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# Federal Register

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**RESERVATIONS:** 202–523–4538

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# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 301

**[Docket No. 00–037–1]**

**RIN 0579–AB15**

## Citrus Canker; Payments for Commercial Citrus Tree Replacement

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending our citrus canker regulations to establish provisions under which eligible owners of commercial citrus groves may receive payments to replace commercial citrus trees removed because of citrus canker. The payment of these funds is necessary in order to reduce the economic effect of the citrus canker quarantine on affected commercial citrus growers.

**DATES:** This interim rule is effective October 16, 2000. We invite you to comment on this docket. We will consider all comments that we receive by December 15, 2000.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 00–037–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–037–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Poe, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

**SUPPLEMENTARY INFORMATION:**

### Background

Citrus canker is a plant disease that affects plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants, which renders the fruit unmarketable, and cause infected fruit to drop from the trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The regulations to prevent the interstate spread of citrus canker are contained in 7 CFR 301.75–1 through 301.75–14 (referred to below as the regulations). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide conditions under which regulated fruit may be moved into, through, and from quarantined areas for packing. The regulations currently list parts of Broward, Collier, Dade, Hendry, Hillsborough, and Manatee Counties, FL, as quarantined areas for citrus canker.

In this document, we are amending the regulations to provide for the payment of tree replacement funds to eligible owners of commercial citrus groves who have had citrus trees destroyed because of citrus canker. The provisions for the commercial citrus tree replacement program are contained in a new section, § 301.75–15, which is explained in detail below.

*Definitions (§ 301.75–1)*

We are amending § 301.75–1, which provides definitions for the terms used in Subpart—Citrus Canker, by adding definitions for *commercial citrus grove* and *public order,* two terms that are used in new § 301.75–15.

We have defined *commercial citrus grove* as ''An establishment maintained for the primary purpose of producing citrus fruit for commercial sale.'' This definition is intended to distinguish commercial citrus groves from ''dooryard'' or residential citrus trees. This distinction between commercial and dooryard citrus is necessitated by the language contained in the two acts cited above that provide the funding for the tree replacement payments provided for by this rule. Specifically, the Consolidated Appropriations Act for FY 2000 provides for the use of funds ''to replace commercial citrus trees'' and the Agricultural Risk Protection Act directs the use of funds to compensate ''commercial producers.'' Although the Florida Department of Food and Consumer Services' Division of Plant Industry (DPI) defines a commercial citrus grove as ''a solid set planting of 40 or more citrus trees,'' our definition of the term in this interim rule omits the 40-tree threshold in recognition of the possibility that there may be some small groves of fewer than 40 trees that were, prior to being destroyed because of citrus canker, maintained by their owners for the purpose of producing citrus fruit for commercial sale. If, during the processing of an application for tree replacement funds, a question arises as to whether or not a small grove was maintained for commercial purposes, we will ask the grove owner to produce documentation to support his or her claim that the grove was maintained for commercial purposes. The supporting documents that we expect a person engaged in the commercial production of citrus could provide are records of production expenses incurred, records of income derived from direct sales to consumers or from the consignment of harvested fruit to a packer or juicing operation, and tax records showing losses or gains in income resulting from the production and sale of the fruit.

We have defined *public order* as ''either an 'Agreement to Destroy and Covenant Not to Sue' signed by the grove owner and the Florida Department

of Food and Consumer Services' Division of Plant Industry (DPI) or an 'Immediate Final Order' issued by DPI, both of which identify citrus trees infected with or exposed to citrus canker and order their destruction.'' This State-issued order serves as the official means by which the owner of a commercial citrus grove is notified of the need to destroy citrus trees because of citrus canker.

*Funds for the Replacement of Commercial Citrus Trees*

The introductory text of § 301.75–15 provides that the payment of tree replacement funds is contingent upon the availability of funds appropriated for that purpose. The funding for the tree replacement payments provided for by this rule currently comes from two sources. The Consolidated Appropriations Act for FY 2000 (Pub. L. 106–113) directs the Secretary of Agriculture to use not more than $9 million of Commodity Credit Corporation funds for a cooperative program with the State of Florida to replace commercial citrus trees removed to control citrus canker until the earlier of December 31, 1999, or the date crop insurance coverage is made available with respect to citrus canker. We will draw from that $9 million to pay claims for the majority of the trees destroyed before December 31, 1999. Claims resulting from the destruction of any trees for which crop insurance was available, as well as for any trees destroyed after December 31, 1999, will be paid with a portion of the funds made available by the Agricultural Risk Protection Act of 2000 (Pub. L. 106–224), which provides that $25 million shall be used by the Secretary to compensate commercial growers for losses due to plum pox, Pierce's disease, and citrus canker.

*Eligibility*

Under paragraph (a) of new § 301.75–15, the owner of a commercial citrus grove may be eligible to receive funds to replace commercial citrus trees removed to control citrus canker if the trees were removed pursuant to a public order after September 28, 1995, which is the date that the current citrus canker infestation was detected in Florida. This interim rule also provides for the payment of tree replacement funds for trees destroyed between 1986 and 1990 because the State of Florida has identified five commercial citrus groves in Manatee and Highlands Counties that were destroyed to control citrus canker during a limited outbreak of the disease during that period. Prior to the effective date of this interim rule, no provision had been made for the payment of tree replacement funds or other compensation to the owners of those five groves.

*Tree Replacement Payments*

We consider that trees infected with or exposed to citrus canker, because of the destructive nature of the disease, have no value. Thus, the tree replacement payments provided for by this interim rule are intended to provide eligible growers with the funds necessary to establish new plantings, rather than to pay for the trees destroyed because of citrus canker. In calculating the replacement costs for commercial citrus trees, we considered the costs of land preparation, the replacement tree, labor for planting, and maintenance until the tree becomes productive. In developing the Florida Fruit Tree Pilot Crop Insurance Program, which includes coverage for the loss of commercial citrus trees due to citrus canker, the U.S. Department of Agriculture's (USDA's) Risk Management Agency (RMA) calculated the cost of replacing commercial citrus trees to be $26 per tree. This amount is applicable for all varieties of citrus trees for which coverage is offered, i.e., grapefruit, lemon, lime, orange, and ''all other citrus'' (tangerine, tangelo, temple orange, and murcott), and considers the costs of land preparation, tree planting, and grove care expenses. Information gathered from industry sources confirms the cost of replanting commercial citrus trees. The cost of tree replacement as calculated by RMA is consistent with APHIS' estimate of costs for the first 6 years of production, or until trees become productive and earn an income. For all categories of citrus, these costs are estimated to be $25.51 per tree. Therefore, § 301.75–15(b) provides that the owner of a commercial citrus grove who is eligible to receive funds to replace commercial citrus trees will, upon approval of his or her application, receive a payment of $26 per tree up to a maximum of between $2,704 and $4,004 per acre, depending on the variety of the trees removed. Specifically, the per-acre caps, which were calculated by multiplying $26 by the varietal average number of trees per acre reported by the Florida citrus industry to the USDA's National Agricultural Statistics Service through the Florida Agriculture Statistics Service, are as follows:

| Variety | Average number of trees per acre | Maximum payment per acre |
|---|---|---|
| Grapefruit, red seedless ... | 104 | $2,704 |
| Orange, Valencia ..... | 123 | 3,198 |
| Orange, early/midseason/ navel ..... | 118 | 3,068 |
| Tangelo ..... | 114 | 2,964 |
| Lime ..... | 154 | 4,004 |
| Other or mixed citrus [1] ..... | 104 | 2,704 |

[1] Approximately 32 acres of ''other, unidentified'' citrus trees are reported as having been destroyed in the information furnished by the State of Florida. Since that initial information was provided by Florida, we have been able to determine that the ''other, unidentified'' category of citrus groves is a mix of trees not conveniently categorized. The mix of trees may include grapefruit, oranges, and specialty crops. Based on the fact that 82 percent of the destroyed acres were red seedless grapefruit, APHIS used the average per-acres tree density for red seedless grapefruit to set the per-acre cap for those ''other, unidentified'' groves.

