the latest research findings on effective programs and best practices.

The grantee provided information, training, and/or technical assistance to more than 7,000 recipients. In addition, the grantee developed a curriculum for comprehensive school planning, trained six school districts in South Carolina, conducted two regional conferences, issued and distributed a quarterly newsletter, and convened a national Advisory Committee Meeting.

During FY 2001, the National Resource Center for Safe Schools will—

- Prepare and distribute topical fact sheets and case studies.
- Provide training to a national network of trainees through "training of trainers."
- Conduct regional conferences on safe school topics.
- Provide tailored onsite training and technical assistance.

A new solicitation would be issued and a grant awarded through a competitive process in FY 2001.

### *National Training and Technical Assistance Center*

The National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center (NTTAC) was established in FY 1995 under a competitive 3-year project period award. NTTAC serves as a national training and technical assistance repository, inventorying and coordinating the integrated delivery of juvenile justice training and technical assistance resources and establishing a database of these resources. NTTAC convened the first in a series of annual OJJDP training and technical assistance grantee-contractor meetings that are used for sharing of information, development of policies, and collaboration and coordination of efforts. NTTAC's funding in FY 1996 provided services in the form of coordinated technical assistance support for OJJDP's SafeFutures and gang program initiatives, continued promotion of collaboration between OJJDP training and technical assistance providers, developed training and technical assistance materials, and completed and disseminated the first OJJDP *Training and Technical Assistance Resource Catalog*.

In FY 1997, NTTAC disseminated a second, updated *Training and Technical Assistance Resource Catalog*; created a Web site for the Center and a ListServ for the Children, Youth and Affinity Group; held three focus groups on needs assessments; and coordinated and provided 38 instances of technical assistance in conjunction with OJJDP's training and technical assistance grantees and contractors. In FY 1998, NTTAC finalized the jurisdictional team training and technical assistance packages on critical needs in the juvenile justice system, updated the resource catalog, facilitated the annual OJJDP training and technical assistance grantee and contractor meeting, developed a bimonthly newsletter (NTTAC News), continued to update the repository of training and technical assistance materials and the electronic database of training and technical assistance materials, and continued to respond to training and technical assistance requests from the field. In FY 1999, NTTAC was operated by the Juvenile Justice Clearinghouse, which provided clearinghouse services and maintained the 800 number. The fourth

grantee-contractor meeting was conducted by OJJDP staff in Chicago, and the training and technical assistance protocols developed in 1998 were reviewed in preparation for final issuance. In FY 2000, a competitive 1-year contract was awarded to Caliber Associates to continue implementation of the Center. The Center has completed a number of tasks, including implementing the *OJJDP Training, Technical Assistance, and Evaluation Protocols*, developing three supplemental technical assistance packages on corrections, developing a protocol for ensuring cultural competency in the delivery of training and technical assistance, issuing the NTTAC newsletter, redesigning the NTTAC Web site, developing and pilot testing a training and technical assistance data collection instrument in support of the development of an Office of Justice Programs comprehensive training and technical assistance database, updating the resource catalog, and convening the 5th Annual OJJDP Training and TA Grantee and Contractor Meeting.

In FY 2001, the Center would continue developing marketing materials and managing the brokering of training and technical assistance requests received by the Center via the 800 number, e-mail, and the Web site. The contractor would also redesign and increase the capacity of the NTTAC Web site, increase the capacity of the Center resource repository, redesign the Center's database and resource catalog using the training and technical assistance data collection instrument developed and tested in FY 2000, provide train-the-trainers workshops for OJJDP grantee-contractors, provide technical support on curriculum development and specialized technical assistance protocols, and develop fact sheets, bulletins, and newsletters.

A new solicitation would be issued and a contract awarded through a competitive contract action in FY 2001.

#### *OJJDP Management Evaluation Contract*

This contract was competitively awarded in FY 1999 to Caliber Associates for a period of 4 years to provide OJJDP with an expert resource to perform independent program evaluations and assist in implementing evaluation activities. Caliber is currently conducting a national evaluation of Title V—Community Prevention Grants for Local Delinquency Prevention Programs. The evaluation is designed to examine the viability and effectiveness of the Title V delinquency prevention model. To address the research questions, the evaluation is examining

the key stages of program implementation at the local level, which include community mobilization, assessment and planning, implementation, and institutionalization and monitoring.

Other evaluation activities include building local evaluation capacity by conducting ongoing evaluation technical assistance and training activities to meet the individual evaluation needs of Title V subgrantees and developing the annual Title V Report to Congress.

This contract will be implemented by the current contractor, Caliber Associates. No additional applications will be solicited in FY 2001.

#### *OJJDP Technical Assistance Support Contract—Juvenile Justice Resource Center*

This contract has been competitively awarded since the mid-1980's when OJJDP identified the need for technical assistance support in carrying out its mission. FY 2001 is the third year of a 4-year project period. The Juvenile Justice Resource Center (JJRC) provides technical assistance and support to OJJDP, its grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in the areas of program development, evaluation, training, and research. With assistance from expert consultants, JJRC coordinates the peer review process for OJJDP grant applications and grantee reports, conducts research and prepares reports on current juvenile justice issues, plans meetings and conferences, and provides administrative support to various Federal councils and boards.

This contract will be implemented by the current contractor, Aspen Systems Corporation. No additional applications will be solicited in FY 2001.

#### **Program of Research on the Causes and Correlates of Delinquency**

Since 1986, this longitudinal study has addressed a variety of issues related to juvenile violence and delinquency and has produced a massive amount of information on the causes and correlates of delinquent behavior. Three project sites participate: Institute of Behavioral Science, University of Colorado at Boulder; Western Psychiatric Institute and Clinic, University of Pittsburgh; and Hindelang Criminal Justice Research Center, University at Albany, State University of New York. These projects are designed to improve the understanding of serious delinquency, violence, and drug use by examining how youth develop within the context of family, school, peers, and community. The three sites engage in

both collaborative and site-specific research. The three research teams worked together to ensure that certain core measures were identical across the sites. This strengthens the findings from these projects by allowing for replications of findings in individual sites and enabling cross-site analyses.

Results from the study have been used extensively in the field of juvenile justice and contributed significantly to the development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders and other program initiatives. Over the years, findings from the Causes and Correlates research have been presented in a number of OJJDP Bulletins and Fact Sheets. In an effort to make these important findings increasingly accessible to the public, a Causes and Correlates of Delinquency subpage has been incorporated into the OJJDP Web site. The subpage ([www.ojjdp.ncjrs.org/ccd/index.html](http://www.ojjdp.ncjrs.org/ccd/index.html)) includes descriptions of the individual projects and a bibliography of all the publications resulting from these projects.

In the upcoming year—the second year in a 3-year project period, the Causes and Correlates projects will continue collaborative and site-specific analyses of the data. Topics for upcoming reports will include defining characteristics and predictors of very young offending, consequences of delinquency, and long term effects of juvenile justice system involvement. In addition, researchers at the three sites will continue efforts to provide researchers access to the Causes and Correlates data. Concerns about confidentiality prohibit the release of the data sets to the general public. However, OJJDP and the Causes and Correlates researchers have been exploring alternative methods of making the data more accessible to other researchers, the most promising being a remote access system. Plans for the upcoming year include developing and testing a remote access system at one of the sites.

This program will be implemented by the current grantees, the Regents of the University of Colorado, the University of Pittsburgh; and the Research Foundation of the State University of New York at Albany, SUNY. No additional applications will be solicited in FY 2001.

#### *SafeFutures: Partnerships To Reduce Youth Violence and Delinquency*

In FY 1995, OJJDP competitively selected six communities to implement the SafeFutures Program. SafeFutures seeks to prevent and control youth crime and victimization through the

creation of a continuum of care in communities. This continuum enables communities to be responsive to the needs of youth at critical stages of their development by providing an appropriate range of prevention, intervention, treatment, and sanctions programs. The services provided through these programs include family strengthening; afterschool activities; mentoring; treatment alternatives for juvenile female offenders; mental health services; day treatment; graduated sanctions for serious, violent, and chronic juvenile offenders; and gang prevention, intervention, and suppression.

OJJDP will award fifth year funding to the Boston SafeFutures site in order to complete its 5-year project period, which began in FY 1995 through a competitive process. In FY 2001, Boston SafeFutures will continue to provide a set of services that builds on community strengths and existing services and fills in gaps within their existing continuum. Specific attention will also be given to improving the coordination and integration of services and program sustainability within Boston.

In addition, within the program developments and system changes that have occurred in the other five communities, there are promising activities, programs, and approaches that can serve as a model for other communities. In FY 2001, OJJDP will provide limited support through a competitive process among the SafeFutures grantees to assist the sites in sustaining these aspects of the programs. The Boston project will not be finished with the fifth year of the project at that time and thus would not be eligible for these funds.

A national evaluation is being conducted by the Urban Institute to determine the success of the initiative and track lessons learned at each of the six SafeFutures sites. OJJDP has also committed training and technical assistance resources to SafeFutures sites in FY 2001.

SafeFutures activities will be implemented by the current grantees. No additional applications will be solicited in FY 2001.

#### *Technical Assistance for State Legislatures*

Since FY 1995, OJJDP has awarded annual grants to the National Conference of State Legislatures (NCSL) to provide relevant, timely information on comprehensive approaches in juvenile justice to aid State legislators in improving State juvenile justice systems. Nearly every State has enacted, or is considering, statutory changes

affecting the juvenile justice system. This project has helped policymakers understand the ramifications and nuances of juvenile justice reform.

The grant has improved capacity for the delivery of information services to State legislatures. The project also supports increased communication between State legislators and State and local leaders who influence decisionmaking regarding juvenile justice issues. In FY 2000, NCSL published and distributed the second edition of "Comprehensive Justice: A Legislator's Guide." Designed as a folder containing a series of briefing papers, the guide focuses on systemic juvenile justice from a policy perspective and includes many examples of how State legislation has created or implemented components of comprehensive juvenile justice.

NCSL has also provided onsite technical assistance to many States developing or refining legislation. It has conducted annual invitational forums for select legislators involved in legislative activity that may warrant increased understanding on various juvenile justice issues. NCSL also maintains an informational clearinghouse on juvenile justice issues.

In FY 2001, NCSL would—

- Provide tailored, in-State assistance to four legislatures.
- Produce and distribute a 60-minute audiotape based on "Comprehensive Justice: A Legislator's Guide."
- Prepare and distribute to legislators and staff two LegisBriefs (fact sheets) on key juvenile justice topics.
- Plan and convene a concurrent session at the NCSL 2001 annual convention.
- Continue research, analysis, and reporting on State juvenile justice enactments.

The project would be implemented by the current grantee, the National Conference of State Legislatures. No additional applications would be solicited in FY 2001.

#### *Telecommunications Assistance*

OJJDP uses information technology and distance training to facilitate access to information and training for juvenile justice professionals. This cost-effective medium enhances OJJDP's ability to share with the field salient elements of the most effective or promising approaches to various juvenile justice issues. In FY 1995, OJJDP awarded a competitive grant to Eastern Kentucky University (EKU) to produce live satellite teleconferences. In FY 2000, OJJDP continued the cooperative agreement with EKU to provide program support and technical assistance for a

variety of information technologies and to explore linkages with key constituent groups to advance mutual information goals and objectives. This medium allows practitioners, policymakers, and researchers from across the country to keep abreast of developments in the field without having to travel. A typical videoconference will reach some 500 sites and approximately 15,000 persons at downlink sites and through personal computers.

During FY 2000, EKU produced five "live" satellite videoconferences and experimented with cybercasting "live" satellite videoconferences on the Internet. OJJDP has employed the use of Internet Streaming to simultaneously allow persons to observe and hear satellite videoconferences from desktop personal computers.

Currently, project staff are studying the feasibility of taking past satellite videoconference materials, video, printed hardcopy materials, and interviews with panelists and developing a Web-based tool or CD-ROM of the information to be used as a training or educational tool. EKU would continue to provide technical assistance to other organizations planning to conduct satellite videoconferences.

This project would be implemented by the current grantee, Eastern Kentucky University. No additional applications would be solicited in FY 2001.

#### *Training and Technical Assistance Coordination for the SafeFutures Initiative*

OJJDP proposes to continue funding for limited training and technical assistance to the SafeFutures Initiative in FY 2001. This coordination effort enhances local capacity for implementing and sustaining effective continuum-of-care and systems change approaches in the six SafeFutures sites. Project activities include assessment, identification, and coordination of the implementation of training and technical assistance needs at each of the sites. In FY 2001, this training and technical assistance would focus on sustaining the successes that the sites achieved during the previous years of the program.

