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# Federal Register

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**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.

# Rules and Regulations

Federal Register
Vol. 65, No. 189
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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2000–NM–305–AD; Amendment 39–11911; AD 2000–19–10]**

**RIN 2120–AA64**

## Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all EMBRAER Model EMB–120 series airplanes, that currently requires a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, and corrective action, if necessary. That AD also requires installation of a guide to maintain the movable backstop in its correct position. This amendment adds a requirement for an additional one-time inspection. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane.

**DATES:** Effective October 13, 2000.

The incorporation by reference of EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000, is approved by the Director of the Federal Register as of October 13, 2000.

The incorporation by reference of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997, was approved previously by the Director of the Federal Register as of January 13, 1998 (62 FR 67552, December 29, 1997).

Comments for inclusion in the Rules Docket must be received on or before October 30, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–305–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–305–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, 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:** Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

**SUPPLEMENTARY INFORMATION:** On December 19, 1997, the FAA issued AD 97–26–22, amendment 39–10265 (62 FR 67552, December 29, 1997), applicable to all EMBRAER Model EMB–120 series airplanes, to require a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, and corrective action, if necessary. That AD also requires installation of a guide to maintain the movable backstop in its correct position. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions required by that AD are intended to prevent a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane.

### Actions Since Issuance of Previous Rule

Since the issuance of AD 97–26–22, the Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, advises that a recent incident occurred that was similar to the event specified in the preamble of AD 97–26–22, which revealed that the unsafe condition may still exist.

The manufacturer has issued EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000. This new service information adds a one-time inspection of the movable backstop of the elevator pitch trim command system and the rigging of the elevator trim to verify proper adjustment of the system and correct rigging of the elevator trim tab, and corrective actions, if necessary. The corrective actions consist of adjusting the system and/or the rigging in accordance with the instructions specified in Chapter 27–32–00 (Flight Controls) of the EMBRAER Maintenance Manual. The new service bulletin also describes procedures for installation of a guide to maintain the movable backstop in position in the spiral groove on the pitch trim right control wheel. That installation was specified in EMBRAER Alert Service Bulletin S.B. 120–27–A081, Change 01, dated October 9, 1997 (referenced as the appropriate source of service information for accomplishment of the actions specified in AD 97–26–22).

The DAC classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in Brazil.

### FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA

has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**Explanation of Requirements of Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD supersedes AD 97–26–22 to continue to require a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, and corrective action, if necessary. This AD also continues to require installation of a guide to maintain the movable backstop in its correct position. This amendment adds an additional one-time inspection. The actions are required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

**Differences Between Rule and Related Service Information**

Operators should note that the service bulletin specifies accomplishment of a one-time inspection of the movable backstop of the elevator pitch trim command system and the rigging of the elevator trim tab within the next 400 flight hours; however, the FAA finds that such a compliance time will not ensure that the inspection is accomplished in a timely manner. In developing an appropriate compliance time for the inspection, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, as well as the compliance time for the actions required. The FAA finds accomplishment of the one-time inspection within 100 flight hours after the effective date of this AD to be warranted, in that this represents an appropriate amount of time allowable for affected airplanes to continue to operate without compromising safety.

Operators also should note that, while the service bulletin does not specify the type of inspection of the movable backstop of the elevator pitch trim command system and the rigging of the elevator trim tab to detect discrepancies, this AD would require a general visual inspection to detect such discrepancies. A note has been included in this AD to define that inspection.

**Interim Action**

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

**Determination of Rule's Effective Date**

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

**Comments Invited**

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–305–AD.'' The postcard will be date stamped and returned to the commenter.

**Regulatory Impact**

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

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

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

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39–10265 (62 FR 67552, December 29, 1997), and by adding a new airworthiness directive (AD), amendment 39–11911, to read as follows:

**2000–19–10 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39–11911. Docket 2000–NM–305–AD. Supersedes AD 97–26–22, Amendment 39–10265.

*Applicability:* All Model EMB–120 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

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

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

To prevent a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane, accomplish the following:

**Restatement of Requirements of AD 97–26–22**

*One-Time Inspection*

(a) Within 20 flight hours after January 13, 1998 (the effective date of AD 97–26–22, amendment 39–10265), perform a one-time general visual inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, in accordance with Part I of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997. If any discrepancy is found, before further flight, accomplish follow-on corrective actions, in accordance with the alert service bulletin.

*Modification*

(b) Within 75 flight hours after January 13, 1998, install a guide for the movable backstop of the elevator pitch trim command system, in accordance with Part II of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997, or EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000. As of the effective date of this AD, only EMBRAER Service Bulletin S.B. 120–27–0081 may be used for accomplishment of this paragraph.

**New Requirements of This AD**

*One-Time Inspection*

(c) Within 100 flight hours after the effective date of this AD: Perform a one-time general visual inspection of the movable backstop of the elevator pitch trim command system to verify proper adjustment of the system and correct rigging of the elevator trim tab in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000. If any discrepancy is detected, before further flight, accomplish follow-on corrective actions in accordance with the service bulletin.

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

*Alternative Methods of Compliance*

(d)(1) 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 97–26–22, amendment 39–10265, are approved as alternative methods of compliance with this AD.

**Note 3:** 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*

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

*Incorporation by Reference*

(f) The actions shall be done in accordance with EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997; and EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000.

(1) The incorporation by reference of EMBRAER Service Bulletin S.B. 120–27–0081, dated September 1, 2000, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997 was approved previously by the Director of the Federal Register as of January 13, 1998 (62 FR 67552, December 29, 1997).

(3) 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.

*Effective Date*

(g) This amendment becomes effective on October 13, 2000.

Issued in Renton, Washington, on September 21, 2000.

**Donald L. Riggin,**

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

[FR Doc. 00–24745 Filed 9–27–00; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 74

**[Docket No. 99C–1455]**

## Listing of Color Additives for Coloring Sutures; D&C Violet No. 2; Confirmation of Effective Date

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

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of August 29, 2000 (65 FR 46342), for the final rule that appeared in the **Federal Register** of July 28, 2000, and that amended the color additive regulations to provide for the safe use of D&C Violet No. 2 as a color additive in absorbable sutures prepared from homopolymers of glycolide for general surgery. The agency also revised the nomenclature ''polyglactin 910 (glycolic-lactic acid polyester)'' to the generic nomenclature ''copolymers of 90 percent glycolide and 10 percent L-lactide.''

**DATES:** Effective date confirmed: August 29, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 28, 2000 (65 FR 46342), FDA amended the color additive regulations in 21 CFR 74.3602 *D&C Violet No. 2* to provide for the safe use of D&C Violet No. 2 as a color additive in absorbable sutures prepared from homopolymers of glycolide for general surgery. The agency also revised the nomenclature ''polyglactin 910 (glycolic-lactic acid polyester)'' to the generic nomenclature ''copolymers of 90 percent glycolide and 10 percent L-lactide.''

FDA gave interested persons until August 28, 2000, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the effective date of the final rule that published in the **Federal Register** of July 28, 2000, should be confirmed.

**List of Subjects in 21 CFR Part 74**

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the July 28, 2000, final rule. Accordingly, the amendments issued thereby became effective August 29, 2000.

Dated: September 21, 2000.

**William K. Hubbard,**

*Senior Associate Commissioner for Policy, Planning, and Legislation.*

[FR Doc. 00–24877 Filed 9–27–00; 8:45 am]

**BILLING CODE 4160–01–F**

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 25

**[TD 8886]**

**RIN 1545–AX07**

## Use of Actuarial Tables in Valuing Annuities, Interests for Life or Terms of Years, and Remainder or Reversionary Interests; Correction

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to TD 8886, which was published in the **Federal Register** on Monday, June 12, 2000 (65 FR 36908). These regulations relate to the use of actuarial tables in valuing annuities, interests for life or terms of years, and remainder of reversionary interests.

**DATES:** Effective June 12, 2000.

**FOR FURTHER INFORMATION CONTACT:** William Blodgett, (202) 622–3090 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The final regulations that are the subject of this correction are under section 7520 of the Internal Revenue Code.

### Need for Correction

As published, TD 8886 contains errors which may prove to be misleading and are in need of clarification.

### Correction of Publication

Accordingly, the publication of final regulations (TD 8886), which is the subject of FR Doc. 00–12986, is corrected as follows:

### § 25.2512–5 [Corrected]

1. On page 36942, § 25.2512–5(d)(2)(v)(A), the first formula of the page, the language

$$\frac{(1.0000-.21669)-(.392624\times(71357/85537)\times(1.00000-.34762))}{.098}=5.8126Fc$$

is corrected to read

$$\frac{(1.0000-.21669)-(.392624\times(71357/85537)\times(1.00000-.34762))}{.098}=5.8126$$

2. On page 36942, § 25.2512–5(d)(2)(v)(B), the second formula running the complete width of the page, the language

$$(1.000000-.36542)-(.573999\times(71357/85537)\times(1.000000-.50473))=\underset{\text{Difference . . .}}{\frac{.39742}{0.1134}}$$

is corrected to read

$$(1.000000-.36542)-(.573999\times(71357/85537)\times(1.000000-.50473))=\underset{\text{Difference (.40876–.39742). . .}}{\frac{.39742}{.01134}}$$

**Cynthia E. Grigsby**

*Chief, Regulations Unit, Office of Special Counsel, (Modernization & Strategic Planning).*

[FR Doc. 00–24707 Filed 9–27–00; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF JUSTICE**

**28 CFR Part 1**

**[AG Order No. 2323–2000]**

## Office of the Pardon Attorney; Rules Governing Petitions for Executive Clemency, Victim Notification and Comment

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the existing regulations on executive clemency to codify the Attorney General's practice of providing notice to the victims of the crime when an offender convicted of a federal felony files a petition for executive clemency. Under these procedures, the Department will invite victims to submit comments, if they wish to do so, and inform them of the President's final decision on the clemency request. The rule also defines the term ''victim'' for purposes of such notifications, and lists criteria considered in determining in what circumstances such victim notification is warranted.

**EFFECTIVE DATE:** This rule is effective September 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Roger C. Adams, Pardon Attorney, U.S. Department of Justice, Washington, DC 20530, telephone (202) 616–6070.

**SUPPLEMENTARY INFORMATION:** Since 1996, the United States Attorneys Manual (USAM) section on clemency expressly mentions the issue of victim input. Drawing on these provisions in the USAM, this rule provides that in appropriate cases (*e.g.,* if it appears likely that clemency could be recommended in the case), reasonable effort will be made to notify the victim(s) of an offense for which clemency (commutation or pardon) is sought that a request for clemency has been made, and that the victim(s) may submit comments concerning clemency. Moreover, the rule provides that in such cases the victim(s) will be informed of the final decision on the clemency request. The term ''victim'' is defined consistently with the definition used in the existing Attorney General Victim/Witness Guidelines.

### Administrative Procedure Act

This rule relates to matters of agency management or personnel, and is therefore exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date. *See* 5 U.S.C. 553(a)(2). Moreover, to the extent that rulemaking procedures would otherwise be applicable, the Department finds that this rule would be exempted from the requirements of prior notice and comment as a rule of agency organization, procedure, or practice. *See* 5 U.S.C. 553(b)(A). Similarly, the effective date of this rule need not be delayed for 30 days after publication because the rule is not a ''substantive rule.'' *See* 5 U.S.C. 553(d).

### Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly it has not been reviewed by the Office of Management and Budget.

### Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

### 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 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.

### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. 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 the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

As a rule relating to agency management or personnel, this rule is also therefore excluded from the scope of a covered ''rule'' for the purposes of Chapter 8 of Title 5 U.S.C. *See* 5 U.S.C. 804(3)(B). Moreover, to the extent that this rule would be considered to be a rule of agency organization, procedure, or practice, it is excluded from the scope of a covered ''rule'' pursuant to 5 U.S.C. 804(3)(C).

Accordingly, because this action is not a covered ''rule'' it is exempt from the requirement for the Department to submit a report to each House of Congress and the Comptroller General before this rule can take effect as provided in 5 U.S.C. 801(a)(1).

### List of Subjects in 28 CFR Part 1

Clemency, Pardon.

With the approval of the President, acting in conformity with his authority as Chief Executive and with Article II, Section 2 of the United States Constitution, and by virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, part 1 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

## PART 1—EXECUTIVE CLEMENCY

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

**Authority:** U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive, and 28 U.S.C. 509, 510.

2. Section 1.6 is revised to read as follows:

### § 1.6 Consideration of petitions; notification of victims; recommendations to the President.

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

(i) That a clemency petition has been filed;

(ii) That the victim may submit comments regarding clemency; and

(iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph (b), ''victim'' means an individual who:

(i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the commission of the crime for which clemency is sought (or, in the case of an individual who died or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and

(ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph (b), ''reasonable effort'' is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment the President should grant or deny the petition.

Dated: August 9, 2000.

**Janet Reno,**

*Attorney General.*

Approved: September 15, 2000.

**William J. Clinton,**

*President.*

[FR Doc. 00–24750 Filed 9–27–00; 8:45 am]

BILLING CODE 4410–29–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 199

**RIN 0720–AA49**

## Civilian Health and Medical Program of the Uniformed Service (CHAMPUS); Prosthetic Devices

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements Section 702 of the National Defense Authorization Act for Fiscal Year 1998, which authorizes purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. The Act changes the existing limited provisions for prosthetic devices, expanding coverage to include the cost sharing of other prostheses, e.g., noses, ears and fingers.

**DATES:** This rule is effective May 20, 1999.

**ADDRESSES:** The Office of TRICARE Management Activity, 16401 East Centretech Parkway, Aurora, CO 80011–9043.

**FOR FURTHER INFORMATION CONTACT:** Margaret Brown, Office of Medical Benefits and Reimbursement Systems, telephone (303) 676–3581.

**SUPPLEMENTARY INFORMATION:** This final rule implements section 702 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85) to provide purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. The current policy is restrictive as it limits purchase of prosthetic devices to artificial limbs, eyes, and voice prostheses. This final rule expands provisions for prosthetic devices to include ears, noses and fingers. It is being published to confirm that the interim final rule, which was published August 20, 1999, is adopted as a final rule without change.

### Comments Received

It was recommended that we remove the parenthetical phrase (See House Conference Report 103, 340, p. 300) from Regulatory Procedures. Comments were adopted and the deletion was made.

### Regulatory Procedure

Executive order 12866 requires certain regulatory assessments for any significant regulatory action defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This final rule is not a significant regulatory action under E.O. 12886, nor would it have a significant impact on small entities. The changes set forth in the final rule are minor revisions to the existing regulation.

### Regulatory Planning and Review

The final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511). This rule is being issued to confirm that the interim rule published August 20, 1999 (64 FR 45453) is final and does not include further amendments.

### List of Subject in 32 CFR Part 199

Claims, Handicapped, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, the interim rule amending 32 CFR 199, as published August 20, 1999, is adopted as a final rule without change as follows:

## PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; and 10 U.S.C. Chapter 55.

2. Section 199.4 is amended by revising paragraph (d)(3)(vii) and (g)(48) to read as follows:

### § 199.4 Basic program benefits.

* * * * *

(d) * * *

(3) * * *

(vii) *Prosthetic devices.* The purchase of prosthetic devices is limited to those determined by the Director, OCHAMPUS to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease.

(g) * * *

(48) *Prosthetic devices.* Prostheses other than those determined by the Director, OCHAMPUS to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. All dental prostheses are excluded, except for those specifically required in

connection with otherwise covered orthodontia directly related to the surgical correction of a cleft palate anomaly.

* * * * *

Dated: September 18, 2000.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 00–24495 Filed 9–27–00; 8:45 am]

**BILLING CODE 5001–10–M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

**[FRL–6877–4]**

### National Priorities List for Uncontrolled Hazardous Waste Sites

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; notice of vacatur.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. On October 22, 1999, the EPA promulgated a final rule adding the Georgia-Pacific Corporation Hardwood Sawmill site, located in Plymouth, North Carolina, to the NPL. EPA today is announcing the vacatur of the listing of the Georgia-Pacific Hardwood Sawmill site to the NPL and is amending the NPL at 40 CFR part 300, appendix B, to delete the site from the NPL in accordance with an order issued by the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) in *Georgia-Pacific Corporation* v. *EPA* (No. 00–1014).

**EFFECTIVE DATE:** The effective date for this amendment to the NCP is September 28, 2000.

**ADDRESSES:** For addresses for the Headquarters and regional docket, as well as further details on the contents of these dockets, section II, ''Availability of Information to the Public,'' in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Barbara Vandermer, phone (703) 603–9018, State, Tribal, and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; or contact the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

**SUPPLEMENTARY INFORMATION:** The court order vacating the listing determination will be added to final docket NPL–FRU26 (10/21/99).

**Table of Contents**



## I. Background

On October 22, 1999, the EPA promulgated a final rule adding the Georgia-Pacific Corporation Hardwood Sawmill site to the National Priorities List (NPL) (64 FR 56966). On January 18, 2000, Georgia-Pacific filed a petition for review of that rule in the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). EPA and Georgia-Pacific subsequently filed a joint motion requesting that the D.C. Circuit enter a judgment vacating EPA's listing decision and an order suspending further briefing and argument in the case. The Court granted the joint motion on August 21, 2000. Today's rulemaking formally removes the Georgia-Pacific Hardwood Sawmill site from the NPL in accordance with the D.C. Circuit's order.

## II. Availability of Information to the Public

*A. Can I Review the Documents Relevant to This Final Rule?*

Yes, documents relating to the evaluation and scoring of the site in this final rule are contained in dockets located both at EPA Headquarters and in the regional office in Atlanta, Georgia.

*B. What Documents Are Available for Review at the Headquarters Docket?*

The Headquarters docket for this rule contains the HRS score sheets, the documentation record describing the information used to compute the score, pertinent information regarding statutory requirements or EPA listing policies that affect the site, and a list of documents referenced in the documentation record. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the ''Support Document for the Revised National Priorities List Final Rule—October 1999.''

*C. What Documents Are Available for Review at the Regional Docket?*

The regional docket contains all the information in the Headquarters docket plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS score for the site. These reference documents are available only in the regional docket.

*D. How Do I Access the Documents?*

You may view the documents, by appointment only, after the publication of this document. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Contact information for the EPA Headquarters: Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202, phone (703) 603–8917.

The contact for the regional docket is Joellen O'Neill, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW, 9th floor, Atlanta, GA 30303; phone (404) 562–8127. Please contact the regional docket for hours.

*E. How Can I Obtain a Current List of NPL Sites?*

You may obtain a current list of NPL sites via the Internet at http://www.epa.gov/superfund/ (look under site information category) or by contacting the Superfund docket (see contact information above).

## III. Contents of This Final Rule

This rule deletes the Georgia-Pacific Corporation Hardwood Sawmill site from the General Superfund Section of the NPL.

## IV. Good Cause Exemption From Notice and Comment Rulemaking

The Administrative Procedure Act generally requires agencies to provide prior notice and opportunity for public comment before issuing a final rule (5 U.S.C. 553(b)). Rules are exempt from this requirement if the issuing agency finds for good cause that notice and

comment are unnecessary (5 U.S.C. 553(b)(3)(B)).

EPA has determined that it is not necessary to provide prior notice and opportunity for comment on the rule amending the NPL to remove the Georgia-Pacific Corporation Hardwood Sawmill site from the NPL. The rule is promulgated in order to comply with the D.C. Circuit's order vacating the listing. The listing is no longer legally in effect by order of the D.C. Circuit. Thus, amending the NPL has no legal impact and only states the current legal status of the NPL.

For the same reasons stated above, EPA believes there is good cause for making the amending regulations immediately effective. (See 5 U.S.C. 553(d))

**V. Administrative Assessments**

*A. Executive Order 12866*

1. What Is Executive Order 12866?

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive order. The order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.

2. Is This Final Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

*B. Unfunded Mandates*

1. What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments; enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates; and informing, educating, and advising small governments on compliance with the regulatory requirements.

2. Does UMRA Apply to This Final Rule?

No. Today's action will have no impact upon State, local, and tribal governments, or on the private sector. The amending regulations promulgated today reflect current law and will result in no legal impact on public or private entities.

*C. Effect on Small Businesses*

1. What Is the Regulatory Flexibility Act?

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

2. Does the Regulatory Flexibility Act Apply to This Final Rule?

No. The amending regulations promulgated today will have no effect on small entities. This is evidenced by the fact that the regulations promulgated today have no legal impact. Today's rule only amends the CFR to comply with the current legal status of the rules.

I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

*D. The Congressional Review Act*

1. What Is the Congressional Review Act?

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

2. How Does the Congressional Review Act Apply to This Rule?

Section 808 allows the issuing agency to make the rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This statement must be supported by a brief statement. As stated previously, EPA has made such a good cause finding, including the reasons therefor, and has established an effective date of September 28, 2000. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**.

*E. What Could Cause the Effective Date of This Rule To Change?*

A statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) and Bd. of Regents of the University of *Washington* v. *EPA*, 86 F.3d 1214,1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

*F. National Technology Transfer and Advancement Act*

1. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?

No. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

*G. Executive Order 12898*

1. What Is Executive Order 12898?

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' as well as through EPA's April 1995 ''Environmental Justice Strategy, OSWER Environmental Justice Task Force Action Agenda Report'' and National Environmental Justice Advisory Council, EPA has undertaken to incorporate environmental justice into its policies and programs. EPA is committed to addressing environmental justice concerns, and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income, bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities.

2. Does Executive Order 12898 Apply to This Final Rule?

No. Today's final rule will have no effect upon minority or low-income populations. The amending regulation promulgated today reflect current law and is meant only to amend the Code of Federal Regulations to comply with the current legal status of the rules.

*H. Executive Order 13045*

1. What Is Executive Order 13045?

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866 and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

2. Does Executive Order 13045 Apply to This Final Rule?

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this section present a disproportionate risk to children.

*I. Paperwork Reduction Act*

1. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that requires OMB approval under the PRA unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

2. Does the Paperwork Reduction Act Apply to This Final Rule?

No. There are no information collection requirements associated with today's rule.

*J. Executive Order 13132*

1. What Is Executive Order 13132?

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

2. Does Executive Order 13132 Apply to This Final Rule?

No. This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive order do not apply to this rule.

*K. Executive Order 13084*

1. What Is Executive Order 13084?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments or unless EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

2. Does Executive Order 13084 Apply to This Final Rule?

No. This rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

*L. Executive Order 12875*

1. What Is Executive Order 12875?

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or EPA consults with those governments.

2. Does Executive Order 12875 Apply to This Rule?

No. Today's action will have no impact upon State, local, or tribal governments. The amending regulations promulgated today reflect current law and will result in no legal impact on public or private entities.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 18, 2000.

**Timothy Fields, Jr.,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

40 CFR part 300 is amended as follows:

## PART 300—[AMENDED]

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

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Appendix B to Part 300—[Amended]**

2. Table 1 of appendix B to part 300 is amended by removing the site ''Georgia-Pacific Corporation Hardwood Sawmill'', Plymouth, NC.

[FR Doc. 00–24672 Filed 9–27–00; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–75; RM–9863]**

## Radio Broadcasting Services; Kahului, HI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 223C2 to Kahului, Hawaii, as that community's second local FM transmission service, in response to a petition for rule making filed by New West Broadcasting. *See* 65 FR 33798, May 25, 2000. The allotment requires a site restriction 10.5 kilometers (6.5 miles) southeast of Kahului at coordinates 20–50–24 NL and 156–23–14 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 223C2 at Kahului, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–75, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

## PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Channel 223C2 at Kahului.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24880 Filed 9–27–00; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–74; RM–9862]**

## Radio Broadcasting Services; Sterling, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 248C3 to Sterling, Colorado, as that community's third local FM transmission service, in response to a petition for rule making filed by Ling Broadcasting. *See* 65 FR 33798, May 25, 2000. Coordinates used for this proposal are the city reference at 40–37–32 NL and 103–12–25 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 248C3 at

Sterling, Colorado, 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.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–74, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

## PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Channel 248C3 at Sterling.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24881 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–71; RM–9852]**

### Radio Broadcasting Services; Olpe, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 276A to Olpe, Kansas, as that community's first local aural transmission service, in response to a petition for rule making filed by Michael D. Law. *See* 65 FR 30047, May 10, 2000. The allotment requires a site restriction 5.8 kilometers (3.6 miles) south of Olpe at coordinates 38–12–39 NL and 96–10–50 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 276A at Olpe, Kansas, 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.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–71, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

## PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by adding Olpe, Channel 276A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24883 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–35; RM–9818]**

### Radio Broadcasting Services; Lake Isabella, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 239A to Lake Isabella, California, as that community's second local FM transmission service, in response to a petition for rule making filed by Dana J. Puopolo. *See* 65 FR 11955, March 7, 2000. Coordinates used for this proposal are the city reference at 35–35–11 NL and 118–26–34 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 239A at Lake Isabella, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–35, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

## PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 239A at Lake Isabella.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24884 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–34; RM–9817]**

### Radio Broadcasting Services; Culver, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 252A to Culver, Indiana, as that community's first local aural transmission service, in response to a petition for rule making filed by Larko Communications, Inc., and supported by M & W Broadcasting. *See* 65 FR 11540, March 3, 2000. Coordinates used for this proposal are the city reference at 41–13–04 NL and 86–25–21 WL. As Culver, Indiana, is located within 320 kilometers (199 miles) of the U.S.-Canada border, concurrence of the Canadian government to the allotment of Channel 252A to that community was obtained.

**DATES:** Effective October 30, 2000. A filing window for Channel 252A at Culver, Indiana, 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.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–34, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

### PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Culver, Channel 252A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24885 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–33; RM–9816]**

### Radio Broadcasting Services; Jenner, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 292A to Jenner, California, as that community's first local aural transmission service, in response to a petition for rule making filed by Brian Costello. *See* 65 FR 11539, March 3, 2000. The allotment requires a site restriction 10.1 kilometers (6.3 miles) northwest of Jenner at coordinates 38–30–55 NL and 123–11–45 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 292A at Jenner, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–33, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

### PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Jenner, Channel 292A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24886 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 00–2106; MM Docket No. 00–72; RM–9853]**

### Radio Broadcasting Services; Covelo, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 245A to Covelo, California, as that community's first local aural transmission service, in response to a petition for rule making filed by Round Valley Unified School District. *See* 65 FR 30047, May 10, 2000. Coordinates used for this proposal are the city reference at 39–47–42 NL and 123–14–54 WL.

**DATES:** Effective October 30, 2000. A filing window for Channel 245A at Covelo, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–72, 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 (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

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

## PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Covelo, Channel 245A

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–24882 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 1845

### Property Reporting Requirements—Correction

**AGENCY:** National Aeronautics and Space Administration (NASA)

**ACTION:** Interim rule: correction.

**SUMMARY:** This is a correction of the amendatory language of item 2 of the Property Reporting Requirements interim rule published September 11, 2000.

**EFFECTIVE DATE:** September 11, 2000

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), 202–358–1645.

**SUPPLEMENTARY INFORMATION:**

### A. Background

The amendatory language at item 2 of the interim rule on Property Reporting Requirements published in the **Federal Register** on September 11, 2000 (65 FR 54813—54816) incorrectly identified all of subpart 1845.71 as being revised. The effect of the error was the inadvertent omission of section 1845.7102, Instructions for preparing DD Form 1419. This correction revises the amendatory language for item 2 to indicate that only sections 1845.7101, 1845.7101–1, 1845.7101–2, 1875.7101–3, 1845.7101–4, and 1845.7101–5 are revised.

**List of Subjects in 48 CFR Part 1845**

Government Procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Part 1845 is amended as follows:

1. The authority citation for 48 CFR Part 1845 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

2. Correct item 2 in the first column of page 54814, by deleting the Table of Contents and revising the amendatory instruction to read as follows:

## PART 1845—GOVERNMENT PROPERTY

2. In subpart 1845.71 revise sections 1845.7101, 1845.7101–1, 1845.7101–2, 1875.7101–3, 1845.7101–4, and 1845.7101–5 to read as follows:

[FR Doc. 00–24812 Filed 9–27–00; 8:45 am]

**BILLING CODE 7510–01–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

### 50 CFR Part 300

**[Docket No. 000908255-0255-01 ;I.D. 080800C]**

**RIN 0648-AN73**

### International Fisheries; Pacific Tuna Fishery in the Eastern Pacific Ocean

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** 2000 Quota and Associated Management Measures for Yellowfin Tuna.

**SUMMARY:** NMFS announces the year 2000 yellowfin tuna harvest limits and associated management measures for the purse seine and baitboat fisheries for yellowfin tuna in the eastern Pacific Ocean (EPO), consistent with recommendations made by the Inter-American Tropical Tuna Commission (IATTC) and approved by the Department of State under the terms of the Tuna Conventions Act. The intended effect of this action is to establish allowable harvest limits for the yellowfin tuna fishery.

**DATES:** Effective September 28, 2000 until December 31, 2000, unless attainment of the quota is reached earlier. If the quota is reached before December 31, 2000, NOAA will publish announcement of that date in the **Federal Register.**

**ADDRESSES:** Submit comments to Rebecca Lent, Regional Administrator, Southwest Region (Regional Administrator), NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562-980-4040.

**SUPPLEMENTARY INFORMATION:** The U.S. is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949. The IATTC was established to provide an international arrangement to ensure the effective international conservation and management of highly migratory species of fish in the convention area. The IATTC has maintained a scientific research and fishery monitoring program for many years and annually assesses the status of stocks of tuna and the fisheries to determine appropriate harvest limits or other measures to prevent overexploitation of the stocks and to promote viable fisheries. The area generally covered by the management measures recommended under the Convention is all waters of the EPO between 40° N. lat. and 40° S. lat. west to 150° W. long. Within the area covered by the Convention, the IATTC has designated a smaller Commission Yellowfin Regulatory Area (CYRA) in which the total catch of yellowfin tuna may be limited. The boundaries of the CYRA may be found at 50 CFR part 300, subpart C.

At its annual meeting in June 2000, the IATTC adopted a resolution dealing with yellowfin tuna conservation. This resolution set an overall harvest quota of 265,000 metric tons (mt) for yellowfin tuna taken by purse seine vessels in the CYRA), except that the purse seine and baitboat fisheries in the CYRA are to close December 1, 2000, even if the quota has not been reached. The IATTC also recommended that certain waters be closed to purse seine fishing when the overall catch of yellowfin tuna reaches 240,000 mt. This document

confirms that the quotas have been approved by the Department of State. Under regulations promulgated in 1999 (64 FR 44428, August 16, 1999), the Southwest Regional Administrator is authorized to notify the U.S. tuna industry (industry) directly of any quotas and associated regulatory measures that have been recommended by the IATTC and approved by the Department of State. In a separate action, the Regional Administrator announced the 2000 yellowfin tuna quotas directly to the industry. In that action, the Regional Administrator advised the industry directly of the management measures contained in this Federal Register document. Those measures, which will be effective within the CYRA, are as follows:

1. When the yellowfin catch reaches 240,000 mt, U.S. purse seine and baitboat vessels will be prohibited from fishing within waters that are:

a. Bounded by the U.S.-Mexico boundary, 125° W. longitude, and 23° N. latitude; and

b. Bounded by the coast of South America, 85° W. longitude, and 5° N. and 5° S. latitudes.

2. When the yellowfin catch within the CYRA reaches 265,000 MT, or after 0001 hours December 2, 2000, whichever comes first, the following restrictions will apply in the CYRA:

a. Purse seine vessels with an observer aboard from the On-Board Observer Program established under the Agreement on the International Dolphin Conservation Program must refrain from fishing for yellowfin in the CYRA.

b. The landings of fish caught while fishing for other species of tunas in the CYRA after the date established for the CYRA closure by any individual purse seine vessel with an observer aboard may include a maximum of 15 percent yellowfin (relative to its total catch of all species of fish during those periods).

c. Vessels with an observer aboard that are at sea on December 31, 2000, will not be subject to the 15-percent maximum after that date during the remainder of that trip.

d. Purse seine vessels and baitboats without an observer aboard that are at sea on the closure date may continue to fish for yellowfin without restriction until they return to port for unloading.

e. Purse seine vessels and baitboats without an observer aboard that are not at sea on the closure date, but that depart from port to fish for tunas after that date, must refrain from fishing for yellowfin. The landings by vessels in this category, regardless of the date the trip is completed, may include a maximum of 15 percent yellowfin caught while fishing for other species of tunas.

For the reasons stated here and in accordance with the regulations at 50 CFR part 300, subpart C, NMFS herein announces that, after the dates which the Director of IATTC specifies and the Southwest Regional Administrator announces as the initial closure date and directed fishery closure date, no U.S. vessel may fish in the Convention Area unless it is in compliance with the above measures.

## Classification

This action is authorized by the regulations implementing the Tuna Conventions Act, 50 CFR part 300, subpart C. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary. The rule authorizing this action provides for quotas agreed to by the IATTC and approved by the Department of State to be effective upon direct notification of the U.S. tuna fishing industry. Providing prior notice and an opportunity for public comment would serve no useful purpose. The AA finds for good cause under 5 U.S.C. 553(d)(3) that a 30-day delay in effectiveness for this 2000 quota would be contrary to the public interest. Such a delay could prevent the quota from being in place before it is exceeded and the fisheries closed.

This action is exempt from review under Executive Order 12866.

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

**Authority:** 16 U.S.C. 951-961 and 971*et seq.*

Dated: September 20, 2000.

**William T. Hogarth,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 00–24694 Filed 9–27–00; 8:45 am]

**BILLING CODE: 3510–22–S**

# Proposed Rules

Federal Register
Vol. 65, No. 189
Thursday, September 28, 2000

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

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### 23 CFR Part 657

**[FHWA Docket No. FHWA–97–2219; 93–28]**

**RIN 2125 –AC60**

## Certification of Size And Weight Enforcement

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Supplemental advance notice of proposed rulemaking (SANPRM); request for comments.

**SUMMARY:** The FHWA is considering changes in Federal regulations affecting State certification of commercial motor vehicle size and weight enforcement. Public comment is requested on the type of information and data that States should be required to submit to the FHWA in support of their annual certification of size and weight enforcement. This can include, but is not limited to: Specific relevant data elements; program approaches that may affect detection and assessment of vehicle weight violations; and the technologies and logistics of data collection. Previous efforts in this area were suspended by the FHWA as a result of the agency's decision to conduct a comprehensive study of all aspects of the truck size and weight issue and the need to devote significant resources to that effort. With the study nearing completion, the agency is resuming work on revising the certification process.

**DATES:** Comments must be received on or before December 27, 2000.

**ADDRESSES:** Your signed, written comments must refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Davis, Office of Freight Management and Operations (202–366–2997), or Mr. Charles Medalen, Office of the Chief Counsel (202–366–1354), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

### Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara.*

### Background

To preserve the Nation's investment in the Interstate Highway System, in 1956 the Congress established vehicle weight limits for the Interstate System (23 U.S.C. 127). Beginning in 1975, the Congress required each State to certify annually that it is enforcing its size and weight laws (23 U.S.C. 141) as a condition for full receipt of Federal-aid highway funds. The regulation to implement section 141 is found at 23 CFR part 657, Certification of Size and Weight Enforcement. Except for technical corrections necessitated by statutory changes, the basic content of part 657 has remained unchanged since publication in August 1980.

Since that time, the motor carrier industry has undergone substantial change. Concurrently, a need for change in State enforcement efforts also has been identified. Both the General Accounting Office (GAO) and the Department's Office of Inspector General (OIG) have conducted reviews of State operations under the existing rules and found problems, not only with specific practices in individual States, but also with the requirements themselves. In response to the GAO and OIG reports, the Federal Highway Administration in December 1993 published an advance notice of proposed rulemaking (ANPRM) under Docket No. 93–28 with a request for comments (58 FR 65830, December 16, 1993), and an extension of comment period (59 FR 11956, March 15, 1994) as the first step in revising and updating the requirements of part 657. (The FHWA rearranged its docket system to accord with the electronic system adopted by the Department of Transportation in 1997. The FHWA Docket No. 93–28 was transferred and scanned as FHWA Docket No. 1997–2219.)

As the FHWA completed its initial review of the comments received in response to the ANPRM, then Federal Highway Administrator Rodney Slater in June 1994 committed the FHWA to a comprehensive review of all aspects of the truck size and weight issue. Since the agency was then committed to a comprehensive review of the program, it decided to table the rulemaking until the comprehensive study could evaluate existing issues, including size and weight certification. Although the size and weight study did ask questions about State certification programs, only a few comments were received on the topic. After consideration, the FHWA determined that the responses to the comprehensive study that addressed vehicle weight enforcement were too few in number and specificity to form a basis for reconsidering current State certification requirements. With the comprehensive study nearing completion, therefore, the FHWA is resuming its work to revisit the certification process and determine if a rulemaking effort on this topic should be continued.

The 1993 ANPRM contained a discussion of nine problem areas that had been noted by the GAO, the OIG, or the States as having a negative effect on certification and enforcement procedures and their effectiveness at measuring and reporting commercial motor vehicle (CMV) compliance. These were:

1. The magnitude and location of overweight vehicles are unknown;
2. Operational tolerances at scales are common despite Federal law;
3. Preparation of enforcement plans and certifications is time consuming;
4. Not all States are taking advantage of improved data collection to enhance program management and effectiveness;
5. The amount of pavement wear attributable to vehicles with special permits is unknown;
6. Permit fee and overweight fine schedules often do not reflect true costs;
7. Enforcement plans lack specific, measurable goals;
8. There is inadequate vehicle size and weight enforcement in some urban areas; and
9. Sanction procedures do not clearly identify some settlement options.

Under each problem area, several questions were posed to help respondents focus their comments.

Fifty-three interested parties submitted written comments to the ANPRM: 33 State departments of transportation, departments of public safety, and/or State highway patrols; 9 transportation related associations; 3 commercial motor carriers; 1 safety advocacy group; 1 university engineering department; 1 Federal agency (the U.S. Department of Commerce's Technology Administration); and 4 others from private citizens. In response to the questions posed in the 1993 ANPRM, respondents stated, in summary, that:

- As a group, they believed no separate data base was needed to help them monitor heavy vehicle movements, and that the cost of developing a separate data base would outweigh any savings in pavement and bridge costs;
- Overall, the format and contents of the State's enforcement plan should be left largely as they are. Some States stated that they would expand the data reported as new technology is developed to help them collect and provide these data. Four States suggested that the FHWA should outline a core group of enforcement activities and allow the States to respond to them.
- Overwhelmingly, some form of scale tolerances should be allowed. Only one respondent suggested that none should be permitted.
- States were taking advantage of advanced technologies, largely the result of the Intelligent Transportation Systems' Commercial Vehicle Operations initiative, to collect and convey size and weight data. Fifteen States indicated reliance on weigh-in-motion (WIM) technology, in some manner, for data collection.
- A minority of States responding were attempting to track infrastructure costs resulting from vehicles operating under special permits. However, none of them had the capability to track movements undertaken with multiple trip permits.
- Fee structures and fines charged by States ranged from full consideration of infrastructure costs to a nominal fee with no attempt to reflect effects on the highway system. Respondents noted that imposition of fees and fines ultimately should remain a State decision.
- A separate evaluation of urban enforcement activities was not needed. Cooperative agreements existed with large cities or enforcement programs were in place around urban areas that took care of the concern. Regular communication with, and training of, local officials on commercial vehicle weight enforcement was on-going.

The objective of this supplemental ANPRM is to update information like that summarized above, and provide all interested parties the opportunity to present new ideas, concepts, and information that they believe the FHWA should consider in revising the certification process. This will afford States an opportunity to cost-effectively achieve better compliance with size and weight laws, obtain data that they and the FHWA may apply to assessing weight compliance, identify existing technologies to facilitate certification and describe new technologies that may ultimately apply. The input received in response to this request will be considered, along with comments provided in response to the 1993 ANPRM, as the FHWA decides whether to continue the rulemaking to the NPRM stage.

The FHWA asks that respondents consider the following areas of concern, as well as any others which they believe are relevant to a discussion of improving the language, requirements, and effectiveness of 23 CFR part 657 for State agencies. As in 1993, the agency requests that respondents structure their comments to respond to the issues listed below, where appropriate, taking into consideration the following under each:

1. *Data Identification of Problem Areas.* Is a data collection system needed to track truck weight patterns throughout a State? States in general did not believe that a new system was needed to collect data on overweight commercial truck travel patterns in their jurisdictions, although they did not describe how the process was currently handled. Left unanswered was: should such a system be required? Moreover, is one feasible? Does one already exist for other purposes that might be adapted to help satisfy certification requirements? Would one improve the operation of the State's weight enforcement program?

2. *Aspects of Highway Safety involving Commercial Vehicles.* The increasing volume of all traffic, including that of commercial vehicles, continues to increase the exposure that any single vehicle has to potential crash involvement. The importance of truck safety has always been known to the traffic safety enforcement community, but the issue has now become an increasingly ''high-profile'' item to the public at large, with the public demanding increased accountability. Accordingly, highway and truck safety must be considered in every aspect of highway system operation, including commercial vehicle weight enforcement. The primary reason for the development of vehicle weight laws was infrastructure protection. Enforcement of these laws was, and continues to be, seen as the primary method to obtain full value from the resources committed to building and maintaining the highway system. However, the operational safety performance of commercial vehicles is compromised when those vehicles either exceed legal weight limits, or are loaded beyond the design capacity of the vehicle. The FHWA recognizes that at the Federal level, truck safety issues *per se* are the direct responsibility of the newly created Federal Motor Carrier Safety Administration, and that it is not the intention to duplicate in any way requirements or responsibilities. The question here is whether the value added to improving commercial vehicle safety by weight enforcement should be formally acknowledged, and if so, in what manner.

3. *Weight Tolerances at Scales or Enforcement Judgment.* According to 23 U.S.C. 127, States may not allow any weight tolerances on the Interstate System. Thus, by law, States are required to issue a citation, or take some enforcement action, if a scale reading on the Interstate is even one pound over the limit. Off the Interstate, States may provide for ''enforcement tolerances.'' The problem is that State law or regulation has to prescribe a tolerance in order for it to be allowed. Often, there is no codification of the practice; yet, it takes place. Under 23 U.S.C. 141, this can be considered inadequate enforcement of State size and weight laws.

Despite the requirement for tolerance codification, scale tolerances are apparently widely used, and respondents to the 1993 ANPRM overwhelmingly supported their usage.

Frequently, the tolerances described were defined as something other than tolerances *per se,* usually ''officer discretion.''

In sum, should the practice of allowing scale operational tolerances be recognized in Federal law to permit State usage on some systematic basis? What kind (percentage or poundage) and amount of scale tolerance should be allowed? Or, should scale tolerances be considered a matter for enforcement officials' judgment at the weighing site, drawing upon State regulation and enforcement practice?

4. *Documenting Pavement Use and Bridge Wear Attributable to Vehicles with Special Permits.* What do we *now* know about pavement use and bridge wear associated with vehicles with special permits, especially permits allowing multiple trips? What *can* we reasonably know? What systems now help document usage? What is being done with the information obtained? What improvements are needed to provide State officials with timely, representative knowledge about pavement use and bridge wear due to permitted vehicle operations? Any information systems that would be considered for implementation to respond to these questions would at least cover the Interstate System, as current Federal statute (23 U.S.C. 127) applies only to the Interstate System. Could such a system be reasonably expanded to distinguish permitted travel on non-Interstate highway systems such as the non-Interstate portions of the National Highway System (NHS), or National Network (NN) (for trucks described in the Surface Transportation Assistance Act of 1982 (STAA), Public Law 97–424, 96 Stat. 2097). Do you believe that such an expansion would be warranted from a safety standpoint?

5. *Permit Fees and Overweight Fines.* What is the basis for current systems of fees and fines? Are they designed to cover highway costs (including enforcement), simply provide a token fee, or serve as a deterrent? Do States have any systems to more completely capture, or more equitably assess, State highway costs? What are your views on the potential for a system that would monitor vehicle operations for use in applying the State permit fee and fine structures? If such a system is considered, what would be the minimum data elements that should be included? For each incremental increase in vehicle specificity, what are additional costs and issues that you see affecting implementation?

6. *Vehicle Size and Weight Enforcement in Urban Areas.* The wording of 23 U.S.C. 141 requires vehicle size and weight enforcement on the Federal-aid primary, urban, and secondary systems, including the Interstate System. The system references in this section were not amended by Congress when these systems (except for the Interstate) were eliminated and replaced by the National Highway System (NHS) in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102–240, 105 Stat. 1914. When the language of section 141 was enacted (Federal-Aid Highway Amendments of 1974, Public Law 93–643, 88 Stat. 2284), the mileage comprising the urban system, the urban extensions of the primary and secondary systems, and the urban Interstate, accounted for a significant proportion of the total street mileage in many cities. Today, the only designated Federal-aid system, the NHS, includes a much smaller proportion of the total mileage in every city. From a system mileage standpoint, Federal interest has decreased significantly, even though the total mileage on which some form of Federal-aid funds may be spent by States has remained constant.

The current regulation simply requires that States must identify any urbanized areas not subject to State enforcement and, for those areas, must include an analysis of enforcement efforts. Many States include with their certifications information on urban weight enforcement discussions of activity that are conducted by city/municipal police, even though many of these activities probably occur on local streets that have never been a part of any Federal-aid system.

Is it appropriate to reconsider and or clarify Federal interest in the extent of urban weight enforcement?

7. *Sanction Procedures.* Section 657.21 establishes Federal penalties for State imposition of non-conforming weight limits on the Interstate system, as well as failure to submit a certification or enforce its size and weight laws. However, unanswered by current statute is how the FHWA will determine if inadequate enforcement is occurring, and how a State may respond to Federal determinations of violation.

Therefore, what are some workable, practical performance measures or index values that might more objectively define the enforcement efforts of a State that would reflect the varying State enforcement philosophies, procedures, and statutory bases? Such a measure or measures could include items such as effort expended, applicable mileage, number and type of scales used, as well as the existing measures of activity (*e.g.*, weighings and penalties). What processes or procedures would best serve the State in responding to, and working with the FHWA to resolve, a Federal determination of non-compliance or non-enforcement? What might be the simplest, most straightforward system of resolution?

**Note:** Respondents may wish to refer to § 657.15 for currently invoked measures of performance as an aid in considering and developing their own recommendations.

8. *Enforcement of LCV Regulations.* The ISTEA added a statement to the annual certification of vehicle size and weight enforcement specifically covering compliance with the freeze on the operation of longer combination vehicles (LCVs). Previously, this activity was covered by the general statement in 23 U.S.C. 141 that ''it is enforcing all State laws respecting maximum vehicle size and weights.'' In considering possible changes to the measures of size and weight enforcement activity to be included with a certification, can LCV enforcement be singled out and reported with its own measure? What are practical measures the States can propose to quantify this activity?

**Note:** the ISTEA added State compliance with the freeze on the operation of longer combination vehicles (LCVs) to the certification process of 23 U.S.C. 141.

9. *Use of Variable Load Suspension (VLS) Axles.* Anecdotal evidence suggests that vehicles equipped with VLS axles may be causing road damage because the axles are not always used as designed to compensate for heavier loads. Should VLS axles be specifically mentioned in Federal regulations to either exclude them from, or conditionally include their use in, the determination of a commercial motor vehicle's compliance with the various weight limits, including the bridge formula? If included, what qualifications would have to be met to permit these axles' inclusion?

**Note:** Bigger payload has been one of the reasons for the large increase in VLS axle usage. Another is load equalization. However, the axle can often be raised or lowered from inside the cab, so that the opportunity exists for the axle not to be engaged when the loaded vehicle is underway. The potential for abuse exists, therefore, as a disengaged VLS axle could lead to heavy permanent axle loadings and significant damage to both the roadway and vehicle. Documentation on individual State treatment of VLS axles when calculating vehicle axle weight is fragmented.

10. *Size and Weight Enforcement Practices and Procedures.* Concerns have been voiced about the lack of uniformity in States' roadside size and weight enforcement practices, including measurement of length, use of portable

scales, and citing multiple violations on the same vehicle. Should there be some minimum level of Federal standards established for the various tasks that make up State size and weight enforcement? Do such standards already exist that might be incorporated in a State's enforcement process? Should employee training in various aspects of size and weight enforcement be a component of State enforcement plans?

11. *Role of Technology.* What are your views on the role that Intelligent Transportation Systems (ITS) technology can have in monitoring and/or implementing the various aspects of commercial vehicle size and weight discussed herein. In terms of the existing highway systems, what would be the minimum data and coverage requirements necessary to make an ITS-based information system effective from a public agency standpoint, and useable for motor carriers and drivers?

**Rulemaking Analyses and Notices**

All comments received before the close of business on the final day of the comment period indicated above will be considered and will be available for examination in the docket at the above address or by electronic means. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file relevant information in the docket that becomes available after the closing date, and interested persons should continue to examine the docket for new material.

**Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate the economic impact of potential changes to the regulatory requirements concerning the certification of size and weight enforcement. Based on the information received in response to this notice, the FHWA intends to carefully consider the costs and benefits associated with various alternative requirements. Comments, information and data are solicited on the economic impact of the potential changes.

**Regulatory Flexibility Act**

Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate the effects of the potential regulatory changes on small entities. Based on the information received in response to this notice, the FHWA intends, in compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), to carefully consider the economic impacts of these potential changes on small entities. The FHWA solicits comments, information and data on these impacts.

**Unfunded Mandates Reform Act of 1995**

The FHWA does not anticipate that any rule resulting from this preliminary action would impose a Federal mandate involving the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. (2 U.S.C. 1531 *et seq.*)

**Executive Order 12988 (Civil Justice Reform)**

The FHWA will evaluate any action that may be proposed in response to comments received here to ensure that such action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Executive Order 13045 (Protection of Children)**

The FHWA will evaluate any rule that may be proposed in response to comments received here under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. We do not anticipate that any such rule would be economically significant or would present an environmental risk to health or safety that may disproportionately affect children.

**Executive Order 12630 (Taking of Private Property)**

The FHWA will evaluate any rule that may be proposed in response to comments received here to ensure that any such rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Executive Order 13132 (Federalism)**

Any action that may be initiated in response to comments received here will be analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999. The FHWA anticipates that such action would not have a substantial direct effect or sufficient Federalism implications on States that would limit the policymaking discretion of the States. Nor do we anticipate that such action would directly preempt any State law or regulation.

**Executive Order 12372 (Intergovernmental Review)**

Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

**Paperwork Reduction**

The FHWA does not anticipate that any action initiated in response to comments received here will add or expand a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

**National Environmental Policy Act**

The FHWA will analyze any actions that may be initiated in response to comments received here for the purpose of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) in order to assess whether such action would have any effect on the quality of the environment.

**Regulation Identification Number**

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

**List of Subjects in 23 CFR Part 657**

Enforcement plan, Highway and roads, Sanctions, and Vehicle size and weight certification.

**Authority:** 23 U.S.C. 127, 141, and 315; 49 CFR 1.48(b).

Dated: September 15, 2000.

**Anthony R. Kane,**

*Federal Highway Executive Director.*

[FR Doc. 00–24906 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 206**

**RIN 1010–AC24**

## Establishing Oil Value for Royalty Due on Indian Leases

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Proposed rule; notice of initial regulatory flexibility analysis.

**SUMMARY:** Under the requirements of the Regulatory Flexibility Act, MMS is publishing an Initial Regulatory Flexibility Analysis (IRFA) for a supplementary proposed rule on establishing oil value for royalty due on Indian leases. Our purpose is to aid the public in commenting on the small business impact of this proposed rulemaking.

**DATES:** Your written comments must be submitted on or before October 30, 2000.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to David S. Guzy, Chief, Rules and Publications Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3021, Denver, CO 80225–0165. Courier or overnight delivery address is Building 85, Room A–613, Denver Federal Center, Denver, CO 80225. You may also comment via the Internet to RMP.comments@mms.gov.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include Attn: RIN 1010–AC24 and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact David S. Guzy directly at (303) 231–3432.

**FOR FURTHER INFORMATION CONTACT:** David S. Guzy, Chief, Rules and Publications Staff, telephone (303) 231–3432, FAX (303) 231–3385, or e-mail David.Guzy@mms.gov.

**SUPPLEMENTARY INFORMATION:** This notice supplements MMS's February 12, 1998, notice of proposed rulemaking (63 FR 7089) and the January 5, 2000, supplementary proposed rule (65 FR 403) that were published in the **Federal Register**. MMS is proposing amendments to its regulations for establishing the value for royalty purposes of oil produced from Indian leases. The proposed amendments also would establish a new form for collecting value and value differential data. These amendments are intended to simplify and improve the regulations by decreasing reliance on oil posted prices and use more publicly available information. MMS received written comments from interested parties on both proposals. During the comment period for the proposed rulemaking, MMS held workshops in Albuquerque, New Mexico, on March 26, 1998, and Lakewood, Colorado, on April 1, 1998, to receive further comment. During the comment period for the supplementary proposed rule, MMS held a similar workshop in Lakewood, Colorado, on February 8, 2000.

MMS's notice of February 12, 1998 (63 FR 7097) did not include an IRFA under the requirements of the Regulatory Flexibility Act (5 U.S.C. 603) because MMS certified that the proposed rule would not have a significant economic impact on a substantial number of small entities.

In the January 5, 2000, supplementary proposed rule, MMS stated that the proposal would have a significant economic impact on 173 small businesses and proposed further modifications that would to some extent mitigate the impact on small businesses from the proposed amendments under the February 12, 1998, rule (65 FR 410).

MMS afforded opportunities for public comment in the February 12, 1998, and January 5, 2000, proposals. MMS received no comments concerning the impacts of this rulemaking on small entities during the comment periods for the proposed and supplementary proposed rules or at the three workshops.

Upon further analysis, MMS has determined that the proposed rule would affect a larger number of small businesses. The proposal, in addition to revising the oil value for royalty due on Indian leases for companies who pay royalties, also places a reporting requirement on non-payor purchasers of oil produced from Indian leases.

MMS determined that the proposed rule would have a significant impact on a substantial number of small businesses. Accordingly, MMS is publishing this notice with the analysis to provide further information and opportunity for public comment on the small business impact of this rulemaking. After the close of the 30-day comment period, MMS will prepare a final rule and address all comments received.

The Executive Summary of the IRFA is included as Attachment 1, followed by the analysis, which is included in its entirety as Attachment 2 to this notice.

Dated: September 21, 2000.

**Lucy Querques Denett,**

*Associate Director for Royalty Management.*

### Attachment 1—Indian Oil Valuation: Supplementary Proposed Rule—Initial Regulatory Flexibility Analysis; Executive Summary

Through a series of rulemakings that began on December 20, 1995, the Minerals Management Service (MMS) proposes to establish new royalty valuation rules for oil produced from Indian lands. MMS issued a proposed rule on February 12, 1998, followed by a supplementary proposed rule on January 5, 2000. This latest proposal would establish royalty value based on the highest of three separate valuation methods:

—The reported gross proceeds from an arm's-length sale.

—A location- and quality-adjusted spot price for the market center nearest the producing lease. This spot price is for the oil most similar in quality to that of the lease production, and for the month of delivery concurrent with the production month.

—The MMS-calculated ''major portion'' price calculated at the 75% level. The monthly major portion value would be calculated by arraying sales and associated volumes from lowest price to highest, and applying the price associated with the sale where accumulated volumes exceed 75 percent of the total.

MMS estimates that there would be significant impacts on a substantial number of small businesses (less than 500 employees by the U.S. Small Business Administration criteria), as a percentage of all Indian lease payors, as well as on some large businesses. MMS estimates there are approximately 166 small business royalty payors on Indian lands. In addition to these payors, MMS estimates that 83 additional non-lessee small businesses would be impacted by the proposed rule. These 83 small businesses would have an additional cost under the proposed rule because they must submit Form MMS–4416 as non-payor purchasers of oil produced from Indian leases.

For each of the 166 small business royalty payors, MMS estimates the average impact as:

$16,134 per payor for the first year
$13,634 each year thereafter

For each of the 83 non-lessee small businesses, the estimated average impact is: $3,350 each year.

Because of MMS's trust responsibility there were very few alternatives other than the provisions within the proposed rule. Throughout the rulemaking

process, MMS solicited comments and held public workshops. MMS consulted with the affected tribal and allottee representatives on several occasions and discussed in depth the merits and provisions of several valuation alternatives. MMS, tribal, and allottee representatives believe that the proposed rule reflects the best method to ensure that Indian lessors receive fair market value for their oil resources.

**Attachment 2—Indian Oil Valuation: Supplementary Proposed Rule—Initial Regulatory Flexibility Analysis**

**Background**

On December 20, 1995, the Minerals Management Service (MMS) published an Advance Notice of Proposed Rulemaking regarding valuation of oil from Federal and Indian leases. In the notice, MMS asked all interested parties to submit or comment on alternate methodologies for valuing oil production. Industry generally had no comment on this issue, but many States and Indian organizations provided comments. They believed that the current valuation system is outdated and that a new system based on either the New York Mercantile Exchange or spot prices is more appropriate.

In response to feedback from the Indian community, MMS issued a Notice of Proposed Rulemaking revising the current Indian oil valuation regulations on February 12, 1998 (63 FR 7089). The intent of our February 12, 1998, proposed rulemaking was to add more certainty to the valuation of oil produced from Indian lands, eliminate reliance on oil posted prices, and address certain terms unique to Indian leases—specifically, the ''major portion'' provision. Most Indian leases include this provision, which provides that value for royalty purposes, in the discretion of the Secretary, may be the highest price paid or offered at the time of production for the major portion of oil production from the same field.

The February 1998 proposed rule would have required royalty value to be based on the higher of three different values:

- A value based on the average of the five highest New York Mercantile Exchange (NYMEX) futures prices for the month adjusted for location and quality differences.
- The lessee's or its affiliate's gross proceeds adjusted for appropriate transportation costs.
- A MMS-calculated major portion value based on prices reported by lessees and purchasers in MMS-designated areas typically corresponding to reservation boundaries. The monthly major portion value would be calculated by arraying sales and associated volumes from lowest price to highest, and applying the price associated with the sale where accumulated volumes exceed 75 percent of the total. For example, assume four sales were reported on a reservation for the following volumes and prices:

| | Volume (bbls) | Price ($/bbl) |
|---|---|---|
| Sale #1 | 2,000 | 10.00 |
| Sale #2 | 2,000 | 12.00 |
| Sale #3 | 4,000 | 15.00 |
| Sale #4 | 2,000 | 18.00 |
| Total | 10,000 | |

The major portion price would be $15.00 (the price at which accumulated volumes exceed 75% of the total production). MMS would require the two payors who reported less than the $15.00 major portion price to pay the difference for their reported volumes ($5.00/bbl and $3.00/bbl respectively).

Because much Indian oil is disposed of under exchange agreements, specific criteria were included for these dispositions:

| If * * * | Then * * * |
|---|---|
| The lessee or its affiliate disposed of production under an exchange agreement and then sold at arm's length the oil it received in return, | Royalty value would have been the resale price less appropriate transportation costs unless the NYMEX or major portion values were higher. |
| The lessee or its affiliate disposed of production under an exchange agreement but refined rather than sold the oil it received in return, | Royalty value would have been the NYMEX value unless the major portion value were higher. |

The lessee initially would have reported royalties based on the higher of the NYMEX value or its gross proceeds. After MMS performed its major portion calculation for the production month, the lessee would have revised its initial royalty value if the major portion value were higher.