We anticipate that additional funds will be made available for USDA to provide payments to the owners of commercial citrus groves for losses in production income resulting from the destruction of trees due to citrus canker. Because output per acre is approximately the same, regardless of the number of trees per acre, capping the tree replacement payments provided for by this rule based on the average number of trees per acre for each variety will ensure that no grower receives combined payments (i.e., tree replacement and lost production) that exceed the total estimated per-acre loss.

*How To Apply*

Paragraph (c) of § 301.75–15 provides information on how to apply for commercial citrus tree replacement funds. This paragraph states that the form necessary to apply for tree replacement funds may be obtained from any local citrus canker program office or from the USDA Citrus Canker Eradication Project office in Miami, FL. Completed claim forms must be sent to the USDA Citrus Canker Eradication Project office in Winter Haven, FL, which is where the DPI records necessary to validate claims are located. When the completed application is submitted, it should be accompanied by a copy of the public order that directed the destruction of the trees, the order's accompanying inventory that describes the number and variety of trees removed, and documentation verifying that the destruction of trees has been completed and the date of that destruction. Claims for trees destroyed on or before the effective date of this rule must be received within 60 days

after the effective date of this rule, and claims for trees destroyed after the effective date of this rule must be received within 60 days after the destruction of the trees.

**Immediate Action**

Immediate action is necessary to reduce the economic effect of the citrus canker eradication program on affected commercial citrus growers, thus ensuring the continued cooperation of commercial growers with the survey and eradication activities being conducted by the State of Florida and APHIS. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

The following economic analysis provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act.

This rule amends the citrus canker regulations to establish provisions under which eligible owners of commercial citrus groves may receive payments to replace commercial citrus trees removed because of citrus canker. The payment of these tree replacement funds is necessary as a first step toward reducing the economic effect of the citrus canker quarantine on affected commercial citrus growers. As for the second step, we anticipate that additional funds will be made available for USDA to provide payments to growers for losses in production income resulting from the destruction of trees due to citrus canker. In order to make those funds available, we expect to publish a proposed rule that details our estimates of per-acre losses and discusses the information and methodology upon which those estimates are based.

The value of citrus produced in the United States in 1998 was $2.6 billion, and Florida produced a substantial share of the total. In 1997–1998, Florida accounted for 43.67 percent of U.S. orange production, 76.2 percent of grapefruit production, 72.72 percent of lime production, 63.41 percent of tangerine production, and 100 percent of both temple and K-Early citrus production (USDA, National Agricultural Statistics Service, *Agricultural Statistics,* 1999). Removing the infected and exposed trees protects a substantial investment in other citrus groves. While the entire value of citrus produced is not at risk immediately from citrus canker, the disease would, if left unchecked, continue to spread. In time, the entire industry would be at risk.

According to the data provided to APHIS by the State of Florida, during the current citrus canker outbreak, approximately 484,900 commercial citrus trees were removed to control citrus canker by July 19, 2000, and another 238,900 commercial citrus trees are expected to be destroyed by September 30, 2000. Paid at the rate of $26 per tree, the costs of replacing those 723,800 trees would be approximately $18.8 million. However, we expect that the actual amount paid out will be lower due to the per-acre cap on tree replacement payments provided for by this interim rule; as noted previously, we have placed this cap on tree replacement payments in order to ensure that no grower receives combined tree replacement and lost production payments that exceed the total estimated per-acre loss. The State of Florida has also identified another 87,731 trees from 5 groves in Manatee and Highlands Counties that were destroyed because of citrus canker between 1986 and 1990 (i.e., before the start of the current outbreak); the costs of replacing those trees at $26 per tree would be approximately $2.28 million. Again, we expect that the per-acre cap on tree replacement payments provided for by this interim rule will result in the actual amount paid out being lower.

*Effects on Small Entities*

This rule establishes provisions under which eligible owners of commercial citrus groves could, subject to the availability of appropriated funds, receive payments to replace commercial citrus trees removed because of citrus canker. Therefore, the entities who will be affected by this rule are commercial citrus growers. The Regulatory Flexibility Act requires that the Agency specifically consider the economic effects of its rules on small entities. The Small Business Administration (SBA) defines a firm engaged in agriculture as ''small'' if it has less than $500,000 in annual receipts. While the majority of citrus growers in Florida would be considered small entities under those SBA guidelines, those growers who would not be classified as small entities account for the majority of the citrus-growing acreage in the State. Based on available information, it appears that most of the citrus-canker-related losses in Florida have been incurred by those larger citrus producers. Regardless of the size of the entities affected, we expect that this rule will benefit those commercial citrus growers who are eligible for tree replacement payments by helping to defray some of the losses and expenses that they have incurred as a result of the ongoing State and Federal efforts to eradicate citrus canker in Florida.

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

**Executive Order 12372**

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

**Executive Order 12988**

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

**Paperwork Reduction Act**

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579–0163 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following addresses: (1) Office of Information and

Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503, and (2) Docket No. 00–037–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 00–037–1 and send your comments within 60 days of publication of this rule.

This rule amends the citrus canker regulations to establish provisions under which eligible owners of commercial citrus groves may receive payments to replace commercial citrus trees removed because of citrus canker. Implementing this program would necessitate the use of an information collection activity in the form of an application for funds.

We are soliciting comments from the public concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

*Estimate of burden:* Public reporting burden for this collection of information is estimated to average 0.21 hours per response.

*Respondents:* Eligible commercial citrus grove owners in Florida.

*Estimated annual number of respondents:* 65.

*Estimated annual number of responses per respondent:* 1.08.

*Estimated annual number of responses:* 70.

*Estimated total annual burden on respondents:* 15 hours.

(Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

Copies of this information collection can be obtained by calling Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

## PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 is revised to read as follows:

**Authority:** Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293, and sec. 203, title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. Section 301.75–1 is amended by adding, in alphabetical order, definitions of the terms *commercial citrus grove* and *public order* to read as follows:

**§ 301.75–1 Definitions.**

* * * * *

*Commercial citrus grove.* An establishment maintained for the primary purpose of producing citrus fruit for commercial sale.

* * * * *

*Public order.* Either an ''Agreement to Destroy and Covenant Not to Sue'' signed by the grove owner and the Florida Department of Food and Consumer Services, Division of Plant Industry (DPI), or an ''Immediate Final Order'' issued by DPI, both of which identify citrus trees infected with or exposed to citrus canker and order their destruction.

* * * * *

3. In Subpart—Citrus Canker, a new § 301.75–15 is added to read as follows:

**§ 301.75–15 Funds for the replacement of commercial citrus trees.**

Subject to the availability of appropriated funds, the owner of a commercial citrus grove may be eligible to receive funds to replace commercial citrus trees in accordance with the provisions of this section.

(a) *Eligibility.* The owner of a commercial citrus grove may be eligible to receive funds to replace commercial citrus trees removed to control citrus canker if the trees were removed pursuant to a public order between 1986 and 1990 or on or after September 28, 1995.