This program would be implemented by the current grantee, Patricia Donahue. No additional applications would be solicited in FY 2001.

**Public Safety and Law Enforcement***Evaluation of the Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program*

OJJDP will continue funding this evaluation in FY 2001. Under a competitive cooperative agreement awarded in FY 1995, the evaluation grantee assisted the five program sites (Bloomington, IL; Mesa, AZ; Riverside, CA; San Antonio, TX; and Tucson, AZ) in establishing realistic and measurable objectives, documenting program implementation, and measuring the impact of this comprehensive approach. It has also provided interim feedback to the program implementors and trained the local site interviewers. The grantee will continue to gather and analyze data required to evaluate the program, monitor and oversee the quality control of data, provide assistance for completion of interviews, and provide ongoing feedback to project sites. This project began in 1995 and will end in 2002.

This project will be implemented by the current grantee, the University of Chicago, School of Social Service Administration. No additional applications will be solicited in FY 2001.

*Evaluation of the Partnerships To Reduce Juvenile Gun Violence Program*

This project began with a competitive award in FY 1997 to document and evaluate the process of community mobilization, planning, and collaboration needed to develop a comprehensive, collaborative approach to reducing gun violence involving juveniles. The Partnerships To Reduce Juvenile Gun Violence Program is being implemented in three sites: Baton Rouge, LA; Oakland, CA; and Syracuse, NY. The grantee, COSMOS Corporation, would continue data collection and submit a interim report on the impact evaluation in the next year. In addition to working with the three Partnership sites, COSMOS Corporation completed work in FY 2000 on the OJJDP Bulletin Fighting Juvenile Gun Violence and has developed a training and technical assistance protocol based on its experience with the Partnership sites and the gun violence report. This training and technical assistance package will be offered to a limited number of communities that are focused on reducing gun violence through a collaborative planning process.

This project would be implemented by the current grantee, COSMOS Corporation. No additional applications would be solicited in FY 2001.

*Evaluation of the Rural Gang Initiative*

This initiative is a continuation of ongoing efforts to test OJJDP's Comprehensive Gang Model. In FY 1999, four competitively selected rural sites conducted comprehensive assessments of their local gang problem and developed program designs to implement the Comprehensive Gang Model. These sites were Elk City, OK; Glenn County, CA; Mt. Vernon, IL; and Longview, WA. The evaluation grantee, the National Council on Crime and Delinquency (NCCD), has conducted case studies to document and analyze the 1-year community assessment and program planning efforts in the four sites. These case studies will contribute to the development of a model approach to assessment of community gang problems in rural areas. NCCD has also developed an outcome evaluation design for sites that are being funded to implement the model in subsequent years. FY 2000 was the first year of funding for the outcome evaluation, and FY 2001 funding would continue to support data collection for this evaluation.

This program would be implemented by the current grantee, the National Council on Crime and Delinquency. No additional applications would be solicited in FY 2001.

*Evaluation of the Transfer of Responsibility for Child Protective Investigations to Law Enforcement Agencies*

In response to concerns about the increasing demands on public child welfare agencies, the safety of children, and the effectiveness of law enforcement and social service agencies to deliver critical services, the State of Florida passed legislation in 1998 that allows for the transfer of the entire responsibility for child protective investigations to a law enforcement agency. Currently, three counties in Florida are in various stages of implementing this transfer of responsibility. This project is comparing the outcomes in the three counties where responsibility is being transferred to the sheriff's office with three comparison counties in the State of Florida. The project is concerned primarily with whether children are safer, whether perpetrators of severe child abuse are more likely to face criminal sanctions, and whether there are impacts on other parts of the child welfare system. Also, a thorough process evaluation will be conducted to describe and compare the implementation process across the three

counties. This project is in the final year of a 3-year period.

This evaluation is being funded under an interagency agreement with the National Institute of Justice. The grantee is the School of Social Work, University of Pennsylvania. No additional applications will be solicited in FY 2001.

*Gang Prevention Through Targeted Outreach (Boys & Girls Clubs)*

The purpose of this program is to enable local Boys & Girls Clubs to prevent youth from entering gangs, intervene with gang members in the early stages of gang involvement, and divert youth from gang activities into more constructive programs. This program reflects the ongoing collaboration between OJJDP and the Boys & Girls Clubs to reduce problems of juvenile delinquency and violence. The Boys & Girls Clubs of America provides training and technical assistance to local gang prevention and intervention sites, including some at OJJDP Comprehensive Gang sites, and to other clubs and organizations through regional trainings and national conferences. In FY 2000, the Boys & Girls Clubs added new gang prevention sites, gang intervention sites, and "Targeted Reintegration" sites where clubs work to provide services to youth returning to the community from juvenile correctional facilities to prevent them from returning to gangs and violence. In FY 2001, the Boys & Girls Clubs of America would identify and support up to 30 new gang prevention sites through targeted outreach and would also hold a Delinquency and Gang Prevention Symposium in the spring. A national evaluation of this program is being implemented by Public/Private Ventures.

This program would be implemented by the current grantee, the Boys & Girls Clubs of America. No additional applications would be solicited in FY 2001.

*Juvenile Justice Law Enforcement Training and Technical Assistance Program*

The Juvenile Justice Law Enforcement Training and Technical Assistance Program explores adolescent violence in the United States as a social phenomenon and a policy issue. The program covers a range of youth violence issues including the examination of crime statistics and emerging legislation. The program also conducts analysis of key areas of youth violence policy and practice: youth firearm possession and use; school violence and safety; youth-oriented

community policing; gang and drug involvement; serious, violent, and habitual juvenile offenders; multidisciplinary youth violence strategies; police management of youth programs; tribal juvenile crime; and Chief Executive Officer responses to delinquency and violence.

The program examines the core issues of youth violence using methods that are consistent with effective police practices and that promote a more positive future for America's youth. Similarly, leaders in the areas of law enforcement, prosecution, the courts, corrections, probation, and other juvenile justice agencies receive information, materials training and technical assistance designed to solve managerial issues that hinder the implementation of effective youth crime prevention strategies.

Since FY 1999, Federal funds have supported the provision of training sessions and technical assistance to State and local law enforcement jurisdictions. In FY 2000, the following workshops were conducted: (1) School Administrators For Effective Police Operations Leading to Improved Children and Youth Services and (2) Serious Habitual Offender Comprehensive Action Program (SHOCAP). Based on practitioner feedback and needs assessment data, the grantee completed revisions to the Chief Executive Officer Youth Violence Forum. Additionally, an instructional design committee has been formed to revise and update the following: Youth, Gang, Gun and Drug Policy; Youth Oriented Community Policing, and the Youth Violence Reduction Comprehensive Action Program. A new workshop, Tribal Law Enforcement Training and Technical Assistance, is also under development. The grantee will continue to provide training and technical assistance through the workshops series described above.

This program will be implemented by the current grantee, the International Association of Chiefs of Police. No additional applications will be solicited in FY 2001.

#### *Mesa Gang Intervention Project (MGIP)*

In FY 1995, OJJDP competitively selected the City of Mesa to be one of five communities to implement and test the OJJDP Comprehensive Gang Model. Since that time, the Mesa Gang Intervention Project (MGIP) has become an exciting and promising gang intervention program. The program targets youth in Mesa who are gang involved and youth who are at high-risk for gang involvement. The program provides a cadre of services including

job skill development, counseling, drug and alcohol treatment and prevention, tattoo removal services, and outreach. The program monitors gang-involved youth, holding them accountable for negative behaviors. The program has developed into a partnership with many agencies in Mesa, including police, adult and juvenile probation, United Way, local Boys & Girls Clubs, other youth-serving agencies, private businesses/corporations, and others. Preliminary evaluation information from MGIP looks very promising in reducing youth gang crime among targeted youth. Additionally, the program has been well received locally and most program components and staff have been sustained with local funds.

In FY 2001, OJJDP would provide limited additional support to MGIP to continue the local evaluation and assessment activities and allow MGIP to function as a "host" site for future OJJDP training on the Comprehensive Gang Model.

This project would be implemented by the current grantee, the City of Mesa, AZ. No additional applications would be solicited in FY 2001.

#### *National Youth Gang Center*

The proliferation of gang problems over the past two decades led OJJDP to develop a comprehensive, coordinated response to America's gang problem. This response involved five program components, one of which was implementation and operation of the National Youth Gang Center (NYGC). Competitively funded in 1994 to expand and maintain the body of critical knowledge about youth gangs and effective responses to them, NYGC provides support services to the National Youth Gang Consortium, composed of Federal agencies with responsibilities in this area. NYGC is also providing technical assistance for OJJDP's Rural Gang Initiative. In FY 2000, NYGC (1) conducted indepth analyses of the National Youth Gang Survey results that track changes in gang membership and activity, (2) produced timely information on the nature and scope of the youth gang problem, (3) continued tracking gang-related legislation at both the State and Federal level, and (4) continued providing training and technical assistance to the Rural Gang Initiative program sites.

With FY 2001 funds, the Center would continue to collect, analyze, and disseminate current, comprehensive, and accurate national-level gang-related information. It would continue to assist State and local jurisdictions in the collection, analysis, and exchange of

information on gang-related demographics, legislation, literature, research, and promising program strategies. The Center would also continue to provide indepth technical assistance to rural gang initiative grantees and to grantees of other OJJDP gang programs.

This program would be implemented by the current grantee, the Institute for Intergovernmental Research. No additional applications would be solicited in FY 2001.

#### *Rural Gang Initiative Demonstration Sites*

During FY 2000, OJJDP competitively funded four rural communities (Elk City, OK; Glenn County, CA; Longview, WA; and Mount Vernon, IL) to conduct a comprehensive assessment of the local youth gang problem. Each site has collected relevant data from multiple sources, including police, schools, courts, and community residents. They have gathered various types of data, including data on gang crime, the presence of risk factors for gang membership, and community demographics, and data from community surveys and focus groups. This information was used in each site to determine the nature and scope of the existing youth gang problems. A steering committee made up of community representatives in each site used the final assessment findings to develop a response to the problems identified. In two of the four sites, it was determined and agreed locally that an intensive gang intervention effort was not necessary. Instead, these two communities will use the data to develop gang prevention services and intervene with delinquent and gang-involved youth through a less intensive effort. The remaining two sites have determined that a more intensive gang intervention effort is required and would implement the OJJDP Comprehensive Gang Model in FY 2001.

In FY 2001, OJJDP would support the two communities implementing the OJJDP Comprehensive Gang Model. An independent evaluation of these two sites would also be conducted and technical assistance would be provided through the National Youth Gang Center.

This initiative would be implemented by two of the four current grantees, Glenn County, CA and Mount Vernon, IL. No additional applications would be solicited for this initiative in FY 2001.

#### *Technical Assistance to the Gang-Free Schools and Communities Initiatives*

In FY 2000, OJJDP launched a multisite replication of the OJJDP

Comprehensive Gang Model and a four-site demonstration program to implement the Model and further enhance the Model's school component. In FY 2001, OJJDP proposes to fund the National Youth Gang Center to provide training and technical assistance during the implementation stages of this initiative in selected communities across the country. The National Youth Gang Center is currently providing technical assistance on OJJDP's Model to communities involved in OJJDP's Rural Gang Initiative and to other OJJDP grantees.

OJJDP would provide a supplemental award to the National Youth Gang Center to provide the technical assistance. No additional applications would be solicited in FY 2001.

### **Delinquency Prevention and Intervention**

#### *Assessing Alcohol, Drug, and Mental (ADM) Disorders Among Juvenile Detainees*

This project is a major longitudinal study assessing alcohol, drug, and mental disorders among juveniles in the Cook County Detention Center in Chicago, IL. The project has three primary goals: (1) to determine how alcohol, drug, and mental disorders develop over time among juvenile detainees, (2) to investigate whether juvenile detainees receive needed psychiatric services after their cases reach disposition (whether they return to the community or are incarcerated), and (3) to study the development and interrelationship of dangerous and risky behaviors related to violence, substance use, and HIV/AIDS. This project is unique because the sample is so large: it includes 1,833 youth from Chicago who were arrested and interviewed between 1995 and 1998. The sample is stratified by gender, race (African American, Hispanic, non-Hispanic white), and age. Initial interviews have been completed, and extensive archival data (arrest and incarceration history, health and mental health treatment, etc.) collected on each subject. The investigators have been tracking the subjects and are now conducting the first set of followup interviews. A significant number of deaths, virtually all of them linked to violence (e.g. gunshot wounds), have already occurred. Because of their extensive and thorough tracking procedures, the investigators will be able to reinterview subjects regardless of whether they are back in the community, incarcerated, or have left the immediate area. The large sample size will provide sufficient statistical power to study rarer disorders

(including co-occurring disorders), patterns of drug use, and risky, life-threatening behaviors.