In the February 12, 1998, proposal, adjustments for location and quality against the index values were limited to these components:

1. A location and/or quality differential between the representative oil at the index pricing point (West Texas Intermediate at Cushing, Oklahoma) and the appropriate market center (for example, West Texas Intermediate at Midland, Texas, or Wyoming Sweet at Guernsey, Wyoming), calculated as the difference between the average monthly spot prices published in an MMS-approved publication for the respective locations;

2. A rate either published by MMS or contained in the lessee's arm's-length exchange agreement representing location and/or quality differentials between the market center and the boundary of the designated area; or

3. Where oil flows to the market center, and as determined under the existing allowance rules, the actual transportation costs from the designated area to the market center.

Calculation of differentials could vary if the lessee took its production directly to its own refinery and the movement in no way approximated movement to a market center.

MMS would calculate and publish the rate from the market center to the designated area based on specific information it would collect on a new form: Indian Crude Oil Valuation Report (Form MMS–4416). This form would also help MMS confirm its major portion calculations. Collection of this data would allow the Royalty Management Program to fulfill its mission of providing for the fair value of oil for royalty calculation purposes.

**Provisions of the Supplementary Proposed Rule**

MMS received extensive written comments on its February 12, 1998, proposal, as well as further comments from the two subsequent workshops it held in Albuquerque, New Mexico, on March 26, 1998, and Lakewood, Colorado, on April 1, 1998. As a result, MMS issued a supplementary proposed rulemaking dated January 5, 2000 (65 FR 403). This proposed rule made modifications to the February 12, 1998, proposal in four areas:

*A. Use of Spot Prices vs. NYMEX Futures Prices*

In response to the February 12, 1998, proposed rule, several parties objected to the inclusion of NYMEX prices as one of the three values compared to

determine royalty value on Indian leases. They argued that NYMEX prices are not attainable by everyone, that use of NYMEX prices effectively moves valuation away from the lease, and that using these prices would add administrative complexity. One comment from an Indian tribe, however, said that the use of NYMEX prices was long overdue.

In the January 5, 2000, supplementary proposed rule, MMS proposed to use spot rather than NYMEX prices for several reasons. First, spot prices are more location-specific, and we believe that when the NYMEX futures price, properly adjusted for location and quality differences, is compared to spot prices, it nearly duplicates those spot prices. Second, application of spot prices would remove one portion of the necessary adjustments to the NYMEX price—the leg between Cushing, Oklahoma, and the market center location.

The supplementary proposed rule states that one of the three comparative values used to determine royalty value is the spot price for:

- The market center nearest your lease where spot prices are published in an MMS-approved publication;
- The crude oil most similar in quality to your oil; and
- Deliveries during the production month.

One exception is that for leases in the Rocky Mountain Region, the appropriate market center and spot price would be at Cushing, Oklahoma. This is due to the fact that the otherwise-nearest spot price location is at Guernsey, Wyoming, where we believe actual trading is too limited to result in a reliable spot price.

*B. Use of Average of High Daily Spot Prices Rather Than Average of Five Highest NYMEX Settle Prices in a Given Month*

MMS received a number of comments that said applying the average of the five highest NYMEX settle prices was unfair and unrealistic and that this represented a price most sellers could not obtain under any circumstances. We agreed with this comment and, in addition to changing from NYMEX to spot prices, have modified the subset of spot prices to be used. Rather than applying the five highest spot prices in any given month, the January 5, 2000, rulemaking proposes to use the average of the daily high spot prices for that month in the selected publication. This should better reflect values generally obtainable, while at the same time maintaining consistency with the major portion provision of Indian leases calling for the highest price paid for a major portion of production in the field or area.

*C. Transportation Costs From Lease vs. Reservation Boundary*

A number of comments said that MMS should not limit transportation deductions to only those costs incurred beyond the reservation boundary. The commenting parties said that there is no requirement that lessees transport oil within a designated area at no cost to the lessor, and that transportation costs should be calculated from the point where oil is measured for royalty calculation purposes. We agreed with these comments and proposed a change to reflect the permissibility of transportation deductions from the lease rather than the designated area, as well as the reality of exchange agreements whose first transfer point is at the lease or an associated aggregation point.

*D. Modifications to Proposed Form MMS—4416*

MMS received a number of comments that the data requirements for completing proposed Form MMS–4416 were too burdensome and the resultant MMS calculations of location differentials would not be reliable. While we do not agree with the latter comment, we agreed that Form MMS–4416 could be streamlined by eliminating or simplifying certain data requirements and clarifying the instructions included with the form. The Office of Management and Budget (OMB) approved the Form MMS–4416 when MMS submitted it with the February 12, 1998, proposal. However, we revised and clarified the instructions, and proposed to change its submission requirements. Only crude oil production from *Indian leases* in designated areas, rather than *all* production from designated areas, must be reported. This change would minimize the administrative burden of the information collection while still permitting MMS to acquire the information necessary to calculate relevant location differentials and to assist MMS in validating its major portion values. OMB approved this ''streamlined'' version of Form MMS–4416 on February 22, 2000.

**Costs and Benefits**

Summarized below are the estimated costs and benefits of this rule to payors on Indian leases, including small businesses. The costs are segregated into two categories—those costs that would be incurred in the first year after this rule is effective and those costs that would be incurred each year thereafter.

In 1997, MMS records indicated there were approximately 220 oil and condensate payors on Indian lands. The following chart provides the total estimated financial impact on these payors. The subsequent charts provide detailed impact estimates for small businesses. Explanations of each cost and benefit category follow the charts.

TOTAL IMPACT—ALL 220 PAYORS ON INDIAN LEASES

| | First year | Subsequent years |
|---|---|---|
| 1. Cost—Additional Royalty Payments | $<4,624,944> | $<4,624,944> |
| 2. Cost—Equipment/Compliance | <1,650,000> | <1,100,000> |
| 3. Cost—Completing Form MMS–4416 | <77,000> | <77,000> |
| 4. Cost—Filing new 2014 with Major Portion | <34,125> | <34,125> |
| 5. Benefit—Administrative Savings | 1,016,200 | 1,016,200 |
| Net Costs to Industry | <5,369,869> | <4,819,869> |

Of the 220 oil and condensate payors on Indian lands, 166 would be considered small businesses under the U.S. Small Business Administration (SBA) criteria. The SBA considers a business in the oil and gas industry small if it employs less than 500 people. The total impact on this subset of payors is shown below:

TOTAL IMPACT ON 166 SMALL BUSINESS PAYORS ON INDIAN LEASES

| | First year | Subsequent years |
|---|---|---|
| 1. Cost—Additional Royalty Payments | $<1,349,438> | $<1,349,438> |
| 2. Cost—Equipment/Compliance | <1,245,000> | <830,000> |
| 3. Cost—Completing Form MMS–4416 | <58,100> | <58,100> |
| 4. Cost—Filing new 2014 with Major Portion | <25,749> | <25,749> |
| 5. Benefit—Administrative Savings | 0 | 0 |
| Net Costs to Small Business Payors | <2,678,287> | <2,263,287> |

For each of the 166 small businesses, MMS estimated individual impacts representing averages applied over the entire group. Actual individual impacts may vary significantly from those outlined below.

SMALL BUSINESS IMPACT CALCULATED ON A PER-PAYOR BASIS

| | First year | Subsequent years |
|---|---|---|
| 1. Cost—Additional Royalty Payments | $<8,129> | $<8,129> |
| 2. Cost—Equipment/Compliance | <7,500> | <5,000> |
| 3. Cost—Completing Form MMS–4416 | <350> | <350> |
| 4. Cost—Filing new 2014 with Major Portion | <155> | <155> |
| 5. Benefit—Administrative Savings | 0 | 0 |
| Net Costs per Small Business Payor | <16,134> | <13,634> |

In addition to the impact on payors on Indian lands, MMS estimates there will be additional impacts on the non-payor purchasers of oil produced from Indian leases who are required to submit Form MMS–4416. MMS estimates there will be a total of 110 such purchasers, of whom 83 would be considered small businesses. The estimated total impact on this group follows:

TOTAL IMPACT ON 83 SMALL BUSINESSES PURCHASING INDIAN OIL

| | First year | Subsequent years |
|---|---|---|
| 1. Cost—Additional Royalty Payments | N/A | N/A |
| 2. Cost—Equipment/Compliance | $<249,000> | $<249,000> |
| 3. Cost—Completing Form MMS–4416 | <29,050> | <29,050> |
| 4. Cost—Filing new 2014 with Major Portion | N/A | N/A |
| 5. Benefit—Administrative Savings | N/A | N/A |
| Net Cost to Small Business Purchasers | <278,050> | <278,050> |

On a per-purchaser basis, the following chart estimates the impact on each small business purchaser who would submit Form MMS–4416.

SMALL BUSINESS IMPACT CALCULATED ON A PER-PURCHASER BASIS

| | First year | Subsequent years |
|---|---|---|
| 1. Cost—Additional Royalty Payments | N/A | N/A |
| 2. Cost—Equipment/Compliance | $<3,000> | <$3,000> |
| 3. Cost—Completing Form MMS–4416 | <350> | <350> |
| 4. Cost—Filing new 2014 with Major Portion | N/A | N/A |
| 5. Benefit—Administrative Savings | N/A | N/A |
| Net Costs per Small Business Purchaser | <3,350> | <3,350> |

1. Cost—Additional Royalty Payments

We estimate that the oil valuation changes proposed in this rule would increase the annual royalties industry must pay to Indian tribes and allottees by $4,624,944. Based on reported revenues by company in 1997, we calculate that small businesses would pay approximately $1.35 million, or roughly 29 percent of the increase. This amounts to an average annual increase of approximately $8,100 per small business.

2. Cost—Equipment/Compliance

Royalty payors would also incur computer, software acquisition, and other costs in order to conform with the new reporting requirements. We estimate that to comply with the rule, payors would need:

—A subscription to an industry newsletter (Platt's Oilgram or similar publication).

—A computer with enough power to effectively run a spreadsheet.

—Spreadsheet software.

—Office space and filing equipment dedicated to maintenance of records relating to the rule.

Although many companies already have these resources available and would incur little additional expense, we estimate the following additional costs may be necessary. (However, we believe the majority of the small businesses would already have the following resources.)

| | |
|---|---|
| Newsletter subscription ..... | $2,000 per year |
| Computer acquisition ..... | 2,000 one-time |

| | |
|---|---|
| Spreadsheet software ..... | 500 one-time |
| Office space and file equipment ($250 per month for one year). | 3,000 per year |
| Total ..... | 7,500 per payor |

Because some of the costs are not incurred every year, we estimated the costs for subsequent years' compliance to be $5,000 per payor. This equates to $1,650,000 for all 220 payors to comply with the rule in the first year and $1,100,000 in each subsequent year. The impact on the 166 small businesses amounts to $1,245,000 the first year and $830,000 each subsequent year.

Additionally, non-payor purchasers are required to submit Form MMS–4416. MMS estimates that roughly 110 non-payor purchasers (approximately half of the total payors on Indian lands) will need the same office space and file equipment as indicated above.

| | |
|---|---|
| Office space and file equipment ($250 per month for one year). | $3,000 per year |

This amounts to $3,000 × 110 or $330,000 in additional impact on non-payor entities who are required to submit the form. Using the same ratio of small businesses to all payors on Indian lands (approximately 76%) we assume there will be 83 small businesses that will require the office space and file equipment. This equates to $249,000 each year for all 83 small business non-payor reporters.

In summary, we estimate a total cost of $1,980,000 ($1,650,000 for all payors plus the $330,000 for non-payors) for all of industry to comply with the rule the first year and $1,430,000 ($1,100,000 for all payors plus the $330,000 for non-payors) in each subsequent year.

Specifically, the first-year estimated small business impact (for both payors and non-payors) amounts to $1,494,000 ($1,245,000 for all 166 small business payors plus the $249,000 for the 83 small business non-payors). This amounts to $6,000 for each of the 249 payor and non-payor small businesses. For subsequent years, the estimated small business impact is $1,079,000 ($830,000 for all 166 small business payors plus $249,000 for the 83 small business non payors, or $4,333 per small business).

3. Cost—Completing Form MMS–4416

Industry would also incur costs to complete the proposed new information collection, Form MMS–4416. Part of the Indian oil valuation comparison would rely on price indexes that lessees may adjust for locational differences between the index pricing point and the aggregation point. Indian land lessees and their affiliates, as well as oil purchasers, would be required to give MMS information on the location/quality differentials included in their various oil exchange agreements and sales contracts. From these data, MMS would calculate and publish representative location/quality differentials for payors to use in reporting royalties in different areas.

We estimate the annual costs to industry (both Indian payors and the associated non-payor purchasers) to submit the Form MMS–4416 to be $115,500 (see figures below). MMS estimates that, on average, a payor would have six exchange agreements or sales contracts to dispose of the oil production from the Indian lease(s) for which it makes royalty payments. We estimate that a payor would need about one-half hour on average to gather the necessary contract information and complete Form MMS–4416.

*Filing Due to Contract Changes:* We estimate a payor would have to submit the form twice a year because of contract changes in addition to the required annual filing discussed below.

220 payors × 6 agreements or contracts/payor × ½ hour/submission × 2 submissions/year = 1,320 burden hours

MMS estimates that in addition to the 1,320 agreements or contracts submitted by all 220 payors, approximately 110 non-payor purchasers of crude oil from Indian leases would also submit about half that amount (660 agreements or contracts). Again, we estimate that the filing of Form MMS–4416 would take 30 minutes per report to gather the necessary documents and extract the data from individual exchange agreements and sales contracts; we also estimate that a non-payor purchaser would file a report twice a year for each agreement/contract.

660 agreements or contracts − ½ hour/submission × 2 submissions/year = 660 burden hours

*Annual Filing:* We would also require all 220 payors and all 110 non-payor purchasers to submit an annual Form MMS–4416 for their agreements or contracts. The annual filing requirement would assure Indian lessors, tribes and allottees that all payors and non-payor purchasers are complying with these proposed Indian valuation regulations. We estimate that this annual filing would require 10 minutes per report to indicate a no-change situation.

(1,320 + 660) agreements or contracts × 1 annual submission × ⅙ hour/submission = 330 burden hours

*Total Filing Burden:* Based on $50 per hour, we estimate the annual cost to industry would be $115,500, computed as follows:

(1,320 + 660 + 330 burden hours) × $50/hour = $115,500

Dividing this total burden by the 330 entities (220 payors and 110 non-payor purchasers) amounts to a per-business impact of $350. This amount applied to the 220 payors equates to an estimated annual burden of $77,000. This amount applied to the estimated 166 small business payors and the estimated 83 non-payor purchasers equates to estimated annual burdens of $58,100 and $29,050 for payors and non-payor purchasers respectively, or a total small business impact of $87,150.

4. Cost—Filing Supplemental Report of Royalty and Remittance (Form MMS–2014) With Major Portion Uplift

As mentioned earlier in the provisions of the supplementary proposed rule, MMS would calculate a major portion value specific to each tribe. Most Indian leases include this provision, which provides that value for royalty purposes, in the discretion of the Secretary, may be the highest price paid or offered at the time of production for the major portion of oil production from the same field. Lessees should be aware of this provision and account for its impacts when they agree to the lease terms. This is not a new provision created in the proposed rule, and it applies equally to all payors, whether small entities or not.

This major portion value would be calculated by MMS based on values reported on the Form MMS–2014. If the MMS-calculated value were greater than what the lessee initially reported, the lessee would have to file a revised Form MMS–2014, and pay additional royalties.

Industry would incur an administrative burden in filing additional Form MMS–2014 lines to comply with the rule's major portion provision. MMS analyzed reported royalty data for Indian leases for 1997. There were approximately 33,000 individual lines reported for oil and about 6,000 lines for condensate on Form MMS–2014. We estimated that under the provisions of the proposed rule, major portion calculations would have been necessary for as many as 7.5% of these lines. As many as 2,925 lines might have been backed out and reentered, resulting in an additional 5,850 line changes/entries. Based on an average of 7 minutes per line at $50 per hour, the administrative burden for filing Form MMS–2014 lines would total $34,125 annually, or $155 for each of the 220 payors. $25,749 of the

$34,125 is allocated to the 166 small businesses.

5. Benefits—Administrative Savings

Some of the larger industry payors would realize administrative savings because of the reduced complexity in royalty determination and payment under this proposed rule. However, MMS assumes that many of the small payors currently report royalties based on gross proceeds. This method of reporting is relatively simple and is not necessarily the target of significant audit work. These small businesses will not see significant savings under the rule. Specifically, for the larger payors, the proposed rule would result in:

*a. Simplification of reporting and pricing, coupled with certainty.* We anticipate that the proposed rule would significantly reduce a large payor's time involved in the royalty calculation process. In the proposed framework, the lessee would either report its gross proceeds or the adjusted spot price applicable to their production. The need to work through and apply the current benchmarks for non-arm's-length transactions would be eliminated. Further, once MMS calculates a major portion price, the lessee would compare this price to what they reported and make adjustments as necessary. The lessee's reporting/pricing procedures thus should be fairly straightforward. MMS does not anticipate that any of the small businesses would realize any significant savings because it is likely that the majority of these payors simply report their gross proceeds under the current rule.

It is difficult to quantify the amount of savings by simpler reporting. The current level of time spent calculating royalties varies greatly by company depending on many variables such as the complexity of the disposition or sale of the product, the amount of production to account for, and the computation of any necessary adjustments.

However, we assume that simpler reporting would save each large payor at least 30 minutes per month to report. This conservative figure amounts to a reduction of 6 hours per year per payor. At $50 per hour, the annual savings per payor would be $300. For all 54 large payors this amounts to $16,200.

*b. Reductions in audit efforts.* When a company is audited, it incurs significant costs. It may be required to gather records, provide documents, and in some cases provide space and facility resources. Although these costs vary significantly by company and by the nature of the audit, we believe that cost savings at least as great as those for simplified reporting would result. MMS estimates this benefit will be realized primarily by the larger payors who are frequently the target of such audit work.

The MMS audit tracking system indicates that approximately 500 Indian oil and gas leases had some type of audit work initiated in 1997. This estimate does not include leases that may have been audited in 1997, but initiated in another year. Also, this figure does not include company audits where auditors examined a sample of leases that may have contained Indian leases. These 500 leases involved approximately 100 companies. Although it is difficult to quantify the future dollar savings for a similar sample of 100 companies, we believe that the expected reduced audit burden would be a significant industry benefit.

*c. Reductions in valuation determinations and litigation.* The proposed rule would increase certainty for Indian royalty payors. Payors would be assured that if they apply the adjustments required by the proposed rule correctly and remit any additional monies due under the major portion calculation, the amount they report likely would be correct. Additionally, such payors would not be subject to additional bills for additional royalties due with late-payment interest attached. We expect that valuation disputes and requests for valuation determinations would decrease significantly under the proposed rule. Valuation determinations and disputes are very costly for both industry and the Federal Government. Some statistics follow:

—Over the last 10 years, MMS auditors identified more than 50,000 instances concerning royalty underpayments. MMS resolved most of the issues underlying the underpayments before the actual issuance of an order to pay. In fact, MMS issued only 2,100 appealable orders during the same period. Of those, 925 appeals resulted. These audit efforts resulted in the collection of $1.16 billion in additional royalties that otherwise would have gone uncollected.

—Over the past 10 years, Royalty Valuation Division (RVD) Staff responded to over 5,000 separate requests by Federal and Indian lessees for advice on valuation procedures and transportation/processing allowances for royalty calculation purposes. These responses resulted in 247 disputes (about 5 percent of all RVD responses) between MMS and the payor over this same time period. These included disputes over product value (131 separate issues) and allowances for transportation or processing (116 separate issues).

—The Department of the Interior Solicitor's Office reported at least 47 separate cases since 1988 that they believed were significant and involved valuation disputes.

Although it is impossible to quantify the cost to both industry and Government for all valuation disputes since 1988, it is undoubtedly in the tens of millions of dollars. Similar to the audit savings discussed above, we assume this benefit primarily would be realized by the 54 larger companies affected by the rule. We conservatively estimate that the proposed rule's certainty would reduce payors' legal and other administrative costs on Indian leases by at least a million dollars annually, or about $18,500 for each of the 54 large payors.

Altogether, with the limited information we can collect and the gross estimates we made, we assume a total savings to the larger Indian oil lease payors of approximately $1.016 million per year ($16,200 in reporting savings, an unquantifiable amount for audit savings, and $1 million in legal and administrative costs). This total is based on very conservative estimates where actual data are difficult, if not impossible, to obtain. Actual savings would likely be significantly higher.

**Alternatives to the Proposed Rule**

Title 5 U.S.C. 603(c) provides:

Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as * * *

(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;

(3) the use of performance rather than design standards; and

(4) an exemption from the coverage of the rule, or any part thereof, for such small entities.

Under these provisions, the clear focus of the analysis of significant alternatives is on compliance and reporting requirements, not the substantive policy choices embodied in a proposed rule. We explained above the reasons underlying the agency's policy choices in the January 5, 2000, supplementary proposed rule regarding

valuation of oil produced from Indian leases. For reasons that also have been explained above, the agency has simplified to the extent possible the reporting requirements associated with the proposed provisions, specifically, the proposed Form MMS–4416. The basic initial reporting procedures for the Form MMS–2014 (the report of sales and royalty) are unchanged from current procedures that have been in place for many years.

The agency has concluded that the reporting requirements in the supplementary proposed rule are necessary to carry out the substantive royalty valuation policy set forth in that proposal, and that there is no significant alternative for compliance or reporting requirements that would accomplish the policy objective. The Form MMS–4416, as proposed in the supplementary proposal, would collect the minimum information necessary for MMS to apply the substantive provisions of the rule. We do not perceive significant possibilities for further consolidation or simplification of compliance and reporting requirements while still accomplishing the substantive requirements of the supplementary proposed rule.

Theoretically, MMS could reduce the potential cost and compliance burden on all entities (large or small) by selecting a different (and simpler) substantive valuation alternative. Such an alternative also likely would result in lower royalty values, and consequently, smaller royalty payments by all payors. (There is no basis to establish different values of Indian lease oil production based simply on whether the payor is a small entity or not.) However, the Regulatory Flexibility Act does not mandate or contemplate that an agency must select unfavorable substantive policies simply because the policy choice affects small entities.

MMS consulted with the affected tribal and allottee representatives on several occasions and discussed the merits and provisions of several valuation alternatives in depth. MMS, the tribes, and allottee representatives believe that the proposed rule reflects the best method to ensure that Indian lessors receive fair market value for their oil resources.

However, we considered a range of related alternatives such as changes to the current gross proceeds valuation method, using futures prices instead of spot values, and using index-based prices with fixed adjustments for production from specific geographic zones. We chose to apply the highest of:

(1) The average of the high daily applicable spot prices for the month;

(2) MMS-calculated major portion prices in the field or area; or

(3) Gross proceeds received by the lessee or its affiliate.

We chose spot prices as one of the three value measures because:

(1) They represent actual trading activity in the market,

(2) They mirror NYMEX futures prices, and

(3) They permit use of an index price in proximity to the actual production whose value is being measured.

**Conclusion**

MMS notes that this rule will have a significant impact on a substantial number of small business payors on Indian leases as a percentage of all Indian lease payors. However, we believe the supplementary proposed rule is appropriate because it establishes fair and reliable measures of royalty value for Indian resources. As explained above, we examined several alternatives but concluded that the rule as currently proposed best achieves market value for Indian lessors while minimizing the impact on lessees. MMS has made every attempt to mitigate such impacts, but cannot select policies unfavorable to Indian lessors based on potentially unfavorable impacts on small entities.

[FR Doc. 00–24822 Filed 9–27–00; 8:45 am]

BILLING CODE 4310–MR–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[DC035–2015; DC044–2015; FRL–6878–2]**

### Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Post-1996 Rate-of-Progress Plan for the Metropolitan Washington, DC Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** EPA is proposing approval of the Post-1996 plan for the Metropolitan Washington, DC ozone nonattainment area submitted by the District of Columbia. The District of Columbia Department of Health submitted this Post-1996 plan as a State Implementation Plan (SIP) revision for the Metropolitan Washington, DC serious ozone nonattainment area to meet the 9% rate-of-progress (ROP) requirement (the Post-1996 plan) of the Clean Air Act (the Act). The Post-1996 plan will result in significant emission reductions through 1999 from the 1990 baseline emissions of volatile organic compounds (VOCs) and oxides of nitrogen ($NO_X$), which contribute to the formation of ground level ozone.

**DATES:** Written comments must be received on or before October 30, 2000.

**ADDRESSES:** Written comments may be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the District of Columbia Department of Public Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Christopher H. Cripps at (215) 814–2179 (or by e-mail at cripps.christopher@epa.gov) at the EPA Region 3 office above.

**SUPPLEMENTARY INFORMATION:**

**What Action is EPA Proposing Today?**

EPA is proposing approval of the Post-1996 plan submitted by the District of Columbia for the District's portion of the Metropolitan Washington, DC ozone nonattainment area.

**What Are the Rate-of-Progress Requirements Applicable to the Metropolitan Washington, DC Area?**

The Act requires that serious and above ozone nonattainment areas develop plans to reduce area-wide VOC emissions after 1996 by 3% per year until the year of the attainment date required for that classification of nonattainment area. This is commonly referred to as the Post-1996 plan. In this case, the Metropolitan Washington, DC ozone nonattainment area (''the Washington area'') is classified as a serious ozone nonattainment area; the serious attainment date is 1999. The 3% per year requirement is expressed as an average over consecutive 3-year periods; thus, the requirement is a 9% reduction by 1999. These plans were to be submitted by November 15, 1994, and the first 9% reductions were required to be achieved within 9 years after enactment, that is, by November 15, 1999. This 9% reduction requirement is a continuation of the requirement for a 15% reduction in VOC by 1996. For the Post-1996 plan, the Act allows the substitution of $NO_X$ emissions reductions for VOC emission reductions where equivalent air quality benefits are achieved as determined using the applicable EPA guidance. The 9% VOC/

$NO_X$ reduction required by November 15, 1999 is a demonstration of reasonable further progress in the Washington area, and will be called ''rate-of-progress'' within this document. Our assessment of the Post-1996 plan is limited to whether or not the 9% reduction requirement is met.

**What Areas Are Covered by the Post-1996 Plan for Metropolitan Washington, DC Area?**

The Washington area consists of the District of Columbia, the Northern Virginia area (Arlington, Fairfax, Loudoun, Prince William and Stafford Counties and the cities of Alexandria, Falls Church, Fairfax, Manassas, and Manassas Park), and Calvert, Charles, Frederick, Montgomery, and Prince George's Counties in Maryland.

**What Agencies and Organizations Developed the District's Post-1996 Plan for Metropolitan Washington, DC Area?**

The District of Columbia, Virginia and Maryland must demonstrate reasonable further progress (rate-of-progress) for the Washington area. These jurisdictions, under the auspices of the Metropolitan Washington Air Quality Committee (MWAQC) (with the assistance of the Metropolitan Washington Council of Governments) collaborated on a coordinated Post-1996 plan for the Washington area. The MWAQC includes state and local elected officials and representatives of the DC Department of Health, the Maryland Department of the Environment, the Virginia Department of Environmental Quality and the National Capital Region Transportation Planning Board (TPB). The Act provides for interstate coordination for multi-state nonattainment areas. Because ROP requirements such as the Post-1996 plan establish emission budgets for transportation improvement plans, municipal planning organizations have historically been involved in air quality planning in the Washington area. The MWAQC ensures consultation with the TPB during the development of the Post-1996 plan and emission budgets. As explained below, the regional Post-1996 plan determined the regional target level, regional projections of growth and finally the total amount of creditable reductions required under the 9% requirement in the Washington area. The District of Columbia, Maryland and Virginia agreed to apportion this total amount of required creditable reductions among themselves. Although the plan was developed by a regional approach, each jurisdiction is required to submit its portion of the Post-1996 plan to EPA as a revision to its SIP. This proposed rulemaking only addresses the Post-1996 plan submitted by the District of Columbia for the Washington area.

**When Did the District of Columbia Submit the Post-1996 Plan for the Metropolitan Washington, DC Area?**

The District of Columbia Department of Health originally submitted their portion of the area-wide Post-1996 plan as a SIP revision on November 3, 1997. On May 25, 1999 the District of Columbia Department of Health submitted a revised Post-1996 plan for the Washington area which supplanted the 1997 submission.

**What Action Is EPA taking on Maryland's and Virginia's Post-1996 Plans for the Metropolitan Washington, DC area?**

The Maryland Department of the Environment (MDE) submitted its portion of the area-wide Post-1996 plan as a SIP revision on December 24, 1997. The Virginia Department of Environmental Quality (VADEQ) submitted its portion of the area-wide Post-1996 plan as a SIP revision on December 19, 1997. On May 20, 1999 and May 25, 1999, respectively, the MDE and VADEQ submitted a revised Post-1996 plan for the Washington area that supplanted the 1997 submissions. We will be taking action on these Post-1996 plan SIP revisions in the near future via separate rulemaking actions.

**What Are the Effects on Emissions and How is the 3% Per Year Post-1996 Reduction Calculated?**

A Post-1996 plan consists of a plan to achieve a target level of emissions. There are several important emission inventories and calculations associated with the plan. These include: The base year emission inventory, future year projection inventories, and target level calculations. Each of these is described below.

*A. Base Year Emission Inventory*

EPA reviewed the 1990 base year emissions inventory and the revisions to this inventory submitted with the Post-1996 plan, and has approved these revisions for both jurisdictions (63 FR 36854, July 8, 1998). The 1990 ROP inventory for the Washington area, which is fundamental to the Post-1996 plan, is the 1990 base year emissions inventory excluding biogenic emissions. The 1990 base year inventory is contained in the state submittal.

*B. Projection Inventories—Growth in Emissions*

A projection of growth in VOC and $NO_X$ emissions from 1990 to 1999 is required for the 9% requirement. VOC growth from 1990 to 1996 was described in the 15% plans, thus the remaining VOC growth from 1996 to 1999 is described in the Post-1996 plan. To meet the 9% requirement, a state must enact measures achieving sufficient emissions reductions to offset projected growth in emissions, in addition to achieving a 9% reduction of VOC/$NO_X$ emissions from baseline levels through 1999. This requirement may be satisfied by determining the amount of creditable emission reductions needed to offset growth in VOC emissions from 1996 to 1999 and in $NO_X$ emissions from 1990 to 1999. The calculation can be made by projecting the 1990 base year VOC inventory out to 1999 considering only the current control strategy. Growth must be determined separately for each source or source category, since sources typically grow at different rates.

The Post-1996 plan for the Washington area contains growth projections for stationary, area, on-road motor vehicle, and non-road vehicle source categories using acceptable growth factor surrogates. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. EPA has determined that the methodology in the District's Post-1996 plan for selecting growth factors and applying them to the 1990 base year emissions inventory to estimate emissions growth in point, area, on-road mobile, and off-road mobile sources (from 1996 to 1999 for VOC and from 1990 to 1999 for $NO_X$) is approvable.

*C. Calculation of Target Level Emissions and Substitution of $NO_X$ Reduction*

1. 15% VOC Target Level

The Act requires that the SIP achieve a reduction of 9% of the 1990 baseline emissions after November 15, 1996 and before November 15, 1999. This reduction is in addition to a 15% reduction in base line emissions by 1996. This 15% requirement is referred to as the 15% plan. Under EPA's guidance, the starting point for calculating the Post-1996 plan's target level of VOC emissions is the target level of VOC emissions for 1996 found in the 15% plan.

2. 1999 VOC Target Level

For the VOC portion of the 9% reduction requirement, the 1999 VOC emissions target level is calculated as follows:

a. The 1990 base year emission inventory is adjusted to account for the effects of certain motor vehicle and gasoline volatility control programs. One of these is the Federal Motor Vehicle Control Program (FMVCP) standards implemented before 1990, called Tier 0 FMVCP. The second of these programs is the second phase of EPA's Reid Vapor Pressure (Phase II RVP) regulations, implemented in 1992. To calculate these effects, projected 1999 emission factors that will result from Tier 0 FMVCP and RVP were calculated using EPA's MOBILE5b model. These 1999 ''adjusted'' emission factors are multiplied by the 1990 Vehicle Miles Traveled (VMT) to determine the 1990 adjusted base year VOC emissions inventory for 1999 which determines the effects of the Tier 0 FMVCP between 1996 and 1999 on the 1990 ROP emissions inventory. This is done for the Washington area and includes a breakdown by jurisdiction.

b. Because the plan uses $NO_X$ substitution, the Washington area does not have to reduce VOC base line emissions by 9% but can use a smaller percentage as long as sufficient $NO_X$ reductions are achieved. The Post-1996 plan is based upon a 1% VOC reduction and a 8% $NO_X$ reduction.

c. The effect on base line emissions by Tier 0 FMVCP between 1996 and 1999 must be considered. EPA's guidance requires the determination of the Fleet Turnover Correction for 1996 to 1999 to account as for the turnover of vehicles between 1996 and 1999. This correction is the difference of the 1990 adjusted base year VOC emissions inventory for 1996 and the 1990 adjusted base year VOC emissions inventory for 1999.

d. The base 1% VOC reduction and the fleet correction term are summed, then subtracted from the 1996 VOC target level to yield the 1999 VOC target level of emissions.

3. 1999 $NO_X$ Target Level

The Post-1996 plan for the Metropolitan Washington, DC area uses $NO_X$ substitution. The 1999 $NO_X$ target level of emissions is calculated in a manner similar to the 1996 VOC target level except the base year inventory is adjusted to 1999, not 1996. There are no reductions from corrections to RACT and I/M rules. The Post-1996 plan uses a 8% $NO_X$ reduction. The reductions from Tier 0 FMVCP and Phase II RVP (from 1990 to 1999) are the difference between the 1990 $NO_X$ ROP emissions inventory and the 1990 adjusted base year $NO_X$ emissions inventory for 1999. Therefore, the 1999 $NO_X$ target level is the 1990 $NO_X$ ROP emissions inventory less Tier 0 and Phase II RVP reductions from 1990 to 1999 and the 8% $NO_X$ reduction. This calculation is contained in the District's submittal.

4. 15% Plan Revisions

For areas impacted by delays in implementing an enhanced I/M program, EPA's guidance allows approval of the 15% plan if the 15% reduction is achieved after 1996 when certain criteria are met. One criterion is a showing that the 15% reduction is achieved no later than November 15, 1999. This guidance establishes a slightly different demonstration of rate of progress by modifying the calculation of the 1996 VOC target level. The base 1996 target level is just 85% of the 1990 adjusted base year VOC emissions inventory for 1996. To account for 1996 to 1999 reductions in ''base line emissions'' from Tier 0 FMVCP, the fleet turnover correction for 1996 to 1999 is subtracted from the ''base'' 1996 target level to yield the 1996 target level of emissions corrected for the Fleet Turnover Correction for 1996 to 1999. If a State's 15% plan for an area is approved under this guidance, the State does not need to subtract the fleet turnover correction for 1996 to 1999 from the final 15% plan target level as discussed in **2. 1999 VOC Target Level** above, when calculating the 1999 VOC target level because this fleet turnover correction will have already been included in the 15% target level. The District, the State of Maryland and the Commonwealth of Virginia all submitted such plans (the revised 15% plan). EPA has already acted upon and approved these revised 15% plans in separate rulemaking actions. The target level calculations and the amount of creditable emission reductions needed for the entire Washington area to fulfill the 9% requirement are summarized Table 1 below:

TABLE 1.—TARGET LEVEL AND EMISSION REDUCTION NEEDS FOR THE METROPOLITAN WASHINGTON, DC AREA THROUGH 1999 (TONS/DAY)

| | VOC | $NO_X$ |
|---|---|---|
| (1) Starting Emissions Level: | | |
| 15% Target Level for VOC | 384.6 | ..... |
| 1990 ROP Base Year Inventory for $NO_X$ | ..... | 730.9 |
| (2) 1990 to 1999 Tier 0 FMVCP and Phase II RVP Reductions | [a] 0.0 | 62.8 |
| (3) ROP Reduction: | | |
| 1% VOC | 4.4 | |
| 8% $NO_X$ | ..... | 53.4 |
| (4) 1999 Target Level (Row 1 minus Row 2 minus Row 3) | 380.2 | 614.7 |
| (5) 1999 Uncontrolled Emissions | 511.7 | 765.2 |
| (6) Total Reductions Needed to make ROP by 1999 | 131.5 | 150.5 |

**Notes:** [a] Included in the 15% Target Level.

5. $NO_X$ Substitution

EPA issued guidance for $NO_X$ substitution in Post-1996 plans in December 1993 with a supplement on August 5, 1994. This guidance sets an equivalency test for VOC and $NO_X$ reductions and requires that the level of $NO_X$ substitution be supported by photochemical grid modeling. The equivalency test essentially sets two criteria. The first criterion is that the plan must set the 1999 target levels for VOC and $NO_X$ emissions using a total percent reduction in VOC emissions plus the percent reduction in $NO_X$ emissions that is greater than or equal to nine percent (9%). In this case, the Washington area states calculated the Post-1996 plan target levels using a 1% VOC reduction and 8% $NO_X$ reduction. The second criterion is that the Post-1996 plan achieve sufficient VOC and $NO_X$ reductions to ensure that the projected 1999 VOC and $NO_X$ emissions will be less than or equal to the respective target levels in the Post-1996 plan. EPA analysis of whether the plan provides for sufficient $NO_X$ and VOC reductions is discussed below in under the heading **''What control strategies has the District of Columbia included in the Post-1996 Plan?''**

EPA's guidance requires that the amount of substituted $NO_X$ reductions in the Post-1996 plan be less than or equal to the amount of $NO_X$ reductions needed to attain the national ozone standard. The amount of $NO_X$ reductions needed for attainment must be demonstrated by photochemical grid modeling. The District's demonstration that the $NO_X$ substitution is based upon local scale modeling performed on the Baltimore-Washington Urban Airshed Modeling (UAM) domain and upon EPA's Regional Oxidant Modeling (ROM) results. Both EPA's ROM results and the photochemical grid modeling submitted with the attainment plan show that significant $NO_X$ reductions will contribute to attainment in the area.

The local UAM modeling also shows that $NO_X$ reductions, beyond those contained in the Post-1996 plan, provide reductions in ozone concentrations. The Post-1996 plan substitutes fewer $NO_X$ reductions than assumed in the attainment plan modeling. EPA has, therefore, determined that the $NO_X$ for VOC substitution in the Post-1996 plan is adequately supported by creditable photochemical grid modeling and meets the requirements of EPA's $NO_X$ substitution guidance. EPA has determined that its $NO_X$ substitution guidance was properly followed and the proper methodology was used to calculate the 1999 $NO_X$ and VOC target levels. The effect of EPA's $NO_X$ substitution guidance on the Metropolitan Washington, DC area is that for every 6.7 tons of $NO_X$ reduction (53.8 divided by 8 percent—refer to line 3 in Table 1 above) in the 1999 $NO_X$ target level has to be substituted for every 4.4 tons of VOC reduction (4.4 tons divided by 1 percent—refer to line 3 in Table 1 above) in the 1999 VOC target level, that is, approximately 1.5 tons of $NO_X$ reductions are substituted per ton of VOC reduction. When considering reduction needs to account for growth 150 tons of $NO_X$ reduction are needed for 122 tons of VOC reduction—a ratio of 1.2 tons of $NO_X$ per ton of VOC.[1]

EPA believes that following our $NO_X$ substitution guidance is legally sufficient to demonstrate that any $NO_X$ substitution in an ROP plan meets the equivalency requirements of the Act. The local UAM modeling submitted with the attainment demonstration also supports the conclusion that, on a ton for ton basis, $NO_X$ reductions achieve at least equivalent changes in ozone concentrations as an equivalent reduction in VOC emissions.

*D. Nonattainment Area-Wide Plan—Apportionment of Reduction Needs*

EPA must determine whether or not the Washington area 9% requirement has been met. In general, the emission reduction from a measure is the difference of the future year projected uncontrolled emissions and the future year controlled emissions, or is equal to a percentage of the future year projected uncontrolled emissions. For on-road mobile sources, the emission reductions from a measure or suite of measures are determined by the difference of projected future year emissions without and with new control measures.

The regional nonattainment area-wide Post-1996 plan apportions among the District, Maryland and Virginia the amount of creditable emission reductions that each state must achieve in order for the nonattainment area to achieve, as a region, the required 9% reduction in VOC net of growth. The Post-1996 plan identifies the amount of creditable emission reductions that each state must achieve for the nonattainment area-wide plan to get a 9% reduction accounting for any growth in emissions from 1990 to 1999.[2] The District of Columbia, Maryland and Virginia each committed to achieving the necessary $NO_X$ and VOC reductions, found in Table 2 below. This proposed rulemaking action only concerns the District's commitment.

TABLE 2.—EMISSION REDUCTION COMMITMENTS FOR THE METROPOLITAN WASHINGTON, DC AREA THROUGH 1999 (TONS/DAY)

| | District of Columbia | Maryland | Virginia | Area total |
|---|---|---|---|---|
| Total VOC reduction by 1999 | 10.6 | 63.7 | 57.2 | 131.5 |
| Total $NO_X$ reduction by 1999 | 7.2 | 96.8 | 46.6 | 150.6 |

Because the Post-1996 plan for the Washington area was developed using a regional approach, the required VOC and $NO_X$ emission reductions for each jurisdiction have been apportioned using a ratio of the regional reduction requirement to the claimed creditable measures for the nonattainment area. This result was then multiplied by each jurisdiction's total creditable measures to determine its emission reduction requirement. EPA has determined that this apportionment of the emission reduction needed for ROP is approvable because the Act provides for interstate planning of SIPs, and because all three jurisdictions have committed to achieving, in the aggregate, sufficient reductions to achieve this 9% requirement in the entire nonattainment area.

**What Control Strategies Has the District of Columbia Included in the Post-1996 Plan?**

The Post-1996 plan describes the emission reduction credits that the Washington area jurisdictions are claiming toward their 9% reduction requirement. These control measures are described in detail in the TSD for this rulemaking. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice. The Post-1996 plan for the Washington area claims VOC and $NO_X$ emission reductions from the following measures:

*1. Architectural and Industrial Maintenance (AIM) Coatings Reformulation*

This federal rule (63 FR 48819, September 11, 1998), which reduces emissions from architectural coatings and industrial maintenance coatings, allows credit for a 20% reduction in VOC emissions, which is 1.6 TPD for in the District's portion of the Washington area in the Post-1996 plan. EPA has determined that this reduction is creditable.

*2. Consumer and Commercial Products*

This federal rule (63 FR 48848, September 11, 1998) allows states to claim a 20% reduction from 1999 VOC emissions from 24 categories of consumer products. The Post-1996 plan claim of 0.6 TPD in emission reductions from this measure in the District's portion of the Washington area is creditable.

*3. Autobody Refinishing*

The federal rule to control VOC emissions from autobody refinishing (63 FR 48806, September 11, 1998) applies in the District of Columbia. EPA's rule will achieve a 33% nationwide reduction or a 36% reduction after

[1] Part of the difference is that the post-1999 plan must achieve a 1% reduction on top of maintaining the target level of VOC emissions resulting from the 15% VOC reduction required by 1996.

[2] The plan projects all growth in emissions to 1999 from the 1990 base year emissions inventory levels. Thus the amount of emission reductions needed to account for growth in VOC emissions from 1990 to 1999 would be the sum of the growth in emissions from 1990 to 1996 which had to be addressed in the 15% plan plus growth in VOC emissions from 1996 to 1999.

removal of those states that already had a rule at the time the base line was determined are removed from the base line. The District did not have a rule at the time the baseline was developed. The Post-1996 plan claims a 35.7% reduction from both jurisdictions; thus, EPA can allow up to a 36% emissions reduction. The total creditable autobody refinishing emissions reductions in the Post-1996 plan is 0.5 TPD in the District's portion of the Washington area.

*4. Graphic Arts*

These rules would regulate emissions from lithographic printing operations. The District has a SIP approved state rules covering this source category. These rules required final compliance before November 15, 1999 (64 FR 57777, October 27, 1999). The VOC emissions reduction claimed in the Post-1996 plan from graphic arts is 0.6 TPD.

*5. Non-road Gasoline Engines Rule*

This federal measure takes credit for VOC emission reductions from emissions standards for small non-road, spark-ignition utility engines (40 CFR 90 subpart A, 60 FR 34598, July 3, 1995). This measure affects non-road equipment rated at or below 25 horsepower. The District claimed 0.9 TPD VOC in its Post-1996 plan from this measure for its portion of the area. The rule also results in a −0.1 TPD increase in $NO_X$ emissions in the District's portion of the area. The VOC reductions are creditable toward the reduction requirement, and the $NO_X$ emission increase is included in the plan.

*6. Non-road Diesel Engines Rule*

The federal rule (40 CFR 89, 59 FR 31306, June 17, 1994) controls $NO_X$ emissions from non-road, diesel powered utility engines, affecting diesel-powered construction equipment, industrial equipment, *etc.*, rated at or above 50 horsepower. The Post-1996 plan claimed 0.9 TPD in $NO_X$ reductions from this measure, which is acceptable toward the 9% reduction requirement in the District's portion of the Washington area.

*7. State $NO_X$ Requirements*

This measure claimed reductions from the application of reasonable available control technology (RACT) on $NO_X$ sources in the Washington area. The Post-1996 plan claims a total 2.1 TPD from this $NO_X$ emission control in the District's portion of the Washington area. Elsewhere in today's **Federal Register** EPA has proposed approval of the District's $NO_X$ RACT rule. Therefore, the 2.1 TPD $NO_X$ reduction through 1999 will be creditable toward the 9% reduction requirement once EPA approves the District's $NO_X$ RACT rule.

*8. Enhanced Vehicle Inspection and Maintenance*

The Act requires the Washington area states to adopt enhanced inspection and maintenance (I/M) programs. The Post-1996 plan uses the MOBILE5b model to determine the enhanced I/M emission benefits. On June 11, 1999, we approved the District's enhanced I/M program (64 FR 31498). We are approving the 3.9 TPD VOC and 2.4 TPD $NO_X$ reductions from the District's enhanced I/M program toward the Post-1996 ROP requirement.

*9. Reformulated Gasoline (RFG)*

The Act requires that only reformulated gasoline (RFG), designed to burn cleaner and produce fewer evaporative emissions, be sold and dispensed in severe and above ozone nonattainment areas. The Act allows other nonattainment areas to ''opt in'' to the program to achieve creditable VOC emission reductions. EPA approved the requests of the District of Columbia to opt the Washington area into the RFG program. RFG reduces exhaust VOC and evaporative VOC emissions in on-road and non-road mobile sources and evaporative VOC emissions that occur during refueling of light-duty gasoline powered vehicles and trucks. RFG also results in reduced $NO_X$ exhaust emissions from on-road mobile sources. The emission reduction benefit from the opt-in to this federal program in the Post-1996 plan is 2.1 TPD VOC in the District's portion of the Washington area from on-road mobile sources as determined using MOBILE5b. For off-road mobiles sources the VOC emission reduction benefit claimed from this federally enforced program in the Post-1996 plan is 0.1 TPD in the District's portion of the Washington area. These reductions are creditable.

*10. Tier 1 New Vehicle Standards*

The Act requires EPA to issue standards under the FMVCP for new motor vehicles. The first of these were implemented in 1994 and are called Tier 1 FMVCP. These standards include exhaust (''tailpipe'') emission standards and better evaporative emission controls demonstrated through new federal evaporative test procedures. EPA promulgated this program (56 FR 25724, June 5, 1991) so the emission reductions are fully enforceable. The Post-1996 plan used the MOBILE5b model to determine the emission benefits of 1.4 TPD VOC and 2.3 TPD $NO_X$. These reductions are fully creditable toward the 9% reduction requirement.

*11. National Low Emissions Vehicle (NLEV)*

The National Low Emission Vehicle (NLEV) program is a nationwide clean car program not mandated by the Act, designed to reduce ground level ozone (or smog) and other air pollution emitted from newly manufactured motor vehicles. On June 6, 1997 (62 FR 31192) and on January 7, 1998 (63 FR 926), the Environmental Protection Agency (EPA) promulgated rules outlining the framework for the NLEV program. These NLEV regulations allow auto manufacturers to commit to meet tailpipe standards for cars and light-duty trucks that are more stringent than EPA could otherwise mandate under the authority of the Clean Air Act. The regulations provided that the program would come into effect only if Northeast states and auto manufacturers agreed to participate. On March 9, 1998 (63 FR 11374), EPA published a finding that the program was in effect. Nine northeastern states including the District, Maryland and Virginia, and 23 auto manufacturers had opted to participate in the NLEV program. Once in effect, the NLEV Program became enforceable in the same manner as any other Federal new motor vehicle emission control program. The NLEV Program will result in substantial reductions in VOC and $NO_X$ emissions which contribute to unhealthy levels of smog in many areas across the country. NLEV vehicles are 70% cleaner than those otherwise required under the Clean Air Act. In the Northeast States, the phase-in of the NLEV vehicles began with the model year 1999 vehicles. In addition, the program provides substantial harmonization of Federal and California new motor vehicle standards and test procedures, which enables manufacturers to move towards the design and testing of vehicles to satisfy one set of nationwide standards. The NLEV Program demonstrates how cooperative partnership efforts can produce a smarter, cheaper emissions control program, which reduces regulatory burden while increasing protection of the environment and public health. A SIP revision from each participating northeastern state is required as part of the agreement between states and automobile manufacturers to ensure the continuation of the National LEV Program to supply clean cars throughout most of the country. On July 20, 2000, EPA approved the District's NLEV SIP revision (65 FR 44981). The 0.2 TPD VOC and 0.2 TPD $NO_X$ reductions in the

District's portion of the Washington area are fully creditable toward the 9% reduction requirement.

**What Are the Total Reductions in the Post-1996 Plan?**

Tables 3 and 4 summarize the VOC and $NO_X$ creditable measures in the District's Post-1996 plan for the Washington area.

TABLE 3.—CREDITABLE VOC EMISSION REDUCTIONS IN THE DISTRICT OF COLUMBIA'S POST-1996 PLAN FOR THE METROPOLITAN WASHINGTON, DC AREA (TONS/DAY)

| Measure | Total reductions in tons per day |
|---|---|
| Tier 1 FMVCP | 1.4 |
| NLEV | 0.2 |
| RFG Benefits | 2.2 |
| Autobody Refinishing | 0.5 |
| AIM | 1.6 |
| Consumer Products | 0.6 |
| Graphic Arts | 0.5 |
| Non-road Gasoline Engines Rule | 0.9 |
| NLEV | 0.2 |
| Enhanced I/M | 3.9 |
| Total Creditable Reductions | 11.8 |

TABLE 4.—CREDITABLE $NO_X$ EMISSION REDUCTIONS IN THE DISTRICT OF COLUMBIA'S POST-1996 PLAN FOR THE METROPOLITAN WASHINGTON, DC AREA (TONS/DAY)

| Measure | Total reductions in tons per day |
|---|---|
| Enhanced I/M | 2.4 |
| Tier 1 | 2.5 |
| NLEV | 0.2 |
| Non-road Gasoline Engines | −0.1 |
| Non-road Diesel Engines | 0.4 |
| State $NO_X$ RACT | 2.1 |
| Total Creditable Reductions | 7.5 |

Based upon the measures listed in the above tables, EPA has determined the Post-1996 plan submitted by The District of Columbia for the Washington area will achieve the required reductions to enable the District to meet its reduction commitments in the Post-1996 plan for the Metropolitan Washington, DC area. Thus, the District's Post-1996 plan meets the 9% VOC emission reduction of the requirements of the Act.

**What Are the Transportation Conformity Budgets in the Post-1996 Plan?**

Under EPA's transportation conformity rule, the Post-1996 plan is a control strategy SIP (62 FR 43779, August 15, 1997). A control strategy SIP establishes budgets to which federally funded and approved transportation projects and plans must conform. The Post-1996 plan establishes VOC and $NO_X$ budgets for the Washington area that are applicable for determinations for 1999 and are applicable in later years in the absence of other applicable budgets. The Post-1996 plan adopts and establishes the following transportation conformity budgets for the entire Washington area: a VOC budget for 1999 of 128.5 TPD, and a $NO_X$ budget for 1999 of 196.4 TPD. On August 11, 1999, we announced that these motor vehicle emissions budgets were adequate for transportation conformity purposes effective August 26, 1999 (64 FR 43698, August 11, 1999). EPA's proposed action will have the effect of proposing approving these budgets for the Metropolitan Washington, DC area into the District of Columbia SIP.

**Proposed Action**

EPA is proposing approval of the Post-1996 plan submitted by the District of Columbia for the District's portion of the Metropolitan Washington, DC ozone nonattainment area.

**Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this proposed rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed 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 proposed rule regarding the District of Columbia's Post-1996 plan for the Washington area does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: September 15, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 00–24793 Filed 9–27–00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[DC047–2021; FRL–6878–1]**

## Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology for Oxides of Nitrogen

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the District of Columbia (the District). This revision requires major sources of nitrogen oxides (NOx) in the District to implement reasonably available control technology (RACT). This revision withdraws EPA's previously proposed conditional approval of the District's NOx RACT regulation, and, instead, proposes full approval of the SIP revision. This action is being taken in accordance with the Clean Air Act.

**DATES:** Written comments must be received on or before October 30, 2000.

**ADDRESSES:** Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the District of Columbia Department of Public Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Kelly L. Bunker, (215) 814–2177 or by e-mail at bunker.kelly@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

**SUPPLEMENTARY INFORMATION:**

### I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), ozone nonattainment areas classified as moderate or above are required to implement RACT for all major sources of NOx by no later than May 31, 1995. The major source size is determined by the classification of the nonattainment area and whether it is located in the Ozone Transport Region which was established by the CAA. The District of Columbia is located within the Metropolitan Washington, DC ozone nonattainment area which is classified as a serious. Therefore, major stationary sources of $NO_X$ are defined as those that emit or have the potential to emit 50 tons or more per year.

On January 13, 1994, the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), now known as the District of Columbia Department of Health (DoH), submitted revisions to its State Implementation Plan (SIP) that included a new regulation, Section 805, entitled ''Reasonably Available Control Technology for Major Stationary Sources of Oxides of Nitrogen'', to Subtitle I (Air Quality) of Title 20 of the District of Columbia Municipal Regulations (DCMR). Section 805 requires sources which emit or have the potential to emit 50 tons or more of $NO_X$ per year to comply with RACT requirements by May 31, 1995.

On February 25, 1999 (64 FR 9272), EPA published a direct final rulemaking (DFR) conditionally approving the District of Columbia's $NO_X$ RACT regulation found in section 805 of Title 20 of the DCMR. A companion notice of proposed rulemaking (NPR) proposing conditional approval the District of Columbia's $NO_X$ RACT regulation was published in the Proposed Rules section of the same February 25, 1999 **Federal Register** (64 FR 9289). In the February 25, 1999 DFR, EPA stated that if adverse comments were received within 30 days of its publication, EPA would publish a document announcing the withdrawal of that DFR before its effective date. Because EPA did receive adverse comments on the February 25, 1999 DFR within the prescribed time frame, we withdrew it. Under these circumstances the companion NPR remained in effect and interested parties submitted comments pursuant to that NPR. The withdrawal document appeared in the **Federal Register** on April 13, 1999 (70 FR 17982). On August 28, 2000, the District of Columbia submitted proposed revisions to Section 805 of Title 20 of the DCMR as supplement to its January 13, 1994 SIP submittal for parallel-processing by EPA. These proposed revisions correct the deficiencies identified in the February 25, 1999 notice. Therefore, by this rulemaking, EPA is withdrawing its February 25, 1999 proposed conditional approval and is proposing full approval of the revised version the District of Columbia's $NO_X$ RACT regulation found in section 805 of Title 20 of the DCMR submitted on August 28, 2000.

A summary of the District's submittal and EPA's rationale for approval are provided below. A more detailed description of the District's submittal and EPA's evaluation are included in the Technical Support Document (TSD) and the addendum to the TSD both prepared in support of this rulemaking action. A copy of the TSD and its addendum are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

### II. Summary of the SIP Revision and EPA Evaluation

*General Provisions*

Subtitle I of 20 DCMR was amended to add a new section 805 that applies to all sources in the District having the potential to emit (PTE) 50 tons or more of $NO_X$ per year. Exemptions from the requirements of section 805 are provided for sources that have a permit from the District limiting the potential to emit to less than 50 tons per year (TPY) and for emergency stand-by engines operated less than 500 hours per 12 month period. Section 805 contains presumptive emission limits for certain source categories of $NO_X$ including: Stationary combustion turbines, fossil-fuel-fired steam-generating units and asphalt concrete plants. Individual sources in these categories with presumptive RACT emission limits may also apply for alternative emission limits which reflect the application of source-specific RACT. Any such applications for alternative RACT determinations are subject to approval by both the District and EPA as SIP revisions. All other major source categories of $NO_X$ must have a RACT emission limit approved by the District and EPA in an emissions control plan. All major sources of $NO_X$ must submit an emissions control plan to the District that describes the source and demonstrates how RACT will be implemented. The District will conduct a public hearing for those sources that apply for alternative emission limits and those not subject to specific source category emission limits before final approval is issued.

*EPA's Evaluation*

EPA defines PTE in 40 CFR 51.165(a)(1)(iii) as the maximum capacity of a source to emit unless federally enforceable restrictions are imposed that would limit emissions. Subsection 805.1(c) in the District's rule exempts sources with a District permit limiting PTE to less than 50 TPY. Because the District of Columbia does not have a Federally Enforceable State Operating Permit (FESOP) program, subsection 805.1(c)(1) requires that any permit which limits the PTE to less than 50 TPY of $NO_X$ must be transmitted and approved by the EPA as a revision to the District's SIP.

*Source Category RACT*

RACT for specific categories of $NO_X$ sources is established in subsections 805.4, 805.5, 805.6 and 805.8. of DCMR No. 20, Subtitle 1 as listed in the table below, entitled ''RACT for $NO_X$ Sources'':

RACT FOR $NO_X$ SOURCES

| Source category | Fuel type | Rated heat capacity | $NO_X$ emission limit | Averaging period |
|---|---|---|---|---|
| Simple Cycle Turbine | Oil | ≥ 100 MMBTU/hr* | 75 ppmvd @ 15% $O_2$** | Not specified*** |
| Combustion Turbine (not otherwise classified). | Not specified | ≥ 100 MMBTU/hr | Exempt if operated less than 500 hours/year. | N/A |
| Utility Boiler (not otherwise specified). | Fossil Fuel | ≥ 20 MMBTU/hr<br>≥ 50 MMBTU/hr | No limit, RACT is defined as an annual combustion adjustment. | N/A |
| Utility Boiler—tangential or face-fired. | Oil | ≥ 50 MMBTU/hr<br>≥ 100 MMBTU/hr | 0.3 lbs./MMBTU | Calendar day |
| Utility Boiler—dry bottom<br>-tangential.<br>-face-fired.<br>-stoker. | Coal | ≥ 100 MMBTU/hr | 0.43 lbs./MMBTU | Calendar day |
| Utility Boiler—tangential or face-fired. | Oil | ≥ 100 MMBTU/hr | 0.25 lbs./MMBTU | Calendar Day |
| Utility Boiler—tangential or face-fired. | Oil and Natural Gas combined. | ≥ 100 MMBTU/hr | 0.25 lbs./MMBTU | Calendar Day |
| Utility Boiler—tangential | Natural Gas only | ≥ 100 MMBTU/hr | 0.20 lbs./MMBTU | Calendar Day |
| Asphalt Concrete Plants | N/A | N/A | 150 ppmvd $NO_X$ and 500 ppmvd CO @ 7% $O_2$. | Not specified *** |

* Million British Thermal Units (MMBTU) per hour (hr).
** Parts per million dry volume (ppmvd)
*** Where an averaging time is not specified, compliance is to be continuous.