(b) *Tree replacement payments.* The owner of a commercial citrus grove who is eligible under paragraph (a) of this section to receive funds to replace commercial citrus trees will, upon approval of an application submitted in accordance with paragraph (c) of this section, receive a payment of $26 per tree up to the following per-acre maximum payments:

| Variety | Maximum payment per acre |
|---|---|
| Grapefruit, red seedless | $2,704 |
| Orange, Valencia | 3,198 |
| Orange, early/midseason/navel | 3,068 |
| Tangelo | 2,964 |
| Lime | 4,004 |
| Other or mixed citrus | 2,704 |

(c) *How to apply for tree replacement funds.* The form necessary to apply for funds to replace commercial citrus trees may be obtained from any local citrus canker eradication program office in Florida, or from the USDA Citrus Canker Project, 10300 SW 72nd Street, Suite 150, Miami, FL 33173. The completed application should be accompanied by a copy of the public order directing the destruction of the trees and its accompanying inventory that describes the number and the variety of trees removed. Your completed application must be sent to the USDA Citrus Canker Eradication Project, Attn: Commercial Tree Replacement Program, c/o Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, FL 33881. Claims for trees destroyed on or before the effective date of this rule must be received within 60 days after the effective date of this rule. Claims for trees destroyed after the effective date of this rule must be received within 60 days after the destruction of the trees.

(Approved by the Office of Management and Budget under control number 0579–0163.)

Done in Washington, DC, this 12th day of October 2000.

**Charles P. Schwalbe,**

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

[FR Doc. 00–26591 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–34–U

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 956

**[Docket No. FV00–956–1 IFR]**

### Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This rule modifies the handler assessment and reporting requirements under the Walla Walla sweet onion marketing order. The marketing order regulates the handling of sweet onions grown in the Walla Walla Valley and is administered locally by the Walla Walla Sweet Onion Marketing Committee (Committee). For sweet onions handled during the period September 1 through May 31 of each fiscal period, this rule provides dates by which handlers must pay assessments and furnish reports to the Committee that reflect new cultural and storage practices that have extended the traditional mid-summer marketing season.

**DATES:** Effective October 17, 2000; comments received by December 15, 2000 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: http://www.ams.usda.gov/fv/moab.html.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204–2807; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 956, as amended (7 CFR part 956), regulating the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule provides dates by which handlers must pay assessments and furnish reports to the Committee that reflect new cultural and storage practices for sweet onions handled during the period September 1 through May 31 of each fiscal period. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Section 956.41 of the order provides the Committee with the authority to establish an annual budget of expenditures and § 956.42 provides authority for the Committee to levy assessments upon handlers of Walla Walla sweet onions to provide adequate funds to defray such expenditures. Section 956.202 establishes the current assessment rate of $0.21 per 50-pound bag of Walla Walla sweet onions handled. Section 956.42 also provides the Committee with the authority to impose an interest charge on any handler who fails to pay any assessment in a timely manner, and § 956.142 of the order's administrative rules and regulations establishes rate of interest and the date such interest charge begins to accrue. Section 956.80 establishes the authority for the Committee to require handler reports, while § 956.180 provides the rules and regulations necessary for the Committee to implement and administer such reporting requirements.

For sweet onions handled on or after September 1, this rule modifies the date handlers must pay assessments and furnish reports to the Committee. These changes recognize new cultural and storage practices that have extended the traditional mid-summer marketing season. The changes provide dates by which handlers must pay assessments and submit reports on shipments made in September or later. This rule was unanimously recommended by the Committee on August 15, 2000.

Sections 956.142 (interest charges) and 956.180 (reports) were established in August 1996 to foster prompt assessment payments and to ensure that adequate funds would be available to cover budgeted expenses incurred by the Committee under the order. Section 956.180 established reporting requirements for providing the Committee with statistical information regarding total industry shipments and is used as a basis for assessment collection. This information also is useful for the development of a budget and in making marketing and promotion plans for the upcoming season. Section 956.142 establishes an assessment due date and an interest charge on any handler who fails to pay his or her assessments within thirty days of the due date. The assessment due date is September 1, and the monthly interest charge on delinquent assessments is 1.5 percent.

Historically, Walla Walla sweet onions have been planted in the fall, then harvested and marketed from late June to early August. Due to the short shelf life of this traditionally non-storage, summer onion, the marketing season has closely followed the annual harvest. However, recent changes in cultural and storage practices within the Walla Walla sweet onion industry are lengthening the marketing season for some of the sweet onions produced in the Walla Walla Valley. A few producers have been planting sweet onions in the spring, thereby extending the traditional mid-summer harvest into late summer or early fall. In addition, Controlled Atmosphere (CA) storage has been introduced this season, and the potential now exists for extending the marketing season further into the fall and early winter season.

By extending the due dates for assessments and reports on sweet onions handled on or after September 1, this action provides Walla Walla sweet

onion handlers more time to comply with these requirements. This will enable them to take advantage of the expanding marketing season. The Committee will continue to require that assessments be paid and reports submitted by September 1 for onions handled in June, July, and August.

For assessments due on sweet onions handled prior to September 1, the monthly interest charge of 1.5 percent will continue to accrue after September 30. For assessments due on sweet onions handled during the period September 1 through May 31 of each fiscal period, interest charges will begin accruing 30 days after the handler's report of shipments is due.

Handlers marketing their sweet onions prior to September 1 will continue to submit reports (Committee Form No. 1's) showing weekly and seasonal totals by September 1, and assessments for their shipments to the Committee no later than September 30 to avoid late payment interest charges. For shipments during the period September 1 through May 31 of each fiscal period, handlers will submit a separate report, along with the appropriate assessment payment, for each monthly period that they continue to make shipments. Such report will be due at the office of the Committee no later than 30 days following the end of the month in which shipments were made. Assessments will be due within thirty (30) days of the last day of the month in which the shipments are made. For example, a handler shipping Walla Walla sweet onions anytime during the month of September would furnish the shipment report to the Committee no later than October 30. In this example, the report would contain the number of 50-pound equivalents of Walla Walla sweet onions shipped by such handler during each week in September, along with the monthly total of shipments and a check for the appropriate assessment amount. This reporting and payment schedule continues for each monthly period Walla Walla sweet onions are handled after September 1.

With the introduction of spring planting and CA storage for Walla Walla sweet onions and the associated extension of the traditional marketing season, this action is necessary to ensure that adequate Committee operating funds are obtained in a timely manner, that producers and handlers are treated equitably and have the needed flexibility to produce and market their crop as they desire, and that consumers have an extended season in which to purchase Walla Walla sweet onions.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 30 handlers of Walla Walla sweet onions who are subject to regulation under the order and approximately 60 sweet onion producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

The Committee estimates that all of the handlers of Walla Walla sweet onions ship under $5,000,000 worth of sweet onions on an annual basis. In addition, based on acreage, production, and producer prices reported by the National Agricultural Statistics Service, and the total number of onion producers in the regulated production area, the average gross annual producer revenue from sweet onions was about $117,000 in 1999, the most recent year statistics are available. Based on this information, it can be concluded that the majority of Walla Walla sweet onion handlers and producers may be classified as small entities, excluding receipts from other sources.

Based on authority in §§ 956.42 and 956.80, the Committee unanimously recommended this action at a public meeting on August 15, 2000. Specifically, for sweet onions handled on or after September 1, this rule modifies the date handlers must pay assessments (§ 956.142) and furnish reports (§ 956.180) to the Committee. These changes are being made to recognize new cultural and storage practices that will extend the traditional mid-summer marketing season to mid-winter, and would provide handlers more time to pay assessments and file reports on these later shipments.

Regarding the impact of this action on affected entities, sweet onion handlers will not be forced into noncompliance because they will be able to pay assessments and submit shipment reports later than currently provided. When the current deadlines were established, the Committee did not envision shipments being made in September or later. Walla Walla sweet onions have a relatively high market value, but generally must be harvested and sold within a short time period between late June and early August. By extending the marketing season, producers and handlers hope to increase their returns while providing consumers with unique, highly demanded sweet onions during a period of time such onions are usually not available.