This project would be implemented by the current grantee, Northwestern University. No additional applications would be solicited in FY 2001.

#### *The Chicago Project for Violence Prevention*

The Chicago Project for Violence Prevention is a citywide, long-term effort to reduce violence. Objectives include reductions in homicide, physical injury, disability and emotional harm from assault, domestic abuse, sexual abuse and rape, and child abuse and neglect. A partnership among the Chicago Department of Public Health, the Illinois Council for the Prevention of Violence, the University of Illinois, and Chicago communities, the project began in 1995 with joint funding from OJJDP and the Centers for Disease Control and Prevention, the National Center for Injury Prevention and Control, the Bureau of Justice Assistance, and the U.S. Department of Housing and Urban Development. The Project now provides technical assistance to seven Chicago communities and citywide organizations involved in violence prevention planning. In FY 2001, the Chicago Project would complete evaluation reports on the first three communities involved in the project.

This project would be implemented by the current grantee, the University of Illinois, School of Public Health. No additional applications would be solicited in FY 2001.

#### *Communities In Schools, Inc.*

The purpose of Communities In Schools (CIS) is to provide training and technical assistance to the CIS Network that will result in increased ability to build economic opportunity for CIS students and families, to build healthy families and communities, and to build healthy public-private partnerships throughout the CIS Network. A special focus is placed on strengthening the families of CIS youth. In FY 2000, CIS has exceeded anticipated outcomes and demonstrated that grant resources have leveraged additional activity for family strengthening activities in the CIS Network. Working with the Families and Schools Together (FAST) National Training and Evaluation Center, CIS is creating a network of expert trainers to disseminate proven family strengthening initiatives. To that end, the focus has been on "seeding" the CIS Network with the Families and Schools Together (FAST) research-based approach to family strengthening. The

implementation of the FAST program is taking place through statewide initiatives in Missouri, North Carolina, and South Carolina, and interest in statewide replication has been identified in Georgia, Kentucky, and Texas. In FY 2001, Communities In Schools would expand the number of sites in the CIS Network implementing the FAST program.

The program would be implemented by the current grantee, Communities In Schools, Inc. No additional applications would be solicited in FY 2001.

#### *Diffusion of State Risk- and Protective-Factor-Focused Prevention*

Since FY 1997, OJJDP has provided funds to the National Institute on Drug Abuse, through an interagency agreement, to support this 5-year study of the public health approach to prevention, focusing on risk and protective factors for substance abuse at the State and community levels. The study is identifying factors that influence the adoption of the public health approach and assessing the association between this approach and the levels of risk and protective factors and substance abuse among adolescents. The study will also examine State substance abuse data gathered from 1988 through 2001 and use interviews to describe the process of implementing the epidemiological risk- and protective-factor approach in Colorado, Illinois, Kansas, Maine, Oregon, Utah, and Washington.

This project will be implemented under an interagency agreement with the National Institute on Drug Abuse by the current grantee, the Social Development Research Group at the University of Washington School of Social Work. No additional applications will be solicited in FY 2001.

#### *Do the Write Thing Challenge Program*

This program provides youth at risk of delinquency, crime, and victimization with an opportunity to use the written word to express their ideas on how best to address these problems in their communities. The program uses teachers and volunteers from law enforcement, the juvenile justice system, the medical community, and youth-serving organizations to work with the youth to develop their ideas and put them on paper in narrative or poetic form. Program participants learn to respect others' ideas and to understand the value and power of words. Students are asked to accept the challenge and pledge to avoid violence in their own lives and help prevent and reduce it in the lives of others.

With OJJDP funding, which began in FY 1997, the program has expanded to 18 cities with more than 450 schools and youth-serving organizations participating. This past school year, more than 50,000 students participated in the program's classroom discussions about youth violence and possible solutions. In FY 2001, the program would prepare a comprehensive analysis of at least 5,000 student submissions, publish a summary and develop a computer presentation of that analysis, and provide training and technical assistance to help the local Do the Write Thing committees establish a new initiative, Community Peace Partnerships, to unite local groups working to prevent and reduce youth violence and victimization.

This program would be implemented by the current grantee, the National Campaign to Stop Violence. No additional applications would be solicited in FY 2001.

#### *Evaluation of the Truancy Reduction Demonstration Program*

In FY 1999, OJJDP began funding seven sites around the country to implement truancy reduction programs. Grantees, representing a diversity of models and geographic locations, include Contra Costa, CA; Honolulu, HI; Houston, TX; Jacksonville, FL; King County, WA; Suffolk County, NY; and Tacoma, WA. Also in 1998, OJJDP funded the Colorado Foundation for Families and Children (CFFC) to conduct a national evaluation of the Truancy Reduction Demonstration Program. As part of the evaluation, CFFC is working with the sites to (1) determine how community collaboration can impact truancy reduction and lead to systemic reform; and (2) assist OJJDP in the development of a community collaborative truancy reduction program model and identify the essential elements of that model. To that end, CFFC will continue to assist project sites during this second year to identify and document the nature of the truancy problem in their communities, enhance the process of effective truancy reduction planning and collaboration, and incorporate that process into the implementation of the Truancy Reduction Demonstration Program at each site. In addition, CFFC is assisting sites in collecting information on truant youth and documenting services. The project is scheduled to last 3½ years.

This project will be implemented by the current grantee, the Colorado Foundation for Families and Children. No additional applications will be solicited in FY 2001.

#### *Intergenerational Transmission of Antisocial Behavior*

The purpose of this study, started in FY 1998, is to examine the development of childhood antisocial behavior in a three-generation prospective panel study, by making the children of the current participants in the OJJDP-sponsored Rochester Youth Development Study the focal subjects of a new long-term study. By the age of 21, 40 percent of the original Rochester participants were parents. The study will combine data obtained from the original study on the participants and their parents, with data from this new project collected on the children of the original participants. This provides the unique opportunity to examine and track the development of delinquent behavior across three generations in a particularly high-risk sample. Such a cohort is rare in social science research. The results of the study should provide very useful findings that should have policy implications for prevention programs. In the second year of this 5-year commitment, the program will continue data collection.

The project will be implemented under an interagency agreement with the National Institute of Mental Health by the current grantee, the University at Albany, State University of New York. No additional applications will be solicited in FY 2001.

#### *Investing in Youth for a Safer Future—A Public Education Campaign*

OJJDP is proposing to continue its support of the National Crime Prevention Council's (NCPC's) "Invest in Youth for a Safer Future" advertising campaign through the transfer of funds to the Bureau of Justice Assistance (BJA). OJJDP and BJA are working with NCPC to produce, disseminate, and support effective public service advertising and related media to inform the public of effective solutions to juvenile crime and to motivate young people and adults to get involved and support these solutions. The featured solutions include effective prevention programs and intervention strategies.

The program would be implemented under an interagency agreement with the Bureau of Justice Assistance by the current grantee, the National Crime Prevention Council. No additional applications would be solicited in FY 2001.

#### *Multisite, Multimodal Treatment Study of Children With Attention Deficit/Hyperactivity Disorder*

OJJDP will transfer funds under a 5-year interagency agreement with the

National Institute of Mental Health (NIMH) to support this research, funded principally by NIMH. In 1992, NIMH began a study of the long-term efficacy of stimulant medication and intensive behavioral and educational treatment for children with attention deficit/hyperactivity disorder (ADHD). Although ADHD is classified as a childhood disorder, up to 70 percent of afflicted children continue to experience symptoms in adolescence and adulthood. The study will continue through 2001 and will follow the original families and a comparison group. OJJDP's participation, which began in FY 1998, supports continued investigations into the subjects' delinquent behavior and contact with the legal system, including arrests and court referrals.

This program will be implemented through an interagency agreement with the National Institute of Mental Health. No additional applications will be solicited in FY 2001.

#### *Risk Reduction Via Promotion of Youth Development*

Also known as Early Alliance, this program, begun in FY 1997, is a large-scale prevention study involving hundreds of children in several elementary schools in lower socioeconomic neighborhoods of Columbia, SC. This project is designed to promote coping competence and reduce risk for conduct problems, aggression, substance use, delinquency and violence, and school failure beginning in early elementary school. The interventions begin in the first grade, and children are followed longitudinally throughout the 5 years of the project. A major goal of the project is to reduce the development of conduct problems, aggression, and subsequent delinquency and violence. The project also seeks to alter home and school climates in order to reduce risk for adverse outcomes and to promote positive youth development. This project is in the final year of a 5-year project period.

This project will be implemented under an interagency agreement with the National Institute of Mental Health by the current grantee, the University of South Carolina. No additional applications will be solicited in FY 2001.

#### *Strengthening Services for Chemically Involved Children, Youth, and Families*

The U.S. Departments of Justice and Health and Human Services (HHS) provide services to children affected by parental substance use or abuse. OJJDP administers this training and technical

assistance program, which began in FY 1998. HHS's Substance Abuse and Mental Health Services Administration has partnered with OJJDP to fund a cooperative agreement with the Child Welfare League of America (CWLA), a nonprofit organization. CWLA is assisting child welfare personnel to provide appropriate intervention services for children impacted by the abuse of alcohol and other drugs (AOD) and for their caregivers. CWLA is producing a comprehensive assessment tool and decisionmaking guidelines for child welfare workers and supervisors. CWLA training and technical assistance will help to develop innovative and effective approaches to meeting the needs of children in the child welfare system whose parents are AOD abusers.

Previously, the grantee developed a curriculum based on the Substance Affected Families Environmental and Strengths Assessment, drafted a training outline, edited design materials, and provided ongoing support to CWLA national training staff. In FY 2001, CWLA would continue the development and online dissemination of resource materials, training, and technical assistance to improve the ability of child welfare and juvenile justice direct service professionals to prepare youth in out-of-home care for adulthood, promote their positive development, and support them in avoiding high-risk behaviors.

This project would be implemented by the current grantee, the Child Welfare League of America. No additional applications would be solicited in FY 2001.

#### *Study of the Marketing of Age-Restricted Violent Entertainment to Children*

This study, announced on June 1, 1999, is being conducted by the Federal Trade Commission (FTC), with financial support from OJJDP. The study will report on whether, and to what extent, movies, video and computer games, and music recordings that are age-restricted because of their violent content are marketed or are available to children. The FTC has completed the four major tasks of this program: developed basic background information on the three industries and developed the study plan and procedures, surveyed industries to determine age groups being targeted in industry promotions, surveyed juveniles and parents to determine attitudes toward ratings, and conducted a survey to determine the degree of compliance with existing industry ratings. Data are now being analyzed and the final report being written. Additional funding in FY 2001 would be used to disseminate

study results to parents, children, and other OJJDP constituent groups.

This project would be implemented by the Federal Trade Commission under an extension to an interagency fund transfer agreement. No additional applications would be solicited in FY 2001.

#### *Technical Assistance for Community Prevention Programs—Title V*

The purpose of this FY 2000 contract is to provide OJJDP with the capacity to provide communities with training and technical assistance support for implementation of the Title V—Community Prevention Grants program. The contractor will continue to provide nationwide training and technical assistance for State and local jurisdictions on developing and implementing comprehensive communitywide, data-based delinquency prevention strategies. Through training and technical assistance, community representatives develop the knowledge and skills necessary to assess risk and protective factors for delinquency prevention. Community leaders will be trained to identify and direct community resources to address identified risk factors.

This project will be implemented by the current contractor, Development Services Group. No additional applications will be solicited in FY 2001.