Subsection 805.4 establishes emission limits for stationary combustion turbines. Subsection 805.4(b)(1) exempts combustion turbines operated less than 500 hours per calendar year from meeting the $NO_X$ RACT limits in subsection 805.4. Subsection 805.5 establishes presumptive RACT for fossil-fueled steam-generating units. Utility boilers with a rated heat capacity of 100 MMBTU or greater must demonstrate compliance with the applicable emission limit using approved continuous emissions monitoring (CEM) technology pursuant to 40 CFR Part 60, Appendix B. All other utility boilers and turbines subject to these source category requirements may choose between CEM technology or alternative test methods approved by the District and EPA.

Subsection 805.5(a) requires that any fossil fuel fired steam-generating units with an energy input capacity greater than or equal to 20 MMBTU per hour must perform an annual adjustment of the combustion process. The minimal requirements of the annual combustion adjustment are specified in subsection 805.8. Although sources subject to this requirement must record the results of the combustion process adjustments, this requirement will not result in an additional emission limitation. The combustion process adjustment is the only RACT requirement for sources with a rated heat capacity equal to or greater than 20 MMBTU but less than 50 MMBTU.

Subsection 805.6 specifies an emission limit of 150 ppmvd $NO_X$ and 500 ppmvd CO corrected to 7% oxygen for asphalt concrete plants that emit 50 TPY or greater of $NO_X$. Sources may choose between CEM or test methods approved by the District and EPA to demonstrate compliance.

However, if a source chooses to use testing, subsection 805.6(d)(2) requires that testing be conducted at least annually and demonstrate that the $NO_X$ emission rate does not exceed the rate specified in subsection 805.5.

*EPA's Evaluation*

The emission limits for large utility boilers are supported by data gathered by the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO). EPA has published RACT-level $NO_X$ emission rates for selected types of utility boilers that are to be applied to groups of boilers on an area wide, BTU-weighted basis (November 25, 1992, 57 FR 55620, 55625). The District's emission limits for individual source units are very similar to EPA's area wide averages and should provide the same level of control recommended by EPA. The emission limit for oil-fired combustion turbines is supported by data gathered for existing turbines by the Northeast States for Coordinated Air Use Management (NESCAUM) and is acceptable. EPA has not issued guidance on reducing $NO_X$ emissions from asphalt concrete plants. EPA finds that the emission limit established for asphalt concrete plants in section 805.6 of the District's rule constitutes an acceptable level of RACT.

The District has defined RACT for combustion sources equal to or greater than 20 MMBTU/hour but less than 50 MMBTU/hour as annual combustion adjustments. The regulation details the minimal requirements for the adjustment and specifies recordkeeping requirements for each combustion adjustment. EPA finds that the annual combustion adjustment constitutes RACT for combustion sources equal to or greater than 20 MMBTU/hour but less than 50 MMBTU/hour and is approvable.

*Source-specific (Generic) RACT Provisions*

The District's regulation requires that all other $NO_X$ sources having the potential to emit 50 tons of $NO_X$ per year not listed on the table above must submit an emission control plan to the District specifying a RACT emission limit that will be met by May 31, 1995 (subsection 805.7). The emission control plan must be approved by the District and approved as a SIP revision by EPA. Sources must demonstrate compliance using either CEM technology or testing approved by the District and EPA. Testing, if chosen, must be conducted annually and must demonstrate that the $NO_X$ emission rate does not exceed the emission rate specified in subsection 805.5 for the applicable fossil fuel steam-generating unit. Daily records must be maintained and kept for three years to demonstrate compliance with the applicable emission rate. Emissions that are subject to any other regulation in subtitle I of 20 DCMR or those that have emission limits approved in a federally enforceable regulation as meeting Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) since January 1, 1990, are exempt from these requirements.

*EPA's Evaluation*

Under subsection 805.7, major $NO_X$ sources that are not otherwise covered by presumptive emission limits under section 805 are subject to a process to develop and submit individual source RACT determinations for the District's approval and submission to EPA as SIP revisions. For all other major $NO_X$ sources or those $NO_X$ sources electing not to comply with presumptive emission requirements, the District provides the option of a source-specific RACT determination through subsections 805.2(b) and 805.7. Subsections 805.2(b) and 805.7 specifically allow sources to have RACT approved via the SIP revision process. EPA refers to this type of provision as a ''generic RACT'' provision in a state regulation. Specifically, ''generic RACT rules'' are defined as rules that merely require sources to identify RACT-level controls which the state will later submit through the SIP process.

EPA has long interpreted the RACT requirements of the Clean Air Act to mean that states must adopt and submit regulations that include emission limits as applicable to the subject sources. In other words, a state would not fully meet the RACT requirement until it establishes emission limits on all major sources. In a November 7, 1996 EPA policy memorandum from Sally Shaver, Director, Air Quality Strategies and Standards Division, to all Regional Air Division Directors, EPA outlined the necessary prerequisites for approving a state's (or in this case the District's) generic RACT regulation. In this memorandum, EPA recognized that in most instances a generic RACT rule strengthens the SIP to the extent that it sets dates by which sources must submit RACT and comply with requirements. The November 7, 1996 memorandum recommends that approval should be granted to a state's generic rule as long as EPA believes that the state has submitted all the source-specific RACT determinations and has submitted a declaration that to the best of its knowledge, there are no remaining unregulated sources. Full approval, however, should not be granted until EPA has also determined through rulemaking that the source-specific determinations also meet the RACT requirements.

In a letter dated December 16, 1998, the District of Columbia Department of Health notified EPA that all major stationary sources of $NO_X$ emissions in the District are subject to the presumptive source category RACT limits of subsections 805.4, 805.5 or 805.6. In other words, no major sources in the District have elected to apply for alternative RACT determinations through the source-specific process. Furthermore, the December 16, 1998 letter included a ''negative declaration'' pertaining to the entire universe of all other categories of major sources of $NO_X$. In other words, the District has no other major sources of $NO_X$, such as incinerators, reciprocating internal combustion engines, glass manufacturing, nitric/adipic acid production, cement manufacturing and iron/steel manufacturing plants, etc. The District has not and will not be submitting any source-specific RACT determinations because the entire of universe of major sources of $NO_X$ in the District are subject to RACT emission limits under section 805. Because all major sources of $NO_X$ in the District are subject to RACT, as established in section 805, EPA finds that the requirements of sections 182 and 184 of the Clean Air Act have been met regardless of the generic provisions of section 805.

*Monitoring, Recordkeeping and Reporting*

For sources subject to the presumptive limits found in section 805, subsection 805.2(a) requires such sources to demonstrate compliance with the applicable emission limits using continuous emission monitors according to 40 CFR part 60 Appendix B, or through other test methods approved by the District and EPA. For combustion turbines and utility boilers, compliance will be determined using an emission monitoring system to continuously monitor and record the $NO_X$ emission rate and demonstrate that the $NO_X$ emission rate does not exceed the applicable allowable $NO_X$ emission rate (subsections 805.4(d) and 805.5(e)). For sources electing alternative emission limits as RACT, subsections 805.2(c) and 805.7(d) require all sources to maintain continuous compliance through installation of a continuous emissions monitoring system or other methods consistent with the operational parameters and limits set forth in any permit or certificate approved by the District and EPA.

*EPA's Evaluation*

Specific recordkeeping requirements necessary to determine compliance are not contained in the regulation. Subsection 805.3(c)(4) requires all emission control plans to include recordkeeping procedures for air pollution control equipment used to reduce $NO_X$ emissions. However, because the emission control plans for sources subject to source category limits in subsections 805.4 through 805.6 are not required to be submitted as SIP revisions they are not made federally enforceable through this regulation. EPA believes that this deficiency is resolved through Chapter 5 of subtitle I of the District's regulations. This SIP-approved Chapter requires stationary sources with emissions greater than 25 TPY to conduct testing and maintain adequate records for compliance with applicable requirements.

EPA's review of this material indicates approval of this SIP revision. EPA is proposing to approve the District of Columbia's SIP revision for $NO_X$ RACT, which was submitted on January 13, 1994 and supplemented on August 28, 2000. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the state's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those

identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by the District of Columbia and submitted formally to EPA for incorporation into the SIP.

### III. Proposed Action

EPA is withdrawing the proposed conditional approval published in the **Federal Register** on February 25, 1999, and is, instead, proposing full approval of the District of Columbia's $NO_X$ RACT regulation found in section 805 of Title 20 of the DCMR which was submitted as a SIP revision by the District of Columbia on January 13, 1994 and supplemented on August 28, 2000.

### IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule, which proposes approval of the District of Columbia's $NO_X$ RACT regulation, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: September 15, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 00–24792 Filed 9–27–00; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 217–0261; FRL–6878–8]**

## Approving Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a limited approval and limited disapproval of two San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) permitting and New Source Review (NSR) rules for stationary sources. These rules were submitted as revisions to the California State Implementation Plan (SIP). EPA originally proposed full approval of these rules in the **Federal Register** (64 FR 51493) on September 23, 1999. However, based on comments EPA received on the proposed approval and further review of the rules, EPA has determined that the rules as submitted are not fully approvable. Therefore, EPA is now proposing a limited approval and limited disapproval of the rules and requesting comment on this proposal.

The intended effect of proposing limited approval and limited disapproval is to ensure that the District's permitting and NSR rules are consistent with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is proposing a limited approval of the rules because the rules generally strengthen the SIP. EPA is concurrently proposing a limited disapproval of the rules because the rules contain deficiencies which do not fully meet the CAA requirements for non-attainment areas and must be corrected. If EPA finalizes this limited approval and limited disapproval, EPA's final action will incorporate the rules into the federally approved SIP. EPA evaluated these rules based on CAA guidelines for EPA action on SIP submittals and EPA's general rulemaking authority.

**DATES:** Comments must arrive by October 30, 2000.

**ADDRESSES:** Send comments to: Ed Pike, Permits Office [AIR–3], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can review and copy the submitted rules, the existing SIP rules, and EPA's Technical Support Document (TSD) at EPA's Region 9 office from 8:30 a.m. to 5 p.m., Monday to Friday. A reasonable fee may be charged for copying.

Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, 2020 L Street, Sacramento, CA 95814

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Avenue, Fresno, CA 93726

**FOR FURTHER INFORMATION CONTACT:** Please call Ed Pike at (415) 744–1211 or send email to pike.ed@epa.gov.

**SUPPLEMENTARY INFORMATION:**

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## I. EPA is Proposing Limited Approval and Limited Disapproval of District Rule 2020, Permit Exemptions, and Rule 2201, New Source Review

EPA today proposes a limited approval and limited disapproval of revisions to the California SIP for District Rules 2020 and 2201. Upon final action, the rules will replace existing New Source Review and Permit Exemption Rules in the following SIPs: Fresno County, a portion of Kern County,[1] Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County. Please see the Technical Support Document for a complete list of the Rules that will be replaced.

Rule 2020 was adopted by the San Joaquin Valley Unified Air Pollution Control District (for background information on the District, please see 64 FR 51493) on September 17, 1998, and submitted to EPA by the California Air Resources Board (CARB) on October 27, 1998. Rule 2201 was adopted by the District on August 20, 1998 and submitted to EPA by CARB on September 29, 1998. This proposed limited approval and limited disapproval does not include sections 5.9 and 6.0 of Rule 2201, which specify requirements for title V operating permits. The title V requirements in Rule 2201 (based on a prior version of Rule 2201) were given interim approval as part of the District's title V operating permits program in EPA's April 24, 1996 rulemaking on that program (see 60 FR 55517 and 61 FR 18083). The District has not submitted any substantive changes to the title V sections of Rule 2201 since that approval.

## II. How Did EPA Arrive at the Proposed Action?

### *A. Previous Proposed Approval*

On September 23, 1999 (64 FR 51493), EPA proposed to approve Rules 2020 and 2201 into the California SIP and provided a 30-day public comment period. EPA had evaluated these rules for consistency with the requirements of the CAA and EPA regulations, as well as EPA's interpretation of these requirements in EPA policy guidance documents. (*See* the September 23, 1999 proposed rule and the TSD for this action for a detailed discussion of the rules and EPA's evaluation, as well as the updated information below). EPA received and reviewed public comment on its proposed approval and has also conducted further review of the rule. Based on the public comment and our further rule review, we have identified portions of the rules that do not meet EPA requirements: (1) The enforceability of the offset equivalency tracking system contained in the proposed rule; (2) the applicability of the Lowest Achievable Emissions Rate (LAER) to modified sources; and (3) an exemption for agricultural sources. As a whole, District Rules 2020 and 2201 are an improvement to the permitting rules currently in the SIP (see page 3 of EPA's August 30, 1999 TSD) and strengthen the SIP. However, EPA has also determined that these rules do not fully meet the requirements of the Clean Air Act and EPA's regulations because they contain the three deficiencies listed above.

### *B. New Source Review Rule Offset Equivalency*

In September 1999, EPA proposed to approve the rules based on the District's commitment to demonstrate that the rules would require offsets that are, in the aggregate, equivalent to federal offset requirements (See our September 23, 1999 proposed rulemaking in the **Federal Register** for more information). The proposal identified situations where the District's offset rule might not collect as many federally recognized offsets as required by EPA regulations. For instance, the District does not adjust offsets at the time of use, which means that some emission reductions used to generate the offsets would not be surplus to all Clean Air Act requirements. The September 1999 proposal also identified situations where the District's rule would require more offsets than federal requirements, such as the requirement for some non-major sources to obtain offsets. The District committed to demonstrate equivalency by calculating on an annual basis the quantity of offsets that would be required under federal non-attainment NSR regulations (i.e. the quantity of offsets that meet all Clean Air Act requirements) and the quantity of offsets required under the District program. (See the September 23, 1999 proposal and the TSD for more information on the District's proposed equivalency demonstration.)

EPA continues to believe that the District can adopt and EPA can approve into the SIP an offset system to show equivalency with federal offset requirements. However, a comment submitted by Adams, Broadwell and Cordoza on October 25, 1999 states that the District's commitment to EPA falls short of guaranteeing equivalent offsets.[2] EPA agrees with this comment, but believes that this deficiency in the equivalency system can be corrected by a mandatory remedy that is automatically effective if the annual demonstration results in a shortfall of offsets meeting all federal requirements. Although the District's Deputy Air Pollution Control Officer had committed to initiate rule amendments if the annual demonstration results in a shortfall,[3] Rule 2201 does not contain a specific requirement for the District to remedy any shortfall of offsets in the equivalency demonstration. Therefore, rather than finalize full approval of the rule, EPA is proposing this limited approval based on a finding that Rule 2201 is deficient because it does not include a specific and enforceable remedy for a shortfall in the annual equivalency demonstration. EPA believes that the rule must be revised to contain a mandatory and enforceable remedy to cure any annual shortfall and prevent future shortfalls.

The District has suggested adopting a rule amendment requiring that all new major sources, and certain modifications, use offsets that are surplus at the time of use, if the District does not demonstrate ''equivalency''. EPA believes that amending the rule to include this enforceable remedy would correct this rule deficiency, because we expect that the District would make up any short-fall in the equivalency demonstration within twelve months.

### *C. Lowest Achievable Emission Rate Applicability*

After our September 1999 proposal, EPA discovered that the District rule does not under all circumstances require LAER for modifications to an emission unit(s). Specifically, the rule does not require LAER if the modification causes an increase in actual emissions but not an increase in

[1] See the Technical Support Document for more information on the Districts' jurisdiction.

[2] Please note that other comments were contained in this letter and will be addressed in EPA's final rulemaking.

[3] Please see August 24, 1999 agreement signed by Mark Boese, of the District and David Howekamp, Air Division Director of US EPA Region IX, in the TSD.

the emission unit's permitted emission rate. EPA's New Source Review regulations (40 CFR 51.165) require LAER for significant emission increases (for instance, 25 tons per year of volatile organic compounds or nitrogen oxides) and require that major sources calculate emissions changes based on the post-project allowable emissions minus the pre-project actual emissions. The District rule, however, requires LAER (the District's rule uses the term ''Best Available Control Technology,'' which is defined to be at least as strict as EPA LAER) for all modified units with an increase in permitted emissions of greater than two pounds per day (section 4 of District Rule 2201). EPA believes that the District rule would require LAER for most sources that trigger federal LAER requirements. Nevertheless, EPA finds that there is a deficiency in the rule as currently written because it could exempt from LAER some sources that would have actual emissions increases greater than the federal significance level, even if the increase in permitted emission rates did not exceed two pounds per day.

For example, EPA has reviewed emissions data for a glass furnace expansion that was a major modification based on a comparison of post-project allowable emissions and pre-project actual emissions, but which the source believed was not subject to LAER under the current District rule. This is because the source compared their pre-project potential to emit (the source used potential to emit because the permit did not contain source-specific emission limitations) with the permit limit for the expanded furnace, rather than comparing their pre-project actual emissions to their new allowable emission rate. In this situation, the new allowable emission level was significantly higher than the prior actual emissions, but not higher than the source's estimate of their prior potential to emit. This could allow a source to make a major modification (based on increases in actual emissions at one or more units), but avoid LAER if it does not increase its potential to emit. In addition, determining the ''permitted'' emission rate is problematic when no source-specific emission limit exists. Therefore, EPA is proposing that the District must amend Rule 2201 to ensure that sources install LAER if they are allowed to make a significant increase in their actual emission rate.

The District has suggested adopting an amendment to Rule 2201 that requires that certain modified sources apply LAER if they are included in the District's definition of a title I modification (Rule 2010). EPA believes that a rule amendment of this type would correct this rule deficiency.

*D. Agricultural Exemption*

The District exemption rule (section 4.1 of Rule 2020) contains an exemption for agricultural operations. The exemption generally applies to ''any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals.'' EPA did not originally identify this issue as a deficiency in our original **Federal Register** Notice. Upon further review, however, EPA recognized that this exemption could apply to major sources subject to the New Source Review requirements under the federal Clean Air Act. Therefore, EPA believes that the District must remove this exemption from the District program to receive full approval.

## III. Overview of Limited Approval/Disapproval

Because of the three deficiencies identified in this rulemaking, Rules 2020 and 2201 are not approvable pursuant to section 182(a)(2)(A) of the CAA, and EPA cannot grant full approval of the District's permitting and NSR program under section 110(k)(3) and part D. Because the submitted rules are not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rules under section 110(k)(3).

However, EPA may grant a limited approval of the submitted permitting and NSR rules (2020 and 2201) under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of the District's submitted Rules 2020 and 2201 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of District Rules 2020 and 2201 because they contain deficiencies and, as such, the rules do not fully meet the requirements of part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated non-attainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: withholding highway funding and increasing the offset requirements. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final limited disapproval triggers the federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rules covered by this proposed rulemaking have already been adopted by the District. EPA's final limited disapproval action will not prevent the District or EPA from enforcing these rules.

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

## IV. Administrative Requirements

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

does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed 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 proposed 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.*).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, New Source Review, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 15, 2000.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 00–24941 Filed 9–27–00; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

**[CS Docket No. 97–80; FCC 00–341]**

## Commercial Availability of Navigation Devices

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document seeks comments regarding rules adopted to implement Section 629 of the Communications Act. Section 304 of the 1996 Telecommunications Act, which became law on February 5, 1996, added Section 629 to the Communications Act. Section 629 concerns the commercial availability of navigation devices. This document may result in information collection(s) subject to the Paperwork Reduction Act (PRA) of 1995.

**DATES:** Comments are due November 15, 2000; reply comments are due December 18, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Thomas Horan at (202) 418–7200 or via internet at thoran@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking (''FNPRM''), FCC 00–341, adopted September 14, 2000; released September 18, 2000. The full text of the Commission's FNPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036, or may be reviewed via internet at http://www.fcc.gov/csb/.

### I. Synopsis of the Further Notice of Proposed Rulemaking

*A. Development of OpenCable Specifications.*

1. In this Further Notice of Proposed Rulemaking (''*Notice*''), we seek comment on whether the specifications provided by CableLabs allow consumer electronics manufacturers to build a navigation device that provides consumers a viable alternative to the equipment provided by their service provider. In addition, we also seek comment on whether there are further steps the Commission should undertake to ensure compliance with section 629 and achieve the statutory objective of commercial availability of navigation devices.

*B. Integrated Boxes*

2. We seek comment on the extent of the effect operator provision of integrated equipment has had on achieving a competitive market for commercially available navigation devices. We seek comment on whether the 2005 date for the phase-out of integrated boxes remains appropriate. Alternatively, we seek comment on whether it would it be satisfactory to permit multichannel video programming distributors (MVPD) or retail distribution of integrated boxes after January 1, 2005 if integrated boxes are also commercially available or for other reasons necessary to further the objectives of Section 629. In addition, we seek comment on the considerations that factor into a decision regarding the date of the phase-out of integrated boxes. For example, would an earlier or later date create incentives for the development of a commercial market for navigation devices? We also seek comment on the economic impact an earlier or later date would have on manufacturers and on MVPDs. In this regard, we believe the following information would be beneficial to the Commission's analysis: (1) The number of integrated boxes that MVPDs have deployed to customers to date; (2) the number of integrated boxes MVPDs expect to be deployed in 2003; (3) the number of orders MVPDs and retailers have made for non-integrated equipment; and (4) the number of orders for integrated boxes MVPDs have placed since the release of Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices, 64 FR 29599 (June 2, 1999), and (5) the total cost differential (including manufacturing, marketing, research and development, and distribution costs), if any, between an integrated box and a host/POD combination.

C. Obstacles to Commercial Availability

3. We note that a retail market for cable modems is developing in certain regions of the country, while commenters assert that there are no host devices available at retail. We seek comment on this apparent disparity. We seek comment on any obstacles or barriers preventing or deterring the development of a retail market for navigation devices. We note that cable systems are in development that utilize technology outside that of traditional cable architecture. We seek comment on

the impact of such systems on the commercial availability of navigation devices.

*D. Other Factors*

4. In addition to the specific requests for comments set forth above, we also request comments regarding other factors that commenters believe may be impeding or affecting achievement of the goals of Section 629. For example, recent articles indicate that retail availability of equipment has been slowed by market participants' failure to achieve mutually beneficial business arrangements. We seek comment as to what additional actions, if any, the Commission should initiate to achieve the statutory objective of competition in the navigation devices market.

**II. Administrative Matters**

*A. Initial Regulatory Flexibility Act Analysis*

5. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the possible policies and rules that would result from this Further Notice of Proposed Rulemaking (Notice). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

6. *Need for, and Objectives of, the Proposed Rules.* The navigation devices rules were adopted to implement Section 629 of the Communications Act. They are designed to assure the commercial availability from retail outlets of equipment used to access service from multichannel video programming systems. In adopting these rules, the Commission indicated that it would monitor the development of the commercial availability of navigation devices and on reconsideration stated that it would commence a proceeding in the year 2000 to review the effectiveness of the rules and consider any necessary changes. In this proceeding, we undertake that review. This Notice is designed to seek comment on the Commission's navigation devices rules and to elicit comment on whether any changes to the current rules are necessary in order to promote commercial availability.

7. *Legal Basis.* Authority for this proposed rulemaking is contained in Sections 4(i), 303(r), and 629 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 549.

8. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The IRFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The IRFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under section 3 of the Small Business Act. Under the Small Business Act, a small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). Nationwide, as of 1992, there were approximately 275,801 small organizations. Rules adopted in this proceeding could apply to manufacturers of DTV equipment, including television receivers, set-top boxes and ''point of deployment'' modules. Distributors of this equipment, including retailers of consumer electronics equipment and, in the case of ''point of deployment'' modules, cable operators, would also be affected.

9. *Cable Systems.* The SBA has developed a definition of small entity for cable and other pay television services, which includes all such companies generating $11 million or less in revenue annually. This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau, there were 1,323 such cable and other pay television services generating less than $11 million in revenue that were in operation for at least one year at the end of 1992.

10. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a ''small cable company,'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small entity cable system operators that may be affected by the decisions and rules proposed in this Notice.

11. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission has determined that there are 66,690,000 subscribers in the United States. Therefore, we found that an operator serving fewer than 666,900 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that the number of cable operators serving 666,900 subscribers or less totals 1,450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

12. *Small Manufacturers.* The SBA has developed definitions of small entity for manufacturers of household audio and video equipment (SIC 3651) and for radio and television broadcasting and communications equipment (SIC 3663). In each case, the definition includes all such companies employing 750 or fewer employees.

13. *Electronic Equipment Manufacturers.* The Commission has not developed a definition of small entities applicable to manufacturers of electronic equipment. Therefore, we will utilize the SBA definition of manufacturers of Radio and Television Broadcasting and Communications Equipment. According to the SBA's regulations, a TV equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern. Census Bureau data indicates that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities. The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are exclusive manufacturers of television equipment or how many are independently owned and operated. We conclude that there are approximately

778 small manufacturers of radio and television equipment.

14. *Electronic Household/Consumer Equipment.* The Commission has not developed a definition of small entities applicable to manufacturers of electronic equipment used by consumers, as compared to industrial use by television licensees and related businesses. Therefore, we will utilize the SBA definition applicable to manufacturers of Household Audio and Visual Equipment. According to the SBA's regulations, a household audio and visual equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern. Census Bureau data indicates that there are 410 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 386 of these firms have fewer than 500 employees and would be classified as small entities. The remaining 24 firms have 500 or more employees; however, we are unable to determine how many of those have fewer than 750 employees and therefore, also qualify as small entities under the SBA definition. Furthermore, the Census Bureau category is very broad, and specific figures are not available as to how many of these firms are exclusive manufacturers of television equipment for consumers or how many are independently owned and operated. We conclude that there are approximately 386 small manufacturers of television equipment for consumer/household use, but in any event, no more than 410 are small entities.

15. *Computer Manufacturers.* The Commission has not developed a definition of small entities applicable to computer manufacturers. Therefore, we will utilize the SBA definition of Electronic Computers. According to SBA regulations, a computer manufacturer must have 1,000 or fewer employees in order to qualify as a small entity. Census Bureau data indicates that there are 716 firms that manufacture electronic computers and of those, 659 have fewer than 500 employees and qualify as small entities. The remaining 57 firms have 500 or more employees; however, we are unable to determine how many of those have fewer than 1,000 employees and therefore also qualify as small entities under the SBA definition. We conclude that there are approximately 659 small computer manufacturers.

16. *Small Retailers.* The Commission has not developed a definition of small entities applicable to retail sellers of navigation devices. Therefore, we will utilize the SBA definition. The 1992 Bureau of the Census data indicate: there were 9,663 U.S. firms classified as Radio, Television, and Consumer Electronic Stores (SIC 5731), and that 9,385 of these firms had $4.999 million or less in annual receipts and 9,473 of these firms had $7.499 million or less in annual receipts. Consequently, we tentatively conclude that there are approximately 9,663 such small retailers that may be affected by the decisions and rules proposed in this Notice.

17. *Description of Projected Reporting, Recordkeeping and other Compliance Requirements.* At this time, it is not expected that the proposed actions will require any additional recordkeeping or compliance requirements. We seek comment on whether others perceive a need for extensive recordkeeping.

18. *Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

19. Parties have requested that we consider accelerating the date on which the prohibition of integrated devices goes into effect. We have sought comment on this issue and will examine the effect on businesses and small entities that such a change would entail. We have also sought comment on other suggestions that would facilitate the development of a commercial marketplace for navigation devices. We will consider and examine the effect of those suggestions on businesses and small entities as well. Should commenters disagree with any of our conclusions, we welcome comments suggesting ways in which any perceived burden upon small entities could be mitigated.

20. *Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Proposals.* None.

*B. Ex Parte Rules*

21. Subject to the provisions of 47 CFR 1.1203 concerning ''Sunshine Period'' prohibitions, this proceeding is exempt from ex parte restraints and disclosure requirements, pursuant to 47 CFR 1.1204(b)(1).

*C. Filing of Comments and Reply Comments*

22. Interested parties may file comments on or before November 15, 2000, and reply comments on or before December 18, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (''ECFS'') or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form<your e-mail address.'' A sample form and directions will be sent in reply.

23. Parties who choose to file by paper must file an original and four copies of each filing. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. If more than one docket or rulemaking number appears in the caption of this proceeding commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. The Cable Services Bureau contact for this proceeding is Thomas Horan at (202) 418–7200, TTY (202) 418–7172, or at thoran@fcc.gov.

24. Parties who choose to file by paper should also submit their comments on diskette. Parties should submit diskettes to Thomas Horan, Cable Services Bureau, 445 12th Street NW., Room 4–A817, Washington, DC 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible form using MS DOS 5.0 and Microsoft Word, or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette

should be clearly labeled with the party's name, proceeding (including the lead docket number in this case [CS Docket No. 97–80]), type of pleading (comments or reply comments), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036.

*D. Paperwork Reduction Act*

25. This document may result in information collection(s) subject to the Paperwork Reduction Act (PRA) of 1995. If an information collection results, it will be submitted to the Office of Management and Budget (OMB) for review under the PRA.

**III. Ordering Clause**

26. Pursuant to sections 4(i), 303(r), and 629 of the Communications Act of 1934, as amended, 47 USC 154(i), 303(r), and 549, notice is given of the proposals described in this FNPRM.

27. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this FNPRM, including the IFRA, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects in 47 CFR Part 76**

Cable television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00–24902 Filed 9–27–00; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**RIN 1018–AG14**

## Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis on Proposed Critical Habitat Designation for the Great Lakes Breeding Population of the Piping Plover

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule, reopening of comment period and notice of availability of draft economic analysis; correction.

**SUMMARY:** This document corrects the closing date of the comment period listed in a document published in the **Federal Register** on September 19, 2000, regarding the reopening of the comment period and notice of availability of draft economic analysis for proposed critical habitat designation for the Great Lakes breeding population of the piping plover. This clarification provides the correct date for the closing of the comment period on the proposed critical habitat designation for the Great Lakes breeding population of the piping plover and the draft economic analysis for the proposed critical habitat designation.

**DATES:** Comments must be received on or before November 20, 2000.

**FOR FURTHER INFORMATION CONTACT:** Laura Ragan @ (612) 713–5157.

**Correction**

In the document announcing the reopening of the comment period and notice of availability of draft economic analysis for proposed critical habitat designation for the Great Lakes breeding population of the piping plover, 65 FR 56530 in the issue of September 19, 2000, make the following correction in the **DATES** section. On page 56530 in the 3rd column, correct the date by when comments must be received from ''October 19, 2000'' to ''November 20, 2000.''

Dated: September 21, 2000.

**T.J. Miller,**

*Acting, Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*

[FR Doc. 00–24759 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–P**

# Notices

**Federal Register**

Vol. 65, No. 189

Thursday, September 28, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### Agency Information Collection Activities: Proposed Collection; Comment Request—Evaluation of the School Breakfast Program Pilot Project—Data Collection Instruments

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's intention to request Office of Management and Budget approval of the data collection instruments for the Evaluation of the School Breakfast Program Pilot Project.

**DATES:** Written comments on this notice must be received by November 27, 2000.

**ADDRESSES:** Comments may be sent to: Alberta C. Frost, Director, Office of Analysis, Nutrition and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection forms should be directed to Alberta C. Frost, (703) 305–2117.

**SUPPLEMENTARY INFORMATION:**

*Title:* Evaluation of the School Breakfast Program Pilot Project—Data Collection Instruments.

*OMB Number:* Not yet assigned.

*Expiration Date:* N/A.

*Type of Request:* New collection of information.

*Abstract:* Section 109(b) of the William F. Goodling Child Nutrition Act of 1998 (Pub. L. 105–336) amended Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) to authorize a pilot study that provides free school breakfasts to all students regardless of family income in up to six school districts. The evaluation will rigorously assess the impact of this universal-free school breakfast program on program participation and a broad range of student outcomes, including academic achievement, school attendance and tardiness, classroom behavior and attentiveness, and dietary status. In addition, the evaluation will include a comprehensive implementation analysis to document how the universal-free breakfast program was implemented, changes in program operations and administration, and its costs. OMB approval is requested for the data collection instruments to be used for evaluating the impact of the School Breakfast Program Pilot Project on various student outcomes and for assessing the implementation of the universal-free breakfast program.

*Estimate of Burden:* Public reporting burden is estimated to range from 30 minutes for school principals to 255 minutes for cafeteria managers.

*Respondents:* Parents/guardians of sampled students will be interviewed. Elementary school children will be asked to respond to questions about dietary intake, complete a cognitive test battery and have height and weight measured. Teachers, whose students are study participants, will be asked to rate the behavior of these students. School District Administrators, School Food Service Directors, School Principals and Cafeteria Managers will be interviewed.

*Estimated Number of Respondents:* From each of the selected 144 elementary schools, 30 students and their households totaling 4,320 students and 4,320 households will be sampled. Respondents will also include the 6 School District Administrators, the 6 School Food Service Directors, 144 School Principals, 144 Cafeteria Managers and 864 teachers (6 teachers from each of the 144 elementary schools).

*Estimated Number of Responses per Respondent:* One for most respondents. Exceptions include 10 percent (432) of the study households, which will be interviewed for 25 minutes on a second occasion for additional dietary intake information about the student. 24 students from each school district will participate in a focus group. 108 teachers will be interviewed.

*Estimated Total Annual Burden on Respondents:* 8,920.5 hours.

Households (4,320 × 45 minutes + 432 × 25 minutes)=3,420 hours; Students (4,320 × 45 minutes + 144 × 60 minutes for focus groups)=3,384 hours; Teachers (864 × 95 minutes + 108 × 30 minutes) =1,422 hours; School District Administrators (6 × 45 minutes)=4.5 hours; School Food Service Directors (6 × 60 minutes)=6 hours; Principals (144 × 30 minutes)=72 hours; Cafeteria Managers (144 × 255 minutes)=612 hours.

Dated: September 22, 2000.

**George A. Braley,**

*Associate Administrator, Food and Nutrition Service.*

[FR Doc. 00–24870 Filed 9–27–00; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Oregon Coast Provincial Advisory Committee Field Trip

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Oregon Coast Provincial Advisory Committee (PAC) will meet at the Mapleton Ranger District Office in Florence, OR, on October 12, 2000, to begin a field trip to Enchanted Valley. The Mapleton Ranger District Office is located at 4480 Hwy. 101, Building G, Florence, OR. The trip will begin at 9 a.m. and end at approximately 2 p.m.

Bring a lunch and field gear, including waterproof boots. The public is encouraged to attend but must bring its own transportation.

**FOR FURTHER INFORMATION CONTACT:** Joni Quarnstrom, Public Affairs Specialist, Siuslaw National Forest, 541/750–7075 or write to Acting Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, OR 97339.

Dated: September 18, 2000.

**Y. Robert Iwamoto,**

*Acting Forest Supervisor.*

[FR Doc. 00–24864 Filed 9–27–00; 8:45 am]

**BILLING CODE 3410–11–M**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

### Information Collection Activity; Comment Request

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

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

**FOR FURTHER INFORMATION CONTACT:** F. Lamont Heppe, Jr., Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., STOP 1522, Room 4034 South Building, Washington, D.C. 20250–1522. Telephone: (202) 720–0736. FAX: (202) 720–4120.

**SUPPLEMENTARY INFORMATION:**

*Title:* 7 CFR Part 1794, Environmental Policies and Procedures.

*OMB Control Number:* 0572–0117.

*Type of Request:* Extension of a previously approved collection with change.

*Abstract:* The information collection contained in this rule are requirements prescribed the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4346), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and certain related Federal environmental laws, statutes, regulations, and Executive Orders.

The major events which influenced the promulgation of the revisions to this rule was the 1994 reorganization of the U.S. Department of Agriculture, which transferred the water and waste program from the former Farmers Home Administration to RUS, reforms within the electric and telecommunications programs, and fundamental changes in RUS' implementation of the CEQ regulations.

RUS applicants provide environmental documentation, as prescribed by the rule, to assure that policy contained in NEPA is followed. The burden varies depending on the type, size, and location of each project, which then prescribes the type of information collection involved. The collection of information is only that information that is essential for RUS to provide environmental safeguards and to comply with NEPA as implemented by the CEQ regulations.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 229 hours per response.

*Respondents:* Business or other for-profit and non-profit institutions.

*Estimated Number of Respondents:* 600.

*Estimated Number of Responses per Respondent:* 3.

*Estimate Total Annual Burden on Respondents:* 440,000 hours.

Copies of this information collection can be obtained from Bob Turner, Program Development and Regulatory Analysis, Rural Utilities Service at (202) 720–0696.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

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

Dated: September 21, 2000.

**Christopher A. McLean,**

*Administrator, Rural Utilities Service.*

[FR Doc. 00–24924 Filed 9–27–00; 8:45 am]

**BILLING CODE 3410–15–P**

## DEPARTMENT OF COMMERCE

### Economic Development Administration

### Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

**AGENCY:** Economic Development Administration (EDA), Commerce.

**ACTION:** To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD AUGUST 16, 2000–SEPTEMBER 22, 2000

| Firm name | Address | Date petition accepted | Product |
|---|---|---|---|
| American Coat & Pad Company. | 1220 Curtain Avenue, Baltimore, MD 21218. | 28–Aug–2000 | Coat and shoulder padding. |
| Eastham Forge, Inc | 1055 Archie Street, Beaumont, Texas 77701. | 28–Aug–2000 | Forged valve parts for oilfield wellhead equipment. |
| Byer Manufacturing Co., Inc. (The). | 74 Mill Street, Orono, ME 04473. | 30–Aug–2000 | Camp and casual folding furniture of wood and canvas—cots, chairs, stools, loungers & tables. |
| Henges Manufacturing, L.L.C. | 12100 Prichard Farm Rd., Maryland Hts., MO 63043. | 01–Sep–2000 | Pre-fabricated buildings, primarily used within an existing warehouse or manufacturing plant. |
| Hagale Industries, Inc | 601 East South Street, Ozark, MO 65721. | 01–Sep–2000 | Men's shirts and trousers. |
| Great Western Inorganics, Inc. | 17400 Highway 72, Arvada, CO 80007. | 15–Sep–2000 | Iron sulfide and bromide. |

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD AUGUST 16, 2000–SEPTEMBER 22, 2000—Continued

| Firm name | Address | Date petition accepted | Product |
|---|---|---|---|
| Ameritex Yarn, L.L.C | 840 Plantation Drive, Burlington, NC 27215. | 15–Sep–2000 | Cotton yarn. |
| Jack Georges, Inc | 823 Main Avenue, Passaic, NJ 07055. | 15–Sep–2000 | Leather business cases and accessories. |
| Century Engineering Co., Inc. | 4 Orono Street, Clifton, NJ 07015. | 20–Sep–2000 | Industrial and commercial machinery used for cleaning, deburring, plating nodule removal, surface prep. and general panel scrubbing for glass, plastic and metal. |
| IEC Corporation | 3100 Longhorn Blvd., Austin, Texas 78758. | 22–Sep–2000 | Slip ring assemblies used as electrical conductors. |
| Bay Area, Inc., dba Valley Sawmill. | 10600 Cordova, Anchorage, AK 99515. | 22–Sep–2000 | Heavy timber, dimensional lumber, wood chips and sawdust. |

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: September 20, 2000.

**Anthony J. Meyer,**

*Coordinator, Trade Adjustment and Technical Assistance.*

[FR Doc. 00–24895 Filed 9–27–00; 8:45 am]

**BILLING CODE 3510–24–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–201–806]**

### Carbon Steel Wire Rope From Mexico; Rescission of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Rescission of Antidumping Duty Administrative Review.

**SUMMARY:** On May 1, 2000, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on carbon steel wire rope from Mexico (65 FR 25303). The Department initiated this review at the request of the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (the petitioner). This review covers two manufacturers, Camesa, S.A. de C.V. (Camesa), and Cablesa, S.A. de C.V. (Cablesa). The period of review (POR) is March 1, 1999 through December 31, 1999. On May 10, 2000, Cablesa certified that it did not have any exports or sales to the United States during the POR. On June 15, 2000, the petitioner withdrew its request for a review of Camesa. The Department has received no additional submissions from any party concerning this review. Accordingly, we are rescinding this review.

**EFFECTIVE DATE:** September 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–0666.

**SUPPLEMENTARY INFORMATION:**

#### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999).

#### Scope of Review

The merchandise covered by this order consists of carbon steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7312.10.9030, 7312.10.9060 and 7312.10.9090.

Excluded from this review is stainless steel wire rope, which is classifiable under the HTSUS subheading 7312.10.6000, and all forms of stranded wire, with the following exception. Based on the affirmative final determination of circumvention of the antidumping duty order, 60 FR 10831 (Feb. 28, 1995), the Department has determined that steel wire strand, when manufactured in Mexico by Camesa and imported into the United States for use in the production of steel wire rope, falls within the scope of the antidumping duty order on steel wire rope from Mexico. Such merchandise is currently classifiable under subheading 7312.10.3020 of the HTSUS.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

#### Rescission of Review

Section 351.213(d)(1) of the Department's regulations allows the Department to rescind a review if the party that requested the review withdraws the request within 90 days of the publication date of the initiation notice. The Department published the initiation notice on May 1, 2000 (65 FR 25303). The petitioner withdrew its request for a review of Camesa's sales on June 15, 2000. The petitioner was the

only party to request a review of Camesa's sales for this period of the proceeding. Therefore, in accordance with section 351.213(d)(1), we are rescinding this review of sales by Camesa.

Section 351.213(d)(3) allows the Department to rescind a review if the Department concludes that during the POR there were no entries, exports, or sales of the subject merchandise, as the case may be. Based on Cablesa's certification, submitted on May 10, 2000, which we independently confirmed with the U.S. Customs Service, we conclude that Cablesa had no entries, exports, or sales during the POR, and, thus, that there is no basis for a review. Therefore, in accordance with section 351.213(d)(3) we are rescinding this review of sales by Cablesa.

We will instruct customs to liquidate the entries made during the POR at the rate entered. We are publishing this notice in accordance with section 351.213(d)(4) of our regulations.

Dated: September 20, 2000.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, AD/CVD Enforcement Group III.*

[FR Doc. 00–24953 Filed 9–27–00; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–201–802]**

### Gray Portland Cement and Clinker From Mexico: Final Results of Changed-Circumstances Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Final Results of Changed-Circumstances Antidumping Duty Administrative Review.

**SUMMARY:** On August 17, 2000, the Department of Commerce published the notice of preliminary results of its changed-circumstances review concerning its examination of whether GCC Cemento, S.A. de C.V., is the successor-in-interest to Cementos de Chihuahua, S.A. de C.V., for purposes of determining antidumping liability. We have now completed that review and determine that GCC Cemento, S.A. de C.V., is the successor-in-interest to Cementos de Chihuahua, S.A. de C.V., for antidumping duty law purposes and, as such, receives the antidumping duty cash deposit rate previously assigned to Cementos de Chihuahua, S.A. de C.V., of 48.95 percent *ad valorem.*

**EFFECTIVE DATE:** September 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Minoo Hatten or Robin Gray, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1690 or (202) 482–4023, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 24, 1999, Cementos de Chihuahua, S.A. de C.V. (CDC), requested that the Department of Commerce (the Department) conduct an expedited changed-circumstances review pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act). In that letter, CDC stated that, effective December 1, 1999, GCC Cemento, S.A. de C.V. (GCCC), a newly created company, would be the successor in interest to CDC due to a corporate reorganization. CDC also stated that it would become a holding company and the parent of GCCC and its subsidiary companies. On December 13, 1999, the petitioner, the Southern Tier Cement Committee, opposed CDC's request that the Department initiate an expedited changed-circumstances review. Since the Department had very little information on the record concerning this corporate reorganization, the Department concluded that it would be inappropriate to conduct an expedited changed-circumstances review and issue a preliminary determination concurrent with the initiation of a changed-circumstance review. Thus, the Department published only a notice of initiation. See Gray Portland Cement and Clinker From Mexico: Notice of Initiation of Antidumping Duty Changed-Circumstances Review, 65 FR 1592 (January 11, 2000). On January 20, 2000, the Department sent a questionnaire to GCCC requesting additional information. On February 9, 2000, the Department received GCCC's response to the questionnaire. On April 6, 2000, the Department sent a supplemental questionnaire to GCCC. GCCC responded on April 27, 2000. On June 23, 2000, the Department conducted a verification of information pertaining to this changed-circumstances review at GCCC's offices in Chihuahua, Mexico.

On August 17, 2000, the Department published in the **Federal Register** (65 FR 50180) the notice of preliminary results of changed-circumstances antidumping duty administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. We now have completed this changed-circumstances review in accordance with section 751(b) of the Act.

#### The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999).

#### Scope of the Review

The products covered by this review include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than of being ground into finished cement. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29 and cement clinker is currently classifiable under item number 2523.10. Gray portland cement has also been entered under item number 2523.90 as ''other hydraulic cements.''

The HTS subheadings are provided for convenience and customs purposes only. Our written description remains dispositive as to the scope of the product coverage.

#### Successorship

According to CDC's November 24, 1999, letter, effective December 1, 1999, GCCC, a newly created company, would become the successor in interest to CDC due to a corporate reorganization. CDC requested that the Department make a determination that GCCC should receive the same antidumping duty treatment as the former CDC with respect to gray portland cement and clinker from Mexico.

The Department examined the following factors: (1) Management; (2) production facilities; (3) supplier relationships; (4) customer base. As a result of its examination, the Department has determined that the resulting operation of GCCC is the same as that of its predecessor, CDC, and thus the Department has determined that GCCC is the successor-in-interest to CDC for purposes of determining antidumping duty liability. For a complete discussion of the basis for this decision, see *Gray Portland Cement and Clinker from Mexico: Preliminary Results of Changed Circumstances*

*Antidumping Duty Administrative Review*, 65 FR 50180 (August 17, 2000).

**Comments**

Although we gave interested parties an opportunity to comment on the preliminary results, none were submitted.

**Final Results of Changed-Circumstances Review**

We determine that GCCC is the successor-in-interest to CDC and, accordingly, GCCC will receive the same antidumping duty treatment as the former CDC. Based on the most recently completed review, the cash-deposit rate for entries of subject merchandise from GCCC will be 45.98 percent (see Gray Portland Cement and Clinker From Mexico: Final Results of Antidumping Duty Administrative Review, 65 FR 13943 (March 15, 2000)). We will instruct the U.S. Customs Service accordingly.

We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 351.216 of the Department's regulations.

Dated: September 20, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00–24955 Filed 9–27–00; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–583–827]**

### Static Random Access Memory Semiconductors From Taiwan: Notice of Court Decision and Suspension of Liquidation

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On August 29, 2000, in *Taiwan Semiconductor Industry Association, et al.* v. *United States,* Court No. 98–05–01460, Slip Op. 00–113 (CIT), a lawsuit challenging the final affirmative determination of the U.S. International Trade Commission that less-than-fair-value imports of static random access memory semiconductors from Taiwan were causing material injury to the domestic industry, the U.S. Court of International Trade affirmed the U.S. International Trade Commission's second remand determination, which found no material injury as well as no threat of material injury, and entered a final judgment order accordingly. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit in *Timken Co.* v. *United States,* 893 F. 2d 337 (Fed. Cir. 1990), the U.S. Department of Commerce will continue to order the suspension of liquidation of the subject merchandise until there is a ''conclusive'' decision in this case. If the case is not appealed, or if it is affirmed on appeal, the U.S. Department of Commerce will revoke the antidumping duty order covering the subject merchandise.

**EFFECTIVE DATE:** November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Irina Itkin or Shawn Thompson, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0656 or (202) 482–1776, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The U.S. Department of Commerce (the ''Department'') published notice of its amended final affirmative less-than-fair-value determination covering the subject merchandise, *i.e.,* imports of static random access memory semiconductors from Taiwan, on April 16, 1998, Notice of Amended Final Determination and Antidumping Duty Order of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors From Taiwan, 63 FR 18883 (April 16, 1998), and the U.S. International Trade Commission (the ''Commission'') subsequently made its final affirmative determination that a U.S. industry was being materially injured by reason of imports of the subject merchandise. *See* Static Random Access Memory Semiconductors From the Republic of Korea and Taiwan, 63 FR 18443 (April 15, 1998). The Department published the amended antidumping order covering the subject merchandise on April 22, 1998. *See* Amended Antidumping Duty Order of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors From Taiwan, 63 FR 19898.

Following publication of the antidumping duty order, the Taiwan Semiconductor Industry Association, an interested party in this case, filed a lawsuit with the U.S. Court of International Trade (''CIT'') challenging the Commission's final affirmative determination of material injury. In two subsequent decisions, the CIT remanded the case to the Commission. *See Taiwan Semiconductor Industry Association, et al.* v. *United States,* 59 F. Supp. 2d 1324, 1336 (CIT) (1999); *see also Taiwan Semiconductor Industry Association, et al.* v. *United States,* Slip Op. 00–37 (CIT) (April 11, 2000). On the second remand, the Commission determined that an industry in the United States is not being materially injured, nor is it threatened with material injury, by reason of imports of the subject merchandise. The CIT affirmed the Commission's second remand determination on August 29, 2000. *See Taiwan Semiconductor Industry Association, et al.* v. *United States,* Slip Op. 00–113 (CIT).

**Suspension of Liquidation**

In its decision in *Timken Co.* v. *United States* 893 F. 2d 337 (Fed. Cir. 1990) (''*Timken*''), the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit'') held that the Department must publish notice of a decision of the CIT or the Federal Circuit which is not ''in harmony'' with the Department's or the Commission's determination. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. Therefore, pursuant to *Timken,* the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 29, 2000, decision or, if that decision is appealed, pending a final decision by the Federal Circuit. Furthermore, because the respondents obtained an injunction in this litigation, the Department will revoke the antidumping duty order covering the subject merchandise effective October 1, 1997, in the event that the CIT's ruling is not appealed or the Federal Circuit issues a final decision affirming the CIT's ruling.

Dated: September 21, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00–24954 Filed 9–27–00; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Industry Sector Advisory Committee on Chemicals and Allied Products for Trade Policy Matters (ISAC 3); Continuation of Federal Register Notice 47405–47406, Vol. 65, Number 149, Dated August 2, 2000; Request for Nominations**

**AGENCY:** International Trade Administration, Trade Development, Department of Commerce.

**ACTION:** Continuation of Request for Nominations.

**SUMMARY:** The Secretary of Commerce (Commerce) and the United States Trade Representative (USTR) continue to seek nominations for appointment of an environmental representative to the Industry Sector Advisory Committee on Chemicals and Allied Products for Trade Policy Matters (ISAC 3; *see* **Federal Register** Notice 47405–47406, Vol. 65, Number 149, dated August 2, 2000). Appointment will be effective for the charter term of this Committee, which expires March 17, 2002. In order to be considered for appointment to the Committee, a nominee must be a U.S. citizen, must represent a U.S. organization with an interest in environmental issues relevant to the work of the Committee, and may not be a registered foreign agent under the Foreign Agents Registration Act. Nominees' special interest in and knowledge of environmental, trade and sectoral issues will be considered.

This Notice will remain in effect for the duration of the current charter period; however, priority will be given to nominations received by October 20, 2000. Nominations will be considered as they are received. Recruitment information is available on the International Trade Administration website at www.ita.doc.gov/icp.

**FOR FURTHER INFORMATION CONTACT:** Further inquiries may be directed to Dominic Bianchi, Acting Assistant USTR for Intergovernmental Affairs, Winder Building, Room 100, 600 17th Street NW, Washington, D.C. 20230 or Ingrid Mitchem, Acting Director, Industries Consultations Program, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Room 2015–B, Washington, D.C. 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

In section 135 of the 1974 Trade Act, as amended (19 U.S.C. 2155), Congress established a private-sector advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) of the 1974 Trade Act directs the President to ''seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to:

(A) negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the 1974 Trade Act and section 1102 of the Omnibus Trade and Competitiveness Act of 1988];

(B) the operation of any trade agreement once entered into; including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States. * * *''

Section 135(c)(2) of the 1974 Trade Act provides—

(2) The President shall establish such sectoral or functional advisory committees as may be appropriate. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, or service interests (including small business interests) in the sector or functional areas concerned. In organizing such committees, the United States Trade Representative and the Secretaries of Commerce, Labor, Agriculture, the Treasury, or other executive departments, as appropriate, shall—

(A) consult with interested private organizations; and

(B) take into account such factors as—

(i) patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade,

(ii) the character of the nontariff barriers and other distortions affecting such competition,

(iii) the necessity for reasonable limits on the number of such advisory committees,

(iv) the necessity that each committee be reasonably limited in size, and

(v) in the case of each sectoral committee, that the product lines covered by each committee be reasonably related.

Pursuant to this provision, Commerce and USTR have established and co-chair seventeen Industry Sector Advisory Committees (ISACs) and four Industry Functional Advisory Committees (IFACs). The Committees' efforts have resulted in strengthening U.S. negotiating positions by enabling the United States to display a united front when it negotiates trade agreements with other nations. Committees meet an average of four times a year in Washington, D.C. Members serve without compensation and are responsible for all expenses incurred in attending Committee meetings. For additional information regarding the functions and membership of these committees, and general qualifications for membership, *see* 64 FR 10448–10449, March 4, 1999 (Volume 64, Number 42). Commerce and USTR now solicit nominations for qualified environmental representatives to serve on ISAC 3 (Chemicals and Allied Products). For further background regarding this solicitation, *see* **Federal Register** Notice 47405–47406, Vol. 65, Number 149, dated August 2, 2000).

**Eligibility**

Eligibility to serve as an environmental representative on ISAC 3 is limited to U.S. citizens who are not full-time employees of a governmental entity, who represent a ''U.S. entity'' that is an organization interested in environmental issues relevant to the work of the committee, and who are not registered with the Department of Justice under the Foreign Agents Registration Act. For purposes of the preceding sentence, a ''U.S. entity'' is an organization incorporated in the United States (or, if unincorporated, having its headquarters in the United States):

(1) that is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. entity if more than 50 percent of its Board of Directors or membership is made up of non-U.S. citizens. If the nominee is to represent an organization more than 10 percent of whose Board of Directors or membership is made up of non-U.S. citizens, or non-U.S. entities, the nominee must demonstrate at the time of nomination that this non-U.S. interest does not constitute control and will not adversely affect his or her ability to serve as a trade advisor to the United States; and

(2) at least 50 percent of whose annual revenue is attributable to non-governmental, U.S. sources.

**Selection Criteria**

USTR and Commerce will select an environmental representative eligible for appointment to ISAC 3 based upon the following:

(1) The organization to be represented will be considered based on environmental interest in trade policies in the sector relevant to the work of the committee.

(2) The nominee should demonstrate personal interest in and knowledge of the formulation of environmental policies in the sector relevant to the

work of the Committee, and ability to work with governmental and officials and industry representatives to reach consensus on complex environmental and trade issues affecting the relevant industry sector.

(3) Preference will be accorded nominees who also demonstrate knowledge of and familiarity with the relevant industry sector, as well as with international trade matters, including trade policy development, relevant to that sector.

The environmental representative, as a member of the Committee, will be required to have a security clearance. Members serve without compensation and are responsible for all expenses incurred in attending Committee meetings.

**Application Procedures**

Requests for applications should be sent to the Director of the Industry Consultations Program, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Room 2015–B, Washington, D.C. 20230.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C., app. 2) and 21 CFR part 14 relating to advisory committees.

**Michael J. Copps,**

*Assistant Secretary for Trade Development.*

[FR Doc. 00–24890 Filed 9–27–00; 8:45 am]

BILLING CODE 3510–DR–U

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 090600A]**

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a letter of authorization (LOA) to take a small number of marine mammals incidental to construction and operation of offshore oil and gas facilities at the Northstar development in the Beaufort Sea off Alaska has been issued to BP Exploration (Alaska), Anchorage, AK (BPXA).

**DATES:** This LOA is effective from September 18, 2000, through November 30, 2001.

**ADDRESSES:** A copy of the application and LOA are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and Western Alaska Field Office, NMFS, 701 C Street, Anchorage, AK 99513.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead (301) 713-2055, ext. 128, or Brad Smith (907) 271-5006.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term ≥taking≥ means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals, will not have an unmitigable adverse impact on the availability of the species or stock(s) of marine mammals for subsistence uses, and if regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to construction and operation of the offshore oil and gas facility at Northstar in the Beaufort Sea were published and made effective on May 25, 2000 (65 FR 34014), and remain in effect until May 25, 2005.

**Summary of Request**

On November 30, 1998 (64 FR 9965, March 1, 1999), NMFS received a request from BPXA for an incidental, small take exemption under section 101(a)(5)(A) of the MMPA to take marine mammals incidental to construction and operation of an offshore oil and gas facility at Northstar in state and Federal waters. Because of delays in construction during 1999, and in issuing a proposed rule on this matter, on October 1, 1999, BPXA updated its application to NMFS. On October 22, 1999 (64 FR 57010), NMFS published a notice of proposed rulemaking on BPXA's application and invited interested persons to submit comments, information, and suggestions concerning the application and proposed rule. These comments were addressed during the promulgation of final rulemaking on this action, which was published on May 25, 2000 (65 FR 34014). A complete description of the activity, the level of taking of marine mammals, and other concerns can be found in this document.

Issuance of this LOA is based on findings, described in the preamble to the final rule, that the total takings by this activity will result in only small numbers of marine mammals being taken, have no more than a negligible impact on marine mammal stocks in the Beaufort Sea, and not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses. In addition, NMFS finds that BPXA has met the requirements contained in the implementing regulations, including monitoring and reporting requirements.

Dated: September 18, 2000.

**Donald R. Knowles,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 00–24938 Filed 9–27–00; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before November 27, 2000.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information

Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 2000.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

**Office of Educational Research and Improvement**

*Type of Review:* New.

*Title:* Evaluation of Educational Achievement (IEA) Progress in International Reading Literacy Study.

*Frequency:* One time.

*Affected Public:* Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 12,700.

Burden Hours: 11,350.

*Abstract:* Information collected is used to assess the reading literacy skills, habits, and attitudes of approximately 6,000 4th-graders in 200 schools. The purposes of collecting the data in the full-scale study are twofold; first, the data will allow a comparative analysis of American students' reading literacy with that of their counterparts in 36 other nations; second, the data will give researchers an understanding of the status of reading instruction in the United States today.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at Kathy_Axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–24891 Filed 9–27–00; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before November 27, 2000.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 2000.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

**Office of Intergovernmental and Interagency Affairs**

*Type of Review:* Reinstatement.

*Title:* Applications for the U.S. Presidential Scholars Program.

*Frequency:* Annually.

*Affected Public:* Businesses or other for-profit.

*Reporting and Recordkeeping Hour Burden:*

Responses: 2,600.

Burden Hours: 41,600.

*Abstract:* The United States Presidential Scholars Program is a national recognition program to honor and recognize outstanding graduating high school seniors. Candidates are invited to apply to the program based on academic achievements on the SAT and ACT. This program was established under Executive Order of the President 11155.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie_Montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–24892 Filed 9–27–00; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Office of Arms Control and Nonproliferation; Proposed Subsequent Arrangement

**AGENCY:** Office of Arms Control and Nonproliferation, Department of Energy.

**ACTION:** Subsequent arrangement.

**SUMMARY:** This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed ''subsequent arrangement'' under Article 6 paragraph 2 of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy.