The Committee estimates that during the current marketing season only a limited amount of sweet onions may be handled on or after September 1 and into early winter. The Committee has been informed, however, that an additional 1,300 acres of sweet onions may be planted for the 2001 marketing season with many of the onions possibly going into CA storage. Approximately 800 acres of Walla Walla sweet onions were planted for the 2000 season.

The Committee discussed alternatives to the recommendation, including leaving the regulations unmodified. However, the Committee decided that it did not have the option of leaving the regulations unmodified because some handler assessment obligations are expected to accrue during the period September 1 through May 31 of each fiscal period. Another alternative discussed would have changed the regulations to require the submission of reports and assessments for the entire crop, regardless of when marketed, within 30 to 60 days of the date of shipment. The Committee rejected this option because it felt that the bulk of the Walla Walla sweet onion crop will continue to be marketed during the traditional mid-summer season, and it wants to ensure that an adequate income is received early in the fiscal period to offset expenditures. The fiscal period begins June 1 and ends May 31.

The Committee uses Form No. 1, Handler's Statement of Walla Walla Sweet Onion Shipments, for collecting assessments and statistical data. This form has traditionally been mailed to handlers in mid-August with the requirement that it be returned by September 1. Handler assessments are due within 30 days of September 1 to avoid imposition of the 1.5 percent per month interest charge for overdue assessments. The Committee has revised Form No. 1 to reflect the changes made herein.

The Committee estimates that only two of the currently regulated handlers in the Walla Walla sweet onion

production area may initially ship sweet onions on or after September 1. The Committee also estimates that the revised Form No. 1 will continue to take approximately 25 minutes to complete. With only two handlers submitting reports on October 31 and possibly again on November 30, for example, the total additional burden on the industry for the information reporting requirements for sweet onions shipped on or after September 1 would approximate 100 minutes per year. Thus, while this rule will impose some additional reporting requirements, the burden is currently approved under OMB No. 0581–0078 by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The Agricultural Marketing Service has notified the Office of Management and Budget of this change in burden.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The Committee's meeting was widely publicized throughout the Walla Walla sweet onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 15, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Further, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on providing handlers more time to meet assessment and reporting requirements for Walla Walla sweet onions handled during the period September 1 through May 31 of each fiscal period. Any comments received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule provides relaxed assessment and reporting requirements for Walla Walla sweet onions handled during the period September 1 through May 31 of each fiscal period; (2) this rule needs to be effective promptly so handlers will be able to market their sweet onions on or after September 1, 2000, and be in compliance with order requirements; (3) the Committee unanimously recommended this change at a public meeting, and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period, and any comments received will be considered prior to finalization of this rule.

**List of Subjects in 7 CFR Part 956**

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 956 is amended as follows:

## PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

1. The authority citation for 7 CFR part 956 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 956.142 is revised to read as follows:

**§ 956.142 Interest charges.**

For Walla Walla Sweet Onions handled prior to September 1, the Committee shall impose an interest charge on any handler who fails to pay his or her annual assessments within thirty (30) days of the due date of September 1. For Walla Walla Sweet Onions handled during the period September 1 through May 31 of each fiscal period, the Committee shall impose an interest charge on any handler who fails to pay his or her assessments within thirty (30) days of the last day of the month in which such shipments are made. The interest charge shall be 1½ percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment amount within 60 days following the due date, the 1½ percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

3. In § 956.180, the introductory text is revised to read as follows:

**§ 956.180 Reports.**

Each handler shall furnish to the Committee a report containing the information in paragraphs (a), (b), and (c) of this section, except that gift box and roadside stand sales shall be exempt from paragraph (b) of this section: *Provided,* That for Walla Walla Sweet Onions handled prior to September 1, such report shall be furnished to the Committee by September 1, and that for Walla Walla Sweet Onions handled during the period September 1 through May 31 of each fiscal period, such report shall be furnished to the Committee no later than thirty (30) days after the end of the month in which such sweet onions were handled:

* * * * *

Dated: October 10, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 00–26487 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 2000–NM–312–AD; Amendment 39–11928; AD 2000–20–03 R1]**

**RIN 2120–AA64**

## Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes

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

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

**SUMMARY:** This amendment revises an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 series airplanes, that currently requires installation of shields for the aileron quadrants in the wheel bay of the main landing gear (MLG). This amendment revises the compliance time for the requirements of that AD. The actions specified in this AD are intended to prevent accumulation of

water, ice, or slush on the aileron quadrants and control cable pulleys in the wheel bay of the MLG, which could freeze and result in reduced controllability of the airplane.

**DATES:** Effective October 2, 2000.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of October 2, 2000 (65 FR 57944, September 27, 2000).

Comments for inclusion in the Rules Docket must be received on or before October 23, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–312–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–312–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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Daniel Parrillo, Aerospace Engineer, Airframe and Propulsion Branch, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7505; fax (516) 568–2716.

**SUPPLEMENTARY INFORMATION:** On September 22, 2000, the FAA issued AD 2000–20–03, amendment 39–11914 (65 FR 57944, September 27, 2000), applicable to certain Bombardier Model CL–600–2B19 series airplanes, to require installation of shields for the aileron quadrants and control cable pulleys in the wheel bay of the main landing gear (MLG). The actions required by that AD are intended to prevent accumulation of water, ice, or slush on the aileron quadrants and control cable pulleys in the wheel bay of the MLG, which could freeze and result in reduced controllability of the airplane.

**Actions Since Issuance of Previous Rule**

Since the issuance of that AD, the FAA has determined that an incorrect compliance time for the installation of the shields was inadvertently specified in AD 2000–20–03. Instead of ''within 30 days after the effective date of this AD,'' the compliance time should read ''within 45 days after the effective date of this AD.''

**FAA's Findings**

This airplane model is manufactured in Canada 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, Transport Canada Civil Aviation (TCAA) has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCAA, 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 revises AD 2000–20–03 to require installation of shields for the aileron quadrants in the wheel bay of the MLG within 45 days after October 2, 2000 (the effective date of AD 2000–20–03).

**Determination of Rule's Effective Date**

Since a situation still 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 still 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–312–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 39–11914 (65 FR 57944, September 27, 2000), and by adding a new airworthiness directive (AD), amendment 39–11928, to read as follows:

**2000–20–03 R1 Bombardier, Inc. (Formerly Canadair):** Amendment 39–11928. Docket 2000–NM–312–AD. Revises AD 2000–20–03, Amendment 39–11914.

*Applicability:* Model CL–600–2B19 series airplanes, serial numbers 7003 through 7323 inclusive, certificated in any category.

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

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

To prevent reduced controllability of the airplane due to an accumulation of water, ice, and slush on the aileron quadrants and control cable pulleys in the wheel bay of the main landing gear (MLG); accomplish the following:

**Installation**

(a) Within 45 days after October 2, 2000 (the effective date of AD 2000–20–03), install splash shields in the wheel bay of the MLG in accordance with Bombardier Service Bulletin 601R–27–104, dated October 15, 1999.

**Alternative Methods of Compliance**

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York 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, New York ACO.

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

**Special Flight Permits**

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

**Incorporation by Reference**

(d) The installation shall be done in accordance with Bombardier Service Bulletin 601R–27–104, dated October 15, 1999. This incorporation by reference was approved previously by the Director of the **Federal Register** as of October 2, 2000 (65 FR 57944, September 27, 2000). Copies may be obtained from Bombardier Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in Canadian airworthiness directive CF–2000–28, dated August 28, 2000.

**Effective Date**

(e) This amendment becomes effective on October 2, 2000.

Issued in Renton, Washington, on October 4, 2000.