#### *Truancy Reduction Demonstration Program*

In FY 1998, OJJDP, the Office of Justice Programs' Executive Office of Weed and Seed, and the U.S. Department of Education jointly engaged in a grant program to address truancy. This program specifically outlines four major comprehensive components: (1) system reform and accountability, (2) a service continuum to address the needs of children and adolescents who are truant, (3) data collection and evaluation, and (4) a community education and awareness program from kindergarten through grade 12 that addresses the need to prevent truancy and to intervene with youth who are truant. The goals of this program are to develop and implement or expand and strengthen comprehensive truancy programs that pool education, justice system, law enforcement, social services, and community resources to (1) identify truant youth; (2) cooperatively design and implement comprehensive, systemwide programs to meet the needs of truant youth; and (3) design and maintain systems for tracking truant youth. OJJDP

has awarded funds for this program to seven sites: three non-Weed-and-Seed sites (Honolulu, HI; Jacksonville, FL; and King County, WA) and four Weed and Seed sites (Houston, TX; Martinez, CA; Tacoma, WA; and Yaphank, NY). All sites are currently involved in program development and implementation of plans that link youth and adolescents who are truant with community-based services and programs. They are also involved in full implementation of the community's comprehensive systemwide plan to prevent and intervene with the problem of truancy. This program is currently being evaluated by the Colorado Foundation for Families and Children (CFFC), which is conducting a process evaluation that will help to identify key elements of an effective truancy program.

This program will be implemented by the current grantees, Honolulu, HI; Houston, TX; Jacksonville, FL; King County, WA; Martinez, CA; Tacoma, WA; and Yaphank, NY. No additional applications will be solicited in FY 2001.

#### **Strengthening the Juvenile Justice System**

##### *Balanced and Restorative Justice (BARJ) Training Project*

The goal of the BARJ project is to help control juvenile delinquency through increased use of restitution, community service, and other innovative programs as part of a jurisdictionwide juvenile justice change from traditional retributive or rehabilitative system models to balanced and restorative justice orientation and procedures. The specific steps for achieving this goal involve preparing materials, training personnel interested in BARJ, and providing onsite technical assistance to selected State and local jurisdictions committed to implementing BARJ. Materials development in FY 2001, year 3 of a 3-year project period, will include documents on restorative justice programs, practices, and policy directions. The materials will be useful for training juvenile justice system practitioners and managers on the BARJ model and for providing onsite technical assistance. The training and technical assistance will be delivered at regional and national roundtables, juvenile justice conferences, and specialized workshops. "Training of trainers" programs will also be offered. There will be some concentration of BARJ technical assistance at the State level and on advancing judges' and prosecutors' leadership in the area of restorative justice. Further, there will be

an effort to involve corporations and foundations in BARJ implementation and initial exploration of introducing BARJ in higher education.

Over recent years, the BARJ Project has reached justice system managers and practitioners in every State, and there is now some restorative justice activity going on in every State. The project has developed both basic and advanced BARJ training curriculums (in cooperation with the National Institute of Corrections); BARJ resource documents, such as an implementation guide, and a soon-to-be-published restorative justice inventory. In addition, numerous articles in professional periodicals have been published by project staff and consultants.

During the past 12 months, BARJ staff and consultants presented more than 25 key training and technical assistance events. Notable among these were a number of roundtables for judges, Native American juvenile justice administrators, and (regionally) representatives of States interested in implementing BARJ. The roundtables typically draw from 30 to 40 local juvenile justice leaders. BARJ staff also held Forums on Changing Roles for Juvenile Probation, Prosecutor Involvement in Restorative Justice, and Strength-Based Rehabilitation and Competency Development. Further, intensive training and onsite technical assistance were provided to nine "special emphasis States." In addition, BARJ staff and consultants delivered two "train the trainer" courses and a Basic BARJ Principles course (in cooperation with the Juvenile Accountability Incentive Block Grants program and with the National Institute of Corrections). Since 1998, the project has organized or made presentations at more than 100 events. Over 10,000 juvenile justice and related practitioners have participated in these events. Seven BARJ publications are currently in various stages of production.

This project will be implemented by the current grantee, Florida Atlantic University. No additional applications will be solicited in FY 2001.

#### *Blueprints for Violence Prevention: Training and Technical Assistance*

In FY 1998, OJJDP funded a cooperative agreement with the Center for the Study and Prevention of Violence (CSPV) at the University of Colorado. Under this agreement, CSPV provides intensive training and technical assistance to community organizations and units of local government to replicate 10 "Blueprint" model programs. These are programs

that CSPV identified as meeting a rigorous scientific standard of proven program effectiveness and replicability for reducing adolescent violence, crime, and substance abuse. CSPV will help communities determine the feasibility of program development and also monitor and assist in the replication of these Blueprint programs for a period of 2 years.

The model programs being replicated under this award include Multisystemic Therapy (MST), Promoting Alternative Thinking Strategies (PATHS), Nurse Home Visitation, Multidimensional Treatment Foster Care (MTFC), Quantum Opportunities Program, Bullying Prevention Program, Functional Family Therapy (FFT), and the Big Brothers/Big Sister (BBBS) Mentoring Program.

To date, 40 sites are participating in the program. Overall, 594 individuals have been trained, for a total of 158 days of training.

CSPV has completed process evaluation visits with all 40 sites. A total of 3,078 individuals have been served through the Blueprints initiative. MST and BBBS clients have completed their first year of implementation. Total clients served to date include the following: Bullying Prevention (2,303), PATHS (581), FFT (30), MTFC (7), MST (119); and BBBS (38). In FY 2001, the final year of a 2-year project period, the grantee will continue to provide overall guidance to the program and monitor the integrity of each implementation. CSPV will also conduct process evaluation site visits, provide phone consultation, and provide training and technical assistance.

This project will be implemented by the current grantee, the Regents of the University of Colorado. No additional applications will be solicited in FY 2001.

#### *Building Blocks for Youth*

The goals of this initiative are to protect minority youth in the justice system and promote rational and effective juvenile justice policies. These goals are accomplished by the following components: (1) conducting research on issues such as the impact on minority youth of new State laws and the implications of privatization of juvenile facilities by profit-making corporations; (2) undertaking an analysis of decisionmaking in the justice system and development of model decisionmaking criteria that reduce or eliminate disproportionate impact of the system on minority youth; (3) building a constituency for change at the national, State, and local levels; and (4) developing communication strategies

for dissemination of information. A fifth component, direct advocacy for minority youth, is funded by sources other than OJJDP. Funding by OJJDP began in FY 1998.

The grantee, Youth Law Center (YLC), has undertaken a number of tasks to move this initiative forward. The grantee is preparing a comprehensive report on the disparate impact on minority youth by the justice system at critical decision points. YLC is also supporting a wide range of national and local advocacy organizations to work for needed juvenile justice reforms. The grantee continues to build a constituency for change at the national, State, and local levels with this effort being informed by development of communications strategies based upon the results of a series of national focus groups that survey public opinion and perceptions of juvenile crime. YLC has released two publications, *The Color of Justice* and *And Justice for Some*, which drew attention and raised the interest levels of various public officials and special interest groups. Several new publications are under development in FY 2001.

This project would be implemented by the current grantee, Youth Law Center. No additional applications would be solicited in FY 2001.

#### *Census of Juveniles in Residential Placement*

The Census of Juveniles in Residential Placement (CJRP) collects individual-level data on all juveniles in residential placement on a specific reference day (the fourth Wednesday in October). The data elements collected include age, sex, race, placing agency, legal status, and most serious offense. Because this project is a census, it allows for State-level reporting of juveniles in residential placement or custody. The census is mailed to all facilities that can and do hold juvenile offenders. Facility personnel report on all offenders under 21 residing in their facilities on the specific reference day. The facilities also provide some basic information on any other persons who do not fit these criteria. The CJRP was first conducted in October 1997 and then again in October 1999. Data from the 1997 CJRP are available on the Internet in tabular form at OJJDP's Web site ([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)). Data from the 1999 CJRP will be available for public use by December 2000. The CJRP would be conducted a third time in October 2001, with data available by December 2002.

This program would be continued through the extension of an interagency agreement with the Bureau of the

Census. No additional applications would be solicited in FY 2001.

*Center for Students With Disabilities in the Juvenile Justice System*

During FY 1999, OJJDP undertook a joint initiative with the Office of Special Education and Rehabilitative Services, U.S. Department of Education, to establish a Center for Students with Disabilities in the Juvenile Justice System. It is expected that this project will have a significant impact on the improvement of juvenile justice system services for students with disabilities. Improvements in the areas of prevention, educational services, and reintegration based on a combination of research, training, and technical assistance will lead to improved results for children and youth with disabilities. The Center for Students with Disabilities in the Juvenile Justice System will provide guidance and assistance to States, schools, justice programs, families, and communities to design, implement, and evaluate comprehensive educational programs, based on research-validated practices, for students with disabilities in the juvenile justice system.

This program will be implemented under an existing 5-year interagency agreement with the U.S. Department of Education by the current grantee, the University of Maryland. No additional applications will be solicited in FY 2001.

*Comprehensive Children and Families Mental Health Training and Technical Assistance*

OJJDP, under a 3-year interagency agreement, transferred funds to the Center for Mental Health Services (CMHS) in FY 1999 and FY 2000 to supplement a contract for training and technical assistance to the CMHS-funded Comprehensive Mental Health sites. The grantee has established the training and technical assistance center in Washington, DC, and has hired staff with juvenile justice and mental health experience to coordinate training and technical assistance to the 42 funded sites. This training and technical assistance is designed to enhance the involvement of the juvenile justice system in the systems of care being developed in each of the CMHS-funded sites. The juvenile justice coordinator has been working with program sites requesting assistance in engaging their juvenile justice systems through onsite and telephone technical assistance. The coordinator has also established linkages with key juvenile justice associations, such as the National Council of Juvenile and Family Court

Judges, to foster their involvement. Additionally, the coordinator is developing a resource guide for the sites. Funds will be transferred to CMHS in FY 2001 for the final year of the 3-year interagency agreement.

This initiative will be implemented through an interagency agreement with the Center for Mental Health Services. No additional applications will be solicited in FY 2001.

*Connecticut/Cook County (IL) Girls Collaborative*

A national collaboration between the State of Connecticut and Cook County, IL, has been forged around the needs of court-involved girls. The primary goal of this collaboration is the creation of a replicable model of systems change for court-involved girls, including girls who are pregnant and/or young mothers. Since this project began in FY 1997, the sites have shared lessons learned and have taken action to improve services to court-involved girls. Specific accomplishments include conducting comprehensive studies of the Connecticut female juvenile offender population, convening a statewide "Gender Responsiveness" conference, providing training to juvenile justice staff on gender responsiveness, and developing a case management system for girls and a risk and needs assessment instrument. The project has begun to implement a pilot program and test gender-specific services.

OJJDP would support this national collaboration in FY 2001 in order to continue to develop innovative responses to the female offender population and girls at-risk of entering the juvenile justice system.

The program would be implemented by the current grantees, Cook County Board of Commissioners and Connecticut Judicial Branch. No additional applications would be solicited in FY 2001.

*Development of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*

This continuation grant would enable OJJDP to provide communities with training and technical assistance support for development of strategic plans and implementation of those plans that are based on the research foundation of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. The grantees would continue to provide training and technical assistance for State and local jurisdictions on developing and implementing comprehensive strategic plans that are designed to reduce juvenile

delinquency. Through training and technical assistance, communities would develop the knowledge and skills necessary to assess risk and protective factors, develop and implement research-based programs and prevention and graduated sanctions services, and more effectively address juvenile crime in their communities.

This project would be implemented by the current grantees, Developmental Research and Programs, Inc. and the National Council on Crime and Delinquency. No additional applications would be solicited in FY 2001.

*Evaluation of the Department of Labor's Education and Training for Youthful Offenders Initiative*

This evaluation, initially funded in FY 1999, has documented the activities undertaken by two States awarded grants under the U.S. Department of Labor's (DOL's) Education and Training for Youthful Offenders Initiative. Each DOL grantee will provide comprehensive school-to-work education and training within a juvenile correctional facility and followup and job placement services as youth return to the community. It is intended that the comprehensive services developed under these grants will serve as models for other juvenile correctional facilities across the country.

The OJJDP-sponsored evaluation of these projects is being conducted in two phases. During Phase I, a process evaluation is under way at each site to document the extent to which educational, job training, and aftercare services were enhanced with DOL funding. Also, the feasibility of conducting an impact evaluation at each site is being determined during Phase I. Phase II will entail conducting an impact evaluation at one or both sites. For those sites where a rigorous impact evaluation can be conducted, the effects of the program on job-related skills, employment, earnings, academic performance, and recidivism will be measured. The FY 2001 funds would be used to support the impact evaluation, if a feasible research design is accepted by OJJDP and the DOL.

This project would be implemented by the current grantee, the National Council on Crime and Delinquency. No additional applications would be solicited in FY 2001.