This subsequent arrangement concerns the alteration in form or content of irradiated LEU research reactor fuel elements and isotope production targets for the purpose of post-irradiation examination (PIE) as part of a cooperative research and development program between the Argentina Nuclear Energy Commission (CNEA) and the U.S. Department of Energy's Argonne National Laboratory (ANL). The PIE will involve less than one kilogram of uranium-235 and will be conducted by CNEA and ANL personnel in specified hot cells and laboratory facilities under IAEA safeguards at CNEA's Ezeiza Atomic Center near Buenos Aires.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

**Trisha Dedik,**

*Director, Office of International Policy and Analysis for Arms Control and Nonproliferation, Office of Defense Nuclear Nonproliferation.*

[FR Doc. 00–24905 Filed 9–27–00; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EC00–123–000, et al.]**

### Allegheny Energy Unit 1 and Unit 2, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

September 22, 2000.

Take notice that the following filings have been made with the Commission:

**1. Allegheny Energy Unit 1 and Unit 2, L.L.C. and Allegheny Energy Supply Company, LLC**

[Docket No. EC00–123–000]

Take notice that on September 14, 2000, Allegheny Energy Unit 1 and Unit 2, L.L.C. (Unit 1 and Unit 2) and Allegheny Energy Supply Company, LLC (AE Supply), have filed a supplement to the Joint Application Under Section 203 of the Federal Power Act for The Disposition Of Jurisdictional Facilities requesting Commission approval of the merger of Unit 1 and Unit 2 into AE Supply.

*Comment date:* October 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

**2. Sithe Energies, Inc., Sithe Mystic LLC, Sithe Boston Generating, LLC, Sithe New England Holdings, LLC, Sithe Northeast Generating Company, Inc., Sithe Northeast Holdings, Inc.**

[Docket No. EC00–140–000]

Take notice that on September 20, 2000, Sithe Energies, Inc. Sithe Mystic LLC (Sithe Mystic), Sithe Boston Generating, LLC (Sithe Boston), Sithe New England Holdings, LLC, Sithe Northeast Generating Company, Inc. and Sithe Northeast Holdings, Inc. (collectively, Applicants) submitted for filing, pursuant to Section 203 of the Federal Power Act, and Part 33 of the Commission's Regulations, an application seeking authorization from the Commission for an internal corporate reorganization that involves the transfer of indirect control over certain jurisdictional facilities owned and operated by Sithe Mystic. These facilities include generator leads, step-up transformers, a market-based rate schedule and wholesale power agreements. As a result of the proposed reorganization, Sithe Mystic will have a new upstream parent, Sithe Boston.

*Comment date:* October 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

**3. United States Department of Energy—Western Area Power Administration**

[Docket No. EF00–5092–000]

Take notice that on September 19, 2000, the Deputy Secretary of the Department of Energy, by Rate Order No. WAPA–94, did confirm and approve on an interim basis, to be effective October 1, 2000, the Western Area Power Administration's (Western) Rate Schedule BCP–F6 and the FY 2001 Base Charge and Rates for the Boulder Canyon Project.

Rate Schedule BCP–F6 for electric service and FY 2001 Base Charge and Rates will be in effect pending the Federal Energy Regulatory Commission's (Commission) approval of them or of a substitute rate setting formula on a final basis, ending September 30, 2005. The FY 2001 Base Charge and Rates will be in effect on a final basis, ending September 30, 2001.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**4. Casco Bay Energy Company, LLC**

[Docket No. EG00–256–000]

Take notice that on September 19, 2000, Casco Bay Energy Company, LLC (Casco Bay) filed with the Federal Energy Regulatory Commission (Commission) an application for a new determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Casco Bay is a Delaware limited liability company and an indirect wholly-owned subsidiary of Duke Energy Corporation. Casco Bay's facilities include two natural gas-fired generating units with a combined generating capacity of 520 MW.

Casco Bay further states that copies of the application were served upon the Securities and Exchange Commission, the South Carolina Public Service Commission, the North Carolina Utilities Commission, and the Maine Public Utilities Commission.

*Comment date:* October 13, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**5. Western Resources, Inc.**

[Docket No. ER00–3445–002]

Take notice that on September 19, 2000, Western Resources, Inc. (WR) submitted for filing an amendment to its previous filings in this proceeding. The amendment includes an Order No. 614 compliant version of the Electric Power Supply Agreement (Agreement) between

WR and the City of Toronto, Kansas. WR states that this agreement extends the term of this agreement until March 14, 2010.

A copy of this filing was served upon the City of Toronto, Kansas.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**6. Black Hills Power and Light Company**

[Docket No. ER00–3706–000]

Take notice that on September 19, 2000 Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (Black Hills) tendered for filing with the Federal Energy Regulatory Commission a letter approving its membership in the Western Systems Power Pool (WSPP).

Black Hills requests that the Commission allow its membership in the WSPP to become effective on September 19, 2000.

Black Hills states that a copy of this filing has been served upon the regulatory commission of each of the states of South Dakota, Wyoming and Montana, the WSPP Executive Committee, General Counsel to the WSPP and on the members of the WSPP.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**7. Madison Gas and Electric Company**

[Docket No. ER00–3707–000]

Take notice that on September 19, 2000, Madison Gas and Electric Company (MGE) tendered for filing a service agreement under MGE's Market-Based Power Sales Tariff (FERC Electric Tariff Original Volume No. 4) with Kansas City Power and Light Company.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**8. Idaho Power Company**

[Docket No. ER00–3708–000]

Take notice that on September 19, 2000, Idaho Power Company (IPC) tendered for filing the Federal Energy Regulatory Commission, a Service Agreement under Idaho Power Company FERC Electric Tariff Original Volume No. 6, Market Rate Power Sales Tariff, between Idaho Power Company and Clatskanie People's Utility District.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**9. Duke Energy Corporation**

[Docket No. ER00–3709–000]

Take notice that on September 19, 2000, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with Duke Power, a division of Duke Energy Corporation, for Firm Point-to-Point Transmission Service under Duke's Open access Transmission Tariff.

Duke requests that the proposed Service Agreement become effective on August 31, 2000.

Duke states that this filing has been served on the North Carolina Utilities Commission.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**10. Consumers Energy Company**

[Docket No. ER00–3712–000]

Take notice that on September 19, 2000, Consumers Energy Company (Consumers) tendered for filing an executed Service Agreement for Firm and Non-firm Point-to-Point Transmission Service with DTE Energy Marketing, Inc. (Customer) pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison). Customer is taking service under the Service Agreement in connection with Consumers' Electric Customer Choice program.

Consumers is requesting an effective date of August 31, 2000.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**11. Carolina Power & Light Company**

[Docket No. ER00–3716–000]

Take notice that on September 19, 2000, Carolina Power & Light Company (CP&L) tendered for filing an executed Power Purchase Agreement with North Carolina Electric Membership Corporation under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4.

CP&L is requesting an effective date of January 1, 2001 for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**12. Mirabito Gas & Electric, Inc.**

[Docket No. ER00–3717–000]

Take notice that on September 19, 2000, Mirabito Gas & Electric, Inc. (Mirabito) petitioned the Commission for acceptance of Mirabito Gas & Electric, Inc. Rate Schedule FERC No. 1, the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Mirabito intends to engage in wholesale electric power and energy purchases and sales as a marketer. Mirabito is not in the business of generating or transmitting electric power.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**13. Northern States Power Company**

[Docket No. ER00–3720–000]

Take notice that on September 18, 2000, Northern States Power Company tendered for filing with the Federal Energy Regulatory Commission a Notice of Succession In Ownership Or Operation.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**14. Consumers Energy Company**

[Docket No. ER00–3723–000]

Take notice that on September 19, 2000, Consumers Energy Company (Consumers) tendered for filing executed Firm and Non-Firm Point-to-Point Transmission Service Agreements with Rainbow Energy Marketing Corporation (Customer) pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison).

The agreements have effective dates of September 5, 2000.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**15. Cinergy Services, Inc.**

[Docket No. ER00–3733–000]

Take notice that on September 18, 2000, Cinergy Services, Inc. (Cinergy) and Illinova Energy Partners, Inc. filed with the Federal Energy Regulatory Commission (FERC) a request for cancellation of Service Agreement No. 122, under Cinergy Operating Companies, Cost-Based Power Sales

Tariff—CB, FERC Electric Tariff Original Volume No. 6.

Cinergy requests an effective date of May 31, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**16. Upper Peninsula Power Company**

[Docket No. ES00–53–000]

Take notice that on September 18, 2000, Upper Peninsula Power Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue short-term unsecured promissory notes in an amount not to exceed $20 million.

*Comment date:* October 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

**17. Cinergy Solutions Partners, LLC**

[Docket No. QF00–95–000]

Take notice that on September 18, 2000, Cinergy Solutions Partners, LLC (CSP) filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be a topping cycle cogeneration facility, primarily fired by natural gas (the Facility). The thermal energy is used by an industrial food processing facility. The Facility will be owned by Initial ProjectCo, and indirectly owned by CSP. The interests in CSP pertaining to the Facility are owned by Cinergy Solutions, Inc., and IPP Ventures, LLC.

*Comment date:* October 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraphs**

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–24927 Filed 9–27–00; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EC00–101–000, et al.]**

## Xcel Energy Operating Companies, et al.; Electric Rate and Corporate Regulation Filings

September 21, 2000.

Take notice that the following filings have been made with the Commission:

**1. Xcel Energy Operating Companies**

[Docket Nos. EC99–101–000 and ER99–3916–002]

Take notice that on September 18, 2000, the Xcel Energy Operating Companies (Xcel Energy), comprising Cheyenne Light, Fuel and Power Company, Northern States Power Company, Northern States Power Company (Wisconsin), Public Service Company of Colorado, and Southwestern Public Service Company, submitted a Joint Open Access Transmission Tariff, First Revised Volume No. 1 (Joint OATT).

Xcel Energy requests the First Revised Joint OATT be effective August 18, 2000, the effective date established in Northern States Power Company, *et al.*, 90 FERC ¶ 61,020 (2000) (Merger Order).

Xcel Energy states that since the Merger Order, the Commission has issued a series of orders approving or mandating changes to the individual OATTs of the NCE Companies or the NSP Companies. The First Revised Joint OATT incorporates these changes; the revised Joint OATT does not provide for a change in rates or terms and conditions of service other than as previously approved by the Commission. Xcel Energy states it is replacing the Joint OATT, Original Volume No. 1 (filed contemporaneous with the Xcel Energy merger application), in its entirety to simplify compliance with the new tariff formatting requirements established by Order No. 614. Designation of Electric Rate Schedule Sheets, Order No. 614, II FERC Stats. & Regs. ¶ 31,096 (2000).

Xcel states it will serve a copy of the filing on all parties to this proceeding, on the utility regulatory commissions in the twelve states served by the Xcel Energy Operating Companies, and on all affected transmission service customers.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**2. The Connecticut Light and Power Company, Western Massachusetts Electric Company, United Illuminating Company, Central Maine Power Company, Fitchburg Gas and Electric Light Company, New England Power Company, Public Service Company of New Hampshire, Dominion Resources, Inc. and Dominion Nuclear Connecticut, Inc.**

[Docket Nos. EC00–137–000 and ER00–3639–000]

Take notice that on September 19, 2000, The Connecticut Light and Power Company, Western Massachusetts Electric Company, The United Illuminating Company, Central Maine Power Company, Fitchburg Gas and Electric Light Company, New England Power Company, Public Service Company of New Hampshire, Dominion Resources, Inc. and Dominion Nuclear Connecticut, Inc. (collectively, Applicants) supplemented their application under Sections 203 and 205 of the Federal Power Act for approvals relating to the sale of the Millstone Nuclear Power Station with other federal/state applications related to the transaction (Exhibit G to the Application, 18 CFR 33.3).

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**3. Black Hills Corporation**

[Docket No. EC00–139–000]

Take notice that on September 12, 2000, Black Hills Corporation filed an application for authorization under Section 203 of the Federal Power Act to implement a plan of corporate restructuring.

*Comment date:* October 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

**4. Griffith Energy LLC**

[Docket No. EG00–255–000]

Take notice that on September 18, 2000, Griffith Energy LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations, 18 CFR 365.

Griffith Energy LLC, a Delaware limited liability company, is constructing a natural gas-fired generating facility located in Mohave County, Arizona. Griffith Energy LLC is engaged directly and exclusively in the

business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale. Griffith Energy LLC's mailing address is c/o PPL Global, Inc., 11350 Random Hills Road, Fairfax, VA 22030–6044

*Comment date:* October 12, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**5. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Light Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Power Authority of the State of New York, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, New York Power Pool.**

[Docket Nos. ER97–1523–054, OA97–470–050 and ER97–4234–048]

Take notice that on September 18, 2000, New York State Electric & Gas Corporation (tendered for filing substitute tariff sheets to the New York Independent System Operator (NYISO) Open Access Transmission Tariff. The tariff sheets are submitted in compliance with the Commission's July 31, 2000 order, wherein the Commission approved a Settlement Agreement in that proceeding. *Central Hudson Gas & Electric Corp., et al.,* 92 FERC 61,128 (2000).

As required by the Commission-approved Settlement Agreement, the above-referenced tariff sheets are effective retroactive to the commencement of NYSIO operations, November 18, 1999.

A copy of this filing was served upon all persons on the Commission's official service list(s) in the captioned proceeding(s), and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**6. New York Independent System Operator, Inc.**

[Docket Nos. ER99–4235–002 and ER00–798–002]

Take notice that on September 18, 2000, New York Independent System Operator, Inc. (NYISO) filed revisions to Schedule 1 of its Open Access Transmission Tariff and Schedule 1 of its Market Administration and Control Area Services Tariff, to comply with the Stipulation and Agreement approved by the order of the Commission in Docket No. ER99–4235–000, *et al.*, issued on August 30, 2000, 92 FERC ¶ 61,180.

The NYISO requests an effective date of September 1, 2000 and waiver of the Commission's notice requirements.

A copy of this filing was served upon all parties in Docket No. ER99–4235–000, *et al.*

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**7. NRG Sterlington Power LLC**

[Docket No. ER00–3695–000]

Take notice that on September 18, 2000, NRG Sterlington Power LLC tendered for filing under its market-based rate tariff a long-term service agreement with Louisiana Generating LLC.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**8. Griffith Energy LLC**

[Docket No. ER00–3696–000]

Take notice that on September 18, 2000, Griffith Energy LLC (Griffith Energy) filed an application requesting acceptance of its proposed Market Rate Tariff, waiver of certain regulations, and blanket approvals. The proposed tariff would authorize Griffith Energy to engage in wholesale sales of capacity, energy and ancillary services at market rates.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**9. Idaho Power Company**

[Docket No. ER00–3697–000]

Take notice that on September 18, 2000, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement for Firm Point-to-Point Transmission Service between Idaho Power Company and PacifiCorp Power Marketing.

Idaho Power requests that the effective date of the Service Agreement be September 6, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**10. Ameren Services Company**

[Docket No. ER00–3698–000]

Take notice that on September 18, 2000, Ameren Services Company (ASC) tendered for filing Service Agreements for Firm Point-to-Point Transmission Service and Non-Firm Point-to-Point Transmission Service between ASC and Associated Electric Cooperative, Inc. ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to Associated Electric Cooperative, Inc. pursuant to Ameren's Open Access Transmission Tariff.

ASC requests that the Service Agreements become effective August 29, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**11. Ameren Services Company**

[Docket No. ER00–3699–000]

Take notice that on September 18, 2000, Ameren Services Company (ASC) tendered for filing a Service Agreement for Long-Term Firm Point-to-Point Transmission Services between ASC and Tenaska Power Service Company (customer). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to customer pursuant to Ameren's Open Access Transmission Tariff.

ASC respectfully requests that the Service Agreement become effective January 1, 2001.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**12. Ameren Services Company**

[Docket No. ER00–3700–000]

Take notice that on September 18, 2000, Ameren Services Company (Ameren Services) tendered for filing a Network Operating Agreement and a Service Agreement for Network Integration Transmission Service between Ameren Services and MidAmerican Energy Company. Ameren Services asserts that the purpose of the Agreements is to permit Ameren Services to provide transmission service to MidAmerican Energy Company pursuant to Ameren's Open Access Tariff.

ASC requests that the Network Integration Transmission Service Agreement and Network Operating Agreement become effective September 1, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**13. Florida Power Corporation**

[Docket No. ER00–3701–000]

Take notice that on September 18, 2000, Florida Power Corporation (Florida Power) tendered for filing a service agreement providing for non-firm point-to-point transmission service by Florida Power to Conectiv Energy Supply, Inc. (Conectiv) pursuant to its open access transmission tariff.

Florida Power requests that the Commission waive its notice of filing

requirements and allow the agreements to become effective on September 19, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**14. Florida Power Corporation**

[Docket No. ER00–3702–000]

Take notice that on September 18, 2000, Florida Power Corporation (Florida Power) tendered for filing, a notice of termination of the service agreement for non-firm point-to-point transmission service with Sonat Power Marketing L.P. (now known as El Paso Merchant Energy, L.P.) and Florida Power Corporation (FPC).

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**15. Louisville Gas and Electric Company/Kentucky Utilities Company**

[Docket No. ER00–3710–000]

Take notice that on September 18, 2000, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities Company (KU) (hereinafter Companies) tendered for filing an unexecuted unilateral Service Sales Agreement between Companies and Merrill Lynch Capital Services, Inc. under the Companies' Rate Schedule MBSS.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**16. Florida Power Corporation**

[Docket No. ER00–3711–000]

Take notice that on September 18, 2000, Florida Power Corporation (Florida Power) tendered for filing a service agreement providing for non-firm point-to-point transmission service and a service agreement providing for short term firm point-to-point transmission service by Florida Power to Constellation Power Source, Inc. pursuant to Florida Power's open access transmission tariff.

Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective on September 19, 2000.

*Comment date:* October10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**17. Cinergy Services, Inc.**

[Docket No. ER00–3713–000]

Take notice that on September 18, 2000, Cinergy Services, Inc. (Cinergy) tendered for filing a Service Agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (the Tariff) entered into between Cinergy and El Paso Merchant Energy, L.P. (El Paso). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**18. Cinergy Services, Inc.**

[Docket No. ER00–3714–000]

Take notice that on September 18, 2000, Cinergy Services, Inc. (Cinergy) and Illinova Energy Partners, Inc. are requesting a cancellation of Service Agreements No. 122, under Cinergy Operating Companies, Market-Based Power Sales Tariff—MB, FERC Electric Tariff Original Volume No. 7.

Cinergy requests an effective date of May 31, 2000.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**19. Energy Alternatives, Inc.**

[Docket No. ER00–3715–000]

Take notice that on September 18, 2000, Energy Alternatives, Inc. (EA) petitioned the Commission for cancellation of EA Rate Schedule FERC No. 1. EA no longer intends to engage in wholesale electric power and energy purchases and sales as a marketer in the near future. There are no purchasers or other parties affected by this cancellation. EA is a wholly-owned subsidiary of Midwest Energy Systems, a Minnesota corporation, which is a wholly-owned subsidiary of Dakota Electric Association, a Minnesota cooperative corporation.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**20. NRG Sterlington Power LLC**

[Docket No. ER00–3718–000]

Take notice that on September 18, 2000, NRG Sterlington Power LLC tendered for filing a Notice of Succession pursuant to 18 CFR 35.16 of the Commission's regulations in order to reflect the succession of NRG Sterlington Power LLC to the interests of Koch Power Louisiana, L.L.C.

*Comment date:* October 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–24928 Filed 9–27–00; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

September 22, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2031–046.

c. *Date Filed:* August 30, 2000.

d. *Applicant:* Springville City.

e. *Name of Project:* Bartholomew Hydroelectric Project.

f. *Location:* Northeast of Springville City, within Bartholomew Canyon and on Hobble Creek, in Utah County, Utah. The project is partially situated on federal lands within the Uinta National Forest, administered by the Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Matthew Cassel at Psomas Consultants, 2825 East Cottonwood Parkway, #120, Salt Lake City, Utah 84121. Telephone 801–270–5777.

i. *FERC Contact:* Jim Haimes, *james.haimes@ferc.fed.us*, Telephone 202–219–2780.

j. *Deadline for Filing Additional Study Requests:* October 30, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the Project:* Situated in a mountainous, mostly undeveloped area east of Springville City, approximately 60 miles south of Salt Lake City, the subject project does not include a dam or reservoir. Instead, it operates using relatively small quantities of water removed from underground springs or small creeks located at high elevations and then transported downhill via underground penstocks to three powerhouses and a powerhouse addition having a combined installed capacity of 2,000 kilowatts (kW). The project produces an average of approximately 4,653,000 kilowatt-hours of energy per year. Much of the project's generation is produced during the high runoff season each spring. Flows used to generate electricity either are diverted to the licensee's water distribution system for domestic and industrial consumption or are released into Hobble Creek.

The project's generating facility at the highest elevation is Upper Bartholomew powerhouse. Constructed in 1992, it is a 25-foot-long by 17-foot-wide, partially buried, concrete structure containing one turbine with an hydraulic capacity of 10 cubic feet per second (cfs) and a 900-foot head that drives one 200-kW generator. This facility operates using water collected from underground springs located in the left fork Bartholomew Canyon and transported to the powerhouse in a 10-inch-diameter, 55-foot-long, ductile iron pipe to a diversion-head control structure, and then through a 10-inch-diameter, 5,800-foot-long, ductile iron penstock to the powerhouse. Releases from this powerhouse travel through a 20-inch-diameter, 100-foot-long outlet pipe to a surge tank, and then through a 30-inch-diameter, steel pipe to a 1.5 million-gallon-capacity storage tank.

Downhill, at the south end of Bartholomew Canyon, is the project's original generating facility, Lower Bartholomew Powerhouse. Constructed in 1948, this 80-foot-long by 28-foot-wide, brick and masonry structure contains one turbine with an hydraulic capacity of 16 cfs and a 980-foot head. The turbine powers one 500-kW generator. This unit currently operates intermittently with overflows from the licensee's 1.5 million-gallon-capacity water tank, cited above. This water reaches the turbine in a 16-inch-diameter, 25,250-foot-long penstock, and it exits the powerhouse through a 24-inch-diameter, concrete pipe into a diversion canal, and then into the left fork Hobble Creek.

Constructed in 1987, Lower Bartholomew Powerhouse Annex is a brick and masonry addition to the original powerhouse containing one turbine having an hydraulic capacity of 28 cfs and a 980-foot head. The turbine drives one 1,000-kW generator. Power is produced using culinary water released from the licensee's 1.5 million-gallon water tank, cited above, and transported downstream in a 20-inch-diameter, 25,250-foot-long, steel penstock.

Inflows to this water tank are obtained from two sources: Releases from the Upper Bartholomew powerhouse, discussed above; and underground springs located at the upper end of the right fork Bartholomew Canyon. This spring water is collected in buried perforated pipes connected to collection boxes and then transported via a 30-inch-diameter, 4,800-foot-long, concrete pipe to the project's 1.5 million-gallon storage tank. After exiting the turbine, flows are transported through a 24-inch-diameter, steel pipe to the licensee's non-project 2.0 million-gallon Hobble Creek water storage tank for domestic and industrial customers in the Springville area.

The project facility at the lowest elevation is Hobble Creek powerhouse, located in the lower portion of Hobble Creek Canyon. Constructed in 1950, this 35-foot-long by 30-foot-wide, masonry structure contains two turbines having a combined hydraulic capacity of 38 cfs and a 135-foot head. These turbines drive one 300-kW generator. The development currently operates with surface flows diverted from the left fork Hobble Creek by a 5-foot-high, 25-foot-long, concrete diversion structure, and from the right fork Hobble Creek by a 4-foot-high, 30-foot-long, concrete diversion structure. Flows diverted from these creeks are transported in 14-inch-diameter, steel pipes to a concrete flow-equalizing structure, and then through one 30-inch-diameter, 8,500-foot-long, steel penstock to the powerhouse. Releases from the powerhouse are discharged directly into Hobble Creek.

The project also includes the following two transmission facilities: (1) A 5.9-mile-long line, which includes one 1-mile-long, underground segment and a 4.9-mile-long overhead segment, from Upper Bartholomew powerhouse to Hobble Creek powerhouse; and (2) a 6.9-mile-long, 12.47-kilovolt, underground cable from Hobble Creek powerhouse to Springville City's electric distribution system.

Although there are no developed recreational facilities within the boundaries of the subject project, Springville City owns and operates a 200-unit campground and a golf course in the project vicinity. In addition, the Forest Service operates two small campgrounds along the right fork Hobble Creek.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, Room 2A, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the State Historic Preservation Officer as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

o. Under Section 4.32(b)(7) of the Commission's regulations (18 CFR 4.32(b)(7)), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the date the application is filed, and must serve a copy of the request on the applicant.

p. *Procedural schedule and final amendments:* The application will be processed according to the following milestones, some of which may be combined to expedite processing:

Notice that the application has been accepted for filing;
Notice of NEPA Scoping;
Notice that the application is ready for environmental analysis;
Notice of the availability of the draft NEPA document;
Notice of the availability of the final NEPA document; and
Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission

within 30 days of the notice that the application is ready for environmental analysis.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00–24879 Filed 9–27–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RM98–1–000]**

## Regulations Governing Off-the-Record Communications; Public Notice

September 22, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

**Exempt**

1. Project No. 1864–000, 7–28–00, Randy Kemp
2. CP98–150–000, 9–11–00, Jennifer Kerigan, FERC
3. CP00–14–000, 8–25–00, Todd Mattson

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00–24878 Filed 9–27–00; 8:45 am]

**BILLING CODE 6717–01–M**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6878–6]**

## Stakeholder Comment on Preliminary National Enforcement and Compliance Assurance Priorities for Fiscal Years 2002 and 2003

**AGENCY:** Environmental Protection Agency.

**ACTION:** Solicitation of recommendations and comments.

**SUMMARY:** This Notice is a Federal Agency request for the public to comment and provide recommendations on biennial national enforcement and compliance assurance priorities to be addressed for fiscal years 2002 and 2003. This Notice expands Agency efforts to establish national enforcement and compliance assurance priorities by seeking to engage a broader group of stakeholders to identify those environmental problems that should be considered in selecting a focus for future Federal enforcement and compliance resources. The information submitted by commentors will be considered during the priority identification process. Final priority selections will be incorporated into the EPA's Office of Enforcement and Compliance Assurance Memorandum of Agreement Guidance (which provides national program direction for all EPA Regional offices). These priorities will also affect implementation of the enforcement and compliance goals and objectives outlined in the EPA Strategic Plan, as mandated under the Government Performance and Results Act.

**DATES:** The agency must receive comments and recommendations on or before October 30, 2000.

**ADDRESSES:** Submit all electronic comments and recommendations to *docket.oeca@epa.gov.* Please reference Docket Number EC–2000–006 in the submission. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions)

Written comments can be mailed to: Enforcement & Compliance Docket and Information Center (2201A). Docket Number EC–2000–006. Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Comments may be delivered in person to: Enforcement & Compliance Docket and Information Center, U.S. Environmental Protection Agency, Rm 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Frederick Stiehl, Director, Enforcement Planning, Targeting and Data Division; Voice: (202) 564–2290, Fax:(202) 564–0030.

**SUPPLEMENTARY INFORMATION:**

**Contents**



### A. Background

The Office of Enforcement and Compliance Assurance (OECA) negotiates a Memorandum of Agreement (MOA) with each of the Agency's ten Regional offices. The MOA guidance, sent out by OECA, establishes national enforcement and compliance assurance priorities and sets short term (two year) program direction. The MOA guidance provides the basis for the individual agreements negotiated between OECA and each Region. These agreements describe Region-specific implementation of the national and local enforcement and compliance priorities as the Agency works to collectively meet its long term goals set forth in the EPA Strategic Plan. The intent of this FR Notice is to solicit stakeholder input during the selection process of potential FY 2002/2003 MOA priorities. Earlier this spring, stakeholders, EPA Regions, States, and Tribes, were asked to comment on current national enforcement and compliance priorities and suggest any changes or potential new priorities for fiscal years 2002 and 2003. The Office of Enforcement and Compliance Assurance analyzed the many excellent comments received thus far using the following criteria:

*(a) Risk Management:* In what specific areas can the Federal enforcement and compliance assurance programs make a significant positive impact on human health or the environment? What are the

known or estimated public health or environmental risks?

*(b) Noncompliance:* Are there particular economic or industrial sectors, geographic areas or facility operations where regulated entities have demonstrated serious patterns of noncompliance?

*(c) EPA Responsibility:* What identified national problem areas or programs are better addressed through EPA's Federal capability in enforcement or compliance assistance?

Based on the analysis of all proposals received to date and ongoing priority work, the Agency has drafted a preliminary list of suggested FY 2002/2003 priorities, as shown below. While no final decisions have been made, this preliminary list reflects input from field personnel, state and local partners, as well as EPA analyses and discussions. Although not all areas suggested appear on the preliminary list of national candidates, the opportunity certainly exists for these additional candidates to be adopted as Regional, State, or local level priorities. In considering the following list, please bear in mind that EPA remains committed to identifying a limited number of national priorities so as to provide flexibility to address some of these other suggestions. In addition, some of the current FY 2000/2001 priority areas may be carried forward and/or refined in FY 2002/2003 to complete unfinished work. The following list is a starting point for internal discussion and eventual narrowing of the list by EPA management. This list is divided into the current FY 2000/2001 priorities and suggested new areas. While the tables below include a brief description of the priority, greater detail and background on each proposed priority can be found at the DOCKET site identified in the address section of this **Federal Register**.

## I. Current Priorities

| Priority | Nature of concern |
|---|---|
| Clean Water Act/Wet Weather | Run-off from wet weather events such as overflows from Combined Sewers, Sanitary Sewers, or Concentrated Animal Feeding Operation (CAFO) discharges. Overflows contain bacteria and other pathogens which cause illnesses and lead to impaired waters, including beach and shellfish bed closures. |
| Safe Drinking Water Act/Microbial Rules | Ensuring compliance with microbial regulations and continued Federal support of the President's Clean Water Action Plan. Adverse health effects of microbiological contamination include gastrointestinal distress, fever, pneumonia, dehydration (which can be life threatening), or death. |
| Clean Air Act/New Source Review/Prevention Of Significant Deterioration. | Ensuring that New Source Review (NSR) requirements of the Clean Air Act (CAA) are implemented. Failure to comply with NSR and/or PSD requirements results in inadequate control of emissions, thereby contributing thousands of unaccounted tons of pollution each year, particularly of Nitrogen Oxides, Volatile Organic Compounds, and Particulate Matter. |
| Clean Air Act/Air Toxics | Ensuring reduction of public exposure to toxic air emissions through the adoption and implementation of Maximum Achievable Control Technology (MACT) standards. |
| Resource Conservation and Recovery Act/Permit Evaders. | Prevent un-permitted waste handling and management operations. |
| Petroleum Refinery Sector | Reducing air emissions and eliminate un-permitted releases from an estimated 162 operable domestic refineries spread across the country. |
| Metal Services (Electroplating and Coating Sector). | Addressing Metal service facilities which generate hazardous materials, such as cadmium, chromium, cyanide, lead, mercury and selenium that are not in compliance and have not applied for discharge permits. |

## II. Suggested New Areas

| Title | Nature of concern |
|---|---|
| Fuels Management | Covers every aspect of the fuels handling process, including, but not limited to, oil production, petroleum refining, fuels storage, transportation, as well as distribution of fuels from pipelines and underground storage tanks; releases can result in contamination to the air, soil, and water. |
| Federal Facilities | Operations at Federal facilities effect air, soil, groundwater, and surface water. Some of the more common wastes are generated by hospital operations, laboratory operations, and treatment plant operations. |
| Cruise Ships | A growing concern is the discharges from cruise ships, which include large volumes of gray water, sewage, oily bilge water (which may contain solid waste), solid waste (plastics and paper) and various amounts of hazardous wastes, such as photo chemicals, dry cleaning fluids, and paint. |
| Automotive Salvaging | A pervasive environmental problem due primarily to pollutants such as waste oils, gas, mercury, PCBs and lead, this priority includes salvage yards, shredder residue and dismantlers. Auto yards are located throughout the United States, many of which are small businesses |
| Mining | Several aspects/types of mining have been cited as significant cross-media problems: abandoned mines, coal mining tail sites, and mineral mining operations. Human health and environmental problems have been linked with acid leaching, air pollution, acid drainage, and refuse piles. |
| Hazardous Waste Transport/Storage. | Particular concern has been focused around the rising number of ''temporary'' storage facilities that lack permits and the converse problem of ''old'' storage becoming a Superfund concern, with hazardous wastes leaching onto land and into water. |
| Pesticides | Increasing number of reports of misuse, misapplication, and mislabeling of pesticide products (in particular, indoor-use only products, and worker protection regulated products) which lead to increased exposure risk to human health and the environment. Adverse impacts can include pesticide poisoning or groundwater contamination. |
| Air Emissions/PM–10 | Particulate matter has been linked to health and respiratory problems, particularly among children and the elderly. Excessive emissions of particulate matter are widespread, particularly in current non-attainment areas. |

At this time we are inviting comment on this preliminary list. Comments received will provide the Agency with a foundation from which to collectively consider on-going priority work and emerging areas as we develop a limited number of recommended FY 2002/2003 priorities. When submitting responses to this Notice, commentors should rank which of the areas listed above should be a top concern for national focus, as well as suggesting others not included on the current list. If additional problem areas are identified, the commentor should provide supporting information relating to the previously listed criteria. Again, suggested priority areas which are not chosen may be candidates for individual Regional or State attention and/or continued investigation. For example, information obtained from this Notice will be helpful to the Agency as it follows up on the recommendations from the Innovation Task Force report (this task force was established by the National Partnership for Reinventing Government) to consider the exclusive or partial use of compliance assistance as a tool for addressing environmental risk and/or patterns of noncompliance.

**B. Projected Process Time Frames**

After receiving stakeholder responses to this FR priority notice, EPA will complete analysis of proposed priorities and discuss the candidates at a November 2000 enforcement and compliance assurance priorities meeting. Recommendations from this meeting will be forwarded to EPA senior management for discussion. In January 2001, EPA will issue the draft Office of Enforcement and Compliance Assurance FY 2002/2003 Memorandum of Agreement Guidance to Regions, States and stakeholders for final review. This draft guidance will include the proposed Agency enforcement and compliance assurance national priorities. The final MOA guidance including final priorities will be issued in April 2001.

**C. Review Information**

Persons interested in obtaining for review, further background information regarding current or proposed FY 2002–2003 National Enforcement and Compliance Assurance Priorities may submit a request for hard copy or electronic version of information to: *docket.oeca@epa.gov.,* or contact the docket clerk at 202–564–2614. Please reference Docket Number EC–2000–006 in the request. A reasonable fee may be charged by EPA for copying docket materials.

Dated: September 21, 2000.

**Sylvia K. Lowrance,**

*Principal Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance.*

[FR Doc. 00–24791 Filed 9–27–00; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6877–2]**

## Announcement of Availability and Request for Feedback on Results-Based Approaches to Corrective Action Guidance

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

**ACTION:** Notice.

**SUMMARY:** The intent of this notice is to announce the availability of the initial sections of the ''Results-Based Approaches to Corrective Action'' draft guidance document and invite public comment. This is the second of three scheduled draft guidance documents to be made available for public comment under the RCRA Cleanup Reforms (July 8, 1999). By inviting feedback we hope to encourage greater involvement by states, industry, and the public. There will be a 60-day public comment period for the initial sections of the draft guidance document ''Results-Based Approaches to Corrective Action.''

**DATES:** Comments may be submitted until November 27, 2000.

**ADDRESSES:** If you wish to comment on the available sections of the above draft guidance document you should send an original and two copies of your comments, referencing docket number F–2000–RBAA–FFFFF. If using regular U.S. Postal Service mail to: RCRA Docket Information Center, U.S. Environmental Protection Agency Headquarters (EPA HQ), Office of Solid Waste, Ariel Rios Building (5305G), 1200 Pennsylvania Avenue NW, Washington, DC 20460–0002. If using special delivery such as overnight express service send to: RCRA Docket Information Center (RIC), Crystal Gateway I, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Hand deliveries of comments should be made to the Arlington, VA, address above. You may also submit comments electronically through the Internet to: rcra-docket@epa.gov. Comments in electronic format must also reference the docket number F–2000–RBAA–FFFFF. If you choose to submit your comments electronically, you should submit them as an ASCII file and should avoid the use of special characters and any form of encryption.

You should not submit electronically 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, U.S. EPA, Ariel Rios Building (5305W), 1200 Pennsylvania Avenue NW, Washington, DC 20460–0002.

Any public feedback we receive and supporting materials will be available for viewing 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. The index and some supporting materials are available electronically. See the Supplementary Information section of this **Federal Register** notice for information on accessing the index and these supporting materials.

The Agency is posting this document on the Corrective Action website: http://www.epa.gov/correctiveaction. If you would like to receive a hard copy, please call the RCRA Hotline at 800–424–9346 or TDD 800–553–7672 (hearing impaired).

**FOR FURTHER INFORMATION CONTACT:** For general information or to obtain copies of the draft guidance document contact the RCRA Hotline at 800–424–9346 or TDD 800–553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703–412–9810 or TDD 703–412–3323.

For more detailed information on specific aspects of the draft guidance document, contact Andrew Baca, Office of Solid Waste, 5303W, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (703–308–6787), (baca.andrew@epa.gov).

**SUPPLEMENTARY INFORMATION:** The draft guidance document will be available on the Internet at: http://www.epa.gov/correctiveaction. Results-Based Approaches to Corrective Action—This guidance will take the form of an overview and supporting documents. The ''Overview'' and ''Tailored Oversight'' sections are now available for public review. The ''Results-Based Approaches to Corrective Action: Overview'' defines results-based corrective action and lists some of the approaches recommended to help

stakeholders achieve program goals. These approaches include tailored oversight, procedural flexibility, holistic approach, presumptive remedies, performance standards, use of innovative technologies, targeted data collection, and facility-lead corrective action. The first available supporting document, ''Results-Based Approaches to Corrective Action: Tailored Oversight,'' focuses on implementing tailored oversight. It provides a recommended framework for project managers and owner/operators to develop an oversight plan tailored to facility-specific conditions. In the future, EPA plans to issue additional supporting documents that deal with other results-based approaches.

The official record for this notice will be kept in paper form. Accordingly, we will transfer all feedback and input received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the RCRA Information Center.

All input will be thoroughly and seriously considered by EPA. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

Dated: September 21, 2000.

**Elizabeth Cotsworth,**

*Director, Office of Solid Waste.*

[FR Doc. 00–24940 Filed 9–27–00; 8:45 am]

**BILLING CODE 6560–50–P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Equal Employment Opportunity Commission.

**''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT:** 65 Fed. Reg. 56311, September 18, 2000.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** Tuesday, September 26, 2000, at 1 p.m. (Eastern Time).

**CHANGE IN THE MEETING:** The meeting has been cancelled.

**CONTACT PERSON FOR MORE INFORMATION:** Frances M. Hart, Executive Officer on (202) 663–4070.

This notice issued September 26, 2000.

**Frances M. Hart,**

*Executive Officer, Executive Secretariat.*

[FR Doc. 00–24998 Filed 9–26–00; 11:40 am]

**BILLING CODE 6750–06–M**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Records and Reports for Private Industry Employers

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of extension of deadline for filing report.

**SUMMARY:** Notice is hereby given that the deadline for filing the 2000 Employer Information Report (EEO–1) required by 29 CFR 1602.7 is extended from September 30, 2000 to October 30, 2000. The three month reference period used to report employment figures remains the same. Data must be reported for any payroll period in July through September of the year 2000.

**FOR FURTHER INFORMATION CONTACT:** Joachim Neckere, Director, Program Research and Surveys Division at (202) 663–4958 (voice) or (202) 663–7063 (TDD).

Dated: September 22, 2000.

For the Commission.

**Ida L. Castro,**

*Chairwoman.*

[FR Doc. 00–24904 Filed 9–27–00; 8:45 am]

**BILLING CODE 6750–01–M**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting; Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 2:11 p.m. on Monday, September 25, 2000, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's personnel, resolution, supervisory, and corporate activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director John D. Hawke, Jr. (Comptroller of the Currency), concurred in by Director Ellen S. Seidman (Director, Office of Thrift Supervision) and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than September 21, 2000, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: September 25, 2000.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 00–24997 Filed 9–26–00; 11:40 am]

**BILLING CODE 6714–01–M**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 2000.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106–2204:

*1. Seacoast Financial Services Corporation*, New Bedford,

Massachusetts; to acquire 100 percent of the voting shares of, and thereby merge with Home Port Bancorp, Inc., Nantucket, Massachusetts, and thereby indirectly acquire voting shares of Nantucket Bank, Nantucket, Massachusetts.

**B. Federal Reserve Bank of Atlanta** (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. *Heritage Bancshares, Inc.*, Orange Park, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage Bank of North Florida (formerly known as Clay County Bank), Orange Park, Florida.

**C. Federal Reserve Bank of Chicago** (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Central Banc, Inc.,* Geneseo, Illinois; to acquire 100 percent of the voting shares of Marquette Bank Fulton, Fulton, Illinois.

Board of Governors of the Federal Reserve System, September 25, 2000.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 00–24937 Filed 9–27–00; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Consumer Advisory Council; Notice of Meeting

The Consumer Advisory Council will meet on Thursday, October 26, 2000. The meeting, which will be open to public observation, will take place at the Federal Reserve Board's offices in Washington, DC, in Dining Room E of the Martin Building (Terrace level). The meeting will begin at 8:45 a.m. and is expected to conclude at 1:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

*Gramm-Leach-Bliley Act CRA Sunshine Regulation*—Discussion of issues regarding the proposal for disclosure of CRA agreements between financial institutions and community groups.

*Predatory Lending*—Discussion of issues resulting from the recent hearings on the Home Ownership Equity Protection Act.

*Home Mortgage Disclosure Act*—Discussion of the possible revisions to Regulation C which implements the Home Mortgage Disclosure Act.

*Committee Reports*—Council committees will report on their work.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit views to the Council regarding any of the above topics may do so by sending written statements to Ann Bistay, Secretary of the Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Information about this meeting may be obtained from Ms. Bistay, 202–452–6470. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, 202–452–3544.

Board of Governors of the Federal Reserve System, September 22, 2000.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 00–24888 Filed 9–27–00; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Centers for Disease Control and Prevention (CDC) Request for Comments on Electronic Grants (E-Grants) Plans

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION:** Notice and request for comments.

**SUMMARY:** CDC is seeking comments on intent to develop an electronic grants system for completing grants transactions electronically via the Internet.

**DATES:** November 27, 2000.

**ADDRESSES:** Centers for Disease Control and Prevention, Attention: Jim Seligman, E-Grants, 1600 Clifton Rd, MS D15, Atlanta, GA 30333.

**FOR FURTHER INFORMATION CONTACT:** via e-mail: *CDCegrants@cdc.gov,* or via facsimile: E-Grants (attention Jim Seligman) at 404–639–7113.

**SUPPLEMENTARY INFORMATION:** The Centers for Disease Control and Prevention (CDC) is exploring ways to streamline and improve business processes with the agency's customers. To this end, CDC is planning an Electronic Grants (E-Grants) system to enable the submission of electronic grant proposals, their review, and award. CDC is reviewing other federal E-Grants systems for potential CDC use; however, CDC wants to ensure that the agency understands the needs of CDC's unique grants customers in determining the best E-Grants approach for CDC. While the primary purpose of this request is to obtain information and comments on CDC's move to an electronic grants system, other suggestions for improving the CDC grants process are welcome.

CDC plans to offer an electronic grants application and review process consistent with recent federal laws, *e.g.* the Government Paperwork Elimination Act, Public Law 105–277, Title XVII (*http://cio.gov/docs/gpea2.htm*), the Electronic Signatures in Global and National Commerce Act, Public Law 106–229 (*http://thomas.loc.gov/cgi-bin/query/z?c106:S.761.ENR:*), and the Federal Financial Assistance Management Improvement Act, Public Law 106–107 (*http://thomas.loc.gov/cgi-bin/query/z?c106:S.468.ENR:*). CDC is a participating member of the Interagency Electronic Grants Committee (IAEGC) (*http://www.financenet.gov/iaegc.htm*) and the federal commons (*http://www.fedcommons.gov*), the common face of Government to the Grantee Organization Community for the purposes of pre- and post-award administration.

Although CDC views the emergence of Electronic Commerce (E-Commerce) as a means of reducing the burden on organizations as they interact with CDC, the agency also recognizes that some of the agency's customers and/or potential customers may not have the capability to migrate to an E-Grants environment. Therefore, CDC intends to maintain the current paper-based interaction process for the foreseeable future while increasing electronic access to the agency's grants management processes. Consequently, equity between non-electronic and electronic processes will be maintained.

Currently, CDC offers funding application materials and related services via fax, email, Internet listservs, and as downloadable files or printable forms on the Internet through CDC's website (*http://www.cdc.gov/funding.htm*). Many U.S. Department of Health and Human Services (DHHS) grant application forms are now available at (*http://www.hhs.gov/grantsnet/*) on the Internet as files which can be saved and used in electronic formats.

As CDC moves towards increased use of electronic announcements regarding the availability of funds, CDC seeks to understand unique needs and desires

among the agency's diverse customers. For this reason CDC requests and welcomes comments from customers regarding all aspects of ''E-Grants'' including but not limited to the following areas:

**IT Infrastructure**

CDC business customers (grantees and applicants) would need a computer, printer, connection to the Internet, web browser capable of 128-bit encrypted secure transmissions (*e.g.* Microsoft Internet Explorer version 4.01 or greater or Netscape Communicator version 4.07 or greater, both are currently downloadable for no cost from the manufacturers; Microsoft: at *http://www.microsoft.com* and Netscape: *http://www.netscape.com*), word processing or text editing software for preparation of documents in a standard format, *e.g.* RTF, ASCII, HTML, Adobe Acrobat® reader (downloadable for no cost from the manufacturer at *http://www.adobe.com/*), and electronic mail service. CDC welcomes comments about the use of these technologies.

**Existing E-Grants Systems**

CDC knows of existing software available to universities which supports grants applications and management activities, but is unaware of which are the leading systems currently in use in universities. Similarly, CDC knows of other Federal agencies beginning to use ''E-Grants'' systems. CDC is interested in knowing whether CDC grantees and potential applicants are using these systems or have considered the use of these systems and what the experience has been. If you, or your organization have similar plans or experiences with E-Commerce, E-Grants, or knowledge of the use of commercial off-the-shelf packages, that information would be particularly meaningful to CDC.

**Electronic Forms**

CDC frequently makes electronic copies of application materials, including standard Federal forms, available on the web for downloading and/or printing. CDC is interested in whether customers find this useful or would prefer paper forms.

**E-Signature**

CDC requires the use of several assurance and certification documents in the process to make awards. The agency is interested in whether grantees or potential applicants may already be using electronic signatures in lieu of paper-based signatures for legally-binding government grant and/or contract activities and, if so, which technologies.

**Virtual Reviews**

CDC conducts expert review of both scientific and programmatic applicants for funding. Reviewers are often required to participate in review activities on-site at the agency or within a short distance from the agency's facility. CDC is interested in knowing whether the use of distance-based reviews conducted electronically would impact the quality of peer reviews and pose a barrier to or enhance the recruitment of external reviewers for panels, and to what extent you've already participated in distance-based reviews.

Please send comments or questions within 60 days of this published notice:

via e-mail to: CDCegrants@cdc.gov

via facsimile to: E-Grants (attention Jim Seligman) at 404–639–7113

via letter to: Centers for Disease Control and Prevention, Attention: Jim Seligman E-Grants, 1600 Clifton Rd, MS D15, Atlanta, GA 30333.

Please provide a point of contact with your comments for any follow-up questions CDC may have and indicate the type of organization you represent, *e.g.* university, state government, local government, community based organization, etc. CDC intends to use the information and comments received in response to this notice in its planning process for an electronic grants system. No summary of comments or published response to comments is planned. All comments received by the agency will be considered to be in the public domain.

Dated: September 21, 2000.

**Joseph R. Carter,**

*Associate Director for Management and Operations, Centers for Disease Control and Prevention.*

[FR Doc. 00–24754 Filed 9–27–00; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### Dental Products Panel of the Medical Devices Advisory Committee; Notice of Meeting

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

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

*Name of Committee:* Dental Products Panel of the Medical Devices Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on October 6, 2000, 8:30 a.m. to 5:30 p.m.

*Location:* Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

*Contact Person:* Pamela D. Scott, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–827–5283, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12518. Please call the Information Line for up-to-date information on this meeting.

*Agenda:* The committee will discuss, make recommendations, and vote on a premarket approval application for a glenoid fossa prosthesis that is used alone to reconstruct the temporomandibular joint (TMJ). The committee will also discuss and make recommendations on the labeling for a total TMJ prosthesis.

*Procedure:* On October 6, 2000, from 9 a.m. to 5:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 28, 2000. Oral presentations from the public will be scheduled between approximately 9:15 a.m. and 9:45 a.m. on October 6, 2000. Near the end of committee deliberations, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before September 28, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

*Closed Committee Deliberations:* On October 6, 2000, from 8:30 a.m. to 9 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)) regarding dental device issues.

FDA regrets that it was unable to publish this notice 15 days prior to the October 6, 2000, Dental Products Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Dental Products Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 20, 2000.

**Bernard A. Schwetz,**

*Acting Deputy Commissioner.*

[FR Doc. 00–24999 Filed 9–26–00; 8:45 am]

**BILLING CODE 4160–01–F**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

**[Document Identifier: HCFA–10000]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, DHHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Consumer Assessment Survey of Health Plan Survey (CAHPS)—Fee for Service; *HCFA Form Number:* HCFA–10000 (OMB approval #: 0938–0796); *Use:* Under the Balanced Budget Act of 1997, HCFA is required to provide general and plan comparative information to beneficiaries that will help them make more informed health plan choices. A CAHPS fee for service survey is needed to provide information comparable to those data collected from the CAHPS managed care survey; *Frequency:* Annually; *Affected Public:* Individuals or households; *Number of Respondents:* 168,000; *Total Annual Responses:* 134,400; *Total Annual Burden Hours:* 44,800.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 20, 2000.

**John P. Burke III,**

*Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00–24918 Filed 9–27–00; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration Establishment of the Advisory Committee on Organ Transportation and Solicitation of Nominations for Membership

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice of establishment of the Advisory Committee on Organ Transplantation and Solicitation of Nominations for Membership.

**SUMMARY:** Pursuant to 42 CFR 121.12 and Public Law 92–463, the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Administrator, HRSA, announces the establishment of the Advisory Committee on Organ Transplantation by the Secretary, HHS. The Committee will advise the Secretary through the Administrator, HRSA, on all aspects of organ procurement, allocation, and transplantation, and on such other matters that the Secretary determines.

Duration of this Committee is for two years unless renewed by the Secretary, HHS.

This notice also requests nominations for membership on the Committee.

**DATES:** Nominations for members must be received no later than 5 p.m. on October 30, 2000.

**ADDRESSES:** You may mail or deliver nominations to the following address: Lynn Rothberg Wegman, M.P.A., Director, Division of Transplantation, 5600 Fishers Lane, Room 7C–22, Rockville, MD 20857.

A request for a copy of the charter for the Advisory Committee should be submitted to: Miguel Kamat, Division of Transplantation, 5600 Fishers Lane, Room 7C–22, Rockville, MD 20857 or may be viewed on the Division's website at www.hrsa.gov/osp/dot

**FOR FURTHER INFORMATION CONTACT:** Lynn Rothberg Wegman, (301) 443–7577.

**SUPPLEMENTARY INFORMATION:**

#### I. Background and Authority

As provided by 42 CFR 121.12 (64 FR 56661), the Secretary has established the Advisory Committee on Organ Transplantation. The Committee is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The Advisory Committee shall advise the Secretary, acting through the Administrator, HRSA, on all aspects of organ procurement, allocation, and transplantation, and on such other matters that the Secretary determines, including:

(1) Proposed enforceable policies of the Organ Procurement and Transplantation Network (OPTN) submitted for Secretarial approval.

(2) Organ allocation policies of the OPTN.

(3) Other significant OPTN policies, existing or proposed.

(4) The OPTN's system of collecting, disseminating and ensuring the validity, accuracy, timeliness and usefulness of data.

(5) The current state of knowledge regarding transplantation.

(6) Additional scientific, medical, public health, ethical, legal, coverage and financing issues and socioeconomic issues, including national and international policies and

developments, that are relevant to transplantation.

**II. Structure**

The Committee shall consist of up to 20 members. The Secretary shall appoint members, including the Chair, from individuals knowledgeable in such fields as health care public policy, transplantation medicine and surgery, non-physician transplant professions, biostatistics, immunology, health economics, epidemiology and bioethics as well as representatives of transplant candidates, transplant recipients, organ donors, and family members. To the extent practicable, Committee members should represent the minority, gender and geographic diversity of transplant candidates, transplant recipients, organ donors and family members served by the OPTN. The Secretary may appoint non-voting Ex-Officio members, or designees of such officials, as the Secretary deems necessary for the Committee to effectively carry out its function.

Subcommittees, composed of members of the parent Committee, may be established to perform specific functions. The HHS Committee Management Officer shall be notified upon establishment of each standing subcommittee and shall be provided with information on its name, membership, function, and estimated frequency of meetings.

A member shall be appointed for a term of 4 years, except that initially the Secretary shall appoint a portion of the members to terms of 1 year, 2 years, and 3 years. Members of the Committee may serve after the expiration of their terms until their successors have taken office.

Meetings shall be held not more than 3 times per year at the call of the Chair with the advance approval of a Federal Government official who shall also approve the agenda. A Federal Government official shall be present at all meetings.

A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the remainder of the term of the member replaced. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

All members of HRSA advisory committees shall adhere to the conflict of interest rules applicable to special Government employees as such employees are defined in 18 U.S.C. section 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

Management and support services shall be provided by the Director, Division of Transplantation, Office of Special Programs, HRSA.

**III. Compensation**

Members shall be paid at a rate not to exceed the daily equivalent of the rate in effect for Executive level IV of the Executive Schedule for each day they are engaged in the performance of their duties as members of the Committee. Members shall receive per diem and travel expenses as authorized by 5 U.S.C. 5703, as amended, for persons employed intermittently in the Government service. Members who are officers or employees of the United States shall not receive compensation for service on the Committee.

**IV. Nominations**

HHS will consider nomination of all qualified individuals with a view to ensuring that the Committee includes the areas of subject matter expertise noted above (see ''Structure''). Individuals may nominate themselves or other individuals, and professional associations and other organizations may nominate individuals.

HHS has a strong interest in ensuring that women, minority groups, and physically challenged individuals are adequately represented on the Committee and, therefore, encourages nominations of qualified candidates from these groups. HHS also encourages geographic diversity in the composition of the Committee.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.,* what specific attributes recommend him/her for service in this capacity), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his or her curriculum vitae; and (3) the name, return address, and daytime telephone number at which the nominator can be contacted.

All nomination information should be provided in a single, complete package within 30 days of the publication of this notice. All nominations for membership should be sent to the Director at the address provided above.

Dated: September 11, 2000.

**Claude Earl Fox,**

*Administrator, Health Resources and Services Administration.*

[FR Doc. 00–25000 Filed 9–27–00; 8:45 am]

BILLING CODE 4160–15–U

## 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:* Community Mental Health Services Block Grant Application Guidance and Instructions, FY 2002–2004—(OMB No. 0930–0168, Revision)—Sections 1911 through 1920 of the Public Health Service Act (42 U.S.C. 300x through 300x–9) provide for annual allotments to assist States to establish or expand an organized, community-based system of care for adults with serious mental illness and children with serious emotional disturbances. Under the provisions of the law, States may receive allotments only after an application is submitted and approved by the Secretary of the Department of Health and Human Services.

For the Federal fiscal year 2002–2004 Community Mental Health Services Block Grant application cycles, SAMHSA will provide States with

revised application guidance and instructions. These changes affect several areas of the application and add a new section to accommodate reporting of uniform data on the public mental health system. Proposed revisions to the previously approved application include: (1) A table for listing mental health planning council membership in order to determine whether the membership and threshold requirements of the law (42 U.S.C. 300x–4) are being met; (2) several minor changes in the format, including moving the report required under 42 U.S.C 300x–52 to the Implementation Report; and, (3) addition of a new Section IV requiring States to report uniform data on their public mental health systems with a focus on community mental health services, along with a State-level reporting system capacities checklist in order to ascertain States' ability to report uniform data. Section IV has been developed through a collaborative partnership and consultation with a data working group consisting of representatives from the National Association of State Mental Health Program Directors, State level data experts and consumer representatives.

In the previous application approved by the Office of Management and Budget, it was estimated that the average annual hourly burden for each State would be 195 hours, taking into consideration the option provided to States for electronic submission of the application. This included 115 hours to complete the Plan (Sections I–III) and 80 hours to complete the Implementation Report. Based on anecdotal information, it is anticipated that for the Plan the burden will remain at 115 hours and for the Implementation Report the burden will remain at 80 hours. The burden for Section IV, which requires States to complete several data tables along with a State level reporting system capacities checklist, is estimated to be 20 hours. The following table summarizes the annual burden for the revised application.

| Part of application | Number of respondents | Responses per respondent | Burden per response (Hrs.) | Total burden |
|---|---|---|---|---|
| Plan (Sections I–III) | 59 | 1 | 115 | 6,785 |
| Data tables & Checklist (Section IV) | 59 | 1 | 20 | 1,180 |
| Implementation Report (Section V) | 59 | 1 | 80 | 4,720 |
| Total | 59 | ..... | 215 | 12,685 |

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 21, 2000.

**Richard Kopanda,**

*Executive Officer, SAMHSA.*

[FR Doc. 00–24897 Filed 9–27–00; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4565–N–26]**

## Notice of Proposed Information Collection: Comment Request; Application for FHA Insured Mortgage

**AGENCY:** Office of the Assistant Secretary for Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8202, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Vance T. Morris, Director, Office of Single Family Program Development, Single Family Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of proposal:* Application for FHA Insured Mortgage.

*OMB control number, if applicable:* 2502–0059.

*Description of the need for the information and proposed use:* The documents requested are used to determine the eligibility of a loan application for FHA's mortgage insurance. Without these documents, HUD would have difficulty in determining the eligibility of a loan application and, thus, put in jeopardy the insurance fund.

*Agency form numbers, if applicable:* HUD–92900–A, HUD–92900–WS, HUD–92900–PUR, HUD–92561, HUD–92544.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* An estimation of the total numbers of hours needed to prepare the information collection is 215,025, the number of respondents is estimated to be 1,000,000, the frequency of response is on occasion, and the hours per response varies from 15 minutes to 1 hour.

*Status of the proposed information collection:* Reinstatement, without change, of a previously approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 20, 2000.

**William C. Apgar,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 00–24950 Filed 9–27–00; 8:45 am]

**BILLING CODE 4210–27–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4561–N–61]**

### Notice of Submission of Proposed Information Collection to OMB; Life-Cycle Cost Analysis of Utility

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* October 30, 2000.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0024) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Life-Cycle Cost Analysis of Utility.

*OMB Approval Number:* 2577–0024.

*Form Numbers:* None.

*Description of the Need for the Information and its Proposed Use:* Utility cost analysis for Housing Agencies to ensure selection of the most effective heating and cooling systems for new construction or substantial rehabilitation of public housing.

*Respondents:* Not-for-profit institutions and State, local or Tribal governments.

*Frequency of Submission:* Biannually.

*Reporting Burden:*

| Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| 248 | | 1 | | 6 | | 1,428 |

*Total Estimated Burden Hours:* 1,428.

*Status:* Reinstate without change.