**Donald L. Riggin,**

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

[FR Doc. 00–26092 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 2000–SW–25–AD; Amendment 39–11931; AD 2000–20–19]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD) for Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, and F2 helicopters. That AD currently requires inspections of the main rotor head components, the main gearbox (MGB) suspension bars, and the ground resonance prevention system components. This amendment requires those same inspections, but would also apply to Model AS–350B3 and AS–355N helicopters. This amendment is prompted by the inadvertent omission of those model helicopters from the previous AD. The actions specified by this AD are intended to prevent ground resonance due to reduced structural stiffness, which could lead to failure of a main rotor head or MGB suspension component and subsequent loss of control of the helicopter.

**DATES:** Effective November 20, 2000.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of May 23, 2000 (65 FR 20721, April 18, 2000).

**ADDRESSES:** The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5490, fax (817) 222–5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) by superseding AD 86–15–10 R2, Amendment 39–11681 (65 FR 20721), which applies to Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2 and N helicopters was published in the **Federal Register** on July 20, 2000 (65 FR 44995). That action proposed to require an initial inspection within 10 hours time-in-service (TIS) and thereafter, repetitive inspections of the main rotor head components, the MGB suspension bars, and the ground resonance prevention system components at intervals not to exceed 500 hours TIS.

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

The FAA estimates that 586 helicopters of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $480 per helicopter, or $281,280 for the entire fleet.

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11681 (65 FR 20721, April 18, 2000), Amendment 39–6515 (55 FR 5833, February 20, 1990) and Amendment 39–5517 (52 FR 13233, April 22, 1987) and by adding a new airworthiness directive (AD), Amendment 39–11931, to read as follows:

**2000–20–19 Eurocopter France:** Amendment 39–11931. Docket No. 2000-SW–25–AD. Supersedes AD 86–15–10 R2, Amendment 39–11681, Docket No. 98–SW–82–AD; AD 86–15–10R1, Amendment 39–6515, Docket No. 86–ASW–22; and AD 86–15–10, Amendment 39–5517, Docket No. 86–ASW–22.

*Applicability:* Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2 and N helicopters, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) 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 ground resonance due to reduced structural stiffness, which could lead to failure of a main rotor head or main gearbox (MGB) suspension component and subsequent loss of control of the helicopter, accomplish the following:

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

(1) For Model AS–350B, BA, B1, B2, B3, C, D, and D1 helicopters, inspect the main rotor head components, the MGB suspension bars (struts), and the landing gear ground resonance prevention components (aft spring blades and hydraulic shock absorbers) in accordance with paragraph CC.3 of Aerospatiale Service Bulletin (SB) No. 01.17a (not dated).

(2) For Model AS–355E, F, F1, F2, and N helicopters, inspect the main rotor head components, the MGB suspension bars (struts), and the landing gear ground resonance prevention components (aft spring blades and hydraulic shock absorbers) in accordance with paragraph CC.3 of SB No. 01.14a (not dated).

(b) Rework or replace damaged components in accordance with SB No. 01.17a or SB No. 01.14a, as applicable.

(c) Repeat the inspections and rework required by paragraphs (a) and (b) of this AD at intervals not to exceed 500 hours TIS.

(d) If the helicopter is subjected to a hard landing or to high surface winds when parked without effective tiedown straps installed, repeat the inspections required by paragraph (a) of this AD for the main rotor head star arms and the MGB suspension bars (struts) before further flight.

(e) After a landing with abnormal self-sustained dynamic vibrations (ground resonance type vibrations), repeat all the inspections required by paragraph (a) of this AD.

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

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

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

(h) The inspections shall be done in accordance with paragraph CC.3 of Aerospatiale Service Bulletin No. 01.17a (not dated) or No. 01.14a (not dated), as applicable. The rework or replacement, if necessary, shall be done in accordance with Aerospatiale Service Bulletin No. 01.17a or No. 01.14a (neither is dated), as applicable. The incorporation by reference of those documents was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of May 23, 2000 (65 FR 20721, April 18, 2000). Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on November 20, 2000.

Issued in Fort Worth, Texas, on September 29, 2000.

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 00–26234 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ACE–22]**

## Amendment to Class E Airspace; Elkhart, KS

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revises Class E airspace at Elkhart, KS.

**DATES:** The direct final rule published at 65 FR 45707 is effective on 0901 UTC, November 30, 2000.

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

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on July 25, 2000 (65 FR 45707). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 30, 2000. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on September 28, 2000.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 00–26525 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ACE–21]**

## Amendment to Class E Airspace; Columbia, MO

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revises Class E airspace at Columbia, MO.

**DATES:** The direct final rule published at 65 FR 43686 is effective on 0901 UTC, November 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on July 14, 2000 (65 FR 43686). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 30, 2000. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on September 28, 2000.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 00–26526 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ASW–6]**

## Amendment of Federal Airways in the Vicinity of Dallas/Fort Worth; TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends thirteen Federal airways in the vicinity of Dallas/Fort Worth, TX. In the NPRM for this action, the FAA proposed to modify 14 airways. However, after considering aircraft routing through the Shreveport, LA, Approach Control terminal airspace and retention of transition fixes for the Shreveport Regional Airport and Barksdale Air Force Base (AFB), the FAA has decided not to make the proposed modification of V–566. The FAA is taking this action to simplify the airway structure, thereby, enhancing the management of aircraft operations in the area.

**EFFECTIVE DATE:** 0901 UTC, November 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Bil Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

### Background

As a result of a recent airspace review, the FAA has determined that airways in the vicinity of Dallas/Fort Worth, TX, should be amended to improve management of the aircraft operations. On June 12, 2000, the FAA published in the **Federal Register** (65 FR 36805) a proposal to amend fourteen Federal airways. However, after considering aircraft routing through the Shreveport, LA, Approach Control terminal airspace and retention of transition fixes for the Shreveport Regional Airport and Barksdale AFB, the FAA decided not to make the proposed modification of V–566.

Interested parties were invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. No comments were received. Except for editorial changes, and the decision not to amend V–566, this amendment is the same as that proposed in the NPRM.

**The Rule**

The FAA is amending part 71 of Title 14 Code of Federal Regulations to revise thirteen Federal airways in the vicinity of Dallas/Fort Worth, TX. The rule amends the following Federal airways: V–15, V–16, and V–17 by modifying the route descriptions; V–63, V–69, V–131, V–305, V–507, V–573 by amending the start points; and V–66, V–163, V–358, and V–407 by modifying the end points. The FAA is taking this action to simplify the airway structure, thereby, enhancing the management of aircraft operations in the area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Federal airways are published in paragraph 6010(a) of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Federal airways listed in this document will be published subsequently in the Order.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways*

* * * * *

**V–15 [Revised]**

From Hobby, TX, via Navasota, TX; College Station, TX; Waco, TX; Cedar Creek, TX; Bonham, TX; McAlester, OK; Okmulgee, OK; to Neosho, MO. From Sioux City, IA; INT Sioux City 340° and Sioux Falls, SD, 169° radials; Sioux Falls; Huron, SD; Aberdeen, SD; Bismarck, ND; to Minot, ND.

**V–16 [Revised]**

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; Cochise, AZ; Columbus, NM; El Paso, TX; Salt Flat, TX; Wink, TX; INT Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Bowie, TX; Bonham, TX; Paris, TX; Texarkana, AR; Pine Bluff, AR; Marvell, AR; Holly Springs, MS; Jacks Creek, TN; Shelbyville, TN; Hinch Mountain, TN; Volunteer, TN; Holston Mountain, TN; Pulaski, VA; Roanoke, VA; Lynchburg, VA; Flat Rock, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; Deer Park, NY; Calverton, NY; Norwich, CT; Boston, MA. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, and R–5002D is excluded during their times of use. The airspace within Restricted Areas R–4005 and R–4006 is excluded.