**Evaluation of the Performance-Based Standards Project**

To enhance the impact of the Performance-Based Standards (PBS) Project, OJJDP has entered into an interagency agreement with the U.S. Department of Commerce to support a

formative evaluation of the project. This evaluation, which is being conducted by the National Academy for Public Administration (NAPA), provides continuous, objective assessments of the projects implementation nationally and within the participating sites. Currently, the Performance-Based Standards Project has 59 participating facilities and agencies. The evaluation, which has been ongoing since 1998, provides continuous feedback to the project team at the Council of Juvenile Corrections Administrators (CJCA) and Abt Associates. In the initial phases of the project, the NAPA evaluation team conducted surveys of the participating sites to learn about the facilities' perceptions of the project. This survey led directly to the PBS project setting up a sophisticated monitoring system that will more closely track the sites' development and implementation of their facility improvement plans. The monitoring system will assist project staff in determining what technical assistance the facilities require and at what points. The surveys also indicated a need for ongoing technical assistance in the sites because of staff turnover and job changes. In the coming year, the evaluation would continue the formative evaluation of PBS as more demonstration facilities are brought into the process. The evaluation would also focus on issues of privacy and would conduct site visits to gain objective views of the progress of PBS at the facility level.

This program would be funded in FY 2001 under an interagency agreement with the Department of Commerce and implemented by the current grantee, the National Academy for Public Administration. No additional applications would be solicited in FY 2001.

#### **Evaluation of SafeFutures**

A national evaluation competitively awarded with FY 1995 funds is being conducted by the Urban Institute to determine the success of the SafeFutures initiative in creating a comprehensive continuum of care for youth in six participating sites (Boston, MA; Contra Costa County and Imperial County, CA; Fort Belknap, MT; Seattle, WA; and St. Louis, Missouri). The evaluation addresses the program implementation process and measures performance outcomes and lessons learned about the challenges and accomplishments across the six sites. A cross-site report will document the process of program implementation and community outcomes for use by other funding agencies or communities that want to develop and implement a

comprehensive community-based strategy to address serious, violent, and chronic delinquency. FY 2001 is the final year of the 6-year project period.

The evaluation will be implemented by the current grantee, the Urban Institute. No additional applications will be solicited in FY 2001.

#### *Juvenile Defender Training, Technical Assistance, and Resource Center*

The Juvenile Defender Training, Technical Assistance, and Resource Center (Juvenile Defender Center), now in its second year of funding under a 5-year project period grant, was competitively awarded to the American Bar Association (ABA) in FY 1999. The Juvenile Defender Center fills a major gap in resources and support for juvenile defenders in the United States by providing training and technical assistance services. Nationally focused training and technical assistance for juvenile defenders did not exist before OJJDP funded the original Due Process Advocacy project from 1993 to 1999. Building on the Due Process Advocacy project, the Juvenile Defender Center project is designed to facilitate the development of a permanent training and technical assistance capability for juvenile defenders in the United States. Improving the capabilities and skills of juvenile defenders will strengthen the juvenile justice system and provide greater assurance that juveniles charged with delinquency will receive the due process and adequate representation they are guaranteed under the U.S. Constitution.

Over the past year, the ABA and its project partners (the Juvenile Law Center and the Youth Law Center) have completed planning for the implementation of the program, held the third National Juvenile Defenders Summit at Georgetown University Law School in Washington, DC, and participated in the planning and implementation of the Office of Justice Programs' National Defenders Conference in June 2000. In accordance with grant timelines, the ABA competitively selected and funded eight Regional Juvenile Defender Centers, designed to provide services to the juvenile defense bar on a regional level. The ABA also organized and held forums on representing female juvenile offenders and on representing juveniles who have mental health problems. The ABA and its project partners are planning the fourth Juvenile Defender Summit, which will take place in Houston, TX, in October 2000. The ABA also continues to provide national technical assistance and materials to assist juvenile defenders with their

cases. A unique funding mechanism, used for the first time with this grant program, provides incentive funds to the ABA to the extent it can raise additional funds in the private sector or obtain in-kind services. The ABA and its partners have been highly successful in raising funds and obtaining donated resources. The success of these efforts underscores the importance of the juvenile defense issue to the private funding community.

This project will be continued in FY 2001 by the current grantee, the American Bar Association. No additional applications will be solicited in FY 2001.

#### **Juvenile Justice Prosecution Unit**

The goal of this project, first funded in FY 1995, is to increase and improve prosecutor involvement in juvenile justice. FY 2001 is the final year of the project period. The grantee, the American Prosecutors Research Institute (APRI), the training and technical assistance arm of the National District Attorneys Association, identifies prosecutor training and technical assistance needs in the juvenile justice area through ongoing assessment by a working group of experienced prosecutors. The project designs and presents specialized training events for elected and appointed district attorneys and juvenile unit chiefs. The training deals with prosecutor leadership roles in the juvenile justice system and with the clarification or resolution of important juvenile justice issues. Such issues include juvenile policy, code revisions, resource allocation, charging, transfer to criminal court, alternative juvenile programs, confinement, record confidentiality, and collaboration with other agencies. Training also addresses the role of other areas in juvenile justice, such as community prosecution, community justice, restorative justice, community assessment centers, and mental health concerns. In addition, APRI develops training and reference materials pertaining to significant juvenile justice topics.

The project has developed workshop and training materials and a "Compendium of Programs" operated or supported by prosecutor offices. The grantee presents six or more training events each year, including special issues seminars dealing with delinquency prevention, crime on campus, and other topics of interest to prosecutors. The project advisory group, made up of both chief and deputy prosecutors, advises APRI staff on training topics and also serves as training faculty.

Recent APRI training topics and workshops have included a "train the trainer" course; a Juvenile Justice Leadership Summit; a Juvenile Justice Track (a number of seminars) at the annual National District Attorneys Association conference and a Juvenile Justice Prosecution Track (a number of seminars) at the National Conference on Juvenile Justice; a Juvenile Justice Prosecution course with a distance learning component; and several additional workshops in conjunction with the Juvenile Accountability Incentive Block Grants Jumpstart program. Two special issues workshops are currently under development. Over the past year, APRI has trained more than 600 juvenile justice prosecutors. The APRI Juvenile Justice project also provides technical assistance, usually in the form of responses to requests for information on subjects related to juvenile justice.

This project will be implemented by the current grantee, the American Prosecutors Research Institute. No additional applications will be solicited in FY 2001.

#### *Juvenile Residential Facility Census*

OJJDP designed this new census to collect important information on facility characteristics, services provided in juvenile facilities, and conditions within those facilities. It provides a biennial census of residential facilities used by the juvenile justice system to hold youth accused of or adjudicated for an offense. The data collection forms will be mailed to each facility for completion by facility personnel. The Juvenile Residential Facility Census (JRFC) will collect information on health care services, mental health counseling or treatment, substance abuse treatment, and education. The questions in the census will also determine whether youth in the facility have access to the specific services (the methods used in the census cannot make evaluative statements on the quality of those services). The JRFC will also ask specific questions about the nature of the facility itself. It contains a series of questions that get at conditions of confinement. A series of questions on the number of beds used (including makeshift beds) permit some analysis of whether the facility (or part of the facility) is crowded. Other questions ask about the use of isolation or restraints. Finally, the JRFC will collect information on any deaths in custody. The census was tested in October 1998. The first full JRFC will be conducted in October 2000, and the data collected will be available for public use by December 2001.

This project would be implemented through the extension of an existing interagency agreement with the Bureau of the Census, Governments Division and Statistical Research Division. No additional applications would be solicited in FY 2001.

#### *Longitudinal Study To Examine the Development of Conduct Disorder in Girls*

The purpose of this project, which began in FY 1998, is to examine the development of conduct disorder in a sample of 2,500 inner-city girls who were ages 6 to 8 at the beginning of the study. The study is following the girls annually for 5 years and will provide information that is critical to the understanding of the etiology, comorbidity, and prognosis of conduct disorder in girls. This project is important because delinquency in girls has been steadily increasing over the past decade and a better understanding of the developmental processes in girls will help in identifying effective means of prevention and provide direction for juvenile justice responses to delinquent girls. In the upcoming year, the program will continue data collection.

The project will be implemented under an interagency agreement with the National Institute of Mental Health by the current NIMH grantee, the University of Pittsburgh. No additional applications will be solicited in FY 2001.

#### *National Juvenile Justice Data Analysis Project*

In FY 1999, the National Juvenile Justice Data Analysis Project (NJJJAP) was funded to provide research and analysis into a wide variety of juvenile justice issues including juvenile placement, custody, arrests, victimization, and juvenile offending. However, the topics of interest to juvenile professionals are not limited to these typical justice topics. As research expands, the field is learning more and more about the intersection of between delinquency and other problems such as mental health disorders, education needs, and physical injury. Information about these problems can help in the design of effective prevention or intervention measures and also indicate what problems the justice system will face in dealing with delinquent youth. NJJJAP will examine issues of concern through cooperating with experts in related fields of interest and by using data collected in those fields. This project produces quick, unique analyses of these issues for publication by OJJDP. The intent is not to develop a unique research design for the individual

questions. Rather, it is to address the individual questions within the context of existing data. Frequently, different data sets can be brought to bear on specific topics, giving a wider perspective on the particular topic at hand.

In the coming year—the third year of a 3-year project period, NJJJAP will expand its roster of available consultants who can provide either data analysis expertise or knowledge on particular aspects of adolescent development, juvenile delinquency, or the justice system. The NJJJAP will also broaden its reach for innovative data sets to State and local levels. Currently, the project has focused its energy on national data; however, as questions arise concerning school victimization or recidivism, it is apparent that only State-level data sets are suitable for such analyses.

This project will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in FY 2001.

#### *National Juvenile Justice Program Directory*

To conduct statistical projects, OJJDP and the Census Bureau require a support infrastructure that enables the necessary survey tasks to be performed efficiently and effectively. This infrastructure includes as a basic component the maintenance of a list or frame of all survey or sampling units. For example, the surveying of residential facilities could not take place without a list of such facilities. Indeed, as OJJDP moves toward surveying these facilities once a year, this list must be maintained continuously. Also, as the Office moves toward surveying juvenile probation offices, OJJDP and the Census Bureau will need a current list of all such offices in the United States. Other areas of interest might include juvenile courts, police departments, State agencies, etc. The maintenance of the lists includes contacting various key State and local officials or practitioners who can provide the names of agencies or facilities associated with their respective agencies. It also requires maintaining current contact information for these agencies or facilities. Finally, it requires developing and updating a database of these facilities that contains information necessary for sampling or stratification purposes. This ongoing project fills the need for lists of juvenile agencies, programs, and facilities.

This project would be conducted under an extension to an existing interagency agreement with the Bureau of the Census, Governments Division.

No additional applications would be solicited in FY 2001.

*The National Longitudinal Survey of Youth 97*

OJJDP proposes to continue to support the third round of data collection, begun in FY 1997, by the National Longitudinal Survey of Youth 97 (NLSY97) under an interagency agreement with the Bureau of Labor Statistics (BLS). The NLSY97 is studying school-to-work transition in a nationally representative sample of 8,700 youth ages 12 to 16 years old. BLS is also collecting data on the involvement of these youth in antisocial and other behavior that may affect their transition to productive work careers. The survey will provide information about risk and protective factors related to the initiation, persistence, and desistance of delinquent and criminal behavior and provides an opportunity to determine the generalizability of findings from OJJDP's Program of Research on the Causes and Correlates of Delinquency and other longitudinal studies to a nationally representative population of youth.

The program would be implemented through the extension of an existing interagency agreement with the Bureau of Labor Statistics. No additional applications would be solicited in FY 2001.

*Performance-Based Standards for Juvenile Correction and Detention Facilities*

Performance-Based Standards for Juvenile Correction and Detention Facilities, a program that began with a competitive OJJDP cooperative agreement awarded to the Council of Juvenile Correctional Administrators (CJCA) in FY 1995, has developed a performance management system for juvenile correctional facilities. The system provides tools for monitoring and improving outcomes in six critical facility functions: providing security, safety, order, health care, educational, and mental health programming within a context that protects individual rights. In 1999, 32 facilities, including 2 State systems, began the implementation process, which consists of the collection and analysis of baseline data; the development of an initial facility improvement plan, which may include financial support to make improvements; and reassessment and revision of the facility improvement plan.