**Authority:** Section 3507 of the Paperwork Reduction act of 1995, 44 U.S.C. 35, as amended.

Dated: September 20, 2000.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 00–24951 Filed 9–27–00; 8:45 am]

**BILLING CODE 4210–01–M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Notice of Receipt of Applications for Permit

### Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

*Applicant:* Dr. Cynthia Lagueux, The Wildlife Conservation Society, Gainsville, FL, PRT—781606.

The applicant requests a permit to import blood and tissue samples taken from Leatherback sea turtles, *Dermochelys coriacea*), and Hawksbill sea turtles, (*Eretmochelys imbricata),* in Nicaraugua for enhancement of the species through scientific research. This notification covers activities conducted by the applicant over a five year period.

*Applicant:* USGS/National Wildlife Health Center, Madison, WI. PRT—016660. The applicant requests an amendment to their initial request published October 14, 1999, in Vol. 64, No. 198. to export yolk samples from infertile eggs of captive-born Puerto Rican parrots (*Amazona Vittata*) to the Scottish Agricultural College, Scotland, United Kingdom. The applicant would like to amend the permit to include egg yolk samples taken from other captive born sources and from the nest of Puerto Rican parrots found in the wild.

*Applicant:* James D. Stewart, Bedford, TX, PRT—033659.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Betty J. Young dba Riverglen Tiger Refuge, Mountainburg, AR, PRT—824228.

The applicant requests a re-issuance of the permit to re-export and re-import captive-born tigers (*Panthera tigris*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by

the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice. U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: September 22, 2000.

**Charlie Chandler,**

*Chief, Branch of Permits, Division of Management Authority.*

[FR Doc. 00–24913 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–U**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Issuance of Permit for Marine Mammals

On July 13, 2000, a notice was published in the **Federal Register**, Vol. 65, No. 135, Page 43380, that an application had been filed with the Fish and Wildlife Service by James L. Scull, Jr., for a permit (PRT–029977) to import one polar bear (*Ursus maritimus*) trophy taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on September 12, 2000, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Dated: September 22, 2000.

**Charlie Chandler,**

*Chief, Branch of Permits, Division of Management Authority.*

[FR Doc. 00–24914 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–U**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Notice of Availability of a Draft Recovery Plan for the Bog Turtle, Northern Population, for Review and Comment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of document availability.

**SUMMARY:** The U.S. Fish and Wildlife Service announces the availability for public review of a draft Recovery Plan for the allopatric northern population of the bog turtle (*Clemmys muhlenbergii*). The bog turtle's northern population was listed as a threatened species on November 4, 1997. Although this population is currently known to occur in a total of 360 sites in the states of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, it has experienced at least a 50 percent reduction in range and numbers over the past 20 years. The greatest threats to the long-term survival of the northern bog turtle population include the loss, degradation, and fragmentation of its habitat, compounded by the increasing take of long-lived adult animals from wild populations for illegal wildlife trade. The overall objective of the bog turtle recovery program is to protect and maintain the northern allopatric population of this species and its habitat by securing protection for at least 185 populations distributed across the species' range, and ensuring that these populations are stable or increasing. The Service solicits review and comment from the public on this draft Plan.

**DATES:** Comments on the draft Recovery Plan must be received by November 27, 2000 to receive consideration by the Service.

**ADDRESSES:** Persons wishing to review the draft Recovery Plan can obtain a copy from the U.S. Fish and Wildlife Service, Pennsylvania Field Office, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801. Comments should be sent to this address, to the attention of Carole Copeyon.

**FOR FURTHER INFORMATION CONTACT:** Carole Copeyon (see **ADDRESSES**), telephone 814–234–4090.

**SUPPLEMENTARY INFORMATION:**

#### Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare Recovery Plans for most of the listed species native to the United States. Recovery Plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires the development of Recovery Plans for listed species unless such a Plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during Recovery Plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised Recovery Plan. The Service and other Federal agencies will also take these comments into account in the course of implementing Recovery Plans.

The document submitted for review is the Agency Draft Bog Turtle (*Clemmys muhlenbergii*), Northern Population, Recovery Plan. The northern population of the bog turtle was listed as a threatened species on November 4, 1997. This population is currently known to occur in Connecticut (5 sites), Delaware (4), Maryland (71), Massachusetts (3), New Jersey (165), New York (37), and Pennsylvania (75). Bog turtles usually occur in small, discrete populations, generally occupying open-canopy, herbaceous sedge meadows and fens bordered by wooded areas. These wetlands are a mosaic of micro-habitats that include dry pockets, saturated areas, and areas that are periodically flooded. Bog turtles depend upon this diversity of micro-habitats for foraging, nesting, basking, hibernation and shelter. Unfragmented riparian systems that are sufficiently dynamic to allow the natural creation of open habitat are needed to compensate for ecological succession. Beaver, deer, and cattle may be instrumental in maintaining the open-canopy wetlands essential for this species' survival.

The bog turtle has experienced at least a 50 percent reduction in range and numbers over the past 20 years. The greatest threats to its survival include the loss, degradation, and fragmentation of its habitat, compounded by the increasing take of long-lived adult animals from wild populations for illegal wildlife trade.

The overall objective of the bog turtle recovery program is to protect and maintain the northern allopatric population of this species and its habitat. This will be accomplished by (1) securing long-range protection for at least 185 populations distributed among five recovery units: 10 in the Prairie Peninsula/Lake Plain Recovery Unit, 5 in the Outer Coastal Plain Recovery Unit, 40 in the Hudson/Housatonic Recovery Unit, 50 in the Susquehanna/Potomac Recovery Unit, and 80 in the

Delaware Recovery Unit; (2) determining that these 185 populations are stable or increasing over a 25-year period; (3) eliminating or significantly curbing illicit collection and trade in this species; and (4) gaining a sufficient understanding of long-term habitat dynamics.

The Actions needed to accomplish recovery objectives will include a combination of protecting known extant populations and their habitat using existing regulations; securing long-term protection of bog turtle sites; conducting surveys of known, historic, and potential bog turtle habitat; investigating the genetic variability of the bog turtle throughout its range; reintroducing bog turtles into areas from which they have been extirpated or removed; managing and maintaining bog turtle habitat to ensure its continuing suitability for bog turtles; managing bog turtle populations at extant sites, where necessary; creating an effective law enforcement program to halt illicit take and commercialization of bog turtles; and developing and implementing an effective outreach and education program about bog turtles.

The draft Recovery Plan is being submitted for agency review. After consideration of comments received during the review period, the Plan will be submitted for final approval.

### Public Comments Solicited

The Service solicits written comments on the Recovery Plan described. All comments received by the date specified above will be considered prior to approval of the Plan.

**Authority:** The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 21, 2000.

**Mamie A. Parker,**

*Acting Regional Director, Hadley, MA.*

[FR Doc. 00–24866 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–M**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## The Secretary of the Interior Adopts National Framework for Survey of Boat Access Needs

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Secretary of the Interior has adopted the National Boating Infrastructure Grant Program's survey approved by the Office of Management and Budget (OMB) under control number 1018–0106 as the national framework for boating access needs required in 16 U.S.C. 777g–1 Sec. 7404(b).

**ADDRESSES:** For copies of the national framework survey, contact Mr. Steve Farrell, Boating Infrastructure Grants Project Officer, U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, Virginia, 22203, (703) 358–2156 or *Steve_Farrell@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Farrell (703) 358–2156.

**SUPPLEMENTARY INFORMATION:** Public Law 105–178, Transportation Equity Act of the 21st Century (TEA–21), June 9, 1998, requires that the Secretary of the Interior, in consultation with the States, shall adopt a national framework for a public boat access needs assessment that may be used by the States to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats. The Secretary has delegated the responsibility for developing the national framework to the U.S. Fish and Wildlife Service (Service). The Service has received OMB approval for a survey that will serve as the national framework. State officials may obtain the survey by contacting the person listed under **ADDRESSES.**

Each State that conducts a public boat access needs survey shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and currently available facilities. This report is expected to be presented to Congress at the end of 2003. States may fund the cost of conducting this assessment out of Sport Fish Restoration funds dedicated to motorboat access to recreational waters under 16 U.S.C. 777g–1 Sec. 7404, subsection (b)(1).

States, using data gained through these surveys, may develop plans for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

The comprehensive national assessment of recreational boat access needs and facilities presented to Congress at the end of 2003 may be used to help determine future legislative action related to recreational boating access needs.

Dated: September 15, 2000.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 00–24948 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–M**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Letters of Authorization To Take Marine Mammals

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of a Letter of Authorization to take marine mammals incidental to oil and gas industry activities.

**SUMMARY:** In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that a Letter of Authorization to take polar bears incidental to oil and gas industry development remediation activities has been issued to the following company:

| Company | Activity | Date issued |
|---|---|---|
| ExxonMobil Production | Development | August 18, 2000. |

Exxon Company CONTACT: Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

**SUPPLEMENTARY INFORMATION:** The Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations ''Marine Mammals; Incidental Take During Specified Activities (65 FR 16828; March 30, 2000).''

Dated: September 18, 2000.

**Gary Edwards,**

*Deputy Regional Director.*

[FR Doc. 00–24919 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–55–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CA–350–1430–EU; CACA–20540]**

### Opening Order

**AGENCY:** United States Department of the Interior, Bureau of Land Management.

**ACTION:** Termination of Recreation and Public Purposes Classification and Opening Order, Lassen County, California.

**SUMMARY:** This notice effects public lands in Lassen County, California within T.30 N., R.12 E., Section 21, W½SESE, M.D.M. Classification under the Recreation and Public Purposes Act is terminated by this notice and opens the affected lands to disposal by exchange.

**EFFECTIVE DATE:** September 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Susan Wannebo, Realty Specialist, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville CA 96130, (530) 257–0456.

Dated: September 22, 2000.

**Linda D. Hansen,**

*Field Manager.*

[FR Doc. 00–24898 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–40–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AK–040–1410–00; AA–82056]**

### Realty Action; FLPMA Sec. 302 Permit, Innoko Mining District

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action, permit of public land.

**SUMMARY:** North Star Exploration Inc. has submitted an application for authorization to explore and evaluate Native selected lands for hard rock mineral potential. North Star has entered a joint venture with Doyon Limited and MTNT Limited to assess the land and assure the best information possible to prioritize lands they have selected for conveyance.

The land has been examined and found suitable for permit under the provisions of Section 302 of the Federal Land Policy Management Act (FLPMA), of 1976, and 43 CFR Part 2920.

The proposed area is located at Yankee Creek within the Innoko Mining District (Ophir area) of Southwestern Alaska. The legal land description is as follows:

**Seward Meridian, Alaska**

T. 33 N., R. 37 W., Sec. 6
T. 33 N., R 38 W., Sec. 14

Containing 1 acre, more or less.

The permittee shall reimburse the United States for reasonable administrative fees and other costs incurred by the United States in processing the permit and for monitoring of construction, operation, maintenance and rehabilitation of the land authorized.

The reimbursement of cost shall be in accordinace with the provisions of 43 CFR 2920.6. The permit will be offered for a term of 2 years and will require the permittee to pay rent annually at no less than fair market value.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Anchorage District Office, 6881 Abbott Loop Road, Anchorage, Alaska, 99507–2599.

**DATES:** Interested parties may submit comments until November 13, 2000 to the Field Manager, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599. In the absence of a timely objection, this proposal shall become the final decision of the Department of the Interior.

**FOR FURTHER INFORMATION CONTACT:** Shirley Rackley, Anchorage Field Office, Bureau of Land Management, 6881 Abbott Loop Road, Anchorage, Alaska, 99507–2599; (907) 267–1289 or (800) 478–1263.

Dated: September 20, 2000.

**Peter Ditton,**

*Acting Field Manager.*

[FR Doc. 00–24865 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–JA–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–200–1220–DA]**

### Notice of Intent To Prepare the Fourmile Travel Management Plan and Amend the Royal Gorge Resource Management Plan

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent to prepare an amendment to the Royal Gorge Resource Management Plan, and prepare an Environmental Assessment (EA).

**SUMMARY:** The Bureau of Land Management (BLM) announces the initiation of a Resource Management Plan (RMP) amendment for the Fourmile Travel Management Plan, pursuant to the BLM planning regulations in 43 CFR part 1600. This travel management planning is being done in cooperation with the U.S. Forest Service, Pike & San Isabel National Forest, Salida Ranger District, which is proposing similar measures on National Forest lands. The Travel Management Plan will convert BLM's current Off-Highway Vehicle (OHV) designation of ''limited to existing roads and trails'' to one of ''limited to designated roads and trails''. The EA, to be jointly prepared by BLM and USFS, will analyze the impacts of the change in OHV designation and management.

**DATES:** A public scoping meeting was held on March 23, 2000 that gave the public an opportunity to identify issues and concerns to be addressed in the plan amendment and EA. Comments will be accepted until October 15, 2000.

**ADDRESSES:** If you wish to comment, request additional information or request to be put on the mailing list, you may do so by any of several methods. You may mail or hand deliver your comments or requests to: U.S. Forest Service, Salida Ranger District, 325 W. Rainbow Blvd., Salida, CO 81201. You may also comment via email to: RGFOWEB@blm.gov. Please submit email comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and address in your email message. The address and telephone number of the administering BLM office is: Royal Gorge Field Office, Bureau of Land Management, 3170 E. Main Street, Canon City, CO 81212; 719–269–8500.

Comments, including names and addresses of respondents, will be available for public review at the U.S. Forest Service, Salida Ranger District, 325 W. Rainbow Blvd., Salida, CO during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of

organizations or businesses, are available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Levi D. Deike, Acting Field Office Manager, at the Royal Gorge Field Office address and phone number listed above.

**SUPPLEMENTARY INFORMATION:** The planning area involves approximately 103,000 acres, of which 76% are Forest Service lands, 13% BLM lands, with the remainder being state and private lands. The main issues anticipated for this planning effort are: (1) Impacts to water quality; vegetation, including riparian and wetland areas; and soils; and (2) impacts to public land users and adjacent private landowners. The Fourmile Travel Management Plan is being prepared by an interagency interdisciplinary team. The analysis and proposed plan amendment are scheduled for completion in August 2001.

Additional public meetings may be held and a public comment period will be established on the Fourmile Travel Management Plan. Dates and locations of the meetings and the time period for the public comment period will be announced in the local media. The Proposed BLM Plan Amendment will be published during the EA process, and a 30-day protest period will apply to the BLM portion of the Fourmile Travel Management Plan.

**Levi D. Deike,**

*Acting Field Office Manager.*

[FR Doc. 00–24920 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### Request for Nominations for Public Members to the Royalty Policy Committee, Minerals Management Advisory Board

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Request for nominations.

**SUMMARY:** The Secretary of the Department of the Interior established a Royalty Policy Committee (RPC) on the Minerals Management Advisory Board to provide advice on our management of Federal and Indian minerals leases, revenues, and other minerals related policies. The RPC membership includes representatives from States, Indian Tribes and allottee organizations, minerals industry associations, the general public, and other Federal departments. Members serve without pay but will be reimbursed for travel expenses incurred when attending official RPC meetings. Reimbursements will be calculated in accordance with the Federal travel regulations as implemented by the Department. Since the two public members' terms on the RPC will expire during the first half of next year, the Director, Minerals Management Service, is requesting nominations. These nominations may originate from State and local governments, organizations or individuals, and they may include self-nominations. Nominees should have the expertise in royalty management issues necessary to represent the public interest. The nomination package must include an updated copy of the nominee's biography that includes their mailing and e-mail addresses, and a letter from the nominee accepting the nomination. Since we are committed to the Department's diversity policy, nominators are requested to consider diversity when making nominations.

**DATES:** Submit nominations on or before October 30, 2000.

**ADDRESSES:** Submit nominations to Gary L. Fields, Chief, Program Services Office, Royalty Management Program, Minerals Management Service, P.O. Box 25165, MS 3006, Denver, CO 80225–0165.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Fields, Chief, Program Services Office, Royalty Management Program, Minerals Management Service, PO Box 25165, MS 3006, Denver, CO 80225–0165, telephone number (303) 231–3102, fax number (303) 231–3781, e-mail: gary.fields@mms.gov.

**SUPPLEMENTARY INFORMATION:** The locations, dates of RPC meetings, and other information will be published in the **Federal Register** and posted on the Internet at http://www.rmp.mms.gov/Laws_R_D/RoyPC/RoyPC.htm. Meetings are open to the public without advanced registration, on a space available basis. The public may make statements during the meetings, to the extent time permits, and file written statements with the RPC for its consideration; copies of these written statements should be submitted to Gary Fields.

These meetings are conducted under the authority of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 1) and the Office of Management and Budget (Circular No. A–63, revised).

Dated: September 22, 2000.

**Lucy Querques Denett,**

*Associate Director for Royalty Management.*

[FR Doc. 00–24889 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–MR–U**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Draft General Management Plan/Draft Environmental Impact Statement, New Bedford Whaling National Historical Park, Massachusetts

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of availability of Draft General Management Plan/Draft Environmental Impact Statement; notice of public meeting.

**SUMMARY:** Pursuant to Council on Environmental Quality regulations and National Park Service Policy, this notice announces the availability for public review of a Draft General Management Plan/Draft Environmental Impact Statement for New Bedford Whaling National Historical Park, Bristol County, Massachusetts. In accordance with the National Environmental Policy Act 102(2)(C ) of 1969, the environmental impact statement was prepared to assess the impacts of implementing the general management plan.

The Draft General Management Plan/Draft Environmental Impact Statement presents a Proposal and two Management Alternatives, then assesses the potential environmental and socioeconomic effects of the actions presented on site resources, visitor experience, and the surrounding area. The Proposal and the Alternatives differ in their approaches to management. In the Proposal, the National Park Service would share stewardship responsibility for resource protection with its partners and offer visitor programs complementary to partners' activities. NPS interpretive and educational activities would promote resource stewardship. Alternative 1 (Management Option 1) is essentially the status quo, the National Park Service would bring a national voice and visibility to New Bedford through its publications and facilitate coordination of park partners' visitor-services and resource-protection programs. In Alternative 3 (Management Option 3) the National Park Service would assume the lead role among park partners, exercising intensive and extensive involvement in resource preservation, collections management, and visitor programming.

**DATES:** Comments on the draft EIS should be received no later than December 1, 2000. A public meeting will be held in the City of New Bedford on Wednesday, October 18, 2000 at the New Bedford Free Public Library, 613 Pleasant Street from 7 to 8:45 p.m.

**SUPPLEMENTARY INFORMATION:** Copies of the document will be available for review at the following locations:

New Bedford Whaling National Historical Park—Visitor Center, 47 North Second Street, New Bedford, MA. The visitor center is open everyday from 9 a.m. to 4 p.m.

New Bedford Free Public Library, 613 Pleasant Street, New Bedford, MA. The library is open Monday through Thursday from 9 a.m. to 9 p.m.; Friday and Saturday hours are 9 a.m. to 5 p.m. The library is closed on Sundays.

To request copies of the document, please call (508) 996–4095, fax (508) 994–8922, or write Superintendent, New Bedford Whaling National Historical Park, 33 William Street, New Bedford, Massachusetts 02740.

Comments on the Draft General Management Plan/Draft Environmental Impact Statement should be submitted to John Piltzecker, Superintendent, New Bedford Whaling National Historical Park, 33 William Street, New Bedford, Massachusetts 02740. Comments may be faxed to the Superintendent at (508) 994–8922.

**John Piltzecker,**

*Superintendent, New Bedford Whaling National Historical Park.*

[FR Doc. 00–24917 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–70–P**

## INTERNATIONAL TRADE COMMISSION

**[Inv. No. 337–TA–383 Advisory Opinion Proceeding]**

## Certain Hardware Logic Emulation Systems and Components Thereof; Notice of Commission Decision Not To Review an Initial Advisory Opinion Issued by the Administrative Law Judge

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined in the above-captioned advisory opinion proceeding (1) not to review the presiding administrative law judge's (''ALJ's'') finding that access from the United States of Mentor Graphics Corporation's (''Mentor's'') foreign design verification centers would not be covered by the Commission's cease and desist order, (2) to take no position on the ALJ's alternate determination concerning the ''use'' of Mentor's hardware logic emulator in the United States if the term ''covered product'' in the cease and desist order is interpreted to include infringing hardware and software that has not been imported, (3) affirm the ALJ's Order No. 115, and (4) to grant the motion of Quickturn Design Systems, Inc. (''Quickturn'') to file a reply to the response of the Commission investigative attorney (''IA'') to Quickturn's petitions to the Commission.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

**SUPPLEMENTARY INFORMATION:** Inv. No. 337–TA–383 was instituted on March 8, 1996, based on a complaint by Quickturn. The respondents named in the investigation were Mentor and Meta Systems (hereinafter collectively ''Mentor''). The products at issue were certain hardware logic emulation systems used in the semiconductor industry to debug and test electronic circuit designs for semiconductor devices.

On July 31, 1997, the ALJ issued his final initial determination (''ID'') finding that Mentor had violated section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by infringing certain claims of U.S. Letters Patent 5,329,470, 5,036,473, 5,448,496, and 5,109,353, all owned by Quickturn. On October 2, 1997, the Commission determined not to review the ALJ's final ID, and on December 3, 1997, issued a limited exclusion order prohibiting the importation of respondents' emulators and components thereof found to infringe one or more of the patent claims in controversy. The Commission also issued a cease and desist order prohibiting, *inter alia,* the electronic importation and transmission of infringing hardware emulation software.

On August 20, 1999 Mentor filed a petition with the Commission requesting issuance of an advisory opinion pursuant to Commission rule 210.79(a) (19 CFR 210.79(a)). Mentor contended that remote access from the United States of its hardware logic emulation systems housed in ''design verification centers'' located outside the United States would not infringe Quickturn's patents and, therefore, would not be covered by the Commission's limited exclusion order and/or the cease and desist order. On November 10, 1999, the Commission instituted an advisory opinion proceeding to determine (1) whether Mentor's proposed foreign design verification centers would be covered by the cease and desist order issued in this investigation, and (2) whether the importation of integrated circuits (''ICs'') designed and debugged by IC designers in the United States using Mentor's foreign design verification centers would be covered by the limited exclusion order issued in this investigation. The Commission remanded the advisory opinion proceeding to the ALJ for appropriate proceedings and the issuance of an initial advisory opinion (''IAO''). The ALJ was given the authority to conduct any proceedings he deemed necessary, including taking evidence and ordering discovery.

Quickturn stipulated that ICs designed and debugged by designers in the United States using Mentor's design verification centers would not be covered by the limited exclusion order issued in the investigation. Therefore, only the Commission's cease and desist order remained at issue in the IAO proceeding.

An evidentiary hearing was conducted by the ALJ on June 5 and 6, 2000. On June 23, 2000, the ALJ issued Order No. 115 finding that Quickturn had waived arguments that any Mentor's infringing hardware emulation software would be resident in the United States under the proposed scheme. On August 7, 2000, the ALJ issued his IAO finding that Mentor's proposed access in the United States of Mentor's foreign design verification centers would not be covered by the Commission's cease and desist order issued in the investigation.

The ALJ found in the alternative that if the term ''covered product'' in the cease and desist order is interpreted to include infringing hardware and software that has not been imported into the United States, then Mentor's U.S. customers would be ''using'' the ''covered product'' in violation of the cease and desist order.

On August 18, 2000, Quickturn filed a petition for review of the IAO and a petition for the Commission to review and reverse the ALJ's ruling Order No. 115, and Mentor filed a conditional petition for review of the IAO. The IA did not petition for review of the IAO. On August 25, 2000, Mentor, Quickturn, and the IA filed responses to the petitions for review.

Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined (1) not to review the ALJ's finding in the IAO that access from the United States of Mentor's foreign design verification centers would not be covered by the Commission's cease and desist order, (2) to take no position on the ALJ' s alternative determination in the IAO concerning the ''use'' of Mentor's hardware logic emulator in the United States if the term ''covered product'' in the cease and desist order is interpreted to include infringing hardware and software that has not been imported, (3) to affirm Order No. 115, and (4) to grant Quickturn's motion to file a reply to the response of the IA to Quickturn's petitions to the Commission.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rule 210.79, 19 CFR 210.79.

Issued: September 22, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00–24915 Filed 9–27–00; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 332–350 and 332–351]**

### Monitoring of U.S. Imports of Tomatoes, Monitoring of U.S. Imports of Peppers

**AGENCY:** United States International Trade Commission.

**ACTION:** Changes in written submission's due date and date of publication of monitoring reports in 2000.

**EFFECTIVE DATE:** September 22 , 2000.

**FOR FURTHER INFORMATION CONTACT:** For general information, Timothy McCarty (202–205–3324) or Cathy Jabara (202–205–3309), Agriculture and Forest Products Division, Office of Industries, or for information on legal aspects, William Gearhart (202–205–3091), Office of the General Counsel, U.S. International Trade Commission. Hearing impaired persons can obtain information on these studies by contacting the Commission's TDD terminal on (202) 205–1810. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

**Background**

Section 316 of the North American Free-Trade Agreement Implementation Act (NAFTA Implementation Act), 19 U.S.C. 3381, directs the Commission to monitor imports of fresh or chilled tomatoes (HTS heading 0702.00) and fresh or chilled peppers, other than chili peppers (HTS subheading 0709.60.00), until January 1, 2009. As a result of such monitoring, the domestic industry producing a like or directly competitive perishable agricultural product may request, in a global safeguard petition filed under section 202 of the Trade Act of 1974 or a bilateral safeguard petition filed under section 302 of the NAFTA Implementation Act, that provisional relief be provided pending completion of a full section 202 or 302 investigation. If provisional relief is requested, the Commission has 21 days in which to make its decision and to transmit any provisional relief recommendation to the President. In response to the monitoring directive, the Commission instituted investigation No. 332–350, Monitoring of U.S. Imports of Tomatoes (59 FR 1763) and investigation No. 332–351, Monitoring of U.S. Imports of Peppers (59 FR 1762).

Although section 316 of the NAFTA Implementation Act does not require that the Commission publish reports on the results of its monitoring activities, the initial notices of investigation for these studies indicated that the Commission planned to publish reports on the monitoring annually. Subsequently, the Commission has published statistical reports in those years in which it was not conducting an investigation under other statutory authority with respect to such products.

On June 12, 2000, the Commission published in the **Federal Register** a notice that it intended to publish monitoring reports in September 2000. In the same notice, the Commission also invited all interested persons to submit written statements concerning the matters to be addressed in the reports, so as to be received no later than the close of business on June 28, 2000. In response to this request, the Commission received two comments, from the Florida Tomato Exchange and the Florida Department of Agriculture and Consumer Services, asking that additional data be included in the Commission's forthcoming reports and that the official record of these investigations be held open so that certain Florida statistics might be included in this year's reports. In response, the Commission extended the deadline for filing of written statements until October 2, 2000, and changed the date for intended publication of its reports to November 15, 2000.

**Written Submissions**

The Commission does not plan to hold a public hearing in connection with preparation of the 2000 statistical reports. However, interested persons are invited to submit written statements concerning the matters to be addressed in the reports. Commercial or financial information which a submitter desires the Commission to treat as confidential must be provided on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested persons. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission in accordance with section 201.8 of the Commission's rules at the earliest practical date and should be received no later than the close of business on October 2, 2000. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

Issued: September 22, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00–24916 Filed 9–27–00; 8:45 am]

**BILLING CODE 7020–02–P**

## LEGAL SERVICES CORPORATION

### Proposed Property Acquisition and Management Manual

**AGENCY:** Legal Services Corporation

**ACTION:** Notice of proposed Property Acquisition and Management Manual.

**SUMMARY:** This Notice sets forth the text of a proposed Property Acquisition and Management Manual that, once adopted, will govern the use by recipients of LSC funds to acquire, use and dispose of real and nonexpendable personal property. The proposed Property Acquisition and Management Manual is intended to provide recipients with a single complete and consolidated set of policies and procedures related to property acquisition, use and disposal and would supercede guidance currently contained in several LSC documents.

**DATES:** Written comments must be received on or before November 27, 2000.

**ADDRESSES:** Written comments may be submitted by mail, fax or email to Mattie C. Condray at the addresses listed below.

**FOR FURTHER INFORMATION CONTACT:** Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE., Washington, DC 20002–4250; 202/336–8817 (phone); 202/336–8952 (fax); mcondray@lsc.gov.

**SUPPLEMENTARY INFORMATION:**

## Background

The Legal Services Corporation's (LSC) policies and procedures regarding LSC-funded recipients' property acquisition, use and disposal are incomplete, outdated and disbursed among several different LSC documents. In 1975 and again in 1979, LSC published Instructions in the **Federal Register** setting out procedures for the procurement, inventory control and disposal of nonexpendable personal property by LSC recipients. See 44 FR 22525, April 16, 1979. In 1981, the 1979 Instruction was superseded by the Property Management Manual for LSC Programs (''1981 Property Manual'').[1]

LSC also addressed property acquisition and management issues in the 1981 version of the Audit and Accounting Guide for Recipients and Auditors (''1981 Audit Guide''). The 1981 Audit Guide included provisions requiring LSC's prior approval of certain purchases and leases of property (real and personal). These provisions were superseded by the LSC rule on cost standards and procedures, 45 CFR part 1630, which was adopted in 1986. *See* 51 FR 29082, August 13, 1986. Under the current part 1630 rule, LSC must approve in advance all purchases of real property, purchases or leases of personal property with a value of over $10,000 and capital expenditures of more than $10,000 to improve real property. 45 CFR 1630.5(b).

Notwithstanding the 1981 Audit Guide (or the current part 1630 requirements), the 1981 Property Manual, like its predecessor Instructions, does not address the acquisition, use or disposal of real property.[2] LSC has instead established its policies relating to real property in a variety of internal memoranda, Program Letters, regulations, grant assurances and individual agreements with recipients purchasing real property which have either restricted the use or regulated the disposal of the property in the event of cessation of LSC funding. Having policies related to real property in such unconnected and disparate sources has become untenable. For example, grant assurances on property have not been consistent over time and have on occasion been challenged as lacking legal authority.

Accordingly, LSC has decided that all of the relevant policies and requirements related to the acquisition, use and disposal of real and personal property should be consolidated and issued in one document. LSC offers the following proposed Property Acquisition and Management Manual (PAMM) for comment prior to adopting a final, revised version.

## Purpose and Scope

LSC proposes that this PAMM apply to both real and non-expendable personal property (equipment), but not apply to expendable personal property (supplies) or services, except for services related to capital expenditures as defined in the PAMM. LSC has not previously applied its standards in the 1981 Property Manual to supplies or services and LSC does not believe it is necessary to enlarge the scope of its oversight in such a manner.

LSC proposes to apply the requirements of the PAMM to purchases made on or after the PAMM's effective date as published in the **Federal Register**. For purchases of real property prior to the PAMM's effective date, the written agreement between the program and LSC will control. For prior purchases of personal property, the 1981 Property Manual will control.

## Proposed Property Acquisition and Management Manual

*Generally*

The proposed PAMM contains both existing and new or revised standards and procedures. In developing the new or revised standards and procedures, LSC looked to three existing Federal sources of property acquisition and management policy: the Federal Acquisition Regulations (FAR); the Federal Property Management Regulations; and Office of Management and Budget (OMB) Circular A–110, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' which contains standards governing the use and disposition of personal and real property by non-profit recipients of Federal funding. While many provisions of the proposed PAMM are based on equivalent sections on these sources, LSC has revised these provisions as necessary to be consistent with LSC law and practice.

The proposed personal property use standards are intended to give recipients flexibility in using such property acquired with LSC funds, provided that the primary use of the property is for the delivery of legal services to eligible clients in accordance with the requirements of the LSC Act and regulations. The proposed standards governing the disposal of personal property revise existing policy to reflect the heightened need, in this era of reduced funding and competition for grants, for LSC to be compensated for its interest in LSC-funded property. Accordingly, in the event that a recipient owning personal property purchased with LSC funds ceases to receive LSC funding, these standards require LSC approval prior to disposal of the property.

The proposed PAMM would retain LSC's longstanding policy to permit recipients, with LSC's approval, to use LSC funds to purchase real property for the delivery of legal services to eligible clients. The proposed procedures, which incorporate provisions from Program Letter 98-4, would require recipients to demonstrate that purchasing is more economical than leasing. Recipients would also be required to agree to reimburse LSC in the event of a discontinuation of funding.

## Section-by-Section Analysis

*Section 1—Purpose and Scope*

The section contains a statement indicating that the purpose of this PAMM is to set forth standards governing the acquisition, retention, use and disposal of personal and real property acquired in whole or in part with LSC funds. The section would also specify that LSC intends the standards in this PAMM to apply to both real and non-expendable personal property

[1] The Introduction to the 1981 Property Manual states that it was intended to supersede the 1975 Instruction. No mention is made of the 1979 Instruction. However, because the Manual was finalized as a slightly revised version of the 1979 Instruction, longstanding LSC policy has been that the 1981 Property Manual superseded the 1979 Instruction as well. Current LSC grant assurances and the current Accounting Guide for LSC Recipients reference the Property Manual ''or its duly adopted successor.''

[2] There have been suggestions to LSC that the 1981 Property Manual was originally intended to apply to real property and was so applied at sometime in the past. LSC's reading of the terms of the manual, however, and LSC's practice over the last several years applying the requirements of the 1981 Property Manual only to personal property, indicate that it does not, in fact, apply to real property.

(equipment), but not to expendable personal property (supplies) or services, except services for capital improvements which are subject to the requirements of Section 4(f). LSC has not previously applied the 1981 Property Manual standards to supplies and LSC does not believe that it is necessary to enlarge the scope of its oversight in such a manner. Finally, this section makes clear that LSC proposes to apply the requirements of the PAMM to purchases made on or after the PAMM's effective date as published in the **Federal Register**. For purchases of real property prior to the PAMM's effective date, the written agreement between the program and LSC would control. For prior purchases of personal property, LSC intends that the 1981 Property Manual would control.

*Section 2—Definitions*

This section sets forth proposed definitions of key terms used throughout the PAMM.

Section (2)(a) would define acquisition as a purchase of real property or a purchase or lease of personal property. It can consist of a single item or it can consist of multiple items obtained simultaneously through a single contract. This definition of acquisition is adapted from the definition of acquisition appearing in the FAR. The FAR definition of acquisition includes leases of real property as well, but LSC proposes to leave real property leases out of the definition of acquisition because LSC proposes to exclude leases of real property from the coverage of the PAMM. LSC proposes to use the term ''acquisition'' throughout the PAMM, except in those instances in which it is necessary to differentiate between personal property which is leased and personal property which has been purchased. In those cases, the terms ''lease'' or ''purchase'' will be used as appropriate.

Section 2(b), capital improvement, incorporates the $10,000 capitalization threshold of LSC's regulation governing cost standards and procedures, 45 CFR 1530.5(b)(2).

Section 2(c) proposes to define lease as a contract for the use of property during a specified period for a specified price. Under a lease, the lessee does not take ownership of or title to the property.

Section 2(d) contains a definition for LSC property interest agreement, a term used in Sections 4(e) and 8(d) of this PAMM. The proposed definition is consistent with section 2–2.4 of the Accounting Guide for LSC Recipients, which sets forth the principle that LSC possesses a reversionary interest in real property purchased in whole or in part with LSC funds. LSC is not, however, proposing to use the term ''reversionary interest'' because LSC believes that the use of ''reversionary interest'' might be confusing. Although LSC's recipients who have entered into agreements with LSC pursuant to the purchase of real property understand what reversionary interest means in the context of their agreements, the term is a widely used term of art in the property law context with a somewhat broader and different meaning. To avoid potential confusion, LSC proposes to use the more accurate ''LSC property interest agreement.''

Section 2(e) contains a definition of personal property adapted from OMB Circular A–110. LSC proposes to omit supplies, which are considered to be personal property in the OMB Circular, from the definition because LSC does not intend to apply its property acquisition and management standards to the purchase, retention or use of supplies.

Section 2(f) proposes to limit the definition of real or personal property to property with a market value of over $1000 and a useful life of more than one year. This definition is taken from Section 2–2.4 of the Accounting Guide for LSC Recipients. This definition is consistent with OMB Circular A–110, except that LSC has chosen a capitalization threshold of $1,000 instead of $5,000. The lower threshold is intended to maintain consistency with the LSC Accounting Guide. With this definition, LSC proposes that the property acquisition and management standards would not apply to property excluded from the definition.

Section 2(g) contains a proposed definition of purchase. LSC proposes to use the term purchase in reference to personal property which the recipient obtains ownership of, as distinguished from leased personal property.

Section 2(h) sets forth a proposed definition for quote which incorporates language from the definition of ''offer'' in the FAR. For the purposes of the PAMM, a quote is intended to be the basis for informal negotiation which results in an offer by the recipient, typically in the form of a purchase order, which a source may accept or reject.

Section 2(i) sets forth a proposed definition of real property taken from the definition of the same term in OMB Circular A–110.

Section 2(j) contains a proposed definition of source as a supplier, vendor or contractor who has agreed to provide property to a recipient through a purchase or lease agreement.

*Section 3—Acquisition Procedures for Personal Property*

This section sets forth the proposed procedures governing the acquisition of personal property with LSC funds. The requirements herein are based on both the FAR and OMB Circular A–110. Through the use of these procedures, LSC intends to encourage recipients to conduct their property acquisitions in a manner that provides free and open competition to the maximum extent practical.

Acquisitions of over $10,000 would have to be accomplished by written competitive quote.[3] The FAR and OMB Circular A–110 each require that requests for quotes clearly identify the salient characteristics of the property to be acquired, as well as the basis for evaluating quotes and selecting a source. LSC proposes to require competitive quotes to help ensure that the recipient has a reasonable basis for determining that it is receiving a fair deal that meets its needs.

The proposed procedures would permit sole source acquisitions if circumstances prevent requesting competitive quotes. In such cases, recipients would have to document the reason(s) for conducting the acquisition on a sole source basis. This proposed requirement is consistent with the FAR.

Further, individual item acquisitions of over $10,000 would have to be approved in advance by LSC. This includes acquisitions made to replace already-existing property, the original acquisition of which LSC may have approved at a prior point in time. Consistent with previous LSC guidance, requests for prior approvals would have to include a justification stating the need for the acquisition, a brief description of the property to be acquired and a description of the acquisition process used, including the quotes received by the recipient.

*Section 4—Acquisition Procedures for Real Property*

Section 4 contains the proposed procedures for the acquisition of real property. Under this section, prior to acquiring real property, a recipient would have to identify and evaluate at least three potential sites. This proposal draws upon a similar requirement in the FAR relating to the selection of sources for the leasing of real property. The types of costs to be considered in an analysis of an acquisition of real property would be those which LSC

[3] The proposed requirement for ''written'' quotes is intended to include electronic transmission of information. This approach is consistent with Federal policy in the FAR.

asks recipients to describe when seeking prior approval of an acquisition of real property pursuant to LSC Program Letter 98–4, dated July 1, 1998. Recipients are encouraged to negotiate with potential sources prior to entering a contract in order to obtain the most favorable contract terms possible.

This section proposes to retain LSC's prior approval requirement for acquisitions of real property.[4] Sections 4(d)(1) through (7) reflect provisions from Program Letter 98–4 setting forth the types of information which LSC requires recipients to submit in support of a request for prior approval of an acquisition of real property.

This section also proposes to retain LSC's longstanding practice of requiring, as a condition of LSC's approval of the acquisition of real property, a formal agreement between LSC and the recipient setting forth the terms of LSC's approval. These agreements have included provisions governing the disposal of property purchased with LSC funds, both during the grant term and upon cessation of funding and requiring the recipient to record LSC's interest in the property.

Finally, LSC proposes to restate in the PAMM, LSC's requirement in 45 CFR 1630.5(b)(4) that recipients obtain prior approval of expenditures for capital improvements. This requirement applies to leasehold improvements as well as improvements to recipient-owned property. LSC proposes to retain the existing requirement from Program Letter 98–4 that recipients submit certain information in support of requests for prior approval of capital improvements.

*Section 5—Retention and Use of Property Acquired With LSC Funds*

Section 5 sets forth the proposed standards for the management of real and personal property acquired with LSC funds. These standards build upon the principle contained in OMB Circular A–110, that grant recipients should possess full ownership of personal and real property purchased in whole or in part with grant funds. With regard to leased personal property, LSC proposes to make clear current LSC policy that leased property may be used according to the lease terms during the term of an LSC grant or contract, and must be disposed of according to the lease terms in the event that there is a cessation of LSC funding.

Under the provisions of this section, recipients would be permitted to retain property as long as they continue to receive LSC funding. This represents a change from the existing policy which permits recipients to retain property as long as it is needed for civil legal assistance. This change is being proposed to reflect the heightened need, in the competitive grant environment, for LSC to ensure that its funds are available to the maximum extent possible for LSC recipients and programs.

Notwithstanding the above, LSC proposes to permit recipients to use property acquired with LSC funds for permissible non-LSC activities, such as the representation of income-ineligible clients, provided that such other use does not interfere with the performance of the recipient's duties under its LSC grant. This flexibility parallels similar provisions in OMB Circular A–110. LSC further proposes to allow a recipient to lease space to others or otherwise allow the use of its property for restricted activities, provided that the recipient charges a fair market price for such lease or property use. Any such use would also have to be consistent with the program integrity requirements of 45 CFR Part 1610. These provisions incorporate language from OMB Circular A–110 and are consistent with IRS rules governing the provision of services by non-profit organizations.

Section 5(f) addresses the use of a particular subset of personal property—copyrights. Incorporating language from OMB Circular A–110, this paragraph proposes that recipients be permitted to own copyrights to publications, software, and other copyrightable works created in whole or part with LSC funds. However, in conformance with longstanding LSC policy, recipients creating or otherwise obtaining copyrightable materials with LSC funds would have to provide LSC free access to and use of such materials, including the right to make such materials available to other LSC recipients.

*Section 6—Disposal of Personal Property Acquired With LSC Funds*

This section proposes to establish requirements governing the disposal of personal property. Generally, a recipient would have considerable discretion in selecting methods of disposing of personal property purchased with LSC funds, except at the point that the recipient ceased to receive LSC funds. At the cessation of LSC funding, recipients would have an obligation to LSC with respect to items of personal property.

LSC proposes, as noted above, to permit recipients, considerable latitude in disposing of personal property purchased with LSC funds during the term of an LSC grant. Specifically, under this section, recipients would be permitted to: (1) Trade property to suppliers or vendors in return for reductions in the acquisition price of new or replacement property; (2) sell the property, by the solicitation of formal quotes for property with a value of over $15,000, or by negotiation where the property has a value $15,000 or less or where advertising for bids has not resulted in reasonable bid prices;[5] (3) transfer the property to third parties which are eligible under statute to receive support from LSC; (4) transfer the property to non-LSC programs, subject to LSC approval; or (5) transfer the property to other nonprofit programs serving the poor in the same community. These options are consistent with current Federal practice as reflected in OMB Circular A–110, the Federal Property Management Regulations (41 CFR Chapter 101) and the 1981 Property Manual.

Under this section, recipients would be prohibited from disposing of personal property purchased with LSC funds by making such property available to recipients' board members or employees (by sale or otherwise). Although Federal policy does not restrict sales of property to employees, LSC is concerned that such sales could create a real or perceived conflict of interest, particularly since such property would have significant market value (since property would be defined as having to be worth more than $1000). Disposition of items not meeting the $1000 value threshold would not be considered property subject to the PAMM and, therefore, would not be subject to this restriction. LSC specifically seeks comment on this issue. What are recipients' current policies and experience in this area?

LSC is proposing different options for the disposal of personal property at the point that a recipient ceases to receive LSC funding. Recipients would be permitted to transfer or retain personal property purchased with LSC funds, provided that LSC would be compensated in an amount equal to the percentage of the property's acquisition cost funded with LSC monies. These provisions are based on disposal options set forth in OMB Circular A–110. It is

[4] LSC's longstanding policy is that leases of real property do not require prior approval and LSC does not propose any change to that policy.

[5] By reference to 45 CFR 1630.12, section 6(c) would clarify that income from the sale of property purchased with LSC funds is LSC derivative income subject to the requirements of the LSC Act, regulations, and other applicable law. As such, LSC derivative income becomes part of the LSC fund balance which may need to be returned to LSC if the fund balance amount exceeds the 10 or 25 percent limits established by 45 CFR Part 1628.

anticipated that LSC and recipients will identify, on a case by case basis at the time of cessation of funding, the best method for disposing of personal property purchased with LSC funds.

With respect to leased personal property, LSC proposes that during the term of an LSC grant or contract, recipients be permitted to dispose of such leased with LSC funds in accordance with the terms of the lease. When a recipient ceases to receive LSC funding, the recipient would be required to dispose of items of personal property leased with LSC funds in accordance with the terms of the lease.

*Section 7—Disposal of Real Property Acquired With LSC Funds*

Section 7 sets forth the proposed standards for the disposal of real property purchased with LSC funds. As with the personal property disposal standards in Section 6, LSC proposes to provide different options for disposals occurring during the grant term and at the cessation of LSC funding

For recipients seeking to dispose of real property during the grant term, LSC proposes to continue the longstanding LSC policy whereby recipients are permitted to sell real property acquired with LSC funds.[6] Recipients would also be permitted to transfer real property to other LSC recipients. This is consistent with most LSC property interest agreements between LSC and recipients using LSC funds to purchase real property.

At the point of cessation of LSC funding, LSC proposes to permit recipients to sell, transfer or retain real property acquired with LSC funds, provided that LSC is compensated in an amount equal to the percentage of the property's acquisition cost funded by LSC monies. LSC would have to approve any such disposition in advance.

*Section 8—Documentation and Recordkeeping Requirements*

Section 8 contains proposed requirements for the documentation of property acquisitions and disposals. This section is intended to ensure that recipients create and retain the required records in support of property acquisition and disposal decisions and LSC fund expenditures related thereto.

*Section 9—Recipient Policies and Procedures*

This section proposes to require that recipients adopt written procurement procedures. This proposal stems from OMB Circular A–110 and is intended to ensure that recipients have standardized procurement procedures that are consistent with LSC requirements. LSC does not propose to collect, review or approve such procedures, although a recipient would have to make them available to LSC upon request for LSC oversight and compliance purposes.

**Property Acquisition and Management Manual**



**Section 1—Purpose and Scope**

The purpose of this PAMM is to set forth standards governing the acquisition, retention, use and disposal of personal and real property acquired in whole or in part with LSC funds. The standards set forth herein apply to both real and non-expendable personal property (equipment), but not apply to expendable personal property (supplies) or services, except for services for capital improvements which are subject to the requirements of Section 4(f) herein.

The requirements set forth herein apply to acquisitions made on or after the PAMM's effective date as published in the **Federal Register**. For purchases of real property prior to the PAMM's effective date, the written agreement between the program and LSC will control. For prior acquisitions of personal property, the 1981 Property Manual will control.

**Section 2—Definitions**

(a) *Acquisition* means a purchase of real property or a purchase or lease of personal property in whole or in part with LSC funds. For the purposes of this PAMM, recipients should treat a purchase or lease of related property as a single acquisition when the property can be readily obtained through a single contract with a single source.

(b) *Capital improvement* means an expenditure of an amount exceeding $10,000 to improve real property through construction or the purchase of immovable items which become an integral part of real property.

(c) *Lease* means a contract for the use of property during a specified period for a specified price.

(d) *LSC property interest agreement* means a formal written agreement between LSC and a recipient setting forth the terms of LSC's approval of the recipient's use of LSC funds to acquire real property.

(e) *Personal Property* means property of any kind, including tangible property (having physical existence), such as equipment, or intangible (having no physical existence), such as copyrights or patents, but does not include supplies or real property or improvements to real property. [7]

(f) *Property* means any real or personal property having a market value greater than $1,000 and a useful life of more than one year.

(g) *Purchase* means to obtain and take ownership of property through the payment of money or its equivalent.

(h) *Quote* means a quotation or bid from a potential source interested in selling or leasing property to a recipient.

(i) *Real property* means land, buildings, and appurtenances, including capital improvements thereto, but not including moveable personal property.

(j) *Source* means a supplier, vendor, or contractor who has agreed to provide property to a recipient through a purchase or lease agreement.

**Section 3—Acquisition Procedures for Personal Property**

(a) Before making an acquisition of personal property that has an aggregate cost over $10,000, a recipient shall make a written request from at least three potential sources for competitive quotes for the property.

(b) Written requests for quotes must include:

(1) A clear and accurate description of the property to be acquired; and

(2) Identification of the criteria which will be the basis for the recipient's selection of a source.

(c) The selection of a source shall be on the basis of criteria established in the request for quotes. Such criteria may include price alone or price in combination with other factors.

(d) Notwithstanding paragraph (a) of this section, a recipient may request

[6] By reference to 45 CFR 1630.12, Section 7(b) would clarify that income from the sale of property acquired with LSC funds is LSC derivative income subject to the requirements of the LSC Act, regulations, and other applicable law. As such, LSC derivative income becomes part of the LSC fund balance which may need to be returned to LSC if the fund balance amount exceeds the limits established by 45 CFR Part 1628.

[7] Section 2(c) adapts and incorporates the definition of personal property which appears in Section 2(v) of OMB Circular A–110. For the purposes of this manual, supplies, which are normally considered to be personal property, are omitted from the definition because the manual is not applicable to the purchase, retention or use of supplies.

quotes from a sole source when circumstances prevent the requesting of competitive quotes. When a request for quotes is made to a sole source, the recipient shall maintain written documentation of the reason(s) for not obtaining competitive quotes.

(e) The use of more than $10,000 of LSC funds to acquire an individual item of personal property requires LSC's prior approval pursuant to 45 CFR 1630.5(b)(2), whether or not the acquisition is to replace existing property. When requesting LSC's prior approval of an acquisition of personal property, recipients shall provide to LSC:

(1) Three written quotes, if obtained; and

(2) A letter or memorandum containing:

(i) A statement of need explaining how the acquisition will further the delivery of legal services to eligible clients;

(ii) A brief description of the property to be acquired, including the make and manufacture of the item, the name of the source supplying the item, the quantity to be acquired, and the total dollar amount of the acquisition; and

(iii) A brief description of the acquisition process, including the names of the potential sources who submitted quotes, the amounts of the quotes, the quantity of items offered by the potential sources, and a brief explanation of the reasons for selecting a particular source to supply the item(s). In the absence of quotes, the description should explain what circumstances prevented the recipient from obtaining quotes.

**Section 4—Acquisition Procedures for Real Property**

(a) Prior to acquiring real property with LSC funds, recipients shall conduct an informal market survey in order to identify and evaluate at least three potential sources. Recipients may retain a real estate agent or broker for the purposes of conducting a market survey, provided that the cost is reasonable.

(b) The evaluation of potential acquisitions of real property shall include consideration of:

(1) The total cost of the acquisition; and

(2) The quality of the property to be acquired.

(c) Recipients shall conduct an analysis of the average annual cost of the acquisition, including the costs of a down payment, interest and principal payments on debt acquired to finance the acquisition, closing costs, renovation costs, and the costs of utilities, maintenance, and taxes, where applicable. The cost analysis shall include a comparison of:

(1) The total costs of acquiring the property over the life of the financing of the acquisition; with

(2) The total costs of leasing similar property over the same period of time.

(d) The use of LSC funds to acquire real property requires LSC's prior approval pursuant to 45 CFR 1630.5(b)(3). When requesting LSC prior approval of an acquisition of real property, recipients shall provide to LSC in writing:

(1) A statement of need explaining how the acquisition will further the delivery of legal services to eligible clients in terms of:

(i) The location of the property in terms of accessibility to program clients;

(ii) Trends in funding and program staffing levels in relation to space needs; and

(iii) Whether the property will replace or be in addition to existing program offices;

(2) A brief analysis comparing:

(i) The estimated average annual cost of the planned acquisition over the life of the financing of the acquisition, including the costs of maintenance, utilities, and taxes; with

(ii) The estimated average annual cost of leasing or purchasing other, similar property over the same period of time;

(3) A current, independent appraisal of a type sufficient to secure a mortgage;

(4) Documentation of board approval consisting of either a board resolution or board minutes demonstrating approval of the acquisition;

(5) A statement of handicapped accessibility sufficient to meet the requirements of 45 CFR 1624.5(c);

(6) A copy of an acquisition agreement, contract, or other document containing a description of the property and the terms of the acquisition; and

(7) An explanation of the anticipated financing of the acquisition including:

(i) The estimated total cost of the acquisition, including renovations, moving, and closing costs;

(ii) The source and amount of funds to be applied toward a down payment;

(iii) The source of funds to be applied toward a monthly mortgage payment, if any;

(iv) The monthly amount of principal and interest payments on debt secured to finance the acquisition, if any; and

(v) The source and estimated amounts of funds needed to cover moving, renovations, and closing costs.

(e) At the time of approving a recipient's use of LSC funds to acquire real property, LSC and the recipient shall enter into a written LSC property interest agreement, which shall include, at a minimum:

(1) Provisions consistent with Sections 5(a), 7(a) and 7(b) herein;

(2) An agreement by the recipient not to encumber the property without prior approval of LSC;

(3) An agreement by the recipient to record, in accordance with appropriate and applicable state law, LSC's interest in the property.

(f) Expenditures for capital improvements require LSC's prior approval pursuant to 45 CFR 1630.5(b)(4). When requesting LSC's prior approval of such expenditures, recipients shall provide to LSC in writing, the following:

(1) A statement of need explaining how the improvement will further the delivery of legal services to eligible clients;

(2) A brief description of the improvement, including the nature of the work to be done, the name of the contractor performing the work, and the total expected cost of the improvement; and

(3) A brief description of the contractor selection process, including the names of the contractors who submitted quotes, the amounts of the quotes, and a brief explanation of the reason(s) for selecting a particular contractor to perform the work.

**Section 5—Retention and Use of Property Acquired With LSC Funds**

(a) Subject to the requirements herein, recipients may use LSC funds to acquire and use personal and real property for the purpose of delivering legal services to eligible clients. Title to personal and real property purchased in whole or in part with LSC funds vests in the recipient subject to the conditions set out in paragraphs (b) through (f) of this section.

(b) Recipients may retain personal and real property purchased with LSC funds for as long as they continue to receive LSC funding. When a recipient ceases to receive LSC funding, property purchased with LSC funds shall be disposed of in accordance with the requirements of Sections 6(d) and 7(c) herein.

(c) Recipients may retain personal property obtained through a lease using LSC funds for as long as they continue to receive LSC funds, subject to the terms of the lease. When a recipient ceases to receive LSC funding, property leased with LSC funds shall be disposed of in accordance with Section 6(b) herein.

(d) When using personal or real property acquired in whole or in part with LSC funds for the performance of

an LSC grant or contract, recipients may use such property for other activities, provided that such other activities do not interfere with the performance of the LSC grant or contract, and provided that such other uses meet the requirements of paragraphs (e) and (f) of this section.

(e) If a recipient uses personal property acquired in whole or in part with LSC funds to provide services to another organization which engages in activity restricted by the LSC Act, regulations, or other applicable law, the recipient shall charge the other organization a fee which shall not be less than that which private non-profit organizations in the same locality charge for the same services under similar conditions.

(f) If a recipient uses real property acquired in whole or in part with LSC funds to provide space to another organization which engages in activity restricted by the LSC Act, regulations, or other applicable law, the recipient shall charge the other organization an amount of rent which shall not be less than that which private non-profit organizations in the same locality charge for the same amount of space under similar conditions.

(g) Recipients may copyright any work that is subject to copyright and was developed, or for which ownership was obtained, under an LSC grant or contract, provided that LSC reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use work copyrighted by recipients, when the work is obtained or developed in whole or in part with LSC funds.

**Section 6—Disposal of Personal Property Acquired With LSC Funds**

(a) During the term of an LSC grant or contract, recipients may dispose of items of personal property leased with LSC funds in accordance with the terms of the lease.

(b) When a recipient ceases to receive LSC funding, the recipient shall dispose of items of personal property leased with LSC funds in accordance with the terms of the lease.

(c) During the term of an LSC grant or contract, recipients may dispose of items of personal property purchased with LSC funds by:

(1) Trading in the property at the time of acquiring replacement property;

(2) Selling the property at a reasonable negotiated price, without advertising for quotes, where the property item has a current fair market value not exceeding $15,000;

(3) Selling the property after having advertised for and received quotes, where the current fair market value of the property item exceeds $15,000;

(4) Transferring the property to another recipient of LSC funds; or

(5) With the approval of LSC, transferring the property to another nonprofit organization serving the poor in the same service area.

(d) Recipients shall not dispose of items of personal property by sale, donation or other transfer of the property to the recipients' board members and employees.

(e) During the term of an LSC grant or contract, recipients selling personal property purchased with LSC funds may retain and use income from the sale according to the requirements of 45 CFR 1630.12 and 45 CFR 1628.3.

(f) When a recipient ceases to receive LSC funding, subject to the approval of LSC, recipients shall dispose of individual items of personal property purchased with LSC funds according to one of the following methods:

(1) The recipient may transfer the property to another recipient of LSC funds, in which case the recipient transferring the property shall be entitled to compensation in the amount of that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by non-LSC funds;

(2) The recipient may transfer the property to another nonprofit organization serving the poor in the same service area, in which case LSC shall be entitled to compensation for that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by LSC funds;

(3) The recipient may sell the property and retain the proceeds from the sale after compensating LSC for that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by LSC funds;

(4) The recipient may retain the property, in which case LSC shall be entitled to compensation from the recipient for that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by LSC funds.

**Section 7—Disposal of Real Property Acquired With LSC Funds**

(a) During the term of an LSC grant or contract, recipients may dispose of real property acquired with LSC funds by:

(1) Selling the property after having advertised for and received offers, in which case the recipient may retain and use the proceeds from the sale of the property for the purpose of delivering legal services to eligible clients; or

(2) Transferring the property to another recipient of LSC funds, in which case the recipient transferring the property shall be entitled to compensation in the amount of that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by non-LSC funds.

(b) During the term of an LSC grant or contract, recipients selling real property acquired with LSC funds may retain and use income from the sale of the property according to the requirements of 45 CFR 1630.12 and 45 CFR 1628.3.

(c) When a recipient owning real property acquired with LSC funds ceases to receive funding from LSC, the recipient shall, with the approval of LSC, dispose of the real property according to one of the following methods:

(1) The recipient may transfer title to the property to another recipient of LSC funds, in which case the recipient transferring the property shall be entitled to compensation for that percentage of the property's current fair market value which is equal to that percentage of the property's acquisition cost which was borne by non-LSC funds;

(2) The recipient may retain title to the property without further obligation to LSC after the recipient compensates LSC for that percentage of the property's current fair market value which is equal to the percentage of the property's acquisition cost which was borne by LSC funds;

(3) The recipient may sell the property and compensate LSC for that percentage of the property's current fair market value which is equal to the percentage of the property's acquisition cost that was borne by LSC funds, after the deduction of actual and reasonable selling and fix-up expenses, if any.

**Section 8—Documentation and Recordkeeping Requirements**

(a) Recipients shall account for personal property acquired with LSC funds according to the requirements of Sections 2–2.4 and 3–5.4(c) of the Accounting Guide for LSC Recipients.

(b) Recipients acquiring real property with LSC funds shall keep such records as are customary for the retention of real property in the jurisdiction where the property is located.

(c) Recipients shall account for income earned from the sale of real or personal property purchased with LSC funds in accordance with the requirements of 45 CFR 1630.12.

(d) Documentation of real property acquisitions shall consist of the acquisition contract, evidence of a market survey, cost or price analysis, and an explanation of the reason(s) for selecting a particular source, a copy of an independent appraisal of the property's market value, evidence of board approval of the acquisition, a statement of handicapped accessibility sufficient to meet the requirements of 45 CFR 1624.5(c), and a copy of the LSC property interest agreement required by Section 4(e) herein.