**V–17 [Revised]**

From Brownsville, TX, via Harlingen, TX; McAllen, TX; 29 miles 12 AGL, 34 miles 25 MSL, 37 miles 12 AGL; Laredo, TX; Cotulla, TX; INT Cotulla 046° and San Antonio, TX, 198° radials; San Antonio; Centex, TX; Waco, TX; Glen Rose, TX; Millsap, TX; Bowie, TX; Ardmore, OK; Will Rogers, OK; Gage, OK; Garden City, KS; to Goodland, KS.

* * * * *

**V–63 [Revised]**

From Bowie, TX; Texoma, OK; McAlester, OK; Razorback, AR; Springfield, MO; Hallsville, MO; Quincy, IL; Burlington, IA; Moline, IL; Davenport, IA; Rockford, IL; Janesville, WI; Badger, WI; Oshkosh, WI; Stevens Point, WI; Wausau, WI; Rhinelander, WI; to Houghton, MI. Excluding that airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy during the time that the Howard West MOA is activated by NOTAM.

* * * * *

**V–66 [Revised]**

From Mission Bay, CA; Imperial, CA; 13 miles, 24 miles, 25 MSL; Bard, AZ; 12 miles, 35 MSL; INT Bard 089° and Gila Bend, AZ, 261° radials; 46 miles, 35 MSL; Gila Bend; Tucson, AZ, 7 miles wide (3 miles south and 4 miles north of centerline); Douglas, AZ; INT Douglas 064° and Columbus, NM, 277° radials; Columbus; El Paso, TX; 6 miles wide; INT El Paso 109° and Hudspeth 287° radials; 6 miles wide; Hudspeth; Pecos, TX; Midland, TX; INT Midland 083° and Abilene, TX, 252° radials; Abilene; to Millsap, TX.

* * * * *

**V–69 [Revised]**

From El Dorado, AR; Pine Bluff, AR; INT Pine Bluff 038° and Walnut Ridge, AR, 187° radials; Walnut Ridge; Farmington, MO; Troy, IL; Capital, IL; Pontiac, IL; to Joliet, IL.

* * * * *

**V–131 [Revised]**

From Okmulgee, OK; Tulsa, OK; Chanute, KS; to Topeka, KS.

* * * * *

**V–163 [Revised]**

From Matamoros, Mexico; via Brownsville, TX; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline); Corpus Christi, TX; Three Rivers, TX; INT Three Rivers 345° and San Antonio, TX, 168° radials; San Antonio; Lampasas, TX; to Glen Rose, TX.

* * * * *

**V–305 [Revised]**

From El Dorado, AR; Little Rock, AR; Walnut Ridge, AR; Malden, MO; Cunningham, KY; Pocket City, IN; INT Pocket City 046° and Hoosier, IN, 205° radials; Hoosier; INT Hoosier 025° and Brickyard, IN, l85° radials; Brickyard; INT Brickyard 038° and Kokomo, IN, 182° radials; Kokomo.

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**V–358 [Revised]**

From San Antonio, TX, via Stonewall, TX; Lampasas, TX; INT Lampasas 041° and Waco, TX, 249° radials; Waco.

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**V–407 [Revised]**

From Harlingen, TX; via INT Harlingen 006° and Corpus Christi, TX, 193° radials; Corpus Christi; via INT Corpus Christi 039° and Palacios, TX, 241° radials; Palacios; via INT Palacios 017° and Humble, TX, 242° radials; Humble; Daisetta, TX; Lufkin, TX; Elm Grove, LA; to El Dorado, AR.

* * * * *

**V–507 [Revised]**

From Ardmore, OK; Will Rogers, OK, via INT Will Rogers 284° and Gage, OK, 152° radials; Gage; Liberal, KS; to Garden City, KS.

* * * * *

**V–573 [Revised]**

From Will Rogers, OK; INT Will Rogers 195° and Ardmore, OK, 327° radials; Ardmore; Bonham, TX; Sulpher Springs, TX;

Texarkana, AR; INT Texarkana 037° and Hot Springs, AR, 225° radials; Hot Springs; to Little Rock, AR.

* * * * *

Issued in Washington, DC, on October 5, 2000.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 00–26512 Filed 10–13–00; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### 14 CFR Part 383

**[Docket No. OST 2000–8058]**

**RIN 2105–AC92**

### Civil Penalties

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

**ACTION:** Final rule.

**SUMMARY:** The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) revised several civil penalty provisions applicable to violations of the aviation economic requirements of Title 49. By this rule, the Department of Transportation (Department) is modifying its regulations to reflect these revised civil penalties. This rule also reviews those civil penalties unaffected by the recent statutory amendments to determine whether they should be adjusted to recognize inflation that has occurred since the adoption of part 383 in 1997. This review is required under the Federal Civil Penalties Inflation Adjustment Act of 1990 and the Debt Collection Improvement Act of 1996.

**EFFECTIVE DATE:** This rule is effective on November 15, 2000. However, the statutory amendments it reflects became effective on April 5, 2000, by their own terms.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Lowry, Attorney, Office of Aviation Enforcement and Proceedings (C–70), Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9349.

**SUPPLEMENTARY INFORMATION:**

#### I. Civil Penalty Adjustments Required by AIR 21.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) among other things amended the statutory provisions proscribing discriminatory practices in air transportation and the civil penalties for violations of those provisions. Section 706 of AIR 21 creates a new section 40127 of Title 49 which specifically prohibits discrimination by air carriers or foreign air carriers on the basis of race, color, national origin, religion, sex or ancestry. In addition, section 707(a) of AIR 21 extended the anti-discrimination provisions of 49 U.S.C. 41705, the Air Carrier Access Act, which formerly applied only to air carriers, to foreign air carriers, as well.

With respect to the civil penalties the Department may impose, section 707(b) of AIR 21 amended the provisions of 49 U.S.C. 46301(a)(3) to apply a $10,000 maximum civil penalty to each violation of section 41705. In addition, section 222 of AIR 21 established $2,500 as the maximum civil penalty amount for each violation of section 40127 or 41712 (the latter of which prohibits unfair and deceptive trade practices and unfair methods of competition).

The recent legislation does not affect the civil penalty provisions applicable to violations of all other aviation economic requirements, or Department rules or orders not proscribed or issued under section 40127, 41705 or 41712. For example, penalties for violations of reporting requirements, cases involving certain unauthorized operations, or cases involving violations of other Department orders or rules not issued pursuant to the authority of 49 U.S.C. 40127, 41705, or 41712, remain at the current level of $1,100 per violation under AIR 21.

#### II. Inflation Adjustment of Other Civil Penalty Provisions

The Debt Collection Improvement Act of 1996 (Pub. L. 104–134, sec. 31001) requires each agency to adjust each civil monetary penalty within its jurisdiction by the inflation adjustment described in section 5 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410). Section 5 requires the adjustment to be rounded to the nearest multiple of $1,000 for penalties greater than $1,000 and less than or equal to $10,000. The adjustment is to be the percentage increase in the Consumer Price Index (CPI) from June of the calendar year in which the penalty was last adjusted to June of the year preceding the year in which the revision is proposed. Under the 1996 act, agencies are to review civil penalties which they administer at least once every four years. The civil penalties to which the adjustment would apply here are those civil penalty provisions not affected by AIR 21, that is, penalties for all violations other than cases involving 49 U.S.C. 40127, 41705, or 41712 or regulations or orders issued thereunder.

Since the total inflation as measured by the CPI between June 1997 and June 2000 was approximately 7 percent, an appropriate increase in the civil penalty amount would be $77. In view of the rounding provision of the statute, therefore, no adjustment of the civil penalty amount is warranted at this time.