During FY 2000, the program underwent refinements to improve management of the process for the facilities. In addition, approximately 26

new sites began the process, using streamlined data collection and new diagnostic tools. In addition to working with the participating facilities during the past year, the project finalized the implementation model; revised instruments, as needed; and developed criteria for determining full implementation, including the testing of community release measures. Where appropriate, the project has established performance benchmarks and developed analytical reports regarding facility and system change that occurred in the test sites. Additionally the project has produced an interactive Web site for secure entry of data and receipt of feedback in the form of Site Reports and access to the diagnostic pages of the development of Facility Improvement Plans.

FY 2001 funding would provide the resources needed for full onsite training, technical and financial assistance, and data quality assurance assessments for the additional facilities currently receiving only limited support and continued support of two additional rounds of reporting for all sites. The performance measures and data collection tools for the community reintegration component would be field tested and incorporated into the Site Reports and Facility Improvement Plans. Additional technical and financial assistance would be provided for the development or modification of State Agency management information systems to accommodate reporting requirements for more fluid integration with online management reporting. The project would also complete the revisions of staff and youth interview protocols and related data collection and reporting components so that they are compatible with the final design of OJJDP's new Survey of Youth in Residential Placement instrument. This will allow for future comparison of results from the sites participating in this project with a national sample of youth facilities. Also, a series of research summaries regarding performance trends and improvements in various domains will be developed to inform the field about promising practices in improving specific outcomes.

This program would be implemented by the current grantee, the Council of Juvenile Correctional Administrators. No additional applications would be solicited in FY 2001.

*Study Group on Very Young Offenders*

Modeled after the OJJDP Study Group on Serious and Violent Juvenile Offenders, this project is exploring what is known about the prevalence and

frequency of very young (under the age of 13) offending. In FY 1998, OJJDP supplemented a grant to the University of Pittsburgh, the grantee for the Study Group on Serious and Violent Juvenile Offenders. The Study Group on Very Young Offenders is examining whether such offending predicts future delinquent or criminal careers, how these youth are handled by various systems including juvenile justice, mental health, and social services; and what methods are best for preventing very young offending and persistence of offending. In FY 2001, the project would disseminate the results of its research to the public, policymakers, and practitioners.

This program would be implemented by the current grantee, the Western Psychiatric Institute and Clinic at the University of Pittsburgh. No additional applications would be solicited in FY 2001.

*Systems Improvement Training and Technical Assistance*

In FY 1999, OJJDP competitively awarded funds to the Institute for Educational Leadership (IEL) to provide training and technical assistance to strengthen and sustain the capacity of SafeFutures and Safe Kids/Safe Streets demonstration sites in order to assist them with systems change activities. The project seeks to help sites (1) address their system goals and effectively address challenges, (2) educate and inform other communities and the juvenile justice field about how they can more effectively pursue community-based systems reform, (3) enhance the skills of community and staff leadership so they are better able to sort through the complexities of systems reform, and (4) build the overall capacity of the selected sites to engage in strategic planning, develop policies and programs, and build community collaboratives to address specific substantive challenges and achieve measurable results.

Since the project was awarded, IEL has established a pool of consultants with expertise in areas related to systems improvement activities; developed resources useful to communities addressing issues critical to systems improvement, including using data effectively, achieving sustainability, and building consumer capacity and cultural competence; and provided assistance to Safe Kids/Safe Streets sites.

In FY 2001, OJJDP would continue to fund the project in order to further provide assistance to selected OJJDP grantee communities interested in systems reform and change and to begin

disseminating "lessons learned" to other communities.

This project would be implemented by the current grantee, Institute for Educational Leadership. No additional applications would be solicited in FY 2001.

#### *Survey of Juvenile Probation*

This project will design a survey instrument and survey methodology that OJJDP can use to routinely monitor the number and types of juveniles on probation. Probation has been an understudied segment of the juvenile justice system, yet it has been described as the workhorse of that system. OJJDP began this project in 1997 through an interagency agreement with the U.S. Census Bureau. The project has several phases. The first phase includes open-ended structured interviews with probation officers at the State and local levels in 10 States. Based on these interviews, the Census Bureau and OJJDP will develop a draft instrument designed to collect contact information for each office as well as stratifying information (e.g., number of youth supervised, number of officers, etc.). Phase II will include both cognitive interviews to test this first instrument (intended to be a census of probation offices) and structured interviews for the development of the probation survey. Based on these interviews, the Center for Survey Methods Research and the Governments Division of the Census Bureau will develop a feasibility test. This test will examine how well the forms work in collecting the necessary information from a small number of States. Phase III will include the development of the survey instrument and cognitive tests of this instrument in a number of probation offices. The final phase, Phase IV, will consist of a feasibility test of the final survey instrument. The Center for Survey Methods Research has completed Phase I of this project and will deliver to OJJDP a draft instrument in early 2001. Phase II of the project will start shortly after that point. OJJDP anticipates the first Survey of Juvenile Probation will take place in calendar year 2002.

This project would be conducted through an interagency agreement with the Bureau of the Census. No additional applications would be solicited in FY 2001.

#### *Technical Assistance to Native American Tribes and Alaskan Native Communities*

The Technical Assistance to Native American Tribes and Alaskan Native Communities project is designed to equip tribal governments with the

necessary information and tools to enhance or develop comprehensive, systemwide approaches to reduce juvenile delinquency, violence, and victimization and increase the safety of their communities. In FY 1997, OJJDP awarded a 3-year cooperative agreement to American Indian Development Associates (AIDA) to provide training and technical assistance to Indian nations seeking to improve juvenile justice services to children, youth, and families.

Throughout FY's 1998 and 1999, AIDA continued to provide technical assistance to Indian nations and developed information materials for Indian juvenile justice practitioners, administrators, and policymakers. Topic areas covered Indian youth gangs; personnel competency building, such as conducting effective preadjudication investigations and preparing reports; developing protocols to implement Tribal Children's Code provisions that affect Native American children; establishing sustainable, comprehensive community-based planning processes that focus on the needs of tribal youth; and developing and implementing culturally relevant policies, programs, and practices. The technical assistance and materials also addressed the overlapping roles and jurisdiction of Federal, State, and tribal justice systems, particularly in understanding the laws and public policies applicable to or effective in Indian communities.

AIDA recorded 74 training and technical assistance events in FY 2000, including 33 workshops. Technical assistance provided to the Indian nations included juvenile justice systems planning development, early intervention program training, application of indigenous justice and restorative justice practices, focus group processes and methodology, needs assessment development, and data collection. Three of the completed projects had multiregional representation, and five of the completed projects had a wider tribal representation. The Indian nations were from 6 regions: Midwest (8); Northwest (2), South Central (3), Southeast (2), and Southwest (10). Some projects featured collaboration with State and Federal organizations, bureaus, and agencies.

In FY 2001, AIDA would provide continuing training and technical assistance to tribes seeking to develop and enhance their juvenile justice systems with emphasis in the following areas: developing a community-based secondary prevention program, developing a tribal justice probation system, developing multidisciplinary approaches to youth gang violence

prevention, establishing risk assessment and classification systems, developing comprehensive strategies to handle offenders, expanding referral and service delivery systems, developing cooperative interagency and intergovernmental relationships, and developing technology to improve systems and increased access to juvenile justice information.

A new solicitation would be issued and a grant awarded through a competitive process in FY 2001.

#### *TeenSupreme Career Preparation Initiative*

In FY 1998, OJJDP, in partnership with the U.S. Department of Labor's (DOL's) Employment and Training Administration, provided funding support to the Boys & Girls Clubs of America to demonstrate and evaluate the TeenSupreme Career Preparation Initiative. This initiative provides employment training and other related services to at-risk youth through local Boys & Girls Clubs with TeenSupreme Centers. In FY 2001, DOL will transfer funds to OJJDP to support program staffing in 41 existing TeenSupreme Centers. These 41 clubs have hired employment specialists to work with up to 120 youth. Boys & Girls Clubs of America provides intensive training and technical assistance to each site and administrative and staffing support to the program from its national office. OJJDP funds support the process and impact evaluation component of the program, which is being implemented by an independent evaluator. In FY 2001, the Boys & Girls Clubs of America, with DOL funds, will select new career preparation sites. OJJDP would continue supporting the evaluation component.

This TeenSupreme initiative would be implemented by the current grantee, the Boys & Girls Clubs of America. No additional applications would be solicited in FY 2001.

#### **Child Abuse and Neglect and Dependency Courts**

##### *National Evaluation of the Safe Kids/Safe Streets Program*

OJJDP will continue funding the grant competitively awarded in FY 1997 to Westat, Inc., Rockville, MD, for the National Evaluation of the Safe Kids/Safe Streets Program. The evaluation has three main goals: to document and explicate the process of community mobilization, planning, and collaboration taking place before and during the Safe Kids/Safe Streets award; to inform program staff of performance levels on an ongoing basis; and to determine the effectiveness of the

implemented programs in achieving the goals of the Safe Kids/Safe Streets program. The initial 18-month grant began a process evaluation and a feasibility study for a future impact evaluation. In FY 2001—the fifth year of a 5-year project period, Westat will continue the process evaluation, which will focus on tracking the implementation efforts at each of the sites, and will continue working with local evaluators to develop their skills and capacity for program evaluation. Westat has recently submitted a plan for the impact evaluation, which includes a pilot study of their proposed case tracking procedure.

This evaluation will be implemented by the current grantee, Westat, Inc. No additional applications will be solicited in FY 2001.

*Safe Kids/Safe Streets: Community Approaches To Reducing Abuse and Neglect and Preventing Delinquency*

This 5-year demonstration is designed to break the cycle of early childhood victimization and later delinquency and criminality by reducing child and adolescent maltreatment and fatalities. Several components of the Office of Justice Programs joined in FY 1996 to develop this coordinated community response program. These components provide fiscal and technical support for local efforts to restructure and strengthen the justice system and the child welfare, family services, education, health, and related systems to be more comprehensive and proactive in helping children, adolescents, and their families. Safe Kids requires the five funded sites to develop, implement, and/or expand cross-agency strategies and to partner with natural networks in their communities. OJJDP awarded

competitive cooperative agreements in FY 1997 to five sites (Chittenden County, VT; Huntsville, AL; Kansas City, MO; the Sault Ste. Marie Tribe of Chippewa Indians, MI; and Toledo, OH). Funds were provided by OJJDP, the Executive Office for Weed and Seed, and the Violence Against Women Office. FY 2001 is the fourth year of a 5-year project period.

This demonstration will continue to be implemented in FY 2001 by the current grantees: Chittenden County, VT; Huntsville, AL; Kansas City, MO; the Sault Ste. Marie Tribe of Chippewa Indians, MI; and Toledo, OH. No additional applications will be solicited in FY 2001.

Dated: September 21, 2000.

**John J. Wilson,**

*Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.*

[FR Doc. 00-24699 Filed 9-25-00; 8:45 am]

**BILLING CODE 4410-18-P**



# Federal Register

---

**Tuesday,  
September 26, 2000**

---

**Part IV**

## **The President**

---

**Proclamation 7344—Gold Star Mother's  
Day, 2000**



---

# Presidential Documents

---

Title 3—

Proclamation 7344 of September 22, 2000

The President

Gold Star Mother's Day, 2000

By the President of the United States of America

## A Proclamation

America's Armed Forces have stood watch over our freedom for more than two centuries. They have held posts on lonely ridges, spent long days and nights at sea, and faced danger in the skies. They have sacrificed their youth, their time, and even their lives to sustain the foundation on which our country was built and to protect the democratic values that keep our country strong and free.

The mothers of these courageous men and women have also bravely stood watch—in homes once filled with the laughter of children—and waited for word from their loved ones. When the guns of battle fell silent, many mothers' homes were once again filled with the boisterous commotion of their children returning from distant lands. But the homes of Gold Star Mothers remained silent. Their children had made the ultimate sacrifice for our Nation, and Gold Star Mothers were left with the profound sorrow of their heartbreaking loss.

But America's Gold Star Mothers rose above their personal tragedy, and today they continue to stand watch over our Nation. Reaching out to improve the lives of others and to ensure that the noble contributions of their sons and daughters are not forgotten, they are powerful examples of service and sacrifice for us all. With dignity, courage, and compassion, they have worked to promote patriotism, foster peace and goodwill, and extend a helping hand to veterans and those in need. Their generosity of spirit has touched the lives of countless Americans and made certain that the selflessness their children demonstrated in service to our country remains a prominent part of our national character.