**Section 9—Recipient Policies and Procedures**

Recipients shall develop written policies and procedures which implement, at a minimum, the requirements of Sections 3 and 4 herein.

**Victor M. Fortuno,**

*General Counsel and Vice President for Legal Affairs.*

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**BILLING CODE 7050–01–P**

## LEGAL SERVICES CORPORATION

### Rulemaking Protocol

**AGENCY:** Legal Services Corporation.

**ACTION:** Announcement of adoption of rulemaking protocol and establishment of new rulemakings notification mailing list.

**SUMMARY:** This notice sets forth the text of a new rulemaking protocol adopted by the LSC Board of Directors which will govern LSC rulemaking activities and announces the establishment of a mailing list for persons and organizations wishing to be notified of future LSC rulemakings.

**DATES:** This Rulemaking Protocol became effective upon its adoption at the LSC Board of Directors Meeting on September 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE, Washington, DC 20002–4250; 202/336–8817 (phone); 202/336–8952 (fax); mcondray@lsc.gov.

**SUPPLEMENTARY INFORMATION:**

### Background

The Legal Services Corporation is authorized by Congress to issue regulations as necessary to carry out its mission. See 42 U.S.C. 2996(e). LSC, however, is not a ''department, agency, or instrumentality of the Federal Government.'' 42 U.S.C. 2996(d). As such, LSC is not subject to the requirements of the Administrative Procedures Act, which governs the rulemaking activities of Federal agencies. Rather, LSC is required to ''afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the **Federal Register** at least 30 days prior to their effective date all its rules, regulations, guidelines and instructions.'' 42 U.S.C. 2999(g).

Throughout its history, LSC has conducted its rulemaking in compliance with the statutory requirements described above, but has not had a written statement of the Board of Directors (''Board'') setting forth the procedures to be followed in the course of LSC rulemaking activities. The Board determined that, while there is no legal requirement for LSC to have a written protocol related to rulemaking, having one would serve to advance LSC's policy of conducting its rulemaking activities in a spirit of cooperative dialog with our recipients and other interested parties. Accordingly, on September 18, 2000, at a meeting of its Board of Directors, the Legal Services Corporation adopted a new Rulemaking Protocol to govern its rulemaking activities. The text of the Protocol is set forth below.

It should be noted that, since this Protocol is a statement of LSC internal procedure and is not a ''rule, regulation, guideline or instruction,'' LSC is not required by law to publish this Protocol or seek public comment. LSC is choosing to publish this Protocol in the **Federal Register** (and has also posted it on the LSC website at http:\\www.lsc.gov) in furtherance of LSC's interest in and policy of conducting its business in a fair and open manner.

### Rulemaking Protocol

This Rulemaking Protocol is intended to reflect the policy of LSC to conduct its rulemaking activities in a spirit of cooperative dialog with our recipients and other interested parties [1] and has the following six objectives:

1. Enhanced implementation of the will of Congress as expressed in the LSC Act, amendments thereto and other statutory enactments;

2. Increased public participation in the manner and method in which LSC promulgates rules;

3. The adoption of procedures that reflect the best practices in rulemaking as articulated in the Administrative Procedures Act, the Negotiated Rulemaking Act of 1990 and Executive Order 12866;

4. Implementation of LSC's strategic initiatives as set forth in Strategic Directions, 2000–2005 (adopted January 29, 2000);

5. Formalization of LSC's policies governing rulemaking and specifically reserving specific responsibilities and authorities unto the Board; and

6. Development of a rulemaking protocol that is efficient and effective.

*Regulatory Policy Direction*

The Board, through the Operations and Regulations Committee (''Committee''), provides direction on LSC regulatory policy and establishes priorities for LSC rulemaking activities. The Committee will look to staff to effectuate LSC rulemaking policies and priorities through this Protocol. Final authority over LSC rulemaking policies and actions rests with the Board.

*Initiation of Rulemaking*

The impetus for a rulemaking [2] may come from any one of several sources; Congressional directive; internal LSC initiative (Board or Committee members and/or staff); or a formal request from a member of the regulated community or general public. Once the Board has agreed on a potential subject for rulemaking, LSC's Office of Legal Affairs [3] (''OLA''), in close consultation with appropriate Corporation staff, will develop a Rulemaking Options Paper (''ROP''). The ROP will contain a discussion of the subject for the potential rulemaking, and will include an outline of the policy and legal issues involved. The ROP shall also recommend whether the potential rulemaking should be Negotiated or accomplished by Notice and Comment Rulemaking. The appropriate rulemaking process shall be selected on a case-by-case with full recognition, however, of LSC's policy favoring open and collaborative rulemaking. It is anticipated that most rulemaking will be Negotiated. [4] Once the ROP is

[1] Although this Draft Protocol reflects LSC policy, it is not intended to and shall not create or confer any rights for or on behalf of any person or party and shall not establish legally enforceable rights against LSC or establish any legally enforceable obligations on the part of LSC, its directors, officers, employees and other agents.

[2] Rulemaking includes both the development of new rules and regulations and the amendment of existing rules and regulations.

[3] The Office of Legal Affairs is the office previously known as the Office of General Counsel and serves as legal advisor and corporate secretary to LSC.

[4] There may be instances in which use of Negotiated Rulemaking is unnecessary or inappropriate, such as for non-controversial issues or issues relating solely to LSC's internal operations. In such cases, LSC may determine that

Continued

developed, it will be submitted to the Committee. The Committee, acting through its Chair, shall consult with the President before deciding whether to proceed as recommended.

If, after consultation with the President, the Committee elects to proceed with a rulemaking, the President will officially so notify the Board. The President will also inform the Inspector General (''IG'') that the rulemaking is being undertaken and communicate to the IG the general parameters of the proposed rule and the ROP. Notice that a rulemaking proceeding has begun will also be posted on the LSC website, indicating the subject matter of the rulemaking and whether the rulemaking will be Negotiated or accomplished through Notice and Comment. In addition to website notice, notice by mail will also be given those who have previously requested such notice and are included in the Corporation's mailing list dedicated to that purpose.

*Negotiated Rulemaking*

In a Negotiated Rulemaking, a group comprised of LSC representatives and affected and/or interested parties will meet under the direction of a trained facilitator, (''Working Group'') [5] with the intention of developing consensus-based positions leading to regulations. The key feature of Negotiated Rulemaking is its collaborative approach, which seeks consensus where possible and decisionmaking by LSC after full dialog with the regulated community and other interested parties.

The President, in consultation with the Committee Chair, will solicit suggestions for appointment to the Working Group from the regulated community, its clients, advocates, the organized bar and other interested parties. The President, working in consultation with the Committee, acting through its Chair, will make appointments of individuals and organizations to the Working Group, including the facilitator and the OLA representative. All groups or organizations asked to participate in the Working Group shall be responsible for selecting and designating their representatives. It is expected that membership on the Working Group will be diverse and fully representative of the legal services community and other interested parties.

The Working Group shall meet as necessary to develop a draft Notice of Proposed Rulemaking (''NPRM''). The members of the Working Group will, drawing upon their substantive expertise, discuss the subjects prompting the need for rulemaking and work toward developing a consensus on solutions to the problems identified.

The OLA representative on the Working Group, with the assistance of a subgroup of the membership, shall draft the regulatory language consistent with achieved consensus. The Working Group will review the regulation to ensure it reflects any consensus reached, although the Corporation retains ultimate responsibility for crafting the regulatory language.

The consensus proposal of the group, once developed, must go through the formal rulemaking process as an NPRM. At this point the Notice and Comment process described below will be followed.

On occasion it may happen that no consensus can be reached by the Working Group on a regulatory proposal or some element thereof. In those instances, the President will report this to the Committee and seek direction from the Committee, acting through its Chair, on whether to continue the rulemaking using the Notice and Comment process or to terminate the rulemaking.

*Notice and Comment Rulemaking*

In Notice and Comment Rulemaking, LSC develops rulemaking proposals and takes comment on them in writing and at certain publicly designated meetings of the Committee. Employing this process in conjunction with Negotiated Rulemaking will ensure that LSC's policy of cooperative dialog will be carried out in a fair, open and productive manner. LSC believes the Notice and Comment process will allow for an effective dialog between LSC and its recipients and other interested parties, even in those instances in which Negotiated Rulemaking is not used.

OLA will have the primary responsibility for the drafting of the Draft NPRM, which includes both the proposed regulatory text and the proposed preamble, working with management, appropriate staff and the Office of Inspector General (''OIG'').[6] The Draft NPRM will be shared with the OIG for review and comment. The Draft NPRM will be submitted to the President with a Statement of Issues. The President may then: approve the Draft NPRM for submission to the Committee for its consideration; return the Draft NPRM to OLA for revisions as necessary; or, jointly with the Committee, terminate the rulemaking.

Once approved, the Draft NPRM will be set for consideration by the Committee at a public meeting. The Draft NPRM and Statement of Issues will be provided to the Committee sufficiently in advance of the meeting to permit their appropriate consideration. The notice of the meeting announcing the placement of the Draft NPRM on the Committee agenda will be published in the **Federal Register** and will recite that the Draft NPRM will be publicly available and will be posted on the LSC website. Posting of the Draft NPRM to the LSC website will be sufficiently in advance of the Committee meeting to permit appropriate consideration by interested parties.

At the Committee meeting, management will present the Draft NPRM with the assistance of OLA and opportunity for public comment will be provided. The Committee will then deliberate and shall decide whether to publish the NPRM or return it to staff for revisions.

Once the NPRM has been approved, OLA will make any necessary technical revisions to document before it is published in the **Federal Register** for comment.[7] The comment period will be at least 30 days and, it is anticipated, in most instances will be 60 days (but could, under appropriate circumstances, be longer). However, the decision as to whether to limit the notice period to 30 days or to provide a longer comment period is a matter entirely within discretion of the Board.

Copies of all comments received will be provided to the Committee and made available to other Board Members upon request. Copies of all comments will also be placed in a public docket available for inspection and copying in the FOIA Reading Room at the Corporation's offices. Copies of comments received in electronic format, along with an index of all comments received, will be placed into an ''electronic'' docket on the LSC website.

Upon the close of the comment period, OLA will draft a Final Rule

such issues should be handled solely through Notice and Comment Rulemaking.

[5] The facilitator could be a professional facilitator hired by the LSC or could be an LSC employee who has received training in Alternative Dispute Resolution and facilitation methods (including training in areas such as recognizing leadership styles, methods for team-building, creating consensus and defusing conflict). In either case, the facilitator will be specifically assigned to act in a neutral capacity and not as an advocate of LSC policy or substantive expert in the matter at hand.

[6] Prior to the development of the NPRM, LSC may do some information gathering (either through seeking written comments or through formal or informal in-person outreach other otherwise) as necessary.

[7] During the comment period, LSC may, in its discretion, hold a public hearing at which interested parties make oral presentations, followed by written comments.

(which consists of the regulatory text and preamble).[8] The draft of the Final Rule will be shared with the OIG for review and comment. The draft of the Final Rule will be submitted to the President with a Statement of Issues. The President may then: approve the draft of the Final Rule for submission to the Committee for its consideration; return it to OLA for revisions as necessary; or, jointly with the Committee, terminate the rulemaking.

Once approved, the draft of the Final Rule will be set for consideration by the Committee at a public meeting. The draft of the Final Rule and Statement of Issues will be provided to the Committee and the Board sufficiently in advance of the meeting to permit appropriate consideration. In addition, a notice of the meeting announcing the placement of the Final Rule on the Committee agenda will be published in the **Federal Register**. At the Committee meeting, management will present a summary of the Comments and the draft Final Rule with the assistance of OLA. It is anticipated that the Committee will accept public comment as needed to assist in its deliberations. The Committee will vote on whether to recommend the Final Rule to the Board or return it to staff for revisions.

If the draft Final Rule is approved by the Committee for review by the Board, the Board will consider the draft Final Rule and vote to adopt it or to return it to the Committee for further action. At its discretion, the Board may request the participation of members of the public during its deliberations. Once the Final Rule is adopted by the Board, OLA will make any necessary technical revisions to it and submit the final version for approval for publication to the Board's designee (for example, the Board Chair or the Committee Chair). The Final Rule will then be published in the **Federal Register** and placed on LSC's website.

**Establishment of Mailing List**

As noted above, public notice that a rulemaking proceeding has begun will be accomplished through posting a notice to that effect on the LSC website, and by sending notice by mail to those who have previously requested such notice. With this notice, LSC is formally establishing a mailing list dedicated to that purpose. Persons and organizations wishing to be notified by mail when LSC undertakes a rulemaking proceeding should submit a notice indicating such interest and providing contact information (name, title, organization and mailing address) to Mattie C. Condray at the address listed above.

**Victor M. Fortuno,**

*General Counsel and Vice President for Legal Affairs.*

[FR Doc. 00–24836 Filed 9–27–00; 8:45 am]

BILLING CODE 7050–01–P

[8] On rare occasions, it may become necessary for LSC to raise additional issues for comment. In such a case, LSC may issue a Revised NPRM and repeat the comment process.

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** Under the paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection.

**DATES:** Written comments on this notice must be received by November 27, 2000 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** For further information or for a copy of the collection instrument and instructions contact Ms. Suzanne H. Plimpton, NSF Reports Clearance Officer, via surface mail: National Science Foundation, ATTN: NSF Reports Clearance Officer, Suite 295, 4201 Wilson Boulevard, Arlington, VA 22230 or e-mail: *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* 2001 National Survey of Recent College Graduates.

*OMB Control No.:* 3145–0077.

*Expiration Date of Approval:* February 28, 2002.

**1. Abstract**

The National Survey of Recent College Graduates (NSRCG) has been conducted biennially since 1974. For the 2001 cycle, a sample of individuals who have recently earned bachelor's and master's degrees in science and engineering from U.S. institutions will be surveyed. The purpose of the study is to provide national estimates describing the relationship between education and employment for bachelor's and master's recipients in science and engineering. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering population.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The National Survey of Recent College Graduates is designed to comply with these mandates by providing information on the supply and utilization of scientists and engineers at the bachelor's and master's degree level. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input into the SESTAT labor force data system, which produces national estimates of the size and characteristics of the country's science and engineering population. The Foundation uses this information to prepare congressionally mandated reports such as Women and Minorities in Science and Engineering and Science and Engineering Indicators. A public release file of collected data, designed to protect respondent confidentiality, is expected to be made available to researchers on CD–ROM and on the World Wide Web.

The Survey will be primarily conducted using Computer Assisted Telephone Interviews (CATI). Questionnaires will be mailed only to those individuals who are unwilling to provide information over the telephone but willing to complete a mail questionnaire. CATI interviewing will begin in April 2001 and is estimated to end in December 2001. The survey will be collected in conformance with the Privacy Act of 1974 and the individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential and will be used only for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

**2. Expected Respondents**

We will sample approximately 27,500 graduates with bachelor's and master's degrees in science and engineering from U.S. academic institutions

**3. Burden on the Public**

The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 30 minutes to complete the survey. We estimate that the total annual burden will be 13,750 hours during the year.

*Special Areas for Review:* NSF request special review and comments in the following areas:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility;

(b) The accuracy of the Foundation's estimate of the burden of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond.

Dated: September 22, 2000.

**Suzanne H. Plimpton,**

*NSF Reports Clearance Officer.*

[FR Doc. 00–24876 Filed 9–27–00; 8:45 am]

**BILLING CODE 7555–01–M**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–458]**

## Entergy Gulf States, Inc. and Entergy Operations, Inc.; River Bend Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NPF–47, issued to Entergy Gulf States, Inc. and Entergy Operations, Inc. (EOI, or the licensee) for operation of the River Bend Station, Unit 1 (RBS), located in Saint Francisville, Louisiana.

**Environmental Assessment**

*Identification of the Proposed Action*

The proposed action would allow EOI to increase the maximum reactor core power level from 2894 megawatts thermal (MWt) to 3039 MWt, which is an increase of five percent of rated core thermal power for the RBS.

The proposed action is in accordance with EOI's application for amendment dated July 30, 1999, as supplemented by letters dated April 3, May 9, July 18, and August 24, 2000.

*Need for the Proposed Action*

The proposed action permits an increase in the licensed core thermal power from 2894 MWt to 3039 MWt and provides the flexibility to increase the potential electrical output of RBS.

*Environmental Impacts of the Proposed Action*

EOI has submitted an environmental evaluation supporting the proposed power uprate and provided a summary of its conclusions concerning both the radiological and non-radiological environmental impacts of the proposed action. Based on the NRC's independent analyses and the evaluation performed by the licensee, the staff concludes that the proposed increase in power is not expected to result in a significant environmental impact.

**Radiological Environmental Assessment**

*Radwaste Systems*

The reactor coolant contains activated corrosion products, which are the result of metallic materials entering the water and being activated in the reactor region. Under power uprate conditions, the feedwater flow increases with power and the activation rate in the reactor region increases with power. The net result may be an increase in the activated corrosion product production. However, the total volume of processed waste is not expected to increase appreciably.

Non-condensible radioactive gas from the main condenser, along with air inleakage, normally contains activation gases (principally N–16, O–19 and N–13) and fission product radioactive noble gases. This is the major source of radioactive gas (greater than all other sources combined). These non-condensible gases, along with non-radioactive air, are continuously removed from the main condensers which discharge into the offgas system. The gaseous effluents will remain within the original limits following implementation of power uprate.

EOI has concluded that the operation of the radwaste systems at RBS will not be impacted by operation at uprated power conditions and the slight increase in effluents discharged would continue to meet the requirements of Part 20 of Title 10 of the Code of Federal Regulations (10 CFR) and 10 CFR Part 50, Appendix I. Therefore, power uprate will not appreciably affect the ability to process liquid or gaseous radioactive effluents and there are no significant environmental effects from radiological releases.

*Dose Consideration*

EOI evaluated the effects of power uprate on the radiation sources within the plant and radiation levels during normal and post-accident conditions. Post-operation radiation levels in most areas of the plant are expected to increase by no more than the percentage increase in power level. In a few areas near the spent fuel pool cooling system piping and the reactor water piping, where accumulation of corrosion product crud is expected, as well as near some liquid radwaste equipment, the increase could be slightly higher. In this regard, procedural controls are expected to compensate for increased radiation levels. Occupational doses for normal operations will be maintained within acceptable limits by the site as-low-as-reasonably-achievable program.

Power uprate does not involve significant increases in the offsite doses to the public from noble gases, airborne particulates, iodine, tritium, or liquid effluents. A review of the normal radiological effluent doses shows that, at the current power level, doses are less than one percent of the doses allowed by Technical Specifications (TSs). Present offsite radiation levels are a negligible portion of background radiation. Therefore, the normal offsite doses are not significantly affected by operation at the uprated power level and remain below the limits of 10 CFR Part 20 and 10 CFR Part 50, Appendix I.

The change in core inventory resulting from power uprate is expected to increase post-accident radiation levels by no more than the percentage increase in power level. The licensee reanalyzed the control rod drop accident, the loss-of-coolant accident (LOCA), the fuel handling accident, the instrument line break accident, and the main steam line break accident for power uprate conditions. The slight increase in the post-accident radiation levels has no significant effect on the plant nor on the habitability of the control room envelope, the Emergency Operations Facility, or the Technical Support Center. Thus, the licensee has determined that access to areas requiring post-accident occupancy will not be significantly affected by power uprate. The licensee evaluated the whole body and thyroid doses at the exclusion area boundary that might result from the postulated design basis LOCA and determined that doses remain below established regulatory limits. Therefore, the results of the radiological analyses remain below the 10 CFR Part 100 guidelines and all radiological safety margins are maintained.

*Summary*

The proposed power uprate will not significantly increase the probability or consequences of accidents, will not involve any new radiological release pathways, will not result in a significant increase in occupational or public radiation exposure, and will not result in significant additional fuel cycle environmental impacts. Accordingly, the NRC staff concludes that there are no significant radiological environmental impacts associated with the proposed action.

*Non-Radiological Environmental Assessment*

The licensee reviewed the non-radiological environmental impacts of power uprate based on information submitted in the Environmental Report, Operating License Stage, the NRC Final Environmental Statement (FES), and the requirements of the Environmental Protection Plan. Based on this review, the licensee concluded that the proposed uprate has no significant effect on the non-radiological elements of concern and the plant will be operated in an environmentally acceptable manner as established by the FES. In addition, the licensee states that existing Federal, State, and local regulatory permits presently in effect accommodate power uprate without modification.

The safety-related standby service water (SSW) at RBS is drawn from the ultimate heatsink (UHS), (*e.g.,* the SSW cooling towers), where the maximum calculated temperature due to the uprate does not exceed the original maximum UHS temperature. As a result of power uprate to 105 percent of current licensed core power, there will be a slight increase in the normal heat loads rejected to the plant service water system. For normal operation, the maximum service water heat loads occur during peak summer months. The licensee calculates that the maximum summer discharge temperature for the service water system will remain below the current TS limit of 88 °F. EOI determined that the effects of power uprate on air and land resources are negligible. The aesthetics of the physical plant and plant site, as well as actual land use, are not changed or increased by power uprate. An increase in operational consumption of natural resources is negligible and below the levels previously evaluated for two unit operation. Finally, air quality and noise levels remain the same as before the power uprate.

With regard to potential non-radiological impacts, the proposed action does not change the method of operation at RBS or the methods of handling effluents. No changes to land use would result and the proposed action does not involve any historic sites. Therefore, no new or different types of non-radiological environmental impacts are expected. Accordingly, the NRC concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

**Alternatives to the Proposed Action**

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts but would reduce the operational flexibility that would be afforded by the proposed change. The environmental impacts of the proposed action and the alternative action are not significantly different.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the FES for RBS.

*Agencies and Persons Consulted*

In accordance with its stated policy, on August 15, 2000, the staff consulted with the Louisiana State official, Prosanta Chowdhury, regarding the environmental impact of the proposed action. The State official had no comments.

*Finding of No Significant Impact*

Based upon the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 30, 1999, as supplemented by letters dated April 3, May 9, July 18, and August 24, 2000, which may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, (the Electronic Reading Room).

Dated at Rockville, Maryland this 22nd day of September 2000.

For the Nuclear Regulatory Commission.

**John A. Nakoski,**

*Acting Chief, Section 1, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–24939 Filed 9–27–00; 8:45 am]

BILLING CODE 7590–01–P

## PENSION BENEFIT GUARANTY CORPORATION

### Agency Information Collection Activities: Notice of Intention To Request Extension of OMB Approval of Collection; Comment Request—Termination of Single Employer Plans; Missing Participants; PBGC Forms 500–501, 600–602

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intention to request extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act of 1995, of a collection of information in its regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212–0036; expires March 31, 2001). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by November 27, 2000.

**ADDRESSES:** Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days. Copies of the forms and instructions may be obtained free of charge from the PBGC's Communications and Public Affairs Department.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

**SUPPLEMENTARY INFORMATION:** Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended, a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and the PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to the PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and the PBGC's missing participants regulation (29 CFR part 4050).

The PBGC estimates that 1,564 plan administrators will be subject to the collection of information requirements in the PBGC's termination and missing participants regulations each year, and that the total annual burden of complying with these requirements is 2,246 hours and $1,864,600. (Much of the work associated with terminating a plan is performed for purposes other than meeting these requirements.)

Comments on these collection of information requirements may address (among other things)—

- Whether the collection of information is necessary for the proper performance of the functions of the PBGC, including whether the information will have practical utility;
- The accuracy of the PBGC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, utility, and clarity of the information to be collected; and
- Minimizing 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.

Issued in Washington, DC, this 22nd day of September, 2000.

**Stuart A. Sirkin,**

*Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.*

[FR Doc. 00–24923 Filed 9–27–00; 8:45 am]

**BILLING CODE 7708–01–P**

## PRESIDIO TRUST

### Notice of Public Meeting

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with Section 103(c)(6) of the Presidio Trust Act, 16 U.S.C. 460bb note, title I of Pub. L. 104–333, 110 Stat. 4097, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held from 9 a.m. to 12 p.m. on Thursday, October 26, 2000, at the Presidio Golden Gate Club, Fisher Loop, Presidio of San Francisco, California. The Presidio Trust was created by Congress in 1996 to manage approximately eighty percent of the former U.S. Army base known as the Presidio, in San Francisco, California.

The purposes of this meeting are to review Fiscal Year 2000 accomplishments and address the Trust's goals for Fiscal Year 2001. Public comment on these topics will be received and memorialized in accordance with the Trust's Public Outreach Policy.

**DATES:** The meeting will be held from 9 a.m. to 12 p.m. on Thursday, October 26, 2000.

**ADDRESSES:** The meeting will be held at the Presidio Golden Gate Club, Fisher Loop, Presidio of San Francisco.

**FOR FURTHER INFORMATION CONTACT:** Craig Middleton, Deputy Director for Operations and Governmental Affairs, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: (415) 561–5300.

Dated: September 22, 2000.

**Karen A. Cook,**

*General Counsel.*

[FR Doc. 00–24899 Filed 9–27–00; 8:45 am]

**BILLING CODE 4310–4R–U**

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed at the end of this publication.

1. National Teacher Questionnaire (SSA–5665–BK), and Information About the Working Age Child (SSA–5665–SUPP)–0960–New. The information collected on forms SSA–5665–BK and SSA–5665–Sup is used by the Social Security Administration (SSA) and the State Disability Determination Services (DDS) to obtain descriptions of children claiming SSI benefits based on disability and their ability to function on a daily basis. The forms will be used for initial determinations of eligibility, in appeals and in initial continuing disability reviews.

These forms are being developed because the forms currently used by the DDSs vary a great deal in format and content. It was decided that for the sake of a uniform national childhood program (and with this information in hand and the sensitivity of this population), there is a need for a National Teacher Questionnaire and Information About the Working Age Child. The respondents are the educational Community and small businesses that educate and/or employ applicants for Supplemental Security Income for the aged, blind, and Disabled.

| | SSA–5665–BK | SSA–5665–Sup |
|---|---|---|
| *Number of Respondents* | 475,000 | 125,000. |
| *Frequency of Response* | 1 | 1. |
| *Average Burden Per Response* | 15–20 minutes | 5–10 minutes. |
| *Estimated Annual Burden* | 158,333 hours | 20,833 hours. |

2. Beneficiary Recontact Report–0960–0536. SSA collects the information on Form SSA–1587 to ensure that eligibility for benefits continues after entitlement is established. SSA asks children ages 15–17 information about marital status to detect overpayments and avoid continuing payment to those no longer entitled. Studies show that representative payees of children who marry fail to report the marriage, which is a terminating event. The responents are payees who receive Title II (Old-Age, Survivors and Disability Insurance) benefits on behalf of children ages 15–17.

*Number of Respondents:* 982,357.

*Frequency of Response:* 1.

*Average Burden Per Response:* 3 minutes.

*Estimated Annual Burden:* 49,118 hours.

3. Questionnaire About Employment or Self-Employment Outside the United States—0960–0050. This information is used by SSA to determine whether work performed by beneficiaries outside the United States (U.S.) is cause for deductions from their monthly benefits; to determine which of two work tests (foreign or regular) is applicable; and to determine the months, if any, for which deductions should be imposed. The respondents are beneficiaries living and working outside the U.S.

*Number of Respondents:* 20,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 12 minutes.

*Estimated Annual Burden:* 4,000 hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Claimant's Statement About Loan of Food or Shelter (SSA–5062), and Statement About Food or Shelter Provided to Another (SSA–L5063)—0960–0529. Forms SSA–5062 and SSA–L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant. SSA uses the information to determine whether food and/or shelter are a bona fide loan or should be counted as income. This determination can affect eligibility for SSI and the amount of SSI benefits payable. The respondents are claimants for SSI benefits and individuals who provide (loan) food or shelter to SSI Claimants.

| | SSA–5062 | SSA–L5063 |
|---|---|---|
| *Number of Respondents* | 65,540 | 65,540. |
| *Frequency of Response* | 1 | 1. |
| *Average Burden Per Response* | 10 minutes | 10 minutes. |
| *Estimated Annual Burden* | 10,923 hours | 10,923 hours. |

(SSA Address) Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

(OMB Address) Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.

Dated: September 22, 2000.

**Frederick W. Brickenkamp,**

*Social Security Administration, Reports Clearance Officer.*

[FR Doc. 00–24903 Filed 9–27–00; 8:45 am]

BILLING CODE 4191–02–P

## SOCIAL SECURITY ADMINISTRATION

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## DEPARTMENT OF LABOR

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[HUD No. FR–4610–N–01]**

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

**[INS No. 2070–00]**

## Responsibility of Certain Entities To Notify the Immigration and Naturalization Service of Any Alien Who the Entity ''Knows'' Is Not Lawfully Present in the United States

**AGENCIES:** Social Security Administration (SSA); Department of Health and Human Services (HHS); Department of Labor (DOL); Department of Housing and Urban Development (HUD); Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104–193, as amended, requires certain Federal and State entities, at least four times annually, to notify the Immigration and Naturalization Service (Service) of any alien the entity ''knows'' is not lawfully present in the United States. The Federal agencies responsible for implementing section 404 are providing notice of how this provision is being implemented. Under this notice, an entity is not required to make quarterly reports to the Service unless it has knowledge of an individual who is not lawfully present in the United States, as detailed below.

**FOR FURTHER INFORMATION CONTACT:**

**SSA**

John Watson, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3137.

**HHS**

Robert Shelbourne, Director, Division of Policy and Program Development, Office of Family Assistance, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 401–5150.

**DOL**

Dennis Lieberman, Director, Division of Welfare-to-Work, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room N–4671, Washington, DC 20210, (202) 219–7694, extension 132.

**HUD**

Patricia Arnaudo, Senior Program Manager, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th St., SW., Room 4226, Washington, DC 20410, (202) 708–0744.

**Service**

Jacquelyn Bednarz, Special Assistant to the Acting Executive Associate Commissioner, Office of Policy and Planning, Immigration and Naturalization Service, 425 I Street NW., Room 7309, Washington, DC 20536, (202) 514–3242.

**SUPPLEMENTARY INFORMATION:** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104–193 (hereinafter PRWORA), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208 (IIRIRA), include significant provisions affecting the eligibility of aliens in the United States for public benefits. (See HHS Notice, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ''Federal Public Benefit,'' 63 FR 41658 (August 4, 1998)). Section 401 of PRWORA generally provides that, with some exceptions, only ''qualified aliens'' (in addition to U.S. citizens and nationals) are eligible to receive Federal public benefits. PRWORA and IIRIRA also include significant provisions specifically limiting the eligibility of qualified aliens for certain specified Federal programs, including Supplemental Security Income (SSI) under Title XVI of the Social Security Act. Finally, section 403 of PRWORA limits the eligibility of qualified aliens for certain ''Federal means-tested public benefits.'' (See Department of Agriculture, Food and Nutrition Service, Federal Means-Tested Public Benefits, 63 FR 36653 (July 7, 1998); HHS, Office of the Secretary, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ''Federal Means-Tested Public Benefit,'' 62 FR 45256 (August 26, 1997); SSA, Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Federal Means-Tested Public Benefits Paid by the Social Security Administration, 62 FR 45284 (August 26, 1997).

Section 404 of PRWORA, as amended by section 5564 of the Balanced Budget Act of 1997, Public Law 105–33, requires each entity or type of entity specified in that statute to report to the Service, at least four times annually, any individual who the entity, under certain specified programs, ''*knows* is not lawfully present in the United States'' (emphasis supplied). Entities required to report under this provision in the course of administering certain specified programs are as follows: (1) Any State agency that administers a block grant under part A of Title IV of the Social Security Act, as amended, 42 U.S.C. 601 *et seq.* (Temporary Assistance for Needy Families, Welfare-to-Work); (2) SSA (with respect only to the SSI program under Title XVI of the Social Security Act, 42 U.S.C. 1381 *et seq.*); (3) any State agency responsible for an SSI Optional State Supplementation under the SSI program if the State has entered into an agreement with SSA for Federal administration of payments under that program pursuant to section 1616(a) of the Social Security Act, as amended, 42 U.S.C. 1382e(a); (4) HUD (with respect only to the Public and Assisted Housing Program provided under the United States Housing Act of 1937, as amended, 42 U.S.C. 1437 *et seq.*); and, (5) any public housing agency that enters into a contract for assistance under section 6 or 8 of Title I of the United States Housing Act 1937, as amended, 42 U.S.C. 1437 *et seq.* No other entity is required to report under the provisions of Title IV of PRWORA.

Section 404 of PRWORA is not explicit with respect to the meaning of the term ''knows.'' After consultation, the responsible Federal agencies have determined that, for purposes of the requirement under section 404 that an entity report four times annually, an entity will ''know'' that an alien is not lawfully present in the United States only when the unlawful presence is a finding of fact or conclusion of law that is made by the entity as part of a formal determination that is subject to administrative review on an alien's claim for any of the statutorily specified programs set out above. In addition, that finding or conclusion of unlawful presence must be supported by a determination by the Service or the Executive Office of Immigration Review, such as a Final Order of Deportation. A Systematic Alien Verification for Entitlements (SAVE) response showing no Service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present. Equating ''knowing'' under section 404 of PRWORA with the formal determination described above under any of the statutorily specified programs affected by section 404 gives rational substance to an arguably ambiguous term and is not inconsistent with the legislative history of this provision.

This notice is not meant to suggest that a benefit granting agency is required to make a determination as to an applicant's lawful presence if that determination is not otherwise necessary in order to determine whether the applicant is eligible for the benefit. Nor is it meant to suggest that a finding or conclusion as to immigration status made by a benefit granting agency has any weight outside the context of the alien's eligibility for that particular benefit. Determinations of status for purposes of the Immigration and Nationality Act are the responsibility of the Department of Justice, not of any other agency.

At least four times annually, the reporting entity that knows of the unlawful presence of any alien as specified above must make a report to the Service. The entity will make the report within 45 days after the close of the appropriate calendar year quarter. The report must include the name, address, and other identifying information in the entity's possession regarding the individual who the reporting entity knows is not lawfully present in the United States. In order to reduce unnecessary administrative burden, the reporting entity is not required to submit reports to the Service unless it has knowledge of an individual who is not lawfully present in the United States as specified above. The reports will be sent to the Service at the following address: Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 4034, Washington, DC 20536, Att'n: INS No. 2070–00.

Dated: August 16, 2000.

**Susan M. Daniels,**

*Deputy Commissioner for Disability and Income, Security Programs, Social Security Administration.*

Dated: August 11, 2000.

**Alvin Collins,**

*Director, Office of Family Assistance.*

Dated: August 18, 2000.

**Raymond L. Bramucci,**

*Assistant Secretary for Employment and Training, Department of Labor.*

Dated: August 30, 2000.

**Gloria Cousar,**

*Deputy Assistant Secretary, Public and Assisted Housing Delivery, Department of Housing and Urban Development.*

Dated: August 28, 2000.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 00–24894 Filed 9–27–00; 8:45 am]

BILLING CODE 4191–02–P

## DEPARTMENT OF STATE

**[Public Notice No. 3411]**

## Proposed Convention Sponsored by Unidroit on International Equipment Finance and Draft Protocol on Space Equipment Meeting Notice

**AGENCY:** Department of State.

**ACTION:** The International Finance Study Group of the State Department's Advisory Committee on Private International Law will meet in Washington, DC on Friday, October 13 from 10 a.m. to 3 p.m. The subject will be international negotiations on a multilateral treaty system to promote secured financing for high-value mobile equipment, with a particular focus at this meeting on the space equipment industry and implications for the provision of space-based services.

### Agenda

The meeting will cover the purpose and concepts of the proposed Convention on international interests in mobile equipment; the application of asset-based financing to space equipment; the recent meeting of the ICAO Legal Committee at Montreal on the proposed Convention in relation to aircraft and the draft Aircraft Equipment Protocol; the upcoming UNIDROIT meeting on a draft Space Equipment Protocol; and the relationship between these developments and the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPOUS) and the outer space treaty system.

Comments will be requested on draft provisions of the proposed Space Equipment Protocol. The intersection with the Uniform Commercial Code in the United States will be considered, along with personal property laws of Canada and other countries, as time permits, as well as related draft conventions and model national laws on secured financing, including work underway at UNCITRAL (the United Nations Commission on International Trade Law) on receivables financing and the OAS (Organization of American States) on a model Inter-American national law on secured financing.

The intersection between the foregoing and the outer space treaty system will be reviewed, with particular attention to provisions on national control and liability. In addition, differences between the international ''notice filing'' registry for financial interests contemplated by the new treaty system, and the existing registration of space objects at UNCOPOUS will be examined.

### Background

The United States has been an active participant in negotiations on a proposed multilateral convention (UNIDROIT Convention) to provide for the creation and enforceability of international secured finance interests in mobile equipment, specifically including at this stage aircraft, space and satellite equipment, and railroad rolling stock. A Space Working Group authorized by UNIDROIT has prepared the current draft protocol on provisions specific to space equipment financing.

Provision may be made at a future date for protocols on other categories of equipment, such as containers, construction and agricultural equipment, certain types of vessels, etc. Other international organizations participate as appropriate, such as ICAO and IATA with respect to aircraft and airline issues, as embodied in the draft Aircraft Equipment Protocol or otherwise reflected in the basic convention. Completion of the basic Convention and Aircraft Protocol is expected by mid-2001. Completion of protocols on space and rail equipment is expected to follow.

The proposed Convention and equipment specific protocols together will provide comprehensive international rules on financing interests in such equipment and thus stimulate the development of these industries as well as the capacity of many countries to finance such equipment, and related services, through private sector capital markets. This can enhance infrastructure growth, as well as reduce reliance on direct government funding or use of sovereign debt, which in turn facilitates privatization and market development.

Key features of the draft Convention include the creation of internationally enforceable interests pursuant to the Convention; establishment of an international computer-based registry system for notice of finance interests; provisions on assignments of such interests; priorities based on filing; default remedies; and optional provisions on key finance issues such as certain remedies, timeliness of remedies, insolvency, etc. The proposed registration system would not effect national registration and recordation systems under the Chicago Convention for aircraft nor the object registry functions of UNCOPOUS under the space treaty system.

### Attendance

The meeting will be held at Conference Room H–1500, State Department Annex 1 (Columbia Plaza), 2401 E Street NW, at the intersection of 23d Street and Virginia Ave., Washington, D.C. The meeting is open to the public, subject to rulings of the Chair. Persons wishing to attend should contact Kenneth Hodgkins, Space and Advanced Technology, Bureau of Oceans, Environmental and Scientific Affairs (OES/SAT), 202–663–2398, fax 663–2404, email k.hodgkins@state.gov, or Harold Burman, Office of Legal Adviser (L/PIL), at 202–776–8421, fax 776–8482, email pildb@his.com.

### Documents

Drafts of the basic Convention on mobile equipment and Aircraft Protocol are available at www.UNIDROIT.org, scroll to ''news''; revised versions will be available shortly which reflect recent changes. The draft Space Equipment Protocol will be available via email or regular mail upon request.

September 25, 2000.

**Harold S. Burman,**

*Executive Director, Secretary of State's Advisory Committee on Private International Law, Department of State.*

[FR Doc. 00–24930 Filed 9–27–00; 8:45 am]

BILLING CODE 4710–08–P

## DEPARTMENT OF STATE

**[Delegation of Authority No. 236–3]**

### Delegation by the Under Secretary for Public Diplomacy and Public Affairs of Certain Functions to the Assistant Secretary for Educational and Cultural Affairs or in the Absence Thereof, to the Principal Deputy Assistant Secretary and Deputy Assistant Secretary for Policy and Resources; Title Correction

**AGENCY:** Department of State.

**ACTION:** Correction.

**SUMMARY:** This delegation was published on page 53795 of the **Federal Register** for Tuesday, September 5, 2000. A correction was made to the text of this delegation before it was published in the **Federal Register** but its title was not changed to reflect this correction. The corrected title of this delegation is Delegation by the Under Secretary for Public Diplomacy and Public Affairs of Certain Functions to the Assistant Secretary for Educational and Cultural Affairs.

Dated: September 22, 2000.

**Timothy Egert,**

*Federal Register Liaison Officer, Department of State.*

[FR Doc. 00–24931 Filed 9–27–00; 8:45 am]

**BILLING CODE 4710–08–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Aviation Rulemaking Advisory Committee Transport Airplanes and Engine Issues—New Tasks

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment(s) for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** Notice is given of new tasks assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

**FOR FURTHER INFORMATION CONTACT:** Dorenda Baker, 601 Lind Ave., Renton, Washington 98055–4056, 425–227–2109, dorenda.baker@faa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

#### The Tasks

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following harmonization tasks:

*Task 1*

*Ground Loads:* Review 14 CFR part 25, specifically § 25.471, Ground Loads: General, (through § 25.519), for adequacy for both conventional and unconventional gear configurations as well as for unusually heavy airplanes. This should include the review and implementation of existing special conditions for center gear configurations. Review the distribution of loads between the gear during the landing event as well as the distribution and magnitude of loads during ground handling events such as pivoting, turning, and braking.

*Schedule:* As a result of this review, develop a report recommending revisions to rules (including cost estimates) and advisory material as deemed necessary. The report and advisory material shall be submitted to the FAA within 18 months after the date of this notice.

*Task 2*

*Towing Loads:* Review of § 25.509, Towing loads, for adequacy for conventional airplanes as well as unusually heavy airplanes, and establish adequate limit design towing loads for all transport category airplanes taking into account all recognized means of towing, including towbarless towing vehicles.

*Schedule:* As a result of this review, develop a report recommending revisions to the rules (including cost estimates) and advisory material as deemed appropriate. The report and advisory material shall be submitted to the FAA within 24 months after the date of this notice.

*Task 3*

*Landing Descent Velocity Measurement:* Review the results of recent and ongoing landing descent velocity measurements and make recommendations in regard to the adequacy of the existing limit decent velocity requirements in § 25.473, Landing load conditions and assumptions, for conventional as well as usually heavy airplanes.

*Schedule:* As a result of this review, develop a report recommending revisions to the rules (including cost estimates) and advisory material as deemed necessary. The report and advisory material shall be submitted to the FAA within 24 months after the notice of the task is published.

If notices of proposed rulemaking and notices of proposed advisory circulars are published for public comment as a result of the recommendations in these reports, ARAC may be further asked to review all comments received, and provide the FAA with a recommendation for disposition of public comments for each project.

#### ARAC Acceptance of Tasks

ARAC has accepted the tasks and has chosen to assign the tasks to the Loads and Dynamics Harmonization Working Group of the ARAC Transport Airplanes and Engine Issues Group. The working group will serve as staff to ARAC to assist in the analysis of the assigned tasks. Working group recommendations must be reviewed and approved by ARAC. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations.

#### Working Group Activity

The Loads and Dynamics Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the tasks, including the rationale supporting such a plan, for consideration at the meeting of ARAC to Transport Airplane and Engines held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendation, prior to proceeding with the work stated in item 3 below.

3. For each task, draft appropriate documents with supporting economic and other required analyses, and/or any other related guidance material or collateral documents the working group determines to be appropriate, or, if new or revised requirements or compliance methods are not recommended, a draft report stating the rationale for not making such recommendations.

4. Provide a status report at each meeting of ARAC held to consider Transport Airplane and Engine issues.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public

interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC will be open to the public. Meetings of the Loads and Dynamics Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise and selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on September 21, 2000.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 00–24869 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Prepare an Environmental Impact Statement for Atlantic City International Airport, NJ

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to prepare and consider an environmental impact statement and to conduct agency and public scoping meetings.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared and considered for proposed improvements at Atlantic City International Airport, New Jersey. In addition, to ensure that all major project-related issues are identified, agency scoping and public scoping meetings will be held. The New Jersey Pinelands Commission will be a cooperating agency on the EIS.

Scoping meetings will be held to determine the scope of the EIS and to identify the major project-related issues to be addressed and emphasized in the EIS. The FAA hereby invites the participation of Federal, State and local agencies, any affected Indian tribe, the proponent of the action, and any other interested parties.

Two scoping meetings are planned: The first is an agency scoping meeting intended for organizations having jurisdiction by law or specific expertise with respect to any environmental impacts associated with the action; the second is a public meeting intended for other interested parties (including those who may not be in accord with the action on environmental grounds). However, both are open to the public.

The FAA further invites agencies, organizations, and the general public to provide written comments relative to the action and the issues to be addressed in the EIS. Scoping comments should clearly describe specific issues or topics that the commentator believes the EIS should address.

**DATES:** The scoping meetings are scheduled for Wednesday November 1st, 2000. The agency scoping meeting is scheduled for 2 p.m. and the public scoping meeting is scheduled for 6:30 p.m. The meetings will be held at the Egg Harbor Township Municipal Building Court Room, 3515 Bargantown Road, Egg Harbor Township, New Jersey 08234. Written comments will be accepted through November 10, 2000.

**ADDRESSES:** Written comments and requests to be included on a mailing list of persons interested in the EIS should be send to Daisy Mather, Federal Aviation Administration Eastern Region, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434.

**FOR FURTHER INFORMATION CONTACT:** Daisy Mather, Federal Aviation Administration Eastern Region, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434; telephone (718) 553–2511; e-mail: daisy.mather@faa.gov.

**SUPPLEMENTARY INFORMATION:** The South Jersey Transportation Authority (SJTA) has completed a master plan update and an environmental assessment (EA) for the proposed future development projects at Atlantic City International Airport. Because the potential for significant environmental impacts was determined during the EA process, the EA was not approved and the FAA determined that preparation of an EIS was necessary.

The proposed airport development actions involve numerous airside and landside improvements to be developed over several years, such that some projects will be implemented upon completion of the EIS, while others will be implemented as demand necessitates. Major airside projects identified for analysis include, but are not limited to, the following: Runway and taxiway extension, taxiway relocation, high-speed taxiway exits, runway and taxiway pavement rehabilitation, airfield lighting electrical improvements, a deicing facility, and a Category II Instrument Landing System (CAT II ILS).

Major landside projects identified for analysis include, but are not limited to, the following: Passenger terminal and terminal apron expansion, a multi-level parking garage, surface parking improvements, a new access roadway, a rent-a-car service center, a hotel/conference facility, general aviation hangars with apron, a snow-removal equipment storage building, and an aircraft cargo/maintenance complex.

The airport is located in the Pinelands National Reserve, an internationally important ecological region that is 1.1 million acres in size and occupies 22 percent of New Jersey's land area. The environmental issues of concern for evaluation in the EIS are anticipated to be very similar to those evaluated in the EA process, including water quality, threatened and endangered species, biotic communities, wetlands, air quality, secondary impacts and cumulative impacts. Other issues that will be addressed in the EIS include potential impacts to flood plains, noise, cultural resources, utilities, hazardous materials, and environmental justice.

With regard to project alternatives, the EIS will include an analysis of a variety of alternatives considered during project planning. In addition to the proposed action and the no action alternatives, the analysis will include individual project site locations, mitigation alternatives, and other alternatives that may arise from the scoping process.

Issued on September 22, 2000, in Jamaica, New York.

**Robert B. Mendez,**

*Manager, Airports Division, Eastern Region.*

[FR Doc. 00–24935 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at General Mitchell International Airport, Milwaukee, WI and To Use the Revenue at General Mitchell International Airport and Lawrence J. Timmerman, Milwaukee, WI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose a PFC at General Mitchell International Airport and to use the revenue at General Mitchell International Airport and Lawrence J. Timmerman under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the

Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before October 30, 2000.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to C. Barry Bateman, Airport Director of the General Mitchell International Airport, Milwaukee, WI at the following address: 5300 S. Howell Ave., Milwaukee, WI 53207–6189.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Milwaukee County under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Sandra E. DePottey, Program Manager, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450, 612–713–4363. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose a PFC at General Mitchell International Airport and to use the revenue at General Mitchell International Airport and Lawrence J. Timmerman under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 6, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Milwaukee County was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 5, 2000.

The following is a brief overview of the application.

*PFC application number:* 06–00–C–00–MKE.

*Level of proposed PFC:* $3.00.

*Proposed charge effective date:* June 1, 2004.

*Proposed charge expiration date:* July 1, 2006.

*Total estimated PFC revenue:* $22,667,375.00.

*Brief description of the proposed projects:*

*Impose and use General Mitchell:* Rehabilitate taxiway A and A3, reconstruct perimeter road, rehabilitate runway 7R/25L, C concourse stem and 6 gate expansion (design), acquire flight information display and paging system, master plan update, terminal apron joint repair, seal coating runway 71/25R and runway 13/31, conduct electrical master plan study, rehabilitate taxiway B from R to G, construct abrasive storage building, upgrade security system, install runway 1L/19R centerline and touchdown zone lighting, C concourse taxiway expansion, baggage claim remodeling (design), rehabilitate taxiway M at B, construct maintenance storage building, construct hush house noise suppressor structure (design). *Impose and use Lawrence J. Timmerman:* pavement rehabilitation. *Impose only General Mitchell:* C concourse stem and 6 gate expansion (construction).

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* air taxi/commercial operators filing FAA form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Milwaukee County.

Issued in Washington, D.C. on September 21, 2000.

**Eric Gabler,**

*Manager, Passenger Facility Charge Branch, Airports Division.*

[FR Doc. 00–24867 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Monterey Peninsula Airport, Monterey, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Monterey Peninsula Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before October 30, 2000.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261; or

San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Susan Kovalenko, Manager, Support Services, of Monterey Peninsula Airport District at the following address: 200 Fred Kane Drive, Suite 200, Monterey, CA 93940. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Monterey Peninsula Airport District under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303; telephone: (650) 876–2806. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Monterey Peninsula Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 14, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Monterey Peninsula Airport District was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 14, 2000.

The following is a brief overview of the application No. 00–06–C–00–MRY.

*Level of proposed PFC:* $3.00.

*Proposed charge effective date:* March 1, 2001.

*Proposed charge expiration date:* October 1, 2001.

*Total estimated PFC revenue:* $362,895.

Brief description of the proposed projects: Rehabilitate Terminal Storm Drain, Expand Safety Building,

Reconstruct SE Hangar Pavement, Y2K Assessment/Upgrade Security Access Control, South Ramp Security Fence, Taxiway D Reconstruction, SE Water Main Extension, Upgrade Airfield Lighting System, South Ramp Storm Drain Extension, Environmental Study for 10R/28L Service Road, Environmental Study for Airport Road Extension, Phases 2 and 3, North Side Perimeter Fence Replacement, Upper Mezzanine Elevator, Fire Apparatus Pump Upgrade and Vegetation/Wildlife Management Plan.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled/intermittent part 135 Air Taxi/commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Monterey Peninsula Airport District.

Issued in Hawthorne, California, on September 14, 2000.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region.*

[FR Doc. 00–24936 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Policy Statement Number ACE–00–23.561–01]**

### Issuance of Policy Statement, Methods of Approval of Retrofit Shoulder Harness Installation in Small Airplanes

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

**ACTION:** Notice of policy statement.

**SUMMARY:** This document announces an FAA general statement of policy applicable to modifying small airplanes. This document advises the public, in particular, small airplane owners and modifiers, of more information related to acceptable methods of approval of retrofit harness installations. This notice is necessary to tell the public of FAA policy.

**FOR FURTHER INFORMATION CONTACT:** Michael Reyer, Federal Aviation Administration, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4131; fax 816–329–4090; e-mail: michael.reyer@faa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

This notice announces the following policy statement, ACE–00–23.561–01. The purpose of this statement is to address methods of approval for retrofit shoulder harness installations in small airplanes.

*What Is the General Effect of This Policy?*

The FAA is presenting this information as a set of guidelines suitable for use. However, we do not intend that this policy set up a binding norm; it does not form a new regulation and the FAA would not apply or rely on it as a regulation.

The FAA Aircraft Certification Offices (ACO's) and Flight Standards District Offices (FSDO's) that certify changes in type design and approve alterations in normal, utility, and acrobatic category airplanes should try to follow this policy when appropriate. Applicants should expect the certificating officials would consider this information when making findings of compliance relevant to retrofit shoulder harness installations.

As with all advisory material, this statement of policy identifies one way, but not the only way, of compliance.

#### General Statement of Policy

*Summary*

A retrofit shoulder harness installation in a small airplane may receive approval by Supplemental Type Certificate (STC), Field Approval, or as a minor change. An STC is the most rigorous means of approval and offers the highest assurance the installation meets all the airworthiness regulations. A Field Approval is a suitable method of approval for a shoulder harness installation that needs little or no engineering. Shoulder harness installations may receive approval as a minor change in certain cases. In such cases, the FAA certificated mechanic who installs the shoulder harness records it as a minor change by making an entry in the maintenance log of the airplane.

The FAA does not encourage the approval of retrofit shoulder harness installations as minor changes. The preferred methods of approval are Supplemental Type Certificate or Field Approval. However, the FAA should not forbid the approval of a retrofit shoulder harness installation as a minor change in:

- The front seats of those small airplanes manufactured before July 19, 1978, and
- In other seats of those small airplanes manufactured before December 13, 1986.

A retrofit shoulder harness installation may receive approval as a minor change in these small airplanes if:

- The installation requires no change of the structure (such as welding or drilling holes).
- The certification basis of the airplane is 14 CFR part 23 before Amendment 23–20, part 3 of the Civil Air Regulations, or a predecessor regulation.

In addition, a minor change installation should follow the guidance for hardware, restraint angles, and attachment locations provided in:

- Advisory Circular (AC) 43.13–2A, Acceptable Methods, Techniques, and Practices Aircraft Alterations.
- AC 21–34, Shoulder Harness—Safety Installations.
- AC 23–4, Static Strength Substantiation of Attachment Points for Occupant Restraint System Installations.

Installations approved as a minor change may not provide the occupant with the protection required by regulation (Civil Air Regulation (CAR) 3.386 or 14 CFR part 23, 23.561). However, a properly installed retrofit shoulder harness installation is a safety improvement over occupant restraint by seat belt alone.

*Introduction*

In January 1997, the Anchorage Aircraft Certification Office (ACO) Manager requested the Small Airplane Directorate to study the issue of retrofit shoulder harness installations in small airplanes. The Anchorage ACO specifically requested guidance for a Supplemental Type Certificate (STC) project to install shoulder harness in Piper PA–18 series airplanes. Shoulder harnesses are approved under Technical Standard Order (TSO)–C114 Torso Restraint Systems, or by other acceptable means appropriate to the certification basis of the airplane in which they will be installed. This policy statement addresses the approval of the shoulder harness installation only.

During 1998, the Small Airplane Directorate took part in the Aviation Safety Program to increase the use and effectiveness of occupant restraint systems in general aviation airplanes. This program supports the occupant survivability element of the Administrator's Safety Agenda for general aviation. The FAA has a goal of significantly reducing the number of fatal accidents over a ten-year period.

Most of the content of this policy was presented in a paper at the August 19, 1998, meeting of this Aviation Safety Program.

The Manager of the Aircraft Maintenance Division of Flight Standards, AFS–300, has reviewed and agrees with this policy.

**General Discussion of Comments**

*Has FAA Taken Any Action to This Point?*

We issued a notice of policy statement, request for comments. This proposed policy appeared in the **Federal Register** on June 14, 2000 (65 FR 37449) and the public comment period closed July 14, 2000.

*Was the Public Invited To Comment?*

The FAA encouraged interested people to join in making this proposed policy. We received comments from 12 different commenters. Commenters included pilots, operators, individuals, manufacturers, and organizations representing these groups. Most of the commenters were supportive of the proposed policy.

Commenters praised the proposed policy for promoting safety, especially on older airplanes. We will discuss the general comments and concerns then we will discuss comments that are more specific.

**General and Miscellaneous Comments**

One individual wrote, ''I would like to give my support to the opportunity for minor changes to allow shoulder harness installations in older aircraft.'' Another commenter noted, ''This is indicative of a long overdue recognition that better is the enemy of the good, and people need to make these reasonable improvements even if they cannot be of the standard of current regulations for new aircraft. Well done!'' A commenter representing an organization wrote that they had reviewed the policy memorandum proposal on retrofit shoulder harness on small airplanes and agree.

*Mandatory Harness Requirement*

A pilot wrote, ''Having actually been in an aircraft crash situation, I feel quite strongly that shoulder harnesses in all aircraft seating positions should be mandatory.''

Removing many of the barriers associated with installing retrofit shoulder harnesses will allow owners of older aircraft to have them installed in their aircraft. With the removal of these barriers, it is not necessary to place an additional regulatory burden on aircraft owners. The policy statement does not form a new regulation and the FAA will not apply or rely on it as a regulation.

*Acceptable Harness for Minor Change Installations*

An operator and pilot commented, ''Many of the racing industries commonly available four and five point safety harnesses are tested to standards and loads that easily exceed the FAA's 1,500 pound failure limit load. These very affordable harnesses, much less expensive shoulder and lap harnesses could be easily installed with over the counter hardware aviation hardware and would be a highly positive safety enhancement.'' Similarly, a manufacturer wrote that minor change installations of retrofit shoulder harnesses should include those produced under a Parts Manufacturer Approval (PMA), harnesses that meet military specification requirements, and harnesses that meet Society of Automotive Engineers aircraft restraint system requirements.

We agree that removing many of the barriers associated with the installation of retrofit shoulder harnesses will allow owners of certain small aircraft to increase the level of safety in their aircraft. We also agree that we should allow minor change installations that use non-TSO–C114 harnesses. However, apart from TSO–C114 harnesses, we will accept only those harnesses that meet the Society of Automotive Engineers Aerospace Standard 8043, harnesses produced under a Parts Manufacturer Approval (PMA) or harnesses that meet aircraft military specification requirements. We have revised the policy statement to include these other harnesses.

*Attachments to Unsupported Tubes*

The same manufacturer also suggested that:

- FAA allow attachments to unsupported tube elements as minor changes;
- The unsupported tube issue needs more study;
- Companion guidance materiel to the retrofit shoulder harness policy statement should address restraint attachment points; and
- FAA develop guidance regarding replacement and maintenance of existing seat belts and shoulder harness installations.

We disagree. The FAA will study this suggestion in further detail but we are unwilling to change existing guidance on methods of attachment. We agree that we should develop companion guidance that addresses the restraint points and replacement and maintenance.

*Level of Safety, Attachment Methods, and Material Variability*

A second manufacturer wrote concerning the policy that we address:

- Appropriate attachment methods in the policy,
- Production material variability, and
- Improper installation and attachment.

We agree with these comments and address them in the policy statement.

This manufacturer also wants to see the policy address the loading, level of safety, head impact injury criteria, and strength requirements of 14 CFR part 23, § 23.561.

The FAA disagrees. Installation of shoulder harnesses may be accomplished without FAA approval if the installation is a minor change to the airplane design. If the installation is a major change, a Supplemental Type Certificate or Field Approval must be obtained.

For aircraft type certificated before the effective date of Amendment 23–20, the shoulder harnesses need not meet the requirements of 14 CFR 23.561, and its predecessor regulations, if the installation of the harness is not essential to the operation of the airplane. A shoulder harness installed as a minor change does not have to provide the level of safety required in 14 CFR 23.561. The head impact injury criteria and strength requirements of the harnesses, including fitting factors, do not have to be met for minor change installations.

**The Policy**

**References**

1. Advisory Circular (AC) 21–34, Shoulder Harness—Safety Belt Installations, June 4, 1993.

2. AC 23–4, Static Strength Substantiation of Attachment Points for Occupant Restraint System Installations, June 20, 1986.