#### III. Waiver of Notice of Proposed Rulemaking

In developing this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act (APA) (5 U.S.C. 553). The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rulemaking is required by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Federal Civil Penalties Inflation Adjustment Act of 1990, and the Debt Collection Improvement Act of 1996, with no issues of policy discretion. Accordingly, we believe that opportunity for prior comment is unnecessary and contrary to the public interest, and are issuing these revised regulations as a final rule.

#### IV. Regulatory Impact Statement

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

This final rule has been evaluated in accordance with the existing policies and procedures and is considered to be not significant under both Executive Order 12866 and DOT Regulatory Policies and Procedures. The final rule is exempt from review by the Office of Management and Budget (OMB) in accordance with the provisions of Executive Order 12866, because it is limited to the adoption of statutory language, without interpretation. This final rule amends the regulations implementing the civil penalty provisions to comply with AIR–21 and reviews the civil penalties unaffected by the recent statutory amendments to determine if inflation adjustments are necessary in accordance with Federal Civil Penalties Inflation Adjustment Act and the Debt Collection Improvement Act. This rule simply adjusts or sets penalties for those who violate the regulations. As a result, we have determined that there are no economic consequences flowing from this rule.

Indeed, to avoid any costs, regulated entities need only comply with the law.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980 requires an assessment of the impacts of proposed and final rule on small entities. An agency must prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (5 U.S.C. 601–612), unless the agency can certify that a regulation will not have a significant economic impact on a substantial number of small entities. This rule imposes no substantive burden and merely amends the existing penalties for those who engage in prohibited conduct to reflect statutory changes. The civil penalties will affect only those who engage in conduct prohibited by statute or related regulations. Those who comply with the law will not be affected by the civil penalties. Accordingly, the Office of the Secretary certifies that this action will not have a significant economic impact on a substantial number of small entities.

*Paperwork Reduction Act*

This final rule imposes no new reporting or record keeping requirements necessitating clearance by OMB.

**List of Subjects in 14 CFR Part 383**

Administrative practice and procedure, Penalties.

Accordingly, the Department of Transportation revises Part 383 of Title 14, as set forth below:

## PART 383—CIVIL PENALTIES

Sec.
§ 383.1 Basis and purpose.
§ 383.2 Amount of penalty.

**Authority:** Secs. 222, 706, 707(b), Pub. L. 106–181, 114 Stat. 61; Pub. L. 101–410, 104 Stat. 890, as amended by sec. 31001, Pub. L. 104–134, 110 Stat. 1321.

### § 383.1 Basis and purpose.

(a) *Basis.* This part implements the civil penalty provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21, Pub. L. 106–181; 114 Stat. 61; April 5, 2000, sections 222, 706, 707(b)), and the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, section 31001). The Debt Collection Improvement Act requires each agency head to adjust by regulation each civil monetary penalty provided by law by the inflation adjustment described under section 5 of the Federal Civil Penalties Inflation Adjustment Act. We have applied these guidelines to the civil penalty amounts that were not affected by AIR 21 and, taking into account the inflation that has occurred since the most recent adjustment, have found that no further adjustment is warranted as of June 2000.

(b) *Purpose.* This part states the civil penalty amounts with respect to violations of 49 U.S.C. 40127, 41705 and 41712 and other civil penalties provided in 49 U.S.C. 46301 (a)(1) for violations covered by this chapter.

### § 383.2 Amount of penalty.

A person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation of 49 U.S.C. 41705 and a civil penalty of not more than $2,500 for each violation of 49 U.S.C. 40127 or 41712. For other violations of this chapter within the scope of 49 U.S.C. 46301, the civil penalty amount is $1,100.

* * * * *

Issued this 20th day of September, 2000, at Washington, D.C.

**Rodney E. Slater,**

*Secretary of Transportation.*

[FR Doc. 00–26197 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–62–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 522

## Implantation or Injectable Dosage Form New Animal Drugs; Levamisole Phosphate Injection

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Agri Laboratories, Ltd. The ANADA provides for use of levamisole phosphate solution by subcutaneous injection for the treatment of various species of gastrointestinal parasites in cattle.

**DATES:** This rule is effective October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

**SUPPLEMENTARY INFORMATION:** Agri Laboratories, Ltd., P.O. Box 3103, St. Joseph, MO 64503, filed ANADA 200–271 for LEVAMISOLE PHOSPHATE Injectable Solution, 13.65%. The ANADA provides for use of levamisole phosphate solution by subcutaneous injection for the treatment of various species of gastrointestinal parasites in cattle. The ANADA is approved as a generic copy of Schering-Plough Animal Health's NADA 126–742 for LEVASOLE® Injection. ANADA 200–271 is approved as of September 7, 2000, and the regulations are amended in 21 CFR 522.1244 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

**List of Subjects in 21 CFR Part 522**

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

## PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

### § 522.1244 [Amended]

2. Section 522.1244 *Levamisole phosphate injection* is amended in paragraph (b) by removing ''No. 000061'' and by adding in its place ''Nos. 000061 and 057561''.

Dated: October 6, 2000.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 00–26403 Filed 10–13–00; 8:45 am]

BILLING CODE 4160–01–F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Parts 526 and 556

## Intramammary Dosage Form New Animal Drugs; Pirlimycin Hydrochloride

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pharmacia and Upjohn Co. The supplemental NADA provides for use of a sterile solution of pirlimycin hydrochloride for intramammary treatment of clinical and subclinical staphylococcal and streptococcal mastitis in lactating dairy cows, for reduction in the preslaughter withdrawal period, and for revision of the milk discard statement in labeling to state the milk discard time only (i.e., to remove reference to the number of milkings).

**DATES:** This rule is effective October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Naba K. Das, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7569.

**SUPPLEMENTARY INFORMATION:** Pharmacia and Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001–0199, filed a supplemental application to NADA 141–036 that provides for use of PIRSUE® (pirlimycin hydrochloride) Sterile Solution for intramammary treatment of clinical and subclinical mastitis in lactating dairy cattle caused by *Staphylococcus* species, such as *Staphylococcus aureus*; and *Streptococcus* species, such as *Streptococcus agalactiae, Streptococcus dysgalactiae,* and *Streptococcus uberis;* for reduction in the preslaughter withdrawal period from 28 days to 9 days; and for revision of the milk discard statement in labeling to state the 36-hour milk discard time only (i.e., to remove reference to the number of milkings). The supplemental NADA is approved as of September 7, 2000, and the regulations are amended in 21 CFR 526.1810 to reflect the approval.

In addition, the regulations are amended in (21 CFR 556.515) to add the previously established acceptable daily intake for total residues of pirlimycin, to add a tolerance for residues of pirlimycin in cattle muscle and, editorially, to reflect current format.

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

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning September 7, 2000, because the application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for the approval and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the new formulation for which the supplemental application was approved.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

**List of Subjects**

*21 CFR Part 526*

Animal drugs.

*21 CFR Part 556*

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 526 and 556 are amended as follows:

## PART 526—INTRAMAMMARY DOSAGE FORM

1. The authority citation for 21 CFR part 526 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 526.1810 [Amended]**

2. Section 526.1810 *Pirlimycin hydrochloride aqueous gel* is amended by removing ''aqueous gel'' from the section heading, by removing ''(three milkings)'' from the first sentence in paragraph (d)(3), by removing ''28'' from the second sentence in paragraph (d)(3) and by adding in its place ''9'', and by removing the third sentence of paragraph (d)(3).

## PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

**Authority:** 21 U.S.C. 342, 360b, 371.

2. Section 556.515 is revised to read as follows:

**§ 556.515 Pirlimycin.**

(a) *Acceptable daily intake (ADI).* The ADI for total residues of pirlimycin is 0.01 milligrams per kilogram of body weight per day.