For their steadfast devotion to duty and their unwavering commitment to carrying on the proud legacy of their children, we honor these Gold Star Mothers each year. The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895), has designated the last Sunday in September as "Gold Star Mother's Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Sunday, September 24, 2000, as Gold Star Mother's Day. I call upon all government officials to display the United States flag over government buildings on this solemn day. I also encourage the American people to display the flag and to hold appropriate meetings in their homes, places of worship, or other suitable places as a public expression of the sympathy and respect that our Nation holds for our Gold Star Mothers.

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

*William J. Clinton*

[FR Doc. 00-24908  
Filed 9-25-00; 11:46 am]  
Billing code 3195-01-P

# Reader Aids

## Federal Register

Vol. 65, No. 187

Tuesday, September 26, 2000

### CUSTOMER SERVICE AND INFORMATION

<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-523-5227</b>
<b>Laws</b>	<b>523-5227</b>
<b>Presidential Documents</b>	
Executive orders and proclamations	<b>523-5227</b>
<b>The United States Government Manual</b>	<b>523-5227</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>523-4534</b>
Privacy Act Compilation	<b>523-3187</b>
Public Laws Update Service (numbers, dates, etc.)	<b>523-6641</b>
TTY for the deaf-and-hard-of-hearing	<b>523-5229</b>

### ELECTRONIC RESEARCH

#### World Wide Web

Full text of the daily Federal Register, CFR and other publications:

<http://www.access.gpo.gov/nara>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

<http://www.nara.gov/fedreg>

#### E-mail

**PENS** (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

[listserv@www.gsa.gov](mailto:listserv@www.gsa.gov)

with the text message:

subscribe PUBLAWS-L your name

Use [listserv@www.gsa.gov](mailto:listserv@www.gsa.gov) only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to:

[info@fedreg.nara.gov](mailto:info@fedreg.nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

### FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

53157-53522.....	1
53523-53888.....	5
53889-54138.....	6
54139-54396.....	7
54397-54740.....	8
54741-54942.....	11
54943-55168.....	12
55169-55430.....	13
55431-55884.....	14
55885-56208.....	15
56209-56456.....	18
56457-56772.....	19
56773-57080.....	20
57081-57276.....	21
57277-57536.....	22
57537-57722.....	25
57723-57936.....	26

### CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>	944.....	54945
	1735.....	54399
<b>Administrative Orders:</b>	<b>Proposed Rules:</b>	
Memorandums:	6.....	57562
September 11, 2000.....	226.....	55102
	319.....	56803
<b>Notices:</b>	457.....	57562
Notice of September	932.....	54818
22, 2000.....	983.....	53652
	1218.....	57104
Presidential Determinations:	1940.....	55784
Presidential	1945.....	54973
Determination No.		
99-36 of September		
10, 1999		
(see Presidential	<b>8 CFR</b>	
Determination No.	204.....	53889, 57861
2000-29 of	214.....	56463, 57861
September 12, 2000)	245.....	53889, 57861
No. 00-29 of	264.....	57723
September 12,		
2000.....	<b>9 CFR</b>	
	94.....	56774
<b>Proclamations:</b>	98.....	56775
7336.....	318.....	53531
7337.....	381.....	53531
7338.....		
7339.....	<b>Proposed Rules:</b>	
7340.....	71.....	57106
7341.....	75.....	56807
7342.....	85.....	57106
7343.....	206.....	53653
7344.....	317.....	56262
	381.....	56262
<b>Executive Orders:</b>	390.....	56503
5327 (Revoked in part		
by PLO 7461).....	<b>10 CFR</b>	
13147 (Amended by	1.....	54948
EO 13167).....	2.....	54948
13167.....	19.....	54948
12865 (See Notice of	30.....	54948
September 22,	40.....	54948
2000).....	50.....	54948
	51.....	54948
13069 (See Notice of	70.....	54948, 56211
September 22,	72.....	53533
2000).....	430.....	56740
13098 (See Notice of	<b>12 CFR</b>	
September 22,	612.....	54742
2000).....	614.....	54742
	702.....	55439
<b>5 CFR</b>	709.....	55439
532.....	747.....	57277
2635.....	1710.....	55169
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	
2635.....	32.....	57292
2640.....	741.....	55464
	917.....	57748
<b>7 CFR</b>	925.....	57748
246.....	930.....	57748
301.....	931.....	57748
	932.....	57748
53528, 54139, 54741,	933.....	57748
54943, 55431, 57537, 57723	956.....	57748
457.....	960.....	57748
56773		
657.....		
57537		
905.....		
55885, 57538		
920.....		
54945		
927.....		
53531		
929.....		
55436		

<b>13 CFR</b>	<b>17 CFR</b>	40.....54412	651.....54348
121.....53533	146.....53559	42.....54412	<b>33 CFR</b>
124.....57541	200.....55180, 57438	203.....54790	100.....54150, 56484
134.....57541	240.....53560	<b>24 CFR</b>	117.....54795, 54954, 56484,
<b>14 CFR</b>	275.....57438	5.....55134	56793
23.....55848, 56779	279.....57438	401.....53899	162.....53593
25.....55443, 55848	<b>Proposed Rules:</b>	888.....57658	165.....54152, 54153, 54795,
33.....55848	30.....53946	903.....55134	54797, 56484
39.....53157, 53158, 53161,	210.....54189	982.....55134	167.....53911
53897, 54140, 54143, 54145,	240.....54189	<b>25 CFR</b>	401.....56488
54403, 54407, 54409, 54743,	<b>18 CFR</b>	<b>Proposed Rules:</b>	<b>Proposed Rules:</b>
55175, 55449, 55450, 55452,	385.....57088	103.....53948	26.....56843
55453, 55457, 55891, 56231,	<b>Proposed Rules:</b>	292.....55471	161.....56843
56233, 56236, 56780, 56783,	1304.....56821	<b>26 CFR</b>	165.....56843
56785, 57280, 57282, 57724,	<b>19 CFR</b>	1.....53584, 53901, 57092,	<b>34 CFR</b>
57861	4.....56788	57732	3.....57286
71.....53558, 54950, 54952,	10.....53565	25.....53587	19.....57286
54953, 55076, 56239, 56240,	12.....53565	602.....53584, 56484, 57092	<b>Proposed Rules:</b>
56466, 56468, 56788, 57081,	18.....53565	<b>Proposed Rules:</b>	303.....53808
57285, 57542, 57543	24.....53565, 56790	1.....56835, 57755	<b>36 CFR</b>
95.....54744	111.....53565	<b>27 CFR</b>	51.....54155
97.....55458, 57081, 57087	113.....53565	4.....57734	230.....57547
121.....56192	114.....53565	24.....57734	242.....55190
125.....56192	125.....53565	270.....57544	1010.....55896
135.....56192	134.....53565	275.....57544	<b>Proposed Rules:</b>
145.....56192	145.....53565	290.....57544	7.....53208
400.....56618	162.....53565	295.....57544	293.....54190
401.....56618	171.....53565	296.....57544	800.....55928
404.....56618	172.....53565	<b>Proposed Rules:</b>	1600.....57773
405.....56618	178.....56788	9.....57763	<b>37 CFR</b>
406.....56618	<b>20 CFR</b>	<b>28 CFR</b>	Ch. 1.....56791
413.....56618	404.....54747	<b>Proposed Rules:</b>	1.....54604, 56366, 56791,
415.....56618	416.....54747	16.....53679	57024
431.....56618	433.....56618	545.....56840	3.....54604
433.....56618	435.....56618	550.....56840, 57126	5.....54604, 57024
435.....56618	450.....56670	<b>29 CFR</b>	10.....54604
450.....56670	<b>Proposed Rules:</b>	4022.....55894	<b>Proposed Rules:</b>
23.....56809	23.....56809	4044.....55894	201.....54984
25.....56992, 57564	25.....56992, 57564	<b>Proposed Rules:</b>	256.....54984
39.....53199, 53201, 53203,	39.....53199, 53201, 53203,	5.....57270	401.....54826
53205, 53206, 54182, 54184,	53205, 53206, 54182, 54184,	<b>30 CFR</b>	<b>38 CFR</b>
54445, 54820, 54823, 54981,	54445, 54820, 54823, 54981,	218.....55187	8.....54798
55466, 55468, 55470, 56264,	55466, 55468, 55470, 56264,	917.....53909	19.....55461
56266, 56268, 56270, 56273,	56266, 56268, 56270, 56273,	931.....54791	21.....55192
56275, 56276, 56506, 56507,	56275, 56276, 56506, 56507,	<b>Proposed Rules:</b>	<b>39 CFR</b>
56509, 56811, 56814, 56817,	56509, 56811, 56814, 56817,	208.....57771	20.....55462, 56242
56819, 57113, 57296, 57298,	56819, 57113, 57296, 57298,	218.....55476	<b>Proposed Rules:</b>
57748, 57751, 57753	57748, 57751, 57753	256.....55476	20.....57864
71.....54824, 54825, 57116,	71.....54824, 54825, 57116,	260.....55476	111.....53212, 56511
57300, 57567, 57568, 57569,	57300, 57567, 57568, 57569,	926.....57581, 57583	<b>40 CFR</b>
57571, 57572, 57573, 57574,	57571, 57572, 57573, 57574,	943.....54982	9.....55810
57576	57576	<b>31 CFR</b>	51.....56245
91.....56992	91.....56992	1.....56792	52.....53172, 53180, 53181,
121.....56992	121.....56992	202.....55427	53595, 53599, 53602, 54413,
125.....56992	125.....56992	203.....55428	55193, 55196, 55201, 55910,
135.....56992	135.....56992	225.....55429	56251, 56486, 56794, 56797
<b>15 CFR</b>	<b>15 CFR</b>	344.....55400	60.....56798
738.....55177	738.....55177	380.....55426	62.....53605
742.....55177	742.....55177	<b>32 CFR</b>	63.....54419, 55810, 56798
746.....55177	746.....55177	311.....53168	80.....53185, 54423
774.....55177	774.....55177	701.....53171	180.....55911, 55921, 56253,
960.....56241	960.....56241	736.....53589	57549
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	762.....53171	260.....56798
801.....57117, 57119	801.....57117, 57119	765.....53171	261.....54955, 56798
806.....57121, 57123	806.....57121, 57123	770.....53591	264.....56798
<b>16 CFR</b>	<b>16 CFR</b>	<b>Proposed Rules:</b>	265.....567980
305.....53163, 53165	305.....53163, 53165	326.....53902	266.....56798
1000.....53167	1000.....53167	<b>Proposed Rules:</b>	270.....56798
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	101.....56835	
313.....54186	313.....54186	201.....56511	
436.....53946	436.....53946	868.....57301	
		896.....57303	
		1310.....57577	
		<b>22 CFR</b>	
		22.....54148	

271.....56798, 57287, 57734	<b>Proposed Rules:</b>	69.....57739	<b>49 CFR</b>
300.....56258	52h.....57132	73.....53610, 53638, 53639,	192.....54441, 57861
<b>Proposed Rules:</b>	405.....53963	53640, 54176, 54804, 54805,	195.....54441
50.....54828	410.....55078	55924, 55925, 55926, 56799,	593.....56489
51.....56844	414.....55078	56800, 57744, 57745	594.....56497
52.....53214, 53680, 53962,	<b>43 CFR</b>	74.....53610, 54155	<b>Proposed Rules:</b>
54820, 55205, 56278, 56284,	<b>Proposed Rules:</b>	76.....53610	23.....54454
56856, 57127	3600.....55864	78.....54155	26.....54454
62.....53680	3610.....55864	79.....54176, 54805, 56801	385.....56521
63.....55332, 55489, 55491	3620.....55864	90.....53641	386.....56521
80.....53215, 54447	<b>44 CFR</b>	95.....53190	565.....53219
81.....54828	Ch. I.....53914	100.....53610	571.....55212
85.....56844	65.....53915	101.....54155	1244.....54471
141.....55362, 57861	67.....53917	<b>Proposed Rules:</b>	
146.....53218	295.....53914	20.....56752, 56757	
148.....55684, 57861	<b>Proposed Rules:</b>	22.....57798	<b>50 CFR</b>
152.....55929, 57585	67.....53964	27.....57266	17.....54177, 57242
156.....57585	<b>45 CFR</b>	73.....53690, 53973, 53974,	20.....53190, 53492, 53936
174.....55929	2543.....53608	54192, 54832, 54833, 55930,	25.....56396
260.....56287	<b>46 CFR</b>	56857, 56858, 57799, 57800	32.....56396
261.....55684, 56287, 57781	<b>Proposed Rules:</b>	90.....55931	100.....55190
268.....55684, 56287, 57781	401.....55206	<b>48 CFR</b>	300.....54969
271.....55684, 56287, 56288,	<b>47 CFR</b>	209.....54988	600.....53646
57307, 57781, 57795	Ch. I.....55923	1503.....57101	622.....55203, 56500, 56801
300.....54190, 56288	1.....53610, 54799, 56261	1552.....57101	635.....54970
302.....55684, 57781	2.....54155	1828.....54439	648.....53648, 53940, 55926
372.....53681	11.....53610, 54155	1845.....54813	660.....53646, 53648, 54178,
<b>41 CFR</b>	15.....57557	1852.....54439, 54813	54817, 56801
101-16.....54965	21.....53610	<b>Proposed Rules:</b>	679.....53197, 53198, 54179,
102-5.....54965	24.....53624	2.....54940	54180, 54971, 56502, 57746
Ch. 301.....53470	25.....53610, 54155	13.....54936	<b>Proposed Rules:</b>
<b>Proposed Rules:</b>	27.....57267	22.....54104	17.....53222, 53691, 53974,
101-46.....57795	51.....54433, 57291	25.....54936	54472, 54892, 56530, 57136,
102-39.....57795	52.....53189	31.....54940	57800
<b>42 CFR</b>	54.....57739	32.....56454	20.....57566
36.....53914	61.....57739	35.....54940	600.....54833
36a.....53914	64.....54799	52.....54104, 54936, 56454	622.....54474, 57158
447.....55076		204.....54985	648.....54987
457.....55076		213.....56858	660.....53692, 54475, 55214,
		442.....54986	55495, 57308
		1811.....56859	679.....56860