3. AC 43.13–2A, Acceptable Methods, Techniques, and Practices—Aircraft Alternations, Revised 1977.

4. Order 8300.10, Airworthiness Inspector's Handbook, Change 12, December 14, 1999, Volume II.

5. Technical Standard Order (TSO)–C114, Torso Restraint Systems, March 27, 1987.

6. Technical Standard Order C–22f, Safety Belts, May 1, 1972.

**Discussion**

*What Are the Requirements?*

1. *Front seat shoulder harnesses required.* Section 23.785 of 14 CFR part 23 as amended by Amendment 23–19 effective July 18, 1977, required all normal, utility, and acrobatic category

airplanes for which application for type certificate was made on or after July 18, 1977, to have an approved shoulder harness for each front seat. Section 91.205(b)(14) requires all small civil airplanes manufactured after July 18, 1978, to have an approved shoulder harness for each front seat. The shoulder must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). The inertia force requirements are discussed in paragraph 3 below.

2. *Shoulder harnesses required at all seats.* Section 91.205(b)(16) requires all normal, utility, and acrobatic category airplanes with a seating configuration of 9 or less, excluding pilot seats, manufactured after December 12, 1986, to have a shoulder harness, for forward-facing and aft-facing seats, that meets the requirements of § 23.785(g) [which requires that the occupant be protected from the ultimate inertia forces specified in § 23.561(b)(2)]. Section 23.785(g) also provides: ''For other seat orientations, the seat and restraint means must be designed to provide a level of occupant protection equivalent to that provided for forward and aft-facing seats with safety belts and shoulder harnesses installed.'' The above part 91 operating rule stems from § 23.2, Special retroactive requirements, Amendment 23–32, effective December 12, 1985.

3. *Belts or harnesses provided for in the design.* Civil Air Regulation (CAR) 3.386 and part 23, § 23.561, Amendments 23–0 through 23–34, effective February 17, 1987, require occupant protection from serious injury during a minor crash landing when ''proper use is made of belts *or* harnesses provided for in the design,'' when the occupants are subjected to the following ultimate inertia forces:

| | Normal & utility category | Acrobatic category |
|---|---|---|
| Forward | 9.0g | 9.0g |
| Sideward | 1.5g | 1.5g |
| Upward | 3.0g | 4.5g |

With Amendment 23–36, effective September 14, 1998, the text of § 23.561 quoted above was changed to read: ''proper use is made of seats, safety belts, and shoulder harnesses provided for in the design.'' Section 23.785(b) was also changed to read:

''Each forward-facing or aft-facing seat/restraint system in normal, utility, or acrobatic category airplanes must consist of a seat, safety belt, and shoulder harness that are designed to provide the occupant protection provisions required in § 23.562 of this part. Other seat orientations must provide the same level of occupant protection as a forward-facing or aft-facing seat with a safety belt and shoulder harness, and provide the protection provisions § 23.562 of this part.''

The emergency landing ultimate inertia load factors have remained unchanged from Amendment 23–36 through Amendment 23–52, effective April 30, 1997. Amendment 23–52 is the latest amendment level to part 23.

For inertia force requirements for occupant protection preceding CAR 3, refer to Table 1 in AC 21–34 which lists the requirements for the regulations dating from Bulletin 7–A to the original part 23.

*What Are the Methods of Approval for Retrofit Shoulder Harness installations?*

1. *Supplemental Type Certificate (STC).* An STC is the most desirable and most rigorous approval. The STC offers the highest assurance that all of the airworthiness regulations have been met. The STC approvals are issued by the FAA Aircraft Certification Offices (ACOs). STC approvals are usually obtained by a shoulder harness installation kit supplier for multiple airplane installations in an airplane model or model series.

AC's 21–34 and 23–4 (References 1 and 2) provide guidance and acceptable means of compliance for shoulder harness and seat belt installations. AC 23–4 specifically addresses part 23 installations. These AC's are also applicable to installations in airplanes having a certification basis of predecessor regulations (for example, CAR 3).

An applicant for an STC may use a salvaged airplane fuselage to substantiate the strength of the fuselage and the shoulder harness attachment fittings by structural tests, since the shoulder harness attachment structural test may damage an airworthy fuselage. It may be problem that the available test airframe may be stronger than the lowest strength production airframe. This may be a problem in steel tube airframes.

During many years of producing such airframes, various specification materials may have been used. For example, many CAR 3 (and predecessor regulations) airplanes were originally produced from 1025 steel tubing and later constructed from higher strength 4130 steel. In one case studied, two different specification 1025 steel tubings were used which may have an ultimate tensile strength (UTS) ranging from 55,000 to 79,000 pounds per square inch (psi). The UTS for 4130 steel is 90,000 to 95,000 psi.

The test article should be representative of the lowest strength production airframe. This may be accomplished by a conformity inspection using the production drawings. The strength of materials of parts affected by the modification needs to be verified by the airframe manufacturer's process and production records. The serial number of the test article needs to be verified.

An alternative course of action would be to determine, by appropriate tests (for example, chemical analysis, hardness tests, strength tests), the strength of the parts of the test article affected by the modification. Follow with testing to a conservatively higher load that accounts for the difference in strengths of the test article and the lowest strength production article. Determination of the higher applied test load should take into account any uncertainty in the test(s) used to determine the strength of the material.

Another alternative course of action may be to conduct the harness pull test on the available test airframe. The applicant may then substantiate the strength of other tubing specifications by a combination of test results and analysis.

AC 23–4 provides an acceptable means of compliance for static strength substantiation of attachment points for occupant restraint system installations. A test block is described to apply the 9.0-g forward inertia load. The safety belt installation alone is tested to 100 percent of the load. The shoulder and safety belt combined load is distributed 40 percent to the shoulder harness and 60 percent to the seat belt.

In airplanes having side-by-side seats, the pull test may need to be applied simultaneously to the harness fittings for both seats. However, this depends on the type of harness and where the upper ends are anchored. Normally, this would not be necessary for a single diagonal belt shoulder harness attached to the outboard fuselage side or wing spar root end.

In the case of a pull test for a retrofit shoulder harness installation in the tandem seated tubular steel PA–18 fuselage, the forward inertia load was applied simultaneously for both harnesses. This was done for convenience in applying and reacting the loads. It was found, that due to the tube geometry, the load at the aft harness attachment caused a tension in the rear spar carrythrough tube. The front seat shoulder harness upper end was attached to the rear spar carrythrough tube. This enabled the

front seat harness attachment to test to a higher load than if the pull test was done to each harness individually. In such a case, the test loads for each harness should be done individually.

Part 21, § 21.50(b) requires the holder of an STC to furnish Instructions for Continued Airworthiness, prepared in accordance with § 23.1529.

An STC can not be used to modify an aircraft without the permission of the STC holder. FAA Notice 8110.69 dated June 30, 1997, requires the STC holder to provide the customer (installer or airplane owner) with a signed permission statement that includes the following:

- Product (aircraft, engine, propeller, or appliance) to be altered, including serial number of the product;
- The STC number; and
- The person(s) who is being given consent to use the STC.

The permission statement needs to be kept as part of the aircraft records. The requirement for this permission statement originated in the Federal Aviation Authorization Act of 1996 (Public Law 104–264). This provision was put into law to try to stop the pirating of STC's.

2. *Field Approval.* A shoulder harness installation in a small airplane may receive a Field Approval (FAA Form 337) granted by a Flight Standards Aviation Safety Inspector. Field Approvals are appropriate for alterations that involve little or no engineering. If the installation requires structural modifications, an Aircraft Certification Office will need to assist in the Field Approval process by approving the structural aspects of the installation. A Field Approval constitutes a change to type design and must meet the same regulatory requirements as an STC.

AC 43.13–2A (Reference 3) contains methods, techniques, and practices acceptable to the Administrator for use in altering civil aircraft. Chapter 9 covers shoulder harness installations. Section 3 covers attachment methods. Shoulder harnesses installed under Field Approval must meet the same regulatory requirements as an STC. Therefore, the applicant should demonstrate by test 9.0-g forward load capability. The test load should be 814 pounds for Normal Category or 910 pounds for Utility or Acrobatic Category, in accordance with AC 23–4.

Reference 4, Chapter 1, Perform Field Approval of Major Repairs and Major Alterations, Section 1, paragraph 5.D(2) states: ''Acceptable data that may be used on an individual basis to obtain approval are:

- AC's 43.13–1A and 43.13–2A, as amended*
- Manufacturer's technical information (for example, manuals, bulletins, kits, and so on)
- FAA Field Approvals''

*** Note:** Advisory Circular (AC) 43.13–1B, dated September 8, 1998 superseded AC 43.13–1A.

When using a previous Field Approval as acceptable data, the pull test need not be done if it can be determined that a previous pull test applied 814 pounds for Normal Category or 910 pounds for Utility or Acrobatic Category. Field Approvals for shoulder harness installations should not be done by referencing a previous Field Approval and deleting the pull test, unless the attachment parts have a Parts Manufacturer Approval (PMA), or other FAA approval. If the attachment parts have no FAA approval, the strength is not known or assured, since they have not been manufactured to an FAA approved quality control system.

Shoulder harness installations attaching to the center of an unsupported wing carrythrough tube, or other unsupported member, should not receive a Field Approval without a design approval from an Aircraft Certification Office. Applying the test load in such cases may cause damage or permanent set to the affected structure.

Existing FAA guidance, including AC 43.13–2A and AC 21–34, recommend against attachment to the center of unsupported members. Figure 9–16 in AC 43.13–2A shows typical shoulder harness attachments to tubular members. These are all at tube intersections and not at the center of unsupported tubes.

Figure 9–12 shows a typical wing carrythrough member installation. This appears to be in the center of the carrythrough member that is a hat section as found in metal skinned airplanes. Part of the figure shows that the hat section is riveted to sheet metal skin (which would provide longitudinal support).

Personnel performing the Field Approval must ensure that both the harness and belt are compatible and have a TSO approval.

Flight Standards Information Bulletin for Airworthiness (FSAW) 98–03, dated January 30, 1998, (Reference 4) requires that a Field Approval include Instructions for Continued Airworthiness prepared (in the case of part 23 airplanes) under § 23.1529. The Instructions will be documented on FAA Form 337, and become a part of either the inspection or maintenance program of the aircraft, or both.

3. *Minor change.* Part 21 § 21.93(a), Classification of changes in type design, states: ''A minor changes is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product.''

Information provided to us by the Anchorage ACO indicates that some shoulder harness installations, that provide known safety improvements, have been approved as a minor change. In these situations, the FAA certificated mechanic who installs it makes an entry in the maintenance log of the airplane.

One shoulder harness installation kit supplier uses this process (no FAA approvals) to install shoulder harnesses in PA–18 airplanes. The installation does not require modification of the airframe. The front seat harness attaches to the center of the rear wing spar carrythrough tube. However, it may not meet the 9.0-g forward inertia load required by CAR 3.386. The kit supplier stated that some airplane owners who had accidents reported that the harness installation had saved their lives.

In general, shoulder harness installations should not use the center of an unsupported wing carrythrough tube or other unsupported member as an attachment point. This type of attachment may pose a risk to the structural integrity of the airplane. Although the attachment may be a clamp-on fitting that does not alter the existing airframe, the installation may result in a major change in the type design. This is because the shoulder harness attachment may introduce new loading conditions into the carrythrough tube.

It is acceptable for the carrythrough structure to be damaged in an emergency landing. However, it is unacceptable for the tube to fail in-flight. Carrythrough tubes, highly loaded in compression, may experience a beam-column buckling failure if the occupant applies a load to the shoulder harness attachment. In some cases, very small loads on the shoulder harness attachment may cause beam-column buckling failures.

Some shoulder harnesses that have been installed by minor change do not have a TSO approval. TSO–C114, Torso Restraint Systems, was issued March 27, 1987. Torso restraint systems manufactured before that date did not have to meet the prescribed Society of Automotive Engineers standard, Aerospace Standard 8043, Aircraft Torso Restraint System, dated March 1986. AC 43.13–2A and AC 21–34 provide guidance for acceptable

harnesses. Acceptable harnesses for minor change installations include:

• Harnesses that meet TSO–C114 or Military Specification (MIL–SPEC) requirements,

• Harnesses that have been produced under a Parts Manufacturer Approval (PMA), or

• Other harnesses appropriate to the certification basis of the aircraft.

We have studied the circumstances and legality of shoulder harness installations done by minor change. An airplane owner may wish to install shoulder harnesses, but an STC or prior Field Approval is not available for his airplane. In this case, it is not likely that an individual airplane owner would apply for an STC or a Field Approval. This is because of the costs involved in hiring an engineering consultant to perform the structural test and any associated structural analysis. Also, there is a possibility that the airframe may be damaged during the pull test. In such installations, a pull test would not be done and there is no assurance that the installation will provide occupant protection to the ultimate inertia force requirements (particularly the 9.0-g forward force) of § 23.561 or CAR 3.386.

Concerning the legality of shoulder harness installation by minor change, we conclude: Since CAR 3.386 and § 23.561(b)(1) before Amendment 23–36 (which became effective September 14, 1988) state that ''proper use is made of belts *or* harnesses provided in the design,'' the previously approved seat belt installation *alone* must meet the prescribed ultimate inertia forces.

Civil Air Regulation 3.652, Functional and installational requirements, states: ''Each item of equipment which is essential to the safe operation of the airplane shall be found by the Administrator to perform adequately the functions for which it is to be used, shall function properly when installed, and shall be adequately labeled as to its identification, function, operational limitations, or any combination of these, whichever is applicable.''

Before Amendment 23–20 (which became effective September 1, 1977), § 23.1301 contained essentially the same requirement as CAR 3.652. Amendment 23–20 deleted the words ''essential to safe operation'' and made the provisions of § 23.1301 applicable to ''each item of installed equipment.''

Regarding these rules we conclude that if a shoulder harness is not required equipment, it is not essential to the safe operation of the airplane. Therefore, CAR 3.652 and § 23.1301, before Amendment 23–20, should not be used as a basis to prohibit shoulder harness installation by minor change. These rules should be applied to shoulder harness installations made by STC and Field Approval.

The mechanic making such installations should consult AC 43.13–2A, Chapter 9, for information on restraint systems, effective restraint angles, attachment methods, and other details of installation.

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

**Michael Gallagher,**

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

[FR Doc. 00–24934 Filed 9–27–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund Open Meeting of the Community Development Advisory Board

**AGENCY:** Community Development Financial Institutions Fund, Department of the Treasury.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces the next meeting of the Community Development Advisory Board, which provides advice to the Director of the Community Development Financial Institutions Fund.

**DATES:** The next meeting of the Community Development Advisory Board will be held on Thursday, October 19, 2000 at 10 a.m.

**ADDRESSES:** The Community Development Advisory Board meeting will be held at the Treasury Executive Institute, 1255 22nd Street, NW., Suite 500, Washington, DC.

**FOR FURTHER INFORMATION, CONTACT:** The Community Development Financial Institutions Fund (the ''Fund''), U.S. Department of Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC, 20005, (202) 622–8662 (this is not a toll free number). Other information regarding the Fund and its programs may be obtained through the Fund's website at http://www.treas.gov/cdfi.

**SUPPLEMENTARY INFORMATION:** Section 104(d) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(d)) established the Community Development Advisory Board (the ''Advisory Board''). The charter for the Advisory Board has been filed in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and with the approval of the Secretary of the Treasury.

The function of the Advisory Board is to advise the Director of the Fund (who has been delegated the authority to administer the Fund) on the policies regarding the activities of the Fund. The Fund is a wholly owned corporation within the Department of the Treasury. The Advisory Board shall not advise the Fund on the granting or denial of any particular application for monetary or non-monetary awards. The Advisory Board shall meet at least annually.

It has been determined that this document is not a major rule as defined in Executive Order 12291 and therefore regulatory impact analysis is not required. In addition, this document does not constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

The next meeting of the Advisory Board, all of which will be open to the public, will be held at the Treasury Executive Institute, located at 1255 22nd Street, NW., Suite 500, Washington, DC, on Thursday, October 19, 2000 at 10 a.m. The room will accommodate 30 members of the public. Seats are available on a first-come, first-served basis. Participation in the discussions at the meeting will be limited to Advisory Board members and Department of the Treasury staff. Anyone who would like to have the Advisory Board consider a written statement must submit it to the Fund, at the address of the Fund specified above in the For Further Information, Contact section, by 4 p.m., Monday, October 16, 2000.

The meeting will include a report from the Director on the activities of the CDFI Fund since the last Advisory Board meeting, including programmatic, fiscal and legislative initiatives for the years 2000 and 2001.

**Authority:** 12 U.S.C. 4703; Chapter X, Pub. L. 104–19, 109 Stat. 237.

Dated: September 25, 2000.

**Maurice A. Jones,**

*Deputy Director for Policy and Programs, Community Development Financial Institutions Fund.*

[FR Doc. 00–24926 Filed 9–27–00; 8:45 am]

**BILLING CODE 4810–70–P**

# Corrections

**Federal Register**

Vol. 65, No. 189

Thursday, September 28, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL00-108-000]**

### Tenaska Power Services Co., Complainant v. Southwest Power Pool, Inc., Respondent; Notice of Complaint

*Correction*

In notice document 00–23868 beginning on page 56300, in the issue of Monday, September 18, 2000, make the following correction:

On page 56300, in the third column, the docket number is corrected to read as set forth above.

[FR Doc. C0–23868 Filed 9–27–00; 8:45 am]

**BILLING CODE 1505–01–D**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 706-GS(T)

*Correction*

In notice document 00–23530 appearing on page 55327 in the issue of Wednesday, September 13, 2000 make the following correction:

On page 55327, in the third column, under **DATES**, in the second line, ''October 13,'' should read ''November 13,''.

[FR Doc. C0–23530 Filed 9–27–00; 8:45 am]

**BILLING CODE 1505–01–D**

Federal Register

Thursday,
September 28, 2000

# Part II

# Department of the Interior

## Fish and Wildlife Service

**50 CFR Part 20**

**Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

**RIN 1018–AG08**

## Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2000–01 season.

**DATES:** This rule is effective on September 29, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Andrew, Chief, or Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

**SUPPLEMENTARY INFORMATION:**

### Regulations Schedule for 2000

On April 25, 2000, we published in the **Federal Register** (65 FR 24260) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 20, 2000, we published in the **Federal Register** (65 FR 38400) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 2000–01 duck hunting season. The June 20 supplement also provided detailed information on the 2000–01 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

On June 21–22, we held meetings that reviewed information on the current status of migratory shore and upland game birds and developed 2000–01 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, special September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2000–01 regular waterfowl seasons. On July 31, we published in the **Federal Register** (65 FR 46840) a third document specifically dealing with the proposed frameworks for early-season regulations and final regulatory alternatives for the 2000–01 duck hunting season.

On August 2–3, 2000, we held a public meeting in Washington, DC, as announced in the April 25, and June 20 **Federal Register**, to review the status of waterfowl. Proposed hunting regulations were discussed for late seasons. We published proposed frameworks for the 2000–01 late-season migratory bird hunting regulations on August 22, 2000, in the **Federal Register** (65 FR 51174). On August 23, 2000, we published a fifth document in the **Federal Register** (65 FR 51496) which contained final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits. On September 1, 2000, we published in the **Federal Register** (65 FR 53492) a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 2000–01 in a seventh document in the September 27, 2000, **Federal Register**.

The final rule described here is the eighth and final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 2000–01 and deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

### NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Copies are available from the address indicated under the caption **ADDRESSES**.

### Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and concluded that the regulations are not likely to adversely affect any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed and the final frameworks reflect any such modifications. Our biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and DMBM, at the address indicated under the caption **ADDRESSES**.

### Executive Order (E.O.) 12866

This rule was reviewed by the Office of Management and Budget (OMB). The migratory bird hunting regulations are economically significant and are annually reviewed by OMB under E.O. 12866. As such, we analyzed the economic impacts of the annual hunting regulations in a cost-benefit analysis prepared in 1998. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 1998 analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend between $429 million and $1,084 million at small businesses in 1998. Copies of the analysis are available upon request from the address indicated under the caption **ADDRESSES**.

**Regulatory Flexibility Act**

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In the analysis described above, we analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis. The analysis documented the significant beneficial economic effect on a substantial number of small entities.

**Small Business Regulatory Enforcement Fairness Act**

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

**Paperwork Reduction Act**

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 9/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Unfunded Mandates Reform Act**

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not ''significantly or uniquely'' affect small governments, and will not produce a Federal mandate of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

**Civil Justice Reform-Executive Order 12988**

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

**Takings Implication Assessment**

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule will allow hunters to exercise otherwise unavailable privileges, and, therefore, reduces restrictions on the use of private and public property.

**Federalism Effects**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Government-to-Government Relationship With Tribes**

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects.

**Regulations Promulgation**

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that, when the comment period closed, time would be of the essence. That is, if a delay in the effective date of these regulations occurred after this final rulemaking, the States would have insufficient time to implement their selected season dates and limits and start their seasons in a timely manner.

We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will take effect immediately upon publication. Accordingly, with each State conservation agency having had an opportunity to participate in selecting its desired the hunting seasons on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 21, 2000.

**Kenneth L. Smith,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

## PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, Part 20, subpart K of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 20 continues to read as follows:

**Authority:** 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

BILLING CODE 4310–55–P

**Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.**

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

**§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.**

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September XX Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492).

| | Sora & Virginia Rails | Clapper & King Rails | Woodcock | Common Snipe |
|---|---|---|---|---|
| Daily bag limit | 25 (1) | 15 (2) | 3 | 8 |
| Possession limit | 25 (1) | 30 (2) | 6 | 16 |
| ATLANTIC FLYWAY | | | | |
| | | * * * * * | | |
| Massachusetts (4) | Sept. 1-Nov. 9 | Closed | Oct. 14-Oct. 28 & Oct. 30-Nov. 13 | Sept. 1-Dec. 16 |
| | | * * * * * | | |
| Vermont | Closed | Closed | Oct. 6-Nov. 4 | Oct. 7-Dec. 16 |
| | | * * * * * | | |
| MISSISSIPPI FLYWAY | | | | |
| | | * * * * * | | |
| Louisiana | Sept. 15-Sept. 30 Nov. 11-Jan. 3 | Sept. 15-Sept. 30 Nov. 11-Jan. 3 | Dec. 18-Jan. 31 | Nov. 4-Dec.3 & Dec. 14-Feb. 28 |
| | | * * * * * | | |
| Tennessee | | | | |
| Reelfoot Zone | Nov. 18-Nov. 19 & Dec. 2-Jan. 19 | Closed | Oct. 28-Dec. 11 | Nov. 14-Feb. 28 |
| State Zone | Dec. 2-Dec. 5 & Dec. 16-Jan. 20 | Closed | Oct. 28-Dec. 11 | Nov. 14-Feb. 28 |
| Wisconsin | | | | |
| North Zone | Sept. 30-Nov. 28 | Closed | Sept. 23-Nov. 6 | Sept. 30-Nov. 28 |
| South Zone | Sept. 30-Nov. 28 | Closed | Sept. 23-Nov. 6 | Sept. 30-Nov. 28 |
| | | * * * * * | | |
| CENTRAL FLYWAY | | | | |
| | | * * * * * | | |
| New Mexico (16) | Oct. 7-Dec. 15 | Closed | Closed | Oct. 7-Jan. 21 |
| | | * * * * * | | |
| PACIFIC FLYWAY | | | | |
| Arizona (17) | | | | |
| North Zone | Closed | Closed | Closed | Oct. 13-Jan. 21 |
| South Zone | Closed | Closed | Closed | Oct. 13-Jan. 21 |
| California | Closed | Closed | Closed | Oct. 21-Feb. 4 |
| | | * * * * * | | |
| Nevada | | | | |
| Clark County | Closed | Closed | Closed | Oct. 7-Jan. 21 |
| Rest of State | Closed | Closed | Closed | Oct. 7-Jan. 20 |
| New Mexico(16) | Oct. 7-Dec. 15 | Closed | Closed | Oct. 7-Jan. 21 |
| | | * * * * * | | |
| Oregon | | | | |
| Zone 1 | Closed | Closed | Closed | Oct. 7-Oct. 18 & Oct.21-Jan. 21 |
| Zone 2 | Closed | Closed | Closed | Oct. 7-Oct. 18 & Oct. 21-Jan. 21 |
| Utah | Closed | Closed | Closed | Oct. 7-Jan. 20 |
| Washington | | | | |
| East Zone | Closed | Closed | Closed | Oct. 7-Oct. 18 & Oct. 21-Jan. 21 |
| West Zone | Closed | Closed | Closed | Oct. 7-Oct. 18 & Oct. 21-Jan. 21 |
| | | * * * * * | | |

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, and New Jersey, the limits for clapper and king rails are 10 daily and 20 in possession.

* * * * *

(4) In Massachusetts, the sora bag limit is 5 daily and 5 in possession; the Virginia rail bag limit is 10 daily and 10 in possession.

* * * * *

(16) In New Mexico, the rail daily bag and possession limits are 10.
(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In Section 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

**§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.**

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September XX Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492). The zones named in this paragraph are the same as those used for setting duck seasons.

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| ATLANTIC FLYWAY | | | |
| | * * * * * | | |
| Virginia | Oct. 11-Oct. 14 & | 15 | 30 |
| | Nov. 17-Jan. 20 | 15 | 30 |
| West Virginia | | | |
| Zone 1 | Oct. 2-Oct. 14 & | 15 | 30 |
| | Nov. 27-Jan. 20 | 15 | 30 |
| Zone 2 | Oct. 2-Oct. 14 & | 15 | 30 |
| | Nov. 13-Jan. 6 | 15 | 30 |
| | * * * * * | | |
| MISSISSIPPI FLYWAY | | | |
| | * * * * * | | |
| Louisiana | Sept. 15-Sept. 30 & | 15 | 30 |
| | Nov. 11-Jan. 3 | 15 | 30 |
| Michigan | | | |
| North Zone | Sept. 30-Nov. 28 | 15 | 30 |
| Middle Zone | Sept. 30-Nov. 28 | 15 | 30 |
| South Zone | Oct. 7-Dec. 3 & | 15 | 30 |
| | Jan. 6-Jan. 7 | 15 | 30 |
| Minnesota (2) | Sept. 30-Nov. 28 | 15 | 30 |
| | * * * * * | | |
| Tennessee | | | |
| Reelfoot Zone | Nov. 18-Nov. 19 & | 15 | 30 |
| | Dec. 2-Jan. 19 | 15 | 30 |
| State Zone | Dec. 2-Dec. 5 & | 15 | 30 |
| | Dec. 16-Jan. 21 | 15 | 30 |
| Wisconsin | | | |
| North Zone | Sept. 30-Nov. 28 | 10 | 20 |
| South Zone | Sept. 30-Nov. 28 | 10 | 20 |
| | * * * * * | | |
| PACIFIC FLYWAY | | | |
| All States | Seasons are in aggregate with coots and listed in paragraph (e). | | |

* * * * *

(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

| | Season Dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| | * * * * * | | |
| Maine (1) | Oct. 2-Jan. 20 | 7 | 14 |
| Maryland | Oct. 7-Jan. 20 | 5 | 10 |
| Massachusetts (2) | Oct. 6-Jan. 20 | 7 | 14 |
| | * * * * * | | |
| North Carolina | Oct. 2-Jan. 20 | 7 | 14 |
| | * * * * * | | |
| South Carolina | Oct. 6-Jan. 20 | 7 | 14 |
| Virginia | Oct. 11-Jan. 20 | 7 | 14 |

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(1) In Maine, the daily bag limit for eiders is 5, possession 10.
(2) In Massachusetts, the daily bag may include no more than 4 eider (1 of which may be a hen) and 4 old squaw.

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

**Definitions**

**The Atlantic Flyway:** Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

**The Mississippi Flyway:** Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

**The Central Flyway:** Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

**The Pacific Flyway:** Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

**Light Geese:** Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

**Dark Geese:** Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the entire Atlantic Flyway) and all other geese except light geese.

ATLANTIC FLYWAY

**Flyway-wide Restrictions**

**Duck Limits:** The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 3 scaup, 1 black duck, 1 pintail, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

**Harlequin Ducks:** All areas of the Flyway are closed to harlequin duck hunting.

**Merganser Limits:** The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

| | Season Dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Connecticut | | | |
| Ducks (1): | | | |
| North Zone | Oct. 11-Oct. 25 & | 6 | 12 |
| | Nov. 10-Jan. 3 | 6 | 12 |
| South Zone | Oct. 11-Oct. 18 & | 6 | 12 |
| | Nov. 21-Jan. 20 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| NAP Zone: | | | |
| North Zone | Oct. 11-Oct. 25 & | 2 | 4 |
| | Nov. 15-Dec. 15 | 2 | 4 |
| South Zone | Oct. 11-Oct. 31 & | 2 | 4 |
| | Nov. 21-Dec. 15 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 5 | 10 |
| AP Zone | Nov. 10-Nov. 27 | 1 | 2 |
| Light Geese: | | | |
| North Zone | Oct. 11-Feb. 12 | 15 | -- |
| South Zone | Oct. 11-Feb. 12 | 15 | -- |
| Brant: | | | |
| North Zone | Nov. 10-Jan. 6 | 2 | 4 |
| South Zone | Nov. 24-Jan. 20 | 2 | 4 |
| Delaware | | | |
| Ducks (2) | Oct. 5-Oct. 7 & | 6 | 12 |
| | Oct. 28-Nov. 4 & | 6 | 12 |
| | Nov. 20-Jan. 16 | 6 | 12 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Delaware (cont.) | | | |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese | Closed | -- | -- |
| Light Geese (3): | | | |
| Bombay Hook NWR Zone | Oct. 2-Nov. 17 & | 15 | -- |
| | Nov. 20- Jan. 1 & | 15 | -- |
| | Jan. 22-Mar. 10 | 15 | -- |
| Rest of State | Oct. 2-Nov. 6 & | 15 | -- |
| | Nov. 20-Jan. 13 & | 15 | -- |
| | Jan. 22-Mar. 10 | 15 | -- |
| Brant | Nov. 24-Jan. 20 | 2 | 4 |
| Florida | | | |
| Ducks | Nov. 18-Jan. 16 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese (4) | Nov. 18-Jan. 26 | 3 | 6 |
| Light Geese (5) | Nov. 18-Jan. 16 | 15 | -- |
| Georgia | | | |
| Ducks | Nov. 22-Jan. 20 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese (special season) | Nov. 22-Jan 28 | 3 | 6 |
| Light Geese | Same as for Canada geese | 3 | 6 |
| Brant | Closed | -- | -- |
| Maine | | | |
| Ducks (6): | | | |
| North Zone | Oct. 2-Dec. 2 | 4 | 8 |
| South Zone | Oct. 2-Oct. 14 & | 4 | 8 |
| | Nov. 6-Dec. 23 | 4 | 8 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| North Zone | Oct. 2-Nov. 16 | 2 | 4 |
| South Zone | Oct. 1-Oct. 14 & | 2 | 4 |
| | Nov. 6-Dec. 7 | 2 | 4 |
| Light Geese | Oct. 2-Jan. 20 | 15 | -- |
| Brant | Oct. 2-Nov. 28 | 2 | 4 |
| Maryland | | | |
| Ducks (7) | Oct. 7-Oct. 14 & | 5 | 10 |
| | Nov. 3-Nov. 24 & | 5 | 10 |
| | Dec. 13-Jan. 20 | 5 | 10 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Maryland (cont.) | | | |
| Canada Geese: | Closed | -- | -- |
| Western (SJBP) Zone | Nov. 15-Nov. 24 & | 2 | 4 |
| | Dec. 9-Jan. 13 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 3 | 6 |
| Light Geese (8) | Oct. 14-Nov. 24 & | 15 | -- |
| | Dec. 6-Jan. 31 & | 15 | -- |
| | Feb. 2-Mar. 10 | 15 | -- |
| Brant | Nov. 7-Nov. 24 & | 2 | 4 |
| | Dec. 13-Jan. 20 | 2 | 4 |
| Massachusetts | | | |
| Ducks (9): | | | |
| Western Zone | Oct. 9-Nov. 25 & | 6 | 12 |
| | Dec. 4-Dec. 23 | 6 | 12 |
| Central Zone | Oct. 12-Nov. 25 & | 6 | 12 |
| | Dec. 14-Jan. 6 | 6 | 12 |
| Coastal Zone | Oct. 12-Oct. 28 & | 6 | 12 |
| | Nov. 23-Jan. 13 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| NAP Zone | | | |
| Central Zone: | Oct. 12-Nov. 25 & | 2 | 4 |
| | Dec. 14 only | 2 | 4 |
| Coastal Zone: | Oct. 12-Oct. 28 & | 2 | 4 |
| | Nov. 17-Dec. 15 | 2 | 4 |
| (special season) | Jan. 15-Feb. 10 | 5 | 10 |
| AP Zone | Nov. 9-Nov. 25 | 1 | 2 |
| Light Geese: | | | |
| Western Zone | Same as for ducks | 15 | 30 |
| Central Zone | Same as for ducks & | 15 | 30 |
| | Jan. 15-Feb. 10 | 15 | 30 |
| Coastal Zone | Same as for ducks & | 15 | 30 |
| | Jan. 15-Feb. 10 | 15 | 30 |
| Brant: | | | |
| Western & Central Zone | Closed | -- | -- |
| Coastal Zone | Nov. 17-Jan. 13 | 2 | 4 |
| New Hampshire | | | |
| Ducks : | | | |
| Inland Zone | Oct. 3-Nov. 5 & | 6 | 12 |
| | Nov. 22-Dec. 17 | 6 | 12 |
| Coastal Zone | Oct. 4-Oct. 22 & | 6 | 12 |
| | Nov. 22-Jan. 1 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| Inland Zone | Oct. 3-Nov. 5 & | 2 | 4 |
| | Nov. 22-Nov. 27 | 2 | 4 |
| Coastal Zone | Oct. 4-Oct. 22 & | 2 | 4 |
| | Nov. 22-Dec. 12 | 2 | 4 |
| Light Geese: | | | |
| Inland Zone | Oct. 3-Dec. 17 | 15 | -- |
| Coastal Zone | Oct. 4-Jan. 1 | 15 | -- |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| New Hampshire (cont.) | | | |
| Brant: | | | |
| Inland Zone | Oct. 3-Nov. 5 & | 2 | 4 |
| | Nov. 22-Dec. 7 | 2 | 4 |
| Coastal Zone | Oct. 4-Oct. 22 & | 2 | 4 |
| | Nov. 22-Dec. 22 | 2 | 4 |
| New Jersey | | | |
| Ducks (10): | | | |
| North Zone | Oct. 7-Oct. 28 & | 6 | 12 |
| | Nov. 15-Jan. 1 | 6 | 12 |
| South Zone | Oct. 21-Nov. 4 & | 6 | 12 |
| | Nov. 10-Jan. 3 | 6 | 12 |
| Coastal Zone | Nov. 4-Nov. 14 & | 6 | 12 |
| | Nov. 23-Jan. 20 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| North Zone | Nov. 18-Nov. 25 & | 1 | 2 |
| | Dec. 23-Jan. 1 | 1 | 2 |
| South Zone | Nov. 23-Dec. 2 & | 1 | 2 |
| | Dec. 26-Jan. 1 | 1 | 2 |
| Coastal Zone | Nov. 23-Nov. 27 & | 1 | 2 |
| | Dec. 26-Jan. 6 | 1 | 2 |
| (special season) | Jan. 15-Feb. 15 | 5 | 10 |
| Light Geese: | | | |
| North Zone | Oct. 7-Jan. 12 & | 15 | -- |
| | Jan. 15-Feb. 15 | 15 | -- |
| South Zone | Nov. 10-Mar. 10 | 15 | -- |
| Coastal Zone (11) | Oct. 5-Jan. 20 & | 15 | -- |
| | Jan. 22-Feb. 15 | 15 | -- |
| Brant: | | | |
| North Zone | Oct. 12-Oct. 28 & | 2 | 4 |
| | Nov. 23-Jan. 1 | 2 | 4 |
| South Zone | Oct. 21-Nov. 4 & | 2 | 4 |
| | Nov. 18-Dec. 30 | 2 | 4 |
| Coastal Zone | Nov. 4-Nov. 14 & | 2 | 4 |
| | Nov. 23-Jan. 9 | 2 | 4 |
| New York | | | |
| Ducks (12): | | | |
| Long Island Zone | Nov. 17-Nov. 26 & | 6 | 12 |
| | Dec. 2-Jan. 20 | 6 | 12 |
| Lake Champlain Zone | Oct. 7-Oct. 9 & | 6 | 12 |
| | Oct. 21-Dec. 16 | 6 | 12 |
| Northeastern Zone | Oct. 7-Nov. 12 & | 6 | 12 |
| | Nov. 18-Dec. 10 | 6 | 12 |
| Southeastern Zone | Oct. 14-Oct. 22 & | 6 | 12 |
| | Nov. 4-Dec. 24 | 6 | 12 |
| Western Zone | Oct. 14-Nov. 26 & | 6 | 12 |
| | Dec. 23-Jan. 7 | 6 | 12 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| New York (cont.) | | | |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| Long Island (NAP) Zone | Nov. 17-Nov. 26 & | 2 | 4 |
| | Dec. 2-Dec. 31 | 2 | 4 |
| Lake Champlain (AP) Zone | Nov. 1-Nov. 12 & | 1 | 2 |
| | Nov. 18-Nov. 20 | 1 | 2 |
| Northeastern (AP) Zone | Nov. 1-Nov. 12 & | 1 | 2 |
| | Nov. 18-Nov. 20 | 1 | 2 |
| Southeastern (AP) Zone | Nov. 4-Nov. 12 & | 1 | 2 |
| | Dec. 19-Dec. 24 | 1 | 2 |
| Western (AP) Zone | Nov. 4-Nov. 11 & | 1 | 2 |
| | Dec. 23-Dec. 29 | 1 | 2 |
| Southwest (SJBP) Zone | Nov. 1-Jan. 9 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 5 | 10 |
| Light Geese: | | | |
| Long Island Zone | Oct. 7-Oct. 29 & | 15 | -- |
| | Nov. 17-Jan. 20 & | 15 | -- |
| | Feb. 20-Mar. 10 | 15 | -- |
| Lake Champlain Zone | Oct. 7-Dec. 29 & | 15 | -- |
| | Feb. 18-Mar. 10 | 15 | -- |
| Northeastern Zone | Oct. 7-Dec. 31 & | 15 | -- |
| | Feb. 18-Mar. 10 | 15 | -- |
| Southeastern Zone | Oct. 14-Jan. 7 & | 15 | -- |
| | Feb. 18-Mar. 10 | 15 | -- |
| Western Zone | Oct. 14-Jan. 7 & | 15 | -- |
| | Feb. 18-Mar. 10 | 15 | -- |
| Brant: | | | |
| Long Island Zone | Nov. 17-Nov. 26 & | 2 | 4 |
| | Dec. 12-Jan. 20 | 2 | 4 |
| Lake Champlain Zone | Oct. 7-Nov. 25 | 2 | 4 |
| Northeastern Zone | Oct. 14-Dec. 2 | 2 | 4 |
| Southeastern Zone | Oct. 14-Dec. 2 | 2 | 4 |
| Western Zone | Oct. 14-Dec. 2 | 2 | 4 |
| North Carolina | | | |
| Ducks (13) | Oct. 4-Oct. 7 & | 6 | 12 |
| | Nov. 6-Nov. 25 & | 6 | 12 |
| | Dec. 8-Jan. 20 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | Closed | -- | -- |
| Western Unit | Oct. 2-Nov. 15 | 2 | 4 |
| Light Geese | Oct. 23-Oct. 31 & | 15 | -- |
| | Nov. 16-Mar. 10 | 15 | -- |
| Brant | Nov. 13-Nov. 25 & | 2 | 4 |
| | Dec. 8-Jan. 20 | 2 | 4 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Pennsylvania | | | |
| Ducks: | | | |
| North Zone | Oct. 7-Nov. 25 & | 6 | 12 |
| | Dec. 22-Jan. 10 | 6 | 12 |
| South Zone | Oct. 7-Oct. 14 & | 6 | 12 |
| | Nov. 15-Jan. 15 | 6 | 12 |
| Northwest Zone | Oct. 7-Oct. 21 & | 6 | 12 |
| | Nov. 4-Dec. 28 | 6 | 12 |
| Lake Erie Zone | Oct. 30-Nov. 4 & | 6 | 12 |
| | Nov. 7-Jan. 8 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| Eastern (AP) Zone | Nov. 18-Nov. 25 & | 1 | 2 |
| | Dec. 22-Dec. 30 | 1 | 2 |
| Western (SJBP) Zone | Nov. 15-Dec. 30 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 5 | 10 |
| Pymatuning Zone | Nov. 15-Dec. 25 | 2 | 4 |
| Light Geese | Nov. 7-Mar. 10 | 15 | -- |
| Brant | Oct. 7-Dec. 4 | 2 | 4 |
| Rhode Island | | | |
| Ducks | Oct. 6-Oct. 9 & | 6 | 12 |
| | Nov. 18-Nov. 26 & | 6 | 12 |
| | Dec. 2-Jan. 17 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese | Oct. 6-Oct. 9 & | 2 | 4 |
| | Nov. 8-Dec. 13 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 5 | 10 |
| Light Geese | Oct. 6-Jan. 17 | 15 | -- |
| Brant | Nov. 18-Nov. 26 & | 2 | 4 |
| | Dec. 8-Jan. 17 | 2 | 4 |
| South Carolina | | | |
| Ducks (14) | Nov. 22-Jan. 20 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese (special season) | Nov. 22-Jan. 20 & | 5 | 10 |
| | Feb. 3-Feb. 12 | 5 | 10 |
| Light Geese | Same as for ducks | 5 | 10 |
| Brant | Dec. 2-Jan. 20 | 2 | 4 |
| Vermont | | | |
| Ducks: | | | |
| Lake Champlain Zone | Oct. 7-Oct 9 & | 6 | 12 |
| | Oct. 21-Dec. 16 | 6 | 12 |
| Interior Zone | Oct. 7-Nov.12 & | 6 | 12 |
| | Nov. 18-Dec. 10 | 6 | 12 |
| Vermont (cont.) | | | |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese | Nov. 1-Nov. 12 & | 1 | 2 |
| | Nov. 18-Nov. 20 | 1 | 2 |
| Light Geese | Oct. 7-Dec. 29 & | 15 | -- |
| | Feb. 18-Mar. 10 | 15 | -- |
| Brant | Oct. 7-Nov. 25 | 2 | 4 |
| Virginia | | | |
| Ducks (15) | Oct. 11-Oct. 14 & | 5 | 10 |
| | Nov. 17-Jan. 20 | 5 | 10 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| Back Bay Area | Closed | -- | -- |
| Eastern (AP) Zone | Dec. 28-Dec 30 & | 1 | 2 |
| | Jan. 18-Jan. 20 | 1 | 2 |
| Western (SJBP) Zone | Dec. 1-Jan. 13 | 2 | 4 |
| (special season) | Jan. 15-Feb. 15 | 4 | 8 |
| Light Geese | Nov. 7-Mar. 10 | 15 | -- |
| Brant | Nov. 24-Jan. 20 | 2 | 4 |
| West Virginia | | | |
| Ducks (16): | | | |
| Zone 1 | Oct. 2-Oct. 14 & | 6 | 12 |
| | Nov. 27-Jan. 20 | 6 | 12 |
| Zone 2 | Oct. 2-Oct. 14 & | 6 | 12 |
| | Nov. 13-Jan. 6 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Canada Geese: | | | |
| Zone 1 | Oct. 2-Oct. 14 & | 3 | 6 |
| | Nov. 25-Jan. 31 | 3 | 6 |
| Zone 2 | Oct. 2-Oct. 28 & | 3 | 6 |
| | Dec. 9-Jan. 31 | 3 | 6 |
| Light Geese: | | | |
| Zone 1 | Same as for Canada geese | 5 | 10 |
| Zone 2 | Same as for Canada geese | 5 | 10 |
| Brant | Nov. 27-Jan. 20 | 2 | 4 |

(1) In Connecticut, the season is closed for black ducks prior to November 10 in the North Zone and prior to November 21 in the South Zone.
(2) In Delaware, the season on black ducks is only open November 20 through January 16.
(3) In Delaware, the January 22 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
(4) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271.
(5) In Florida, the light goose season is only open north and west of the Suwannee River.
(6) In Maine, the season is closed for black ducks October 1 through October 6; in addition to the daily bag limit, 2 additional teal may be taken. A possession limit of 12 ducks is permitted provided it includes 4 or more teal.

(7) In Maryland, the black duck season is closed October 7 through October 14; and the canvasback season is closed October 7 through October 14 and November 3 through November 24; in addition to the daily bag, 1 additional teal may be taken.
(8) In Maryland, the February 2 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
(9) In Massachusetts, the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
(10) In New Jersey, the daily bag limit for buffleheads is 4.
(11) In New Jersey, the January 22 through February 15 light goose season is open Monday, Thursday, Friday and Saturday only.
(12) In New York, in the Lake Champlain Zone, the daily bag limit may include no more than 4 goldeneyes.
(13) In North Carolina, the season is closed for black ducks October 4 through October 7 and November 6 through November 25.
(14) In South Carolina, the daily bag limit of 6 may not exceed 1 black duck, mottled duck, or female mallard in the aggregate.
(15) In Virginia, the season is closed for black ducks October 11 through October 14 and December 1 through December 16.
(16) In West Virginia, the daily bag limit may include no more than 4 old squaws and the season is closed for scoters, eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY

**Flyway-wide Restrictions**

**Duck Limits:** The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

**Merganser Limits:** The merganser limits include no more than 1 hooded merganser daily and 2 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 1 daily and 2 in possession may be hooded mergansers.

| | Season Dates | Limits: Bag | Limits: Possession |
|---|---|---|---|
| Alabama | | | |
| Ducks: | | | |
| North Zone | Dec. 9-Dec. 11 & | 6 | 12 |
| | Dec. 15-Jan. 31 | 6 | 12 |
| South Zone | Dec. 9-Dec. 11 & | 6 | 12 |
| | Dec. 15-Jan. 31 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Dark Geese: | | | |
| North Zone: | | | |
| SJBP Zone | Dec. 28-Jan. 31 | 2 | 4 |
| Rest of North Zone | Sept. 30-Oct. 15 & | 2 | 4 |
| | Dec. 9-Dec. 11 & | 2 | 4 |
| | Dec. 15-Jan. 31 | 2 | 4 |
| South Zone | Sept. 30-Oct. 15 & | 2 | 4 |
| | Dec. 9-Dec. 11 & | 2 | 4 |
| | Dec. 15-Jan. 31 | 2 | 4 |
| Light Geese | Same as for dark geese | 5 | 5 |
| Arkansas | | | |
| Ducks | Nov. 18-Dec. 20 & | 6 | 12 |
| | Dec. 26-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (1): | Jan. 9-Jan. 31 | 2 | 4 |
| White-fronted | Nov. 7-Jan. 31 | 2 | 4 |
| Brant | Closed | -- | -- |
| Light Geese | Nov. 18-Jan. 31 | 20 | -- |
| Illinois | | | |
| Ducks: | | | |
| North Zone | Oct. 19-Dec. 17 | 6 | 12 |
| Central Zone | Oct. 28-Dec. 26 | 6 | 12 |
| South Zone | Nov. 9-Jan. 7 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (2): | | | |
| North Zone: | | | |
| Northern Illinois Quota Zone (2) | Oct. 19-Jan. 17 | 3 | 10 |
| Rest of North Zone | Same as Northern Illinois Quota Zone | | |
| Central Zone: | | | |
| Central Illinois Quota Zone (2) | Oct. 28-Oct. 29 & | 2 | 10 |
| | Nov. 4- Nov. 30 & | 2 | 10 |
| | Dec. 1-Jan. 31 | 3 | 10 |
| Rest of Central Zone | Same as Central Illinois Quota Zone | | |
| South Zone: | | | |
| Southern Illinois Quota Zone (2)(3) | Nov. 9-Nov. 12 & | 2 | 10 |
| | Nov. 24-Dec. 31 & | 2 | 10 |
| | Jan. 1-Jan. 31 | 3 | 10 |
| Rend Lake Quota Zone (2)(3) | Same as Southern Illinois Quota Zone | | |
| Rest of South Zone | Same as Southern Illinois Quota Zone | | |
| White-fronted (4): | | | |
| North Zone | Oct. 24-Jan. 17 | 2 | 4 |
| Central Zone | Nov. 7-Jan 31 | 2 | 4 |
| South Zone | Nov. 9-Jan. 31 | 2 | 4 |
| Brant (4) | Same as for light geese | 1 | 2 |
| Light Geese (4): | | | |
| North Zone | Oct. 19-Jan. 17 | 20 | -- |
| Central Zone | Oct. 28-Jan. 31 | 20 | -- |
| South Zone | Nov. 9-Jan. 31 | 20 | -- |
| Indiana | | | |
| Ducks: | | | |
| North Zone | Oct. 14-Oct. 16 & | 6 | 12 |
| | Oct. 28-Dec. 23 | 6 | 12 |
| South Zone | Oct. 21-Oct. 27 & | 6 | 12 |
| | Nov. 24-Jan. 15 | 6 | 12 |
| Ohio River Zone | Nov. 23-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Indiana (cont.) | | | |
| Geese: | | | |
| Canada (2): | | | |
| North Zone: | | | |
| SJBP Area | Nov. 11-Dec. 15 | 2 | 4 |
| Rest of North Zone | Oct. 28-Dec. 31 | 2 | 4 |
| South Zone: | | | |
| Posey County (2) | Nov. 28-Jan. 31 | 2 | 4 |
| Rest of South Zone | Nov. 24-Nov. 26 & | 2 | 4 |
| | Dec. 1-Jan. 31 | 2 | 4 |
| Ohio River Zone: | | | |
| Posey County (2) | Nov. 28-Jan. 31 | 2 | 4 |
| Rest of Ohio River Zone | Nov. 28-Jan. 31 | 2 | 4 |
| White-fronted and Brant | Oct. 14-Oct. 16 & | 1 | 2 |
| | Oct. 21-Jan. 31 | 1 | 2 |
| Light Geese | Oct. 14-Oct. 16 & | 20 | – |
| | Oct. 21-Jan. 31 | 20 | -- |
| Iowa | | | |
| Ducks: | | | |
| North Zone | Sept. 23-Sept. 27 & | 6 | 12 |
| | Oct. 14-Dec. 7 | 6 | 12 |
| South Zone | Sept. 23-Sept. 27 & | 6 | 12 |
| | Oct. 14-Dec. 7 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada Geese: | | | |
| North Zone | Sept. 30-Dec. 8 | 2 | 4 |
| South Zone | Sept. 30-Oct. 15 & | 2 | 4 |
| | Nov. 4-Dec. 27 | 2 | 4 |
| White-fronted: | | | |
| North Zone | Same as for Canada geese | 2 | 4 |
| South Zone | Same as for Canada geese | 2 | 4 |
| Brant: | | | |
| North Zone | Same as for Canada geese | 2 | 4 |
| South Zone | Same as for Canada geese | 2 | 4 |
| Light Geese | Sept. 30-Jan. 14 | 20 | -- |
| Kentucky | | | |
| Ducks: | | | |
| West Zone | Nov. 23-Jan. 21 | 6 | 12 |
| East Zone | Nov. 23-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (2): | | | |
| Western Goose Zone (2): | | | |
| Fulton County | Dec. 2-Feb. 15 | 2 | 4 |
| Rest of Zone | Dec. 2-Jan. 31 | 2 | 4 |
| Pennyroyal/Coalfield Zone | Dec. 28-Jan. 31 | 2 | 4 |
| Rest of State | Dec. 13-Jan. 31 | 2 | 4 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Kentucky (cont.) | | | |
| White-fronted | Nov. 23-Jan. 31 | 2 | 4 |
| Brant | Same as for White-fronted | 2 | 4 |
| Light Geese | | | |
| Western Goose Zone: | | | |
| Fulton County (5): | Nov. 23-Feb. 15 | 20 | – |
| Rest of Zone: | Nov. 23-Feb. 4 | 20 | – |
| Rest of State | Nov. 23-Feb. 4 | 20 | -- |
| Louisiana | | | |
| Ducks: | | | |
| West Zone | Nov. 11-Dec. 3 & | 6 | 12 |
| | Dec. 16-Jan. 21 | 6 | 12 |
| East Zone: | | | |
| Catahoula Lake Area | Nov. 18-Dec. 3 & | 6 | 12 |
| | Dec. 9-Jan. 21 | 6 | 12 |
| Rest of East Zone | Nov. 18-Dec. 3 & | 6 | 12 |
| | Dec. 9-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (6) | Jan. 16-Jan. 24 | 1 | 2 |
| White-fronted and Brant: | | | |
| West Zone | Nov. 11-Dec. 10 & | 2 | 4 |
| | Dec. 16-Feb. 9 | 2 | 4 |
| East Zone | Oct. 28-Dec. 3 & | 2 | 4 |
| | Dec. 9-Jan. 26 | 2 | 4 |
| Light Geese: | | | |
| West Zone | Nov. 11-Dec. 10 & | 20 | – |
| | Dec. 16-Feb. 9 | 20 | -- |
| East Zone | Oct. 28-Dec. 3 & | 20 | – |
| | Dec. 9-Jan. 26 | 20 | -- |
| Michigan | | | |
| Ducks (7): | | | |
| North Zone | Sept. 30-Nov. 28 | 6 | 12 |
| Middle Zone | Sept. 30-Nov. 28 | 6 | 12 |
| South Zone | Oct. 7-Dec. 3 & | 6 | 12 |
| | Jan. 6-Jan. 7 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (2): | | | |
| North Zone | Sept. 17-Oct. 4 | 2 | 4 |
| Middle Zone | Sept. 17-Oct. 4 | 2 | 4 |
| South Zone: | | | |
| Muskegon Wastewater Goose Management Unit (GMU) (2) | Oct. 21-Nov. 14 | 2 | 4 |
| Allegan County GMU (2) | Nov. 4-Nov. 12 & | 1 | 2 |
| | Jan. 6-Jan. 21 | 1 | 2 |
| Saginaw County GMU (2) | Oct. 7-Nov. 25 | 1 | 2 |
| Tuscola/Huron GMU (2) | Oct. 7-Nov. 25 | 1 | 2 |
| Southern Michigan GMU | Sept. 17-Oct. 4 | 2 | 4 |
| (special season) | Jan. 6-Feb. 4 | 5 | 10 |
| Central Michigan GMU | Sept. 17-Oct. 4 | 2 | 4 |
| (special season) | Jan. 6-Feb. 4 | 5 | 10 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Michigan (cont.) | | | |
| White-fronted and Brant | See Footnote 8 | 2 | 4 |
| Light Geese | See Footnote 8 | 10 | 30 |
| Minnesota | | | |
| Ducks | Sept. 30-Nov. 28 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots (9) | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (2): | | | |
| West Zone: | | | |
| West Central Zone: | | | |
| Lac qui Parle Zone (2) | Oct. 7-Nov. 5 | 1 | 2 |
| Rest of West Central Zone | Oct. 7-Nov. 5 | 1 | 2 |
| Rest of West Zone | Sept. 30-Nov. 8 | 1 | 2 |
| (Special season) | Dec. 9- Dec. 18 | 5 | 10 |
| Northwest Zone | Sept. 30-Nov. 8 | 1 | 2 |
| (Special season) | Dec. 9-Dec. 18 | 5 | 10 |
| Southeast Zone | Sept. 30-Dec. 8 | 2 | 4 |
| (special season) | Dec. 15-Dec. 24 | 2 | 4 |
| Rest of State | Sept. 30-Dec. 8 | 2 | 4 |
| (special season) | Dec. 9-Dec. 18 | 5 | 10 |
| White-fronted (10) | Sept. 30-Dec. 24 | 2 | 4 |
| Brant (10) | Sept. 30-Dec. 24 | 1 | 2 |
| Light Geese (10) | Sept. 30-Dec. 24 | 20 | 40 |
| Mississippi | | | |
| Ducks: | Dec. 9-Jan. 28 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 23-Jan. 31 | 3 | 6 |
| White-fronted | Nov. 7-Jan. 31 | 2 | 4 |
| Brant | Nov. 23-Jan. 31 | 2 | 4 |
| Light Geese | Nov. 7-Jan. 31 | 20 | -- |
| Missouri | | | |
| Ducks and Mergansers: | | | |
| North Zone | Oct. 26-Dec. 24 | 6 | 12 |
| Middle Zone | Nov. 2-Dec. 31 | 6 | 12 |
| South Zone | Nov. 16-Jan. 14 | 6 | 12 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada: | | | |
| North Zone: | | | |
| Swan Lake Zone | Oct. 26-Nov. 26 & | 2 | 4 |
| | Dec. 16-Jan. 14 | 2 | 4 |
| Rest of North Zone | Sept. 30-Oct. 8 & | 3 | 6 |
| | Oct. 26-Nov. 26 & | 2 | 4 |
| | Dec. 23-Jan. 20 | 2 | 4 |
| Middle Zone: | | | |
| Southeast Zone | Sept. 30- Oct. 8 & | 3 | 6 |
| | Nov. 16-Nov. 26 & | 2 | 4 |
| | Dec. 16-Jan. 31 | 2 | 4 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Missouri (cont.) | | | |
| Rest of Middle Zone | Sept. 30-Oct. 8 & | 3 | 6 |
| | Nov. 2-Nov. 26 & | 2 | 4 |
| | Dec. 23-Jan. 20 | 2 | 4 |
| South Zone | Sept. 30-Oct. 8 & | 3 | 6 |
| | Nov. 16-Nov. 26 & | 2 | 4 |
| | Dec. 16-Jan. 31 | 2 | 4 |
| White-fronted: | | | |
| North Zone: | | | |
| Swan Lake Zone | Oct. 26-Nov. 26 & | 2 | 4 |
| | Dec. 16-Jan. 31 | 2 | 4 |
| Rest of North Zone | Sept. 30-Oct. 8 & | 2 | 4 |
| | Oct. 26-Nov. 26 & | 2 | 4 |
| | Dec. 23-Jan. 31 | 2 | 4 |
| Middle Zone: | | | |
| Southeast Zone | Sept. 30-Oct. 8 & | 2 | 4 |
| | Nov. 16-Jan. 31 | 2 | 4 |
| Rest of Middle Zone | Sept. 30-Oct. 8 & | 2 | 4 |
| | Nov. 2-Nov. 26 & | 2 | 4 |
| | Dec. 23-Jan. 31 | 2 | 4 |
| South Zone | Sept. 30-Oct. 8 & | 2 | 4 |
| | Nov. 16-Jan. 31 | 2 | 4 |
| Brant | Same as for Canada geese | 2 | 4 |
| Light Geese: | | | |
| North Zone: | | | |
| Swan Lake Zone | Oct. 26-Jan. 31 | 20 | -- |
| Rest of North Zone | Oct. 26-Jan. 31 | 20 | -- |
| Middle Zone: | | | |
| Southeast Zone | Nov. 16-Jan. 31 | 20 | -- |
| Rest of Middle Zone | Nov. 2-Jan. 31 | 20 | -- |
| South Zone | Nov. 16-Jan. 31 | 20 | -- |
| Ohio | | | |
| Ducks: | | | |
| North Zone | Oct. 21-Nov. 26 & | 6 | 12 |
| | Dec. 8-Dec. 30 | 6 | 12 |
| South Zone | Oct. 21-Oct. 31 & | 6 | 12 |
| | Dec. 4-Jan. 21 | 6 | 12 |
| Ohio River Zone | Oct. 21-Oct. 31 & | 6 | 12 |
| | Dec. 4-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada: | | | |
| North Zone: | | | |
| Lake Erie SJBP Zone | Oct. 21-Nov. 4 & | 1 | 2 |
| | Dec. 16-Dec. 30 | 1 | 2 |
| Rest of North Zone | Oct. 21-Nov. 26 & | 2 | 4 |
| | Dec. 8-Jan. 9 | 2 | 4 |
| (special season) | Jan. 13-Feb. 1 | 2 | 4 |
| South Zone | Oct. 21-Oct. 31 & | 2 | 4 |
| | Dec. 4-Jan. 31 | 2 | 4 |
| Ohio River Zone | Oct. 21-Oct. 31 & | 2 | 4 |
| | Dec. 4-Jan. 31 | 2 | 4 |
| White-fronted and Brant | Same as for Canada geese | 2 | 4 |
| Light Geese | Same as for Canada geese | 10 | 30 |

| | Season Dates | Limits Bag | Possession |
|---|---|---|---|
| Tennessee | | | |
| Ducks: | | | |
| Reelfoot Zone | Nov. 18-Nov. 19 & | 6 | 12 |
| | Dec. 2-Jan. 19 | 6 | 12 |
| State Zone | Dec. 2-Dec. 5 & | 6 | 12 |
| | Dec. 16-Jan. 31 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada (2)(11): | | | |
| Northwest Zone (2) | Dec. 2-Feb. 15 | 2 | 4 |
| Southwest Zone | Dec. 2-Jan. 31 | 2 | 4 |
| Kentucky/Barkley Lakes Zone (2) | Dec. 13-Jan. 31 | 2 | 4 |
| Rest of State (11) | Oct. 7-Oct. 15 & | 2 | 4 |
| | Dec. 2-Jan. 31 | 2 | 4 |
| White-fronted | Nov. 22-Feb. 15 | 2 | 4 |
| Brant | Dec. 2-Jan. 31 | 2 | 4 |
| Light Geese | Nov. 18-Mar. 4 | 10 | 30 |
| Wisconsin | | | |
| Ducks: | | | |
| North Zone | Sept. 30-Nov. 28 | 6 | 12 |
| South Zone | Sept. 30-Nov. 28 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 10 | 20 |
| Geese: | | | |
| Canada (2): | | | |
| Horicon Zone | Sept. 16-Dec. 19 | Tag System--See State Regulations | |
| Collins Zone | Sept. 16-Nov. 17 & | Tag System--See State Regulations | |
| | Nov. 27-Dec. 1 | Tag System--See State Regulations | |
| Exterior Zone: | | | |
| Rock Prairie Subzone | Sept. 23-Oct. 27 & | 1 | 2 |
| | Oct. 28-Dec. 15 | 2 | 4 |
| Mississippi River Subzone | Sept. 30-Oct. 27 & | 1 | 2 |
| | Oct. 28-Dec. 18 | 2 | 4 |
| Brown County Subzone | Sept. 23-Oct. 27 & | 1 | 2 |
| | Oct. 28-Dec. 24 | 2 | 4 |
| Rest of Exterior Zone: | | | |
| North Duck Zone | Sept. 23-Oct. 27 & | 1 | 2 |
| | Oct. 28-Dec. 24 | 2 | 4 |
| South Duck Zone | Sept. 23-Oct. 27 & | 1 | 2 |
| | Oct. 28-Dec. 24 | 2 | 4 |
| White-fronted and Brant | Same as for Canada geese | 1 | 2 |
| Light Geese | Same as for Canada geese | 10 | 30 |

(1) In Arkansas, shooting hours for Canada geese are one-half hour before sunrise to noon.
(2) Harvests of Canada geese will be limited by quotas established in the September XX, 2000, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Northwest and Kentucky/Barkley Lakes Zones in Tennessee, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(3) In Illinois, shooting hours for geese in the Southern Illinois and Rend Lake Quota Zones through January 28 shall close at 3 p.m.
(4) In Illinois, white-fronted goose, light goose, and brant seasons will close with Canada goose seasons if the season closes early due the quota being reached.
(5) In Kentucky, in Fulton County, if the Canada goose season closes after January 31 and before February 15, the season for light geese will close with the Canada goose season.
(6) In Louisiana, during the Canada goose season, a special permit is required by the State.
(7) In Michigan, the daily bag limit includes no more than 1 hen mallard.
(8) In Michigan, the seasons for white-fronted geese, brant, and light geese are as follows: In the Allegan County GMU and the Muskegon Wastewater GMU, the season runs concurrently with the Canada goose season. In the remainder of the State, the seasons will be concurrent with the duck season.
(9) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.
(10) In Minnesota, in the Lac Qui Parle Zone, seasons for white-fronted geese, brant, and light geese are open only when the Canada goose season is open.
(11) In Tennessee, see State regulations for permit requirements and additional restrictions.