**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT SEPTEMBER 26, 2000****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Oranges, grapefruit, tangerines, and tangelos grown in—  
Florida; published 9-25-00

**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:  
Citrus canker; correction; published 9-26-00

**HEALTH AND HUMAN SERVICES DEPARTMENT****Food and Drug Administration**

Food additives:  
Food contact substance notification system; published 7-13-00

**JUSTICE DEPARTMENT****Immigration and Naturalization Service**

Immigration:  
Fingerprinting certain applicants for a replacement permanent resident card; published 9-26-00

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

Airworthiness directives:  
Kaman; published 9-11-00

**TREASURY DEPARTMENT****Alcohol, Tobacco and Firearms Bureau**

Alcoholic beverages:  
Hard cider; labeling compliance date; postponement; published 9-26-00

**TREASURY DEPARTMENT****Internal Revenue Service**

Income taxes:  
Qualified zone academy bonds—  
States and political subdivisions; obligations; published 9-26-00

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Animal welfare:  
Inspection, licensing, and procurement of animals; comments due by 10-3-00; published 8-4-00  
Interstate transportation of animals and animal products (quarantine):  
Brucellosis in cattle and bison—  
State and area classifications; comments due by 10-2-00; published 8-3-00

**AGRICULTURE DEPARTMENT****Farm Service Agency**

Grants:  
Loan and grant program funds; allocation methodology and formulas; comments due by 10-2-00; published 8-3-00

**AGRICULTURE DEPARTMENT****Food Safety and Inspection Service**

Meat and poultry inspection:  
Partial quality control requirements elimination  
Scales certification; comments due by 10-3-00; published 9-18-00

**AGRICULTURE DEPARTMENT****Grain Inspection, Packers and Stockyards Administration**

Swine packer marketing contracts; comments due by 10-5-00; published 9-5-00

**AGRICULTURE DEPARTMENT****Rural Business-Cooperative Service**

Grants:  
Loan and grant program funds; allocation methodology and formulas; comments due by 10-2-00; published 8-3-00

**AGRICULTURE DEPARTMENT****Rural Housing Service**

Grants:  
Loan and grant program funds; allocation methodology and formulas; comments due

by 10-2-00; published 8-3-00

**AGRICULTURE DEPARTMENT****Rural Utilities Service**

Grants:  
Loan and grant program funds; allocation methodology and formulas; comments due by 10-2-00; published 8-3-00

**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**

Fishery conservation and management:  
Alaska; fisheries of Exclusive Economic Zone—  
Prohibited species donation program; comments due by 10-5-00; published 9-20-00  
West Coast States and Western Pacific fisheries—  
Pacific whiting; comments due by 10-5-00; published 9-20-00

**CONSUMER PRODUCT SAFETY COMMISSION**

Dive sticks; comments due by 10-2-00; published 7-19-00

**DEFENSE DEPARTMENT**

Privacy Act; implementation; comments due by 10-6-00; published 8-7-00

**ENVIRONMENTAL PROTECTION AGENCY**

Air pollutants, hazardous; national emission standards:  
Radionuclides other than radon from DOE facilities and from Federal facilities other than NRC licensees and not covered by Subpart H; comments due by 10-6-00; published 8-21-00

Air programs:

Fuels and fuel additives—  
Reformulated gasoline program; alternative analytical test methods use; comments due by 10-2-00; published 9-1-00  
Reformulated gasoline program; alternative analytical test methods use; comments due by 10-2-00; published 9-1-00

Air programs; approval and promulgation; State plans for designated facilities and pollutants:  
Maryland; comments due by 10-5-00; published 9-5-00

Maryland; comments due by 10-5-00; published 9-5-00

Air quality implementation plans; approval and promulgation; various States:  
Arizona; comments due by 10-6-00; published 9-6-00  
California; comments due by 10-5-00; published 9-5-00  
Illinois; comments due by 10-2-00; published 8-31-00  
Maryland; comments due by 10-2-00; published 9-1-00  
Texas; comments due by 10-2-00; published 9-1-00  
Air quality implementation plans; approval and promulgation, various States:  
Texas; comments due by 10-2-00; published 9-1-00  
Air quality implementation plans; approval and promulgation; various States:  
Texas; comments due by 10-5-00; published 9-5-00  
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:  
Oregon; comments due by 10-2-00; published 8-31-00  
Grants and other Federal assistance:  
State and local assistance—  
Drinking water State revolving funds; comments due by 10-6-00; published 8-7-00  
Superfund program:  
National oil and hazardous substances contingency plan—  
National priorities list update; comments due by 10-2-00; published 8-31-00  
National priorities list update; comments due by 10-2-00; published 8-31-00  
**FEDERAL COMMUNICATIONS COMMISSION**  
Radio stations; table of assignments:  
Michigan; comments due by 10-2-00; published 8-24-00  
Nevada; comments due by 10-2-00; published 8-24-00  
New Hampshire; comments due by 10-2-00; published 8-24-00

**FEDERAL DEPOSIT  
INSURANCE CORPORATION**

Federal Deposit Insurance Act:  
Depository institution  
insurance sales; consumer  
protections; comments  
due by 10-5-00; published  
8-21-00

**FEDERAL RESERVE  
SYSTEM**

Federal Deposit Insurance Act:  
Depository institution  
insurance sales; consumer  
protections; comments  
due by 10-5-00; published  
8-21-00

**HEALTH AND HUMAN  
SERVICES DEPARTMENT****Health Care Financing  
Administration**

Medicare:

Hospital outpatient services;  
prospective payment  
system  
Prospective payment  
system-exempt facilities;  
provider-based location  
criteria revision;  
comments due by 10-2-  
00; published 8-3-00

**INTERIOR DEPARTMENT  
Indian Affairs Bureau**

Financial activities:

Alaska Resupply Operation;  
comments due by 10-2-  
00; published 8-3-00

**INTERIOR DEPARTMENT  
Fish and Wildlife Service**

Endangered and threatened  
species:

Desert yellowhead;  
comments due by 10-5-  
00; published 9-5-00

**INTERIOR DEPARTMENT  
Minerals Management  
Service**

Outer Continental Shelf; oil,  
gas, and sulphur operations:  
Decommissioning activities;  
comments due by 10-5-  
00; published 7-7-00

**JUSTICE DEPARTMENT**

Privacy Act; implementation;  
comments due by 10-5-00;  
published 9-5-00

**NUCLEAR REGULATORY  
COMMISSION**

Domestic licensing  
proceedings and issuance of  
orders; practice rules:

High-level radioactive waste  
disposal at geologic  
repository; licensing  
support network; design  
standards for participating  
websites; comments due  
by 10-6-00; published 8-  
22-00

**POSTAL SERVICE**

Domestic Mail Manual:

Free matter for blind and  
other physically  
handicapped persons;  
eligibility standards;  
comments due by 10-2-  
00; published 9-1-00

Rate, fee and classification  
changes; comments due  
by 10-2-00; published 8-  
29-00

**TRANSPORTATION  
DEPARTMENT****Coast Guard**

Inland navigation rules:

Navigation lights for  
uninspected commercial  
and recreational vessels;  
certification; comments  
due by 10-3-00; published  
8-4-00

Ports and waterway safety:

Notification of arrival;  
addition of charterer or  
cargo owner to required  
information; comments  
due by 10-2-00; published  
8-18-00

**TRANSPORTATION  
DEPARTMENT****Federal Aviation  
Administration**

Administrative regulations:

Air traffic and related  
services for aircraft that  
transit U.S.-controlled  
airspace but neither take  
off from, nor land in, U.S.;  
fees; comments due by  
10-4-00; published 6-6-00

Airworthiness directives:

Boeing; comments due by  
10-2-00; published 8-1-00

Class E airspace; comments  
due by 10-2-00; published  
8-31-00

Class E airspace; correction;  
comments due by 10-4-00;  
published 8-30-00

Procedural rules:

Flight Operational Quality  
Assurance Program;  
voluntary implementation;  
comments due by 10-3-  
00; published 7-5-00

**TRANSPORTATION  
DEPARTMENT****Federal Highway  
Administration**

Engineering and traffic  
operations:

Transportation Equity Act for  
21st Century;  
implementation—

Federal-aid project  
authorization and  
agreements; comments  
due by 10-2-00;  
published 8-31-00

**TREASURY DEPARTMENT****Comptroller of the Currency**

Federal Deposit Insurance Act:

Depository institution  
insurance sales; consumer  
protections; comments  
due by 10-5-00; published  
8-21-00

**TREASURY DEPARTMENT****Thrift Supervision Office**

Federal Deposit Insurance Act:

Depository institution  
insurance sales; consumer  
protections; comments  
due by 10-5-00; published  
8-21-00

**VETERANS AFFAIRS  
DEPARTMENT**

Disabilities rating schedule:

Liver disabilities; comments  
due by 10-6-00; published  
8-7-00

Loan guaranty:

Net value and pre-  
foreclosure debt waivers;  
comments due by 10-2-  
00; published 8-1-00

**LIST OF PUBLIC LAWS**

This is a continuing list of  
public bills from the current  
session of Congress which  
have become Federal laws. It  
may be used in conjunction  
with "PLUS" (Public Laws  
Update Service) on 202-523-  
6641. This list is also  
available online at [http://  
www.nara.gov/fedreg](http://www.nara.gov/fedreg).

The text of laws is not  
published in the **Federal  
Register** but may be ordered  
in "slip law" (individual  
pamphlet) form from the  
Superintendent of Documents,  
U.S. Government Printing  
Office, Washington, DC 20402  
(phone, 202-512-1808). The  
text will also be made  
available on the Internet from  
GPO Access at [http://  
www.access.gpo.gov/nara/  
index.html](http://www.access.gpo.gov/nara/index.html). Some laws may  
not yet be available.

**H.R. 4040/P.L. 106-265**

To amend title 5, United  
States Code, to provide for  
the establishment of a  
program under which long-  
term care insurance is made  
available to Federal  
employees, members of the  
uniformed services, and  
civilian and military retirees,  
provide for the correction of  
retirement coverage errors  
under chapters 83 and 84 of  
such title, and for other  
purposes. (Sept. 19, 2000;  
114 Stat. 762)

**Last List August 23, 2000****Public Laws Electronic  
Notification Service  
(PENS)**

**PENS** is a free electronic mail  
notification service of newly  
enacted public laws. To  
subscribe, go to [www.gsa.gov/  
archives/publaws-l.html](http://www.gsa.gov/archives/publaws-l.html) or  
send E-mail to  
[listserv@www.gsa.gov](mailto:listserv@www.gsa.gov) with  
the following text message:

**SUBSCRIBE PUBLAWS-L**  
Your Name.

**Note:** This service is strictly  
for E-mail notification of new  
laws. The text of laws is not  
available through this service.  
**PENS** cannot respond to  
specific inquiries sent to this  
address.