CENTRAL FLYWAY

**Flyway-wide Restrictions**

**Duck Limits:** The daily bag limit of 6 ducks may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 2 redheads, 1 canvasback, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.
**Merganser Limits:** The daily bag limit is 5 mergansers with 10 in possession and may include no more than 1 hooded merganser daily and 2 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 1 daily and 2 in possession may be hooded mergansers.

| | Season Dates | Limits Bag | Possession |
|---|---|---|---|
| Colorado | | | |
| Ducks | Sept. 30-Oct. 22 & | 6 | 12 |
| | Nov. 4-Nov. 29 & | 6 | 12 |
| | Dec. 6-Jan. 21 | 6 | 12 |
| Coots | Same as for ducks | 15 | 30 |
| Mergansers | Same as for ducks | 5 | 10 |
| Dark Geese: | | | |
| Northern Front Range Unit | Sept. 30-Oct. 11 & | 5 | 10 |
| | Nov. 4-Feb. 4 | 5 | 10 |
| South Park/San Luis Valley Unit (1) | Sept. 30-Oct. 11 & | 2 | 4 |
| | Nov. 4-Feb. 4 | 2 | 4 |
| North Park Unit (1) | Sept. 30-Oct. 11 & | 2 | 4 |
| | Nov. 4-Feb. 4 | 2 | 4 |
| Arkansas Valley Unit (2) | Nov. 11-Feb. 4 | 5 | 10 |
| Pueblo County | Dec. 9-Feb. 4 | 2 | 4 |
| Rest of State in Central Flyway | Nov. 4-Feb. 4 | 5 | 10 |
| Light Geese: | | | |
| Northern Front Range Unit | Nov. 4-Feb. 4 | 20 | -- |
| South Park/San Luis Valley Unit (1) | Nov. 4-Feb. 4 | 2 | 4 |
| North Park Unit (1) | Nov. 4-Feb. 4 | 2 | 4 |
| Arkansas Valley Unit (2) | Nov. 11-Feb. 4 | 20 | -- |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Colorado (cont.) | | | |
| Pueblo County | Nov. 4-Feb. 4 | 20 | -- |
| Eastern Colorado Late | | | |
| Light Geese Unit | Nov. 4-Feb. 4 & | 20 | -- |
| | Feb. 15-Feb. 28 | 20 | -- |
| Rest of State in | | | |
| Central Flyway | Nov. 4-Feb. 4 | 20 | -- |
| Kansas | | | |
| Ducks (3): | | | |
| High Plains | Sept. 30-Jan 1 & | 6 | 12 |
| | Jan. 19-Jan. 21 | 6 | 12 |
| Low Plains: | | | |
| Early Zone | Oct. 7-Dec. 10 & | 6 | 12 |
| | Dec. 23-Dec. 31 | 6 | 12 |
| Late Zone | Oct. 21-Oct. 29 & | 6 | 12 |
| | Nov. 4-Jan. 7 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Dark Geese (4): | | | |
| Canada | Nov. 4-Feb. 4 | 3 | 6 |
| White-fronted | Nov. 4-Jan. 28 | 2 | 4 |
| Light Geese: | | | |
| Zone 1 | Oct. 21-Feb. 4 | 20 | -- |
| Zone 2 | Oct. 21-Feb. 4 | 20 | -- |
| Montana | | | |
| Ducks: | | | |
| Zone 1 | Sept. 30-Jan. 4 | 6 | 12 |
| Zone 2 | Sept. 30-Jan. 4 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Dark Geese | Sept. 30-Jan. 12 | 4 | 8 |
| Light Geese | Sept. 30-Jan. 12 | 5 | 10 |
| Nebraska | | | |
| Ducks: | | | |
| High Plains | Sept. 30-Dec. 10 & | 6 | 12 |
| | Dec. 15-Jan. 7 | 6 | 12 |
| Low Plains: | | | |
| Zones 1 and 2 | Oct. 14-Oct. 15 & | 6 | 12 |
| | Oct. 21-Dec. 31 | 6 | 12 |
| Zones 3 and 4 | Sept. 30-Dec. 10 & | 6 | 12 |
| | Dec. 16-Dec. 17 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada: | | | |
| North Unit | Oct. 21-Oct. 22 & | 3 | 6 |
| | Oct. 28-Jan. 28 | 3 | 6 |
| East Unit | Sept. 30-Oct. 1 & | 3 | 6 |
| | Oct. 7-Jan. 7 | 3 | 6 |
| North Central Unit | Sept. 30-Jan. 2 | 3 | 6 |
| South Central Unit | Oct. 21-Oct. 22 & | 3 | 6 |
| | Oct. 28-Jan. 28 | 3 | 6 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Nebraska (cont.) | | | |
| White-fronted | Sept. 30-Dec. 24 | 2 | 4 |
| Light Geese: | | | |
| Rainwater Basin Area - East | Sept. 30-Jan. 12 | 20 | -- |
| Rainwater Basin Area - West | Sept. 30-Jan. 12 | 20 | -- |
| Rest of State | Sept. 30-Jan. 12 | 20 | -- |
| New Mexico | | | |
| Ducks and Mergansers: | | | |
| North Zone | Oct. 7-Oct. 29 & | 6 | 12 |
| | Nov. 10-Jan. 21 | 6 | 12 |
| South Zone | Oct. 18-Jan. 21 | 6 | 12 |
| Coots | Same as for ducks | 15 | 30 |
| Dark Geese (5): | | | |
| Middle Rio Grande Valley Unit | Dec. 30-Jan. 14 | 1 | 1 |
| Rest of State | Oct. 17-Jan. 31 | 4 | 8 |
| Light Geese | Oct. 17-Jan. 31 | 20 | 80 |
| North Dakota | | | |
| Ducks: | | | |
| Statewide | Sept. 30-Dec. 10 | 6 | 12 |
| High Plains | Dec. 11-Dec. 31 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada Geese (6): | | | |
| Missouri River Zone | Sept. 30-Dec. 22 | 3 | 6 |
| Rest of State | Sept. 30-Dec. 22 | 3 | 6 |
| White-fronted (6) | Sept. 30-Dec. 22 | 2 | 4 |
| Light Geese (6) | Sept. 30-Dec. 22 | 20 | -- |
| Oklahoma | | | |
| Ducks: | | | |
| High Plains | Oct. 7-Jan. 10 | 6 | 12 |
| Low Plains: | | | |
| Zone 1 | Oct. 28-Dec. 3 & | 6 | 12 |
| | Dec. 9-Jan. 14 | 6 | 12 |
| Zone 2 | Nov. 4-Dec. 3 & | 6 | 12 |
| | Dec. 9-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 4-Dec. 3 & | 3 | 6 |
| | Dec. 9-Feb. 11 | 3 | 6 |
| White-fronted | Nov. 4-Dec. 3 & | 2 | 4 |
| | Dec. 9-Feb. 2 | 2 | 4 |
| Light Geese | Nov. 4-Dec. 3 & | 20 | -- |
| | Dec. 9-Feb. 11 | 20 | -- |
| South Dakota | | | |
| Ducks: | | | |
| High Plains | Sept. 30-Jan. 4 | 6 | 12 |
| Low Plains: | | | |
| North Zone | Sept. 30-Dec. 12 | 6 | 12 |
| Middle Zone | Sept. 30-Dec. 12 | 6 | 12 |
| South Zone | Oct. 14-Dec. 26 | 6 | 12 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| South Dakota (cont.) | | | |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| White-fronted | Sept. 30-Dec. 24 | 2 | 4 |
| Canada: | | | |
| Unit 1 | Sept. 30-Dec. 31 | 3 | 6 |
| Unit 2 | Oct. 21-Jan. 23 | 3 | 6 |
| Unit 3: | | | |
| Power Plant Area | Sept. 30-Nov. 30 & | 3 | 6 |
| | Dec. 1-Dec. 17 | 2 | 4 |
| Rest of Unit | Sept. 30-Dec. 17 | 3 | 6 |
| Unit 4 | Oct. 28-Dec. 24 & | 3 | 6 |
| | Jan. 6-Jan. 21 | 3 | 6 |
| Light Geese | Sept. 30-Dec. 24 | 20 | -- |
| Texas | | | |
| Ducks: | | | |
| High Plains | Oct. 21-Oct. 23 & | 6 | 12 |
| | Oct. 28-Jan. 21 | 6 | 12 |
| Low Plains: | | | |
| North Zone | Oct. 28-Oct. 29 & | 6 | 12 |
| | Nov. 11-Jan. 21 | 6 | 12 |
| South Zone | Oct. 28-Nov. 26 & | 6 | 12 |
| | Dec. 9-Jan. 21 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 10 |
| Coots | Same as for ducks | 15 | 30 |
| Geese: | | | |
| East Tier: | | | |
| Canada and brant | Oct. 28-Jan. 21 | 1 | 2 |
| White-fronted | Oct. 28-Jan. 21 | 2 | 4 |
| Light Geese | Oct. 28-Jan. 21 | 20 | -- |
| West Tier: | | | |
| Dark Geese: | | 5 | 10 |
| Canada | Oct. 28-Feb. 11 | 5 | 10 |
| White-fronted | Oct. 28-Feb. 11 | 1 | 2 |
| Light Geese | Oct. 28-Feb. 11 | 20 | -- |
| Wyoming | | | |
| Ducks: | | | |
| Zone 1 | Oct. 7-Oct. 22 & | 6 | 12 |
| | Oct. 28-Jan. 16 | 6 | 12 |
| Zone 2 | Sept. 30-Oct. 22 & | 6 | 12 |
| | Nov. 4-Jan. 16 | 6 | 12 |
| Mergansers | Same as for ducks | 5 | 12 |
| Coots | Same as for ducks | 15 | 30 |
| Dark Geese: | | | |
| Area 1 | Oct. 7-Jan. 20 | 5 | 10 |
| Area 2 | Oct. 18-Jan. 31 | 5 | 10 |
| Area 3 | Sept. 30-Oct. 22 & | 5 | 10 |
| | Nov. 4-Jan. 25 | | |
| Area 4(7): | Oct 7-Oct. 22 & | 1 | 2 |
| | Nov. 11-Feb. 8 | 5 | 10 |
| Light Geese | Oct. 7-Dec. 31 & | 10 | 40 |
| | Jan. 19-Feb. 8 | 10 | 40 |

(1) In Colorado, in the North Park and South Park/San Luis Valley Units, the bag limit for the November 4 through February 4 period is 2 geese. The possession limit is twice the daily bag limit.
(2) In Colorado, in the Arkansas Valley Unit, shooting hours are one-half hour before sunrise to noon November 11 through November 24.
(3) In Kansas, the daily bag limit may include no more than 2 scaup and 1 hen mallard.
(4) In Kansas, the season dates for the Marais des Cygnes Valley and Southeast Dark Goose Management Units are December 16 through February 4. The daily bag and possession limits for these units are the same as statewide bag and possession limits for Canada and white-fronted geese. See State regulations for additional restrictions.
(5) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, Sorocco, and Valencia Counties.
(6) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through October 29 and until 2 p.m. the remainder of the season, except that during October 14 through December 22, shooting hours are one-half hour before sunrise to sunset on Saturdays and Wednesdays.
(7) In Wyoming, the shooting hours for dark geese in Goshen County are one-half hour before sunrise to 1 p.m., except during the period October 7 through October 22 and on all Saturdays and Sundays after Novermber 30 until the close of the dark goose season, when shooting hours are until sunset. In Platte County, shooting hours for dark geese in the area east of Interstate Highway 25 and north of Wyoming Highway 160 are 1/2 hour before sunrise to sunset. In the remainder of Platte County, shooting hours for dark geese are 1/2 hour before sunrise to 1 p.m. except during the period October 7 through October 22 and on all Saturdays and Sundays after November 30 until the close of the dark goose season, when shooting hours are until sunset.

## PACIFIC FLYWAY

### Flyway-wide Restrictions

**Duck and Merganser Limits:** The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 redheads, 4 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

**Coot and Common Moorhen Limits:** Daily bag and possession limits are in the aggregate for the two species.

**Goose Limits:** Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

**Aleutian Canada Geese:** The season is closed throughout the Flyway.

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Arizona | | | |
| Ducks (1): | | | |
| North Zone | Oct. 13-Jan. 21 | 7 | 14 |
| South Zone | Oct. 13-Jan. 21 | 7 | 14 |
| Coots and moorhens | Same as for ducks | 25 | 25 |
| Geese: | | 5 | 5 |
| Dark (2): | | | |
| GMU 22 & 23 | Nov. 15-Jan. 21 | 3 | 3 |
| GMU 1 & 27 | Dec. 1-Jan. 21 | 3 | 3 |
| Balance of State | Oct. 16-Jan. 21 | 3 | 3 |
| Light (2): | | | |
| GMU 22 & 23 | Same as dark geese | 3 | 3 |
| Rest of State | Same as for dark geese | 3 | 3 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| California | | | |
| Ducks: | | | |
| Northeastern Zone | Oct. 7-Jan. 14 | 7 | 14 |
| Colorado River Zone | Oct. 13-Jan. 21 | 7 | 14 |
| Southern Zone | Oct. 14-Jan. 21 | 7 | 14 |
| Southern San Joaquin Valley Zone | Oct. 14-Jan. 21 | 7 | 14 |
| Balance-of-State Zone | Oct. 14-Jan. 21 | 7 | 14 |
| Coots and moorhens: | | | |
| Northeastern Zone | Same as for ducks | 25 | 25 |
| Colorado River Zone | Same as for ducks | 25 | 25 |
| Southern Zone | Same as for ducks | 25 | 25 |
| Southern San Joaquin Valley Zone | Same as for ducks | 25 | 25 |
| Balance-of-State Zone | Same as for ducks | 25 | 25 |
| Geese: | | | |
| Northeastern Zone: | | 3 | 6 |
| Canada Geese | Oct. 7-Jan. 14 | 2 | 4 |
| Cackling Geese | Oct. 7-Nov. 19 | 1 | 2 |
| White-fronted Geese | Oct. 7-Nov. 19 | 2 | 4 |
| Light Geese | Oct. 7-Jan. 14 | 3 | 6 |
| Colorado River Zone: | | 5 | 10 |
| Canada Geese | Oct. 16-Jan. 21 | 3 | 6 |
| White-fronted Geese | Oct. 16-Jan. 21 | 3 | 6 |
| Light Geese | Oct. 16-Jan. 21 | 3 | 6 |
| Southern Zone: | | 5 | 10 |
| Dark Geese: | | 3 | 6 |
| Canada | Oct. 21-Jan. 21 | 3 | 6 |
| Cackling Geese | Oct. 21-Jan. 21 | 1 | 2 |
| White-fronted Geese | Oct. 21-Jan. 21 | 3 | 6 |
| Light Geese | Oct. 21-Jan. 21 | 3 | 6 |
| Balance-of-State Zone: | | 3 | 6 |
| Dark Geese (3): | | 2 | 4 |
| Canada: | | | |
| Del Norte & Humboldt | Closed | -- | -- |
| Sacramento Valley Area | Closed | -- | -- |
| San Joaquin Valley Area | Closed | -- | -- |
| Rest of Zone | Nov. 4-Jan. 21 | 2 | 4 |
| White-fronted: | | | |
| Sacramento Valley Closure | Nov. 4-Dec. 14 | 2 | 4 |
| Rest of Zone | Nov. 4-Jan. 21 | 2 | 4 |
| Light Geese | Nov. 4-Jan. 21 | 3 | 6 |
| Brant | Nov. 10-Dec. 9 | 2 | 4 |
| Colorado | | | |
| Ducks | Sept. 30-Oct. 15 & | 7 | 14 |
| | Oct. 25-Jan. 21 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Geese: | Sept. 30-Oct. 10 & | 2 | 4 |
| | Oct. 28-Jan. 21 | 2 | 4 |
| Idaho | | | |
| Ducks: | | | |
| Zone 1 | Oct. 7-Jan. 19 | 7 | 14 |
| Zone 2 | Oct. 7-Oct. 18 & | 7 | 14 |
| | Oct. 21-Jan. 21 | 7 | 14 |
| Zone 3 | Oct. 7-Oct. 18 & | 7 | 14 |
| | Oct. 21-Jan. 21 | 7 | 14 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Idaho (cont.) | | | |
| Coots | Same as for ducks | 25 | 25 |
| Geese: | | | |
| Zone 1 (4): | | 4 | 8 |
| Dark | Oct. 14-Jan. 19 | 4 | 8 |
| Light | Oct. 14-Jan. 19 | 3 | 6 |
| Zone 2: | | 3 | 6 |
| Dark | Oct. 7-Oct. 18 & | 3 | 6 |
| | Oct. 28-Jan. 21 | 3 | 6 |
| Light | Oct. 7-Oct. 18 & | 3 | 6 |
| | Oct. 28-Jan. 21 | 3 | 6 |
| Zone 3: | | 3 | 6 |
| Dark | Oct. 7-Oct. 18 & | 2 | 4 |
| | Oct. 28-Jan. 21 | 2 | 4 |
| Light | Oct. 7-Oct. 18 & | 3 | 6 |
| | Oct. 28-Jan. 21 | 3 | 6 |
| Montana | | | |
| Ducks | Sept. 30-Jan. 12 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Geese (5): | | | |
| Dark | Sept. 30-Jan. 7 | 4 | 8 |
| Light | Sept. 30-Jan. 7 | 3 | 6 |
| Nevada | | | |
| Ducks: | | | |
| Lincoln & Clark Counties | Oct. 7-Jan. 20 | 7 | 14 |
| Rest of State | Oct. 7-Jan. 20 | 7 | 14 |
| Coots and moorhens | Same as for ducks | 25 | 25 |
| Dark Geese: | | | |
| Lincoln & Clark Counties | Nov. 25-Jan. 20 | 2 | 4 |
| Scripps/Washoe Lake Zone | Oct. 21-Jan. 20 | 3 | 6 |
| Rest of State | Oct. 21-Jan. 20 | 3 | 6 |
| Light Geese: | | | |
| Lincoln & Clark Counties | Nov. 25-Jan. 20 | 3 | 6 |
| Scripps/Washoe Lake Zone | Oct. 21-Jan. 20 | 3 | 6 |
| Rest of State (6) | Oct. 21-Jan. 20 | 3 | 6 |
| New Mexico | | | |
| Ducks | Oct. 7-Jan. 21 | 7 | 14 |
| Coots and Moorhens (7) | Same as for ducks | 12 | 24 |
| Dark Geese: | | | |
| North Zone | Sept. 30-Oct. 29& | 3 | 6 |
| | Nov. 13-Jan. 21 | 3 | 6 |
| South Zone | Oct. 14-Jan. 21 | 2 | 4 |
| Light Geese: | | | |
| North Zone | Sept. 30-Oct. 29 & | 1 | 2 |
| | Nov. 13-Jan. 21 | 1 | 2 |
| South Zone | Oct. 14-Jan. 21 | 1 | 2 |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| Oregon | | | |
| Ducks: | | | |
| Zone 1: | | | |
| Columbia Basin Unit | Oct. 7-Oct. 18 & | 7 | 14 |
| | Oct. 21- Jan. 21 | 7 | 14 |
| Rest of Zone 1 | Oct. 7-Oct. 18 & | 7 | 14 |
| | Oct. 21- Jan. 21 | 7 | 14 |
| Zone 2 | Oct. 7-Oct. 18 & | 7 | 14 |
| | Oct. 21- Jan. 21 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Geese: | | | |
| Northwest General Goose Zone: | | | |
| Dark Geese | Oct. 14-Jan. 16 | 4 | 8 |
| Light Geese | Oct. 14-Jan. 16 | 3 | 6 |
| Northwest Special Permit Zone (8): | | | |
| Dark Geese | Nov. 1-Nov. 15 & | 4 | 8 |
| | Nov. 25-Jan. 21 & | 4 | 8 |
| | Feb. 7-Feb. 28 | 4 | 8 |
| Dusky Canada geese | | 1 per season | |
| Light Geese | Nov. 1-Nov. 15 & | 3 | 6 |
| | Nov. 25-Jan. 21 | 3 | 6 |
| Southwest General Zone (9): | | | |
| Dark Geese | Oct. 14-Oct. 18 & | 4 | 8 |
| | Oct. 21-Jan. 21 | 4 | 8 |
| Light Geese | Oct. 14-Oct. 18 & | 3 | 6 |
| | Oct. 21-Jan. 21 | 3 | 6 |
| Eastern Zone: | | | |
| Klamath, Harney, Lake, and Malheur Counties: | | | |
| Dark Geese | Oct. 7-Oct. 18 & | 4 | 8 |
| | Oct. 21-Jan. 14 | 4 | 8 |
| Cackling Canada geese | | 1 | 2 |
| White-fronted geese: | | | |
| Lake County | | 2 | 4 |
| Rest of Zone | | 4 | 8 |
| Light Geese | Oct. 7-Oct.18 & | 3 | 6 |
| | Oct. 21-Jan. 14 | 3 | 6 |
| Remainder of Eastern Zone: | | | |
| Dark Geese | Oct. 14-Oct. 18 & | 4 | 8 |
| | Oct. 21-Jan. 21 | 4 | 8 |
| Cackling Canada geese | | 1 | 2 |
| White-fronted geese | | 4 | 8 |
| Light Geese | Oct. 14-Oct. 18 & | 3 | 6 |
| | Oct. 21-Jan. 21 | 3 | 6 |
| Brant | Nov. 4-Nov. 17 | 2 | 4 |
| Utah (10) | | | |
| Ducks: | | | |
| Zone 1 | Oct. 7-Jan. 20 | 7 | 14 |
| Zone 2 | Oct. 7-Jan. 20 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Geese: | | 5 | 6 |
| Light | Oct. 7-Jan. 14 | 3 | 6 |
| Dark: | | | |
| Washington County (11) | Oct. 14-Jan. 21 | 3 | 6 |
| Rest of State | Oct. 7-Jan. 14 | 3 | 6 |
| Washington | | | |
| Ducks: | | | |
| East Zone | Oct. 7-Oct 18 & | 7 | 14 |
| | Oct. 21-Jan. 21 | 7 | 14 |
| West Zone (12) | Oct. 7-Oct 18 & | 7 | 14 |
| | Oct. 21-Jan. 21 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Geese (13): | | | |
| Eastern Management Areas 1, and 2 (14) | Oct. 7-Oct. 26 & | 4 | 8 |
| | Nov. 4-Jan. 21 | 4 | 8 |
| Western Management Area 1: | | | |
| Light Geese | Oct 7-Jan. 1 | 3 | 6 |
| Dark Geese | Oct 7-Oct. 26 & | 4 | 8 |
| | Nov. 4-Jan. 21 | 4 | 8 |
| Western Management Area 2 (15) | Nov. 22-Nov. 29 & | 4 | 8 |
| | Dec. 2-Dec. 6 & | 4 | 8 |
| | Dec. 9-Dec. 14 | 4 | 8 |
| Regular Season Total Geese | | 4 | 8 |
| Canada geese | | 4 | 8 |
| Dusky Canada geese | | 1 per season | |
| Late-Season Canada Geese | Jan. 20-Mar. 10 | | |
| Canada geese | | 4 | 8 |
| Dusky Canada geese | | 1 per season | |
| Western Management Area 3 | Oct. 7-Oct. 26 & | 4 | 8 |
| | Nov. 4-Jan. 21 | 4 | 8 |
| Brant (16) | Jan. 13-Jan. 21 | 2 | 4 |
| Wyoming | | | |
| Ducks | Sept. 30-Jan. 13 | 7 | 14 |
| Coots | Same as for ducks | 25 | 25 |
| Dark Geese | Sept. 30-Jan. 6 | 4 | 8 |

(1) In Arizona, the daily limit may include no more than either 2 female mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 female mallards and Mexican-like ducks, in the aggregate, may be in possession.
(2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limits are 3 and 6 for Canada geese and 3 and 6 for light geese, respectively.
(3) In California, the daily bag limit for cackling geese is 1.
(4) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(5) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(6) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
(7) In New Mexico, the bag limit is 1 common moorhen daily and 2 in possession; there is no open season on the purple gallinule.
(8) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(9) In Oregon, that portion of Coos, Curry, and Douglas Counties west of US 101 is closed to all Canada goose hunting.
(10) In Utah, the shooting hours are 8:00 a.m. to sunset on October 7 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties, and November 4 statewide.

(11) In Utah, the season in Washington County is for Canada geese only.
(12) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit for harlequins is 1.
(13) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
(14) In Washington, in State Goose Area 1, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Area 2, hunting is everyday. See State regulations for details, including shooting hours.
(15) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(16) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Day

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

**Definition**

**Youth Hunters:** Includes youths 15 years of age or younger.

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492). Bag and possession limits will conform to those set for the regular season.

| | Season Dates |
|---|---|
| ATLANTIC FLYWAY | |
| Connecticut | |
| Ducks, mergansers, coots, and Canada geese | Oct. 7 |
| * * * * * | |
| Florida | |
| Ducks, mergansers, coots, moorhens, and geese (9) | Jan. 27 & [illegible] |
| * * * * * | |
| Massachusetts | |
| Ducks, mergansers, and coots | Oct. 7 |
| New Hampshire | |
| Ducks, mergansers, coots, and geese | Sept. 30 |
| * * * * * | |
| North Carolina | |
| Ducks, mergansers, and coots | Jan. 27 |
| * * * * * | |
| South Carolina | |
| Ducks and geese | Jan. 27 & 28 |
| Virginia | |
| Ducks, mergansers, coots, moorhens, and gallinules | Oct. 21 |
| * * * * * | |
| MISSISSIPPI FLYWAY | |
| * * * * * | |
| Arkansas | |
| Ducks, geese, mergansers, coots, moorhens, and gallinules | Jan. 27 & 28 |
| Illinois | |
| Ducks, mergansers, coots, and geese (10): | |
| North Zone | Oct. 7 & 8 |
| Central Zone | Oct. 14 &15 |
| South Zone | Oct. 28 & 29 |
| Indiana | |
| Ducks, mergansers, coots, moorhens, gallinules, and geese: | |
| North Zone | Oct. 21 & 22 |
| South Zone | Nov. 11 & 12 |
| Ohio River Zone | Nov. 11 & 12 |
| Iowa | |
| Ducks, Canada geese, snow geese, mergansers, and coots | Oct. 7 & 8 |
| * * * * * | |
| Louisiana | |
| Ducks, mergansers, coots, moorhens, gallinules, and geese | Jan. 27 & 28 |
| * * * * * | |
| Mississippi | |
| Ducks, mergansers, coots, moorhens, gallinules, and geese | Feb. 3 & 4 |
| Missouri | |
| Ducks, coots, and geese: | |
| North Zone | Oct. 21 & 22 |
| Middle Zone | Oct. 28 & 29 |
| South Zone | Nov. 11 & 12 |
| Ohio | |
| Ducks, mergansers, coots, moorhens, gallinules, and geese | Oct. 14 & 15 |

| | Season Dates |
|---|---|
| Tennessee | |
| Ducks, mergansers, and coots | Feb. 3 & 4 |
| * * * * * | |
| CENTRAL FLYWAY | |
| * * * * * | |
| Kansas (4) | |
| Ducks, dark geese, mergansers and coots: | |
| High Plains | Sept. 23 & 24 |
| Low Plains | |
| Early Zone | Sept. 30 & Oct. 1 |
| Late Zone | Oct. 14 & 15 |
| * * * * * | |
| Oklahoma | |
| Ducks, mergansers, coots, and geese: | |
| High Plains | Sept. 30 & Oct. 1 |
| Low Plains: | |
| Zone 1 | Oct. 21 & 22 |
| Zone 2 | Oct. 21 & 22 |
| * * * * * | |
| Texas | |
| Ducks, mergansers, and coots: | |
| High Plains | Oct. 14 & 15 |
| Low Plains: | |
| North | Oct. 21 & 22 |
| South | Oct. 21 & 22 |
| * * * * * | |

* * * * *

(4) In Kansas, the adult accompanying the youth and nonresident youth, must be licensed and possess state and federal duck stamps as required by state or federal regulation to hunt waterfowl.

* * * * *

(9) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271, and the light goose season is only open north and west of the Suwannee River.
(10) In Illinois, the daily bag limit for Canada geese is 2.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

**§20.106 Seasons, limits, and shooting hours for sandhill cranes.**

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23, 2000, Federal Register (65 FR 51496).

Note: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492).

| | Season Dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| CENTRAL FLYWAY | | | |
| * * * * * | | | |
| Oklahoma (1) | Nov. 4- Feb. 4 | 3 | 6 |
| * * * * * | | | |

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

* * * * *

5. Section 20.107 is revised to read as follows:

**§20.107 Seasons, limits, and shooting hours for swans.**

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

| | Season Dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| ATLANTIC FLYWAY | | | |
| North Carolina | Oct. 19-Jan. 31 | 1 tundra swan per season | |
| CENTRAL FLYWAY (1) | | | |
| Montana | Sept. 30-Jan. 4 | 1 tundra swan per season | |

| | Season Dates | Limits Bag | Limits Possession |
|---|---|---|---|
| North Dakota | Sept. 30-Dec. 10 | 1 tundra swan per season | |
| South Dakota | Sept. 30-Dec. 24 | 1 tundra swan per season | |
| PACIFIC FLYWAY (1)(2) | | | |
| Montana | Oct. 14-Dec. 1 | 1 swan per season | |
| Nevada (3) (4) | Oct. 21-Jan. 7 | 1 swan per season | |
| Utah (3) | Oct. 7-Dec. 10 | 1 swan per season | |

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) Harvests of trumpeter swans will be limited by quotas established in the September XX, 2000, Federal Register. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(4) All harvested swans and tags must be checked at the Nevada Division of Wildlife within 5 days of harvest.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

**§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.**

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September XX Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits.

Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 2000, Federal Register (65 FR 53492).

| | Extended Falconry Dates |
|---|---|
| ATLANTIC FLYWAY | |
| Delaware | |
| * * * * * | |
| Ducks, mergansers, and coots | Jan. 27-Mar. 10 |
| Brant | Oct. 24-Nov. 9 & Jan. 22-Mar. 10 |
| Florida | |
| * * * * * | |
| Ducks, light geese and coots (6) | Nov. 1-Nov. 12 & Feb. 1-Feb. 28 |
| Georgia | |
| Sea Ducks | Nov. 11-Nov. 21 & Jan. 21-Feb. 16 |
| Ducks, mergansers, gallinules, and coots | Nov. 11-Nov. 21 & Jan. 21-Feb. 16 |
| Maine | |
| Ducks, mergansers, and coots (4): | |
| North Zone | Dec. 4-Feb. 1 |
| South Zone | Dec. 30-Feb. 28 |
| Maryland | |
| * * * * * | |
| Ducks | Oct. 3-Oct. 6 & Jan. 22-Mar. 10 |
| Brant | Jan. 22-Mar. 10 |
| Massachusetts | |
| Ducks, mergansers, and coots: | |
| Western Zone | Oct. 6-Oct. 8 & Nov. 26-Dec. 3 & Dec. 24-Jan. 20 |
| Central Zone | Oct. 6-Oct. 11 & Nov. 26-Dec. 13 & Jan. 7-Jan. 20 |
| Coastal Zone | Oct. 6-Oct. 11 & Oct. 29-Nov. 22 & Jan. 14-Jan. 20 |

| | Extended Falconry Dates |
|---|---|
| New Hampshire | |
| Ducks, mergansers, and coots: | |
| Inland Zone | Nov. 6-Nov. 21 & Dec. 17-Jan. 15 |
| Coastal Zone | Jan. 24-Mar. 10 |
| New Jersey | |
| Woodcock: | |
| North Zone | Oct. 1-Oct. 25 & Nov. 19-Jan. 15 |
| South Zone | Oct. 1-Nov. 10 & Nov. 26-Dec. 21 & Dec. 31-Jan. 15 |
| Ducks: | |
| North Zone | Oct. 1-Oct. 6 & Oct.29-Nov. 14 & Jan. 2-Jan. 31 |
| South Zone | Oct. 1-Oct. 20 & Nov. 5-Nov. 9 & Jan. 4-Jan. 31 |
| Coastal Zone | Oct. 1-Nov. 3 & Nov. 15-Nov. 22 & Jan. 21-Jan. 31 |
| New York | |
| Ducks, mergansers and coots: | |
| Long Island Zone | Nov. 1-Nov. 16 & Nov. 27-Dec. 1 & Jan. 21-Jan. 31 |
| Northeastern Zone | Oct. 1-Oct. 6 & Nov. 13-Nov. 17 & Dec. 11-Dec. 31 |
| Southeastern Zone | Oct. 1-Oct. 13 & Oct. 23-Nov. 3 & Dec. 25-Dec. 31 |
| Western Zone | Oct. 1-Oct. 13 & Nov. 27-Dec. 22 |
| Pennsylvania | |
| Mourning doves | Oct. 7-Oct. 27 & Nov. 27-Dec.12 |
| Ducks: | |
| North Zone | Nov. 27-Dec. 21 & Jan. 11-Feb. 7 |
| South Zone | Oct. 16-Nov. 14 & Jan. 16-Feb. 7 |
| Northwest Zone | Oct. 23-Nov. 3 & Dec. 29-Feb. 7 |
| Lake Erie Zone | Oct. 6-Oct. 28 & Jan. 9-Feb. 7 |

| | Extended Falconry Dates |
|---|---|
| Pennsylvania (cont.) | |
| Canada Geese: | |
| Western Zone | Jan. 1-Jan. 13 |
| Pymatuning Zone | Oct. 23-Nov. 3 & Dec. 26-Mar. 6 |
| Brant | Dec. 5-Feb. 8 |
| South Carolina | |
| Ducks, mergansers, and coots | Oct. 15-Nov. 21 |
| Virginia | |
| * * * * * | |
| Ducks, mergansers, coots, moorhens, and gallinules | Nov. 13-Nov. 16 & Jan. 22-Feb. 28 |
| Canada Geese | Nov. 21-Nov. 30 & Feb. 16-Feb. 28 |
| Brant | Nov. 7-Nov. 23 & Jan. 22-Mar. 10 |
| MISSISSIPPI FLYWAY | |
| Arkansas | |
| Ducks, mergansers, and coots | Dec. 21-Dec. 25 & Jan. 22-Feb. 16 |
| Illinois | |
| * * * * * | |
| Ducks, mergansers, and coots | Feb. 10-Mar. 9 |
| Indiana | |
| * * * * * | |
| Ducks, mergansers, and coots: | |
| North Zone | Sept. 30-Oct. 6 & Feb. 18-Mar. 11 |
| South Zone | Oct. 7-Oct. 13 & Feb. 18-Mar. 11 |
| Ohio River Zone | Oct. 7-Oct. 13 & Feb. 18-Mar. 11 |

| | Extended Falconry Dates |
|---|---|
| Iowa | |
| Ducks, mergansers, and coots | Dec. 15-Jan. 28 |
| Dark Geese: | |
| North Zone | Dec. 9-Jan. 12 |
| South Zone | Oct. 16-Nov. 3 & Dec. 28-Jan. 14 |
| Kentucky | |
| Ducks, mergansers, and coots | Nov. 5-Nov. 22 & Jan. 22-Jan. 31 |
| Canada Geese: | |
| Western Goose Zone | Nov. 5-Dec. 1 |
| Pennyroyal/Coalfield Zone | Nov. 5-Dec. 27 |
| Rest of State | Nov. 5-Dec. 12 |
| White-fronted geese and brant | Nov. 5-Nov. 22 |
| Light geese | Nov. 5-Nov. 22 |
| Michigan | |
| * * * * * | |
| Ducks, mergansers, coots, and moorhens: | |
| North Zone | Sept. 7-Sept. 29 & Nov. 29-Dec. 12 & Mar. 1-Mar. 10 |
| Middle Zone | Sept. 7-Sept. 29 & Nov. 29-Dec. 12 & Mar. 1-Mar. 10 |
| South Zone | Sept. 7-Oct. 6 & Dec. 6-Dec. 12 & Mar. 1-Mar. 10 |
| Minnesota | |
| * * * * * | |
| Ducks, mergansers, coots, moorhens, and gallinules | Nov. 29-Jan. 13 |
| Mississippi | |
| Mourning Dove | Nov. 27-Dec. 12 & Jan. 7-Feb. 3 |
| Ducks, mergansers and coots | Jan. 29-Feb. 2 & Feb. 5-Mar. 9 |

| | Extended Falconry Dates |
|---|---|
| Missouri | |
| * * * * * | |
| Ducks, mergansers, and coots: | |
| North Zone | Sept. 9-Sept. 24 & Oct. 16-Oct. 25 & Dec. 25-Jan. 14 |
| Middle Zone | Sept. 9-Sept. 24 & Oct. 16-Nov. 1 & Jan. 1-Jan. 14 |
| South Zone | Sept. 9-Sept. 24 & Oct. 16-Nov. 15 |
| Ohio | |
| Ducks, mergansers, and coots | Feb. 2-Feb. 4 |
| Tennessee | |
| * * * * * | |
| Ducks, mergansers, and coots | Sept. 14-Nov. 1 |
| Wisconsin | |
| Rails, snipe, moorhens, and gallinules | Sept. 1-Sept. 29 & Nov. 29-Dec. 16 |
| Woodcock | Sept. 1-Sept. 22 & Nov. 7-Dec. 16 |
| Ducks, mergansers, and coots | Jan. 25-Mar. 10 |
| CENTRAL FLYWAY | |
| Kansas | |
| Ducks, mergansers, and coots: | |
| Low Plains: | |
| Early Zone | Feb. 18-Mar. 4 |
| Late Zone | Feb. 18-Mar. 4 |
| Montana (2) | |
| Ducks, mergansers, and coots: | |
| Zone 1 | Sept. 21-Sept. 29 |
| Zone 2 | Sept. 21-Sept. 29 |
| New Mexico | |
| Doves: | |
| North Zone | Oct.31-Nov. 12 & Nov. 27-Dec. 30 |
| South Zone | Oct. 1-Nov. 12 & Nov. 27-Nov. 30 |

| | Extended Falconry Dates |
|---|---|
| New Mexico (cont.) | |
| Band-tailed pigeons: | |
| North Zone | Sept. 21-Dec. 16 |
| South Zone | Oct. 21-Jan. 15 |
| Sandhill cranes: | |
| Regular Season Area | Oct. 17-Oct. 30 |
| Ducks and coots | Sept. 16-Sept. 24 |
| Moorhen and sora and Virginia rails | Dec. 16-Jan. 21 |
| * * * * * | |
| Oklahoma | |
| Ducks, mergansers, and coots: | |
| Low Plains: | |
| Zone 1 | Dec. 4-Dec. 8 & Jan. 15-Jan. 24 |
| Zone 2 | Dec. 4-Dec. 8 & Jan. 22-Jan. 31 |
| South Dakota | |
| Ducks, mergansers, and coots: | |
| Low Plains: | |
| North Zone | Sept. 4-Sept. 22 & Sept. 25-Sept.29 & Dec. 13-Dec. 19 |
| Middle Zone | Sept. 4-Sept. 22 & Sept. 25-Sept. 29 & Dec. 13-Dec. 19 |
| South Zone | Sept. 11-Sept. 22 & Sept. 25-Oct. 13 |
| High Plains | Sept. 4-Sept. 11 |
| Texas | |
| * * * * * | |
| Ducks, mergansers, and coots: | |
| Low Plains | Jan. 22-Feb. 5 |
| PACIFIC FLYWAY | |
| Arizona | |
| * * * * * | |
| Ducks and mergansers: | |
| North Zone | Oct. 8-Oct. 12 |
| South Zone | Jan. 23-Jan. 27 |

| | Extended Falconry Dates |
|---|---|
| California | |
| Ducks, mergansers, and coots: | |
| Northeastern Zone | Jan. 15-Jan. 19 |
| Colorado River Zone | Jan. 23-Jan. 27 |
| Southern Zone | Jan. 22-Jan. 28 |
| Balance-of-State Zone | Jan. 22-Jan. 28 |
| Southern San Joaquin Zone | Jan. 22-Jan. 28 |
| Canada Geese: | |
| Northeastern Zone | Jan. 15-Jan. 19 |
| Southern Zone | Oct. 14-Oct. 20 & Jan. 22-Jan. 28 |
| Balance-of-State Zone (5) | Oct. 14-Nov. 3 & Jan 22-Jan. 28 |
| Southern San Joaquin Zone | Oct. 14-Nov. 3 & Jan. 22-Jan. 28 |
| White-fronted Geese: | |
| Northeastern Zone | Nov. 20-Jan. 19 |
| Southern Zone | Oct. 14-Oct. 20 & Jan. 22-Jan. 28 |
| Balance-of-State Zone | Oct. 14-Nov. 3 & Jan. 22-Jan. 28 |
| Southern San Joaquin Zone | Oct. 14-Nov. 3 & Jan. 22-Jan. 28 |
| Brant | |
| Northeastern Zone | Oct. 7-Nov. 9 & Dec. 10-Jan 19 |
| Southern Zone | Oct. 14-Nov. 9 & Dec. 10-Jan. 28 |
| Balance-of-State Zone | Oct. 14-Nov. 9 & Dec. 10-Jan. 28 |
| Southern San Joaquin Zone | Oct. 14-Nov. 9 & Dec. 10-Jan. 28 |
| Light Geese: | |
| Northeastern Zone | Jan. 15-Jan. 19 |
| Southern Zone | Oct. 14-Oct. 20 & Jan. 22-Jan. 28 |
| Balance-of-State Zone | Oct 14-Nov. 3 & Jan. 22-Jan. 28 |
| * * * * * | |
| New Mexico | |
| Doves: | |
| North Zone | Oct. 31-Nov. 12 & Nov. 27-Dec. 30 |
| South Zone | Oct. 1-Nov. 12 & Nov. 27-Nov. 30 |
| Band-tailed pigeons | |
| North Zone | Sept. 21-Dec. 16 |
| South Zone | Oct. 21-Jan. 15 |

| | Extended Falconry Dates |
|---|---|
| New Mexico (cont.) | |
| Rails | Dec. 16-Jan. 21 |
| Dark Geese: | |
| North Zone | Nov. 6-Nov. 12 |
| South Zone | Oct. 7-Oct. 13 |
| Light Geese: | |
| North Zone | Nov. 6-Nov. 12 |
| South Zone | Oct. 7-Oct. 13 |
| * * * * * | |
| Utah | |
| * * * * * | |
| Light Geese | Jan. 15-Jan. 20 |
| Dark Geese: | |
| Washington County | Oct. 8-Oct. 13 |
| Rest of State | Jan. 15-Jan. 20 |
| * * * * * | |

(2) In Montana, the bag limit is 2 and the possession limit is 6.

* * * * *

(4) In Maine, the daily bag and possession limit for black ducks is 1 and 2, respectively.
(5) In California, the falconry season for Canada geese is closed in the Del Norte and Humbolt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.
(6) In Florida, light geese may only be taken north and west of the Suwannee River.

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Federal Register

**Thursday,**

**September 28, 2000**

## Part III

# Department of Housing and Urban Development

**24 CFR Part 221**

**Discontinuation of the Section 221(d)(2) Mortgage Insurance Program; Proposed Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Part 221**

**[Docket No. FR–4588–P–01]**

**RIN 2502–AH50**

## Discontinuation of the Section 221(d)(2) Mortgage Insurance Program

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would discontinue HUD's section 221(d)(2) mortgage insurance program. Through this program, HUD insures mortgage loans made by private lenders to finance the purchase, construction, or rehabilitation of low-cost, one- to four-family housing. The section 221(d)(2) program is rarely used by homebuyers, primarily due to its low mortgage limits. Further, the program provides few homeownership opportunities not already made available by other HUD mortgage insurance programs. Accordingly, HUD proposes to no longer enter into new contracts for mortgage insurance under the program. The proposed rule would remove those provisions of the section 221(d)(2) regulations concerning eligibility for participation in the program, and replace them with a savings clause. The rule, however, would retain those regulatory provisions regarding the contract rights and servicing responsibilities for existing program participants.

**DATES:** *Comments due date:* November 27, 2000.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

**FOR FURTHER INFORMATION CONTACT:** Vance T. Morris, Director, Office of Single Family Program Development, Office of Insured Single Family Housing, Room 9266, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–2700 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

### I. Background—The Section 221(d)(2) Single Family Mortgage Insurance Program

Section 221(d)(2) of the National Housing Act (12 U.S.C. 1715l(d)(2)), authorizes HUD to insure private lenders against loss from default on mortgage loans made to finance the purchase, construction, or rehabilitation of low-cost, one- to four-family homes. The regulations implementing the section 221(d)(2) program are located in 24 CFR part 221. The program is administered by HUD's Office of Housing-Federal Housing Administration (FHA).

The section 221(d)(2) program is rarely used by homebuyers, primarily due to its low mortgage limits. The maximum mortgage under the program is $31,000 for a single-family home ($36,000 in high cost areas). For a larger family with five or more persons, the limit is $36,000 ($42,000 in high-cost areas). Due to these low mortgage limits, which are established by statute, the program is not attractive to the majority of homebuyers. In Fiscal Year 1999, HUD insured 1,009 section 221(d)(2) mortgages, representing less than $32 million of FHA's total $120 billion in mortgage origination. During the last three fiscal years, FHA has endorsed only 4,821 section 221(d)(2) mortgages.

The section 221(d)(2) program provides few homeownership opportunities not already made available by other HUD mortgage insurance programs, primarily the single family home mortgage insurance programs authorized by section 203 of the National Housing Act (12 U.S.C. 1709) (implemented by HUD in 24 CFR part 203), and the condominium mortgage insurance program authorized by section 234 of the National Housing Act (12 U.S.C. 1715y) (implemented by HUD in 24 CFR part 234).

The section 203 and section 234 programs have eligibility requirements and underwriting procedures that are almost identical to those of the section 221(d)(2) program. In addition, these programs have the benefit of much higher mortgage limits. For example, the maximum mortgage for a single family dwelling under the section 203(b) and section 234(c) programs ranges from $121,296 to $219,849, depending upon location. Although the section 221(d)(2) program does permit some additional financing of closing costs, the low volume of mortgages originated under the program suggests that this is not a significant benefit to homebuyers.

For these reasons—the infrequent use of section 221(d)(2) mortgage insurance by homebuyers, and the easy availability of alternative FHA mortgage insurance products—HUD has decided to discontinue the section 221(d)(2) program.

### II. This Proposed Rule

This proposed rule would remove the HUD regulations establishing the eligibility requirements for section 221(d)(2) mortgage insurance in subpart A of 24 CFR part 221. A savings clause would be retained in subpart A of the part 221 regulations to provide that the authority to insure section 221(d)(2) mortgages is terminated, except that HUD will endorse for insurance validly processed mortgages under direct endorsement where the credit worksheet was signed by the mortgagee's underwriter before the effective date of the final rule. The savings clause would also provide that subpart A, as it existed immediately before the termination date, will continue to govern the rights and obligations of insured mortgage lenders, mortgagors, and HUD with respect to section 221(d)(2) single family loans insured before the effective date of the final rule, and to the aforementioned direct endorsement loans.

### III. Findings and Certifications

*Environmental Impact*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding of No Significant Impact is available for public inspection between the hours of 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC.

*Regulatory Flexibility Act*

The Secretary has reviewed this proposed rule before publication, and by approving it certifies, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule would not have a significant economic impact on a substantial number of small entities. The reasons for HUD's determination are as follows.

As noted above, the section 221(d)(2) program is rarely used by homebuyers.

Mortgage lenders eligible to participate in the section 221(d)(2) program are also generally eligible to participate in other, alternative, FHA single family mortgage insurance programs that are preferred by homebuyers (such as the section 203 and section 234(c) programs). Accordingly, HUD's decision to discontinue the section 221(d)(2) program is not anticipated to have a significant economic impact on a substantial number of mortgage lenders participating in these FHA programs.

Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

*Executive Order 13132, Federalism*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule would not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

*Catalog of Federal Domestic Assistance Number*

The Catalog of Federal Domestic Assistance program number applicable to 24 CFR part 221 is 14.120: Mortgage Insurance—Homes for Low/Moderate Income Families.

**List of Subjects in 24 CFR Part 221**

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 221 to read as follows:

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

1. The authority citation for part 221 is revised to read as follows:

**Authority:** 12 U.S.C. 1715b, 1715l; 42 U.S.C. 3535(d).

2. Subpart A is revised to read as follows:

## Subpart A—Eligibility Requirements—Low Cost Homes—Savings Clause

### § 221.1 Savings clause.

(a) Effective [insert effective date of final rule], the authority to insure mortgages under section 221(d)(2) of the National Housing Act (12 U.S.C. 1715l(d)(2)) for low cost and moderate income mortgage insurance is terminated, except that HUD will endorse for insurance validly processed mortgages under direct endorsement where the credit worksheet was signed by the mortgagee's underwriter before [insert effective date of final rule].

(b) Subpart A of this part, as it existed immediately before [insert effective date of final rule], will continue to govern the rights and obligations of insured mortgage lenders, mortgagors, and HUD with respect to section 221(d)(2) single family loans insured before [insert effective date of final rule], or in accordance with paragraph (a) of this section, pursuant to the applicable provisions of this subpart.

Dated: August 24, 2000.

**William C. Apgar,**

*Assistant Secretary for Housing-Federal Housing Commissioner*

[FR Doc. 00–24949 Filed 9–27–00; 8:45 am]

BILLING CODE 4210–27–P

Federal Register

Thursday,
September 28, 2000

Part IV

# Office of the United States Trade Representative

**Trade Policy Staff Committee; Request for Public Comment on Draft Environmental Review of Proposed United States-Jordan Free Trade Agreement; Notice**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee; Request for Public Comment on Draft Environmental Review of Proposed United States-Jordan Free Trade Agreement

**ACTION:** Notice of Availability and Request for Public Comment on the Draft Environmental Review of the proposed U.S.-Jordan Free Trade Agreement.

**SUMMARY:** This notice advises that a draft environmental review of the proposed *Agreement on the Establishment of a Free Trade Area Between the Government of the United States and the Government of the Hashemite Kingdom of Jordan* is now available for review and comment. This review was performed pursuant to Executive Order 13141 and initiated in the **Federal Register** on June 28, 2000 (65 Fed. Reg. 37976). The draft environment review is available at the Office of the United States Trade Representative (USTR) Reading Room (room 101), at 600 17th Street, N.W., Washington, D.C. 20508, as well as electronically at the USTR website at: *http://www.ustr.gov.* Persons submitting written comments should note the expedited comment deadline necessitated by the negotiating timetable.

**DATES:** Comments on the review should be submitted on or before October 11, 2000.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee (TPSC), Office of the USTR, 600 17th Street, N.W., Washington, D.C. 20508, (202) 395–3475. All other questions regarding the draft review should be addressed to Kira Alvarez, Director for Marine Resources and Regional Affairs, Office of the USTR (202) 395–7230.

**SUPPLEMENTARY INFORMATION:** On June 6, 2000, President Clinton agreed to negotiate a biolateral free trade agreement with Jordan's King Abdullah II.. In the negotiations, the United States and Jordan are seeking to eliminate duties and commercial barriers to bilateral trade in U.S. and Jordanian origin goods and are also addressing trade in services, trade-related aspects of intellectual property rights, trade-related environmental and labor matters, and other issues. The TPSE requested written comments from the public to assist USTR in formulating negotiating objectives for the agreement in the **Federal Register** on June 2000 (65 FR 37594).

An evironmental review of the proposed agreement was initiated on June 28, 2000 (65 FR 39976). In that notice, USTR also requested comments on the scope of the review, including the potential environmental effects that might flow from the free trade agreement and the potential implications for U.S. environmental laws and regulations.

*Written Comments.* Person submitting written comments should provide twenty(20) copies no later than noon October 11, 2000, to Gloria Blue at the address listed above. Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 10:00 a. m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains confidential information, twenty (20) copies of a public version that does not contain confidential information must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The versions that do not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential''.

**Carmen Suro-Bredie,**

*Chair, Trade Policy Staff Committee.*

[FR Doc. 00–25093 Filed 9–26–00; 4:15 pm]

BILLING CODE 3190–01–M

# Reader Aids

**Federal Register**

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## FEDERAL REGISTER PAGES AND DATE, SEPTEMBER



## 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.

## 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 28, 2000

**AGRICULTURE DEPARTMENT**
**Agricultural Marketing Service**
Raisins produced from grapes grown in—
California; published 9-27-00

**ENVIRONMENTAL PROTECTION AGENCY**
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National oil and hazardous substances contingency plan—
National priorities list update; published 9-28-00

**FEDERAL COMMUNICATIONS COMMISSION**
Common carrier services:
Incumbent local exchange carriers; accounting and reporting requirements; comprehensive review; published 3-28-00

**JUSTICE DEPARTMENT**
Executive clemency; rules governing petitions; victim notification and comment; published 9-28-00

**PERSONNEL MANAGEMENT OFFICE**
Employment:
Displaced former Panama Canal Zone employees; interagency career transition assistance; published 8-29-00
Retirement:
Nuclear materials couriers under CSRS and FERS; eligibility; published 8-29-00

**TRANSPORTATION DEPARTMENT**
**Federal Aviation Administration**
Airworthiness directives:
Bell; published 9-13-00

## COMMENTS DUE NEXT WEEK

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**AGRICULTURE DEPARTMENT**
**Food Safety and Inspection Service**
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**AGRICULTURE DEPARTMENT**
**Grain Inspection, Packers and Stockyards Administration**
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**Rural Business-Cooperative Service**
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**AGRICULTURE DEPARTMENT**
**Rural Housing Service**
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**AGRICULTURE DEPARTMENT**
**Rural Utilities Service**
Grants:
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Maryland; comments due by 10-5-00; published 9-5-00
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National priorities list update; comments due by 10-2-00; published 8-31-00

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Federal Deposit Insurance Act:
Depository institution insurance sales; consumer protections; comments due by 10-5-00; published 8-21-00

**FEDERAL RESERVE SYSTEM**
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**TREASURY DEPARTMENT**

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## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

**H.R. 1729/P.L. 106–266**

To designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall''. (Sept. 22, 2000; 114 Stat. 787)

**H.R. 1901/P.L. 106–267**

To designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station''. (Sept. 22, 2000; 114 Stat. 788)

**H.R. 1959/P.L. 106–268**

To designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''. (Sept. 22, 2000; 114 Stat. 789)

**H.R. 4608/P.L. 106–269**

To designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse''. (Sept. 22, 2000; 114 Stat. 790)

**S. 1027/P.L. 106–270**

Deschutes Resources Conservancy Reauthorization Act of 2000 (Sept. 22, 2000; 114 Stat. 791)

**S. 1117/P.L. 106–271**

Corinth Battlefield Preservation Act of 2000 (Sept. 22, 2000; 114 Stat. 792)

**S. 1374/P.L. 106–272**

Jackson Multi-Agency Campus Act of 2000 (Sept. 22, 2000; 114 Stat. 797)

**S. 1937/P.L. 106–273**

To amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. (Sept. 22, 2000; 114 Stat. 802)

**S. 2869/P.L. 106–274**

Religious Land Use and Institutionalized Persons Act of 2000 (Sept. 22, 2000; 114 Stat. 803)

**Last List September 21, 2000**

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