(b) *Tolerances*—(1) *Cattle*—(i) *Liver (the target tissue).* The tolerance for parent pirlimycin (the marker residue) is 0.5 part per million (ppm).

(ii) *Muscle.* The tolerance for parent pirlimycin (the marker residue) is 0.3 ppm.

(iii) *Milk.* The tolerance for parent pirlimycin (the marker residue in cattle milk) is 0.4 ppm.

(2) [Reserved]

Dated: October 6, 2000.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 00–26404 Filed 10–13–00; 8:45 am]

BILLING CODE 4160–01–F

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[TD 8897]**

**RIN 1545–AQ91**

## Rules for Property Produced in a Farming Business; Correction

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

**ACTION:** Correction of final regulations.

**SUMMARY:** This document contains corrections to final regulations relating to the application of section 263A of the Internal Revenue Code to property produced in the trade or business of farming. This document was published in the **Federal Register** on August 21, 2000 (65 FR 50638).

**EFFECTIVE DATE:** August 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Grant D. Anderson (202) 622–4970 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Need for Correction

As published, the final regulations (TD 8897) contain errors that may prove to be misleading and are in need of clarification.

### Correction of Publication

Accordingly, the publication of the final regulations (TD 8897), which were the subject of FR Doc. 00–21103, is corrected as follows:

1. On page 50638, column 3, in the preamble under the paragraph heading, ''Background'', line 3, the language ''proposed rulemaking (REG–208151–91)'' is corrected to read ''proposed rulemaking (REG–209316–86)''.

2. On page 50640, column 3, paragraph 1, line 14, the language ''I.R.B. (Sept. 5, 2000)) issued'' is corrected to read ''I.R.B. 256 (Sept. 5, 2000)) issued''.

## PART 1—[CORRECTED]

### § 1.263A–1 [Corrected]

3. On page 50644, column 2, in amendatory instruction Par. 5., remove item designations for items ''1.'' and ''2.'' and correctly designate the items ''2.'' and ''3.'', respectively. Add new item ''1.'' to read as follows:

1. The last sentence of paragraph (a)(3)(v) is revised.

4. On page 50644, column 2, § 1.263A–1, remove the five asterisks following the section heading and add the following language for the last sentence of paragraph (a)(3)(v) to read as follows:

### § 1.263A–1 Uniform capitalization of costs.

(a) * * *

(3) * * *

(v) * * * See sections 263A(d) and 263A(e) and § 1.263A–4 for rules relating to taxpayers engaged in a farming business.

* * * * *

### § 1.263A–4 [Corrected]

5. On page 50644, column 3, § 1.263A–4, paragraph (a)(2)(i)(B), line 3, the language ''disbursements method under section'' is corrected to read ''disbursements method of accounting (cash method) under section''.

6. On page 50648, column 3, § 1.263A–4, paragraph (d)(2), line 5 from the top of the column, the language ''required to use the accrual method'' is corrected to read ''required to use an accrual method''.

**Cynthia E. Grigsby,**

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

[FR Doc. 00–25998 Filed 10–13–00; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Zephyr* (PC 8) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** June 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Washington Navy Yard, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Zephyr* (PC 8) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(c) pertaining to the placement of the stern light as nearly as practicable at the stern. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the light involved is located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 3 of § 706.2 is amended by revising the entry for USS *Zephyr* to read as follows:

### § 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE 3

| Vessel | No. | Masthead lights are arc of visibility; rule 21(a) | Side lights arc of visibility; rule 21(b) | Stern lights arc of visibility; rule 21(c) | Side lights distance inboard of ship's sides in meters 3(b) annex 1 | Stern light, distance forward of stern in meters, rule 21(c) | Forward anchor light, height above hull in meters, 2(K) annex 1 | Anchor lights relationship of aft light to forward light in meters 2(K) annex 1 |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | | * |
| USS *Zephyr* ..... | PC–8 | | | | | [1] 28.26 | 3.01 | 1.1 below |
| * | * | * | * | * | * | * | | * |

[1] Only when towing.

* * * * *

Approved: June 5, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 00–26268 Filed 10–13–00; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

## Department of the Navy

## 32 CFR Part 706

## Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Bonhomme Richard* (LHD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** November 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Bonhomme Richard* (LHD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2(f)(i) pertaining to the placement of the masthead lights above and clear of all obstructions. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 4, paragraph 6, of § 706.2 is amended by adding, in numerical order, the following entry for USS *Bonhomme Richard*:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

| | |
|---|---|
| USS *Bonhomme Richard* (LHD 6) ..... | 1°12′ |

* * * * *

Approved: November 9, 1999.

**G. A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

**Editorial Note:** This document was received at the Office of the Federal Register October 6, 2000.

[FR Doc. 00–26267 Filed 10–13–00; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

## Department of the Navy

## 32 CFR Part 706

## Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Shamal* (PC 13) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** May 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi,

JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Washington Navy Yard, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Shamal* (PC 13) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(c) pertaining to the placement of the stern light as nearly as practicable at the stern. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the light involved is located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 3 of § 706.2 is amended by revising the entry for USS *Shamal* to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 3

| Vessel | No. | Masthead lights arc of visibility; rule 21(a) | Side lights arc of visibility; rule 21(b) | Stern light arc of visibility; rule 21(c) | Side lights distance inboard of ship's sides in meters 3(b) annex 1 | Stern light, distance forward of stern in meters; rule 21(c) | Forward anchor light, height above hull in meters; 2(K) annex 1 | Anchor lights relationship of aft light to forward light in meters 2(K) annex 1 |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * | * |
| USS *Shamal* | PC–13 | ..... | ..... | ..... | ..... | 28.26 [1] | 3.01 | 1.1 below |
| * | * | * | * | * | * | * | * | * |

[1] Only when towing.

Approved: May 4, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 00–26266 Filed 10–13–00; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Stethem* (DDG 63) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** May 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law). Office of the Judge Advocate General, Washington Navy Yard, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Stethem* (DDG 63) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 3(a) pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 5 of § 706.2 is amended by revising the entry for USS *Stethem* to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 5

| Vessel | No. | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|---|---|---|---|---|---|
| * * * * | | * | * | * | * |
| USS *Stethem* | DDG 63 | X | X | X | 20.8 |

Approved: May 4, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

[FR Doc. 00–26265 Filed 10–13–00; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Enterprise* (CVN 65) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** April 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy Department, Washington Navy Yard, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Enterprise* (CVN 65) is a vessel of the Navy which, due to its special construction and purpose, could not fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 30(a)(i) and (ii), and Rule 21(e), concerning placement of the anchor lights. The particular deviations have been corrected and The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the specific lights mentioned are now located in compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on achieved compliance.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 2 of § 706.2 is amended by revising the entry for USS *Enterprise* to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 2

| Vessel | Number | Masthead lights, distance to stbd of keel in meters; Rule 21(a) | Forward anchor light, distance below flight dk in meters; § 2(K), Annex I | Forward anchor light, number of; Rule 30(a)(i) | AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii) | AFT anchor light, number of; Rule 30(a)(ii) | Side lights, distance below flight dk in meters; § 2(g), Annex I | Side lights, distance forward of forward masthead light in meters; § 3(b), Annex I | Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I |
|---|---|---|---|---|---|---|---|---|---|
| * | | * | * | * | * | * | * | | * |
| USS *Enterprise* ..... | CVN–65 | 28.0 | ..... | ..... | ..... | ..... | 0.4 | ..... | ..... |
| * | | * | * | * | * | * | * | | * |

* * * * *

Approved: April 8, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 00–26264 Filed 10–13–00; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Roosevelt* (DDG 80) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** February 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Roosevelt* (DDG 80) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions, Annex I paragraph 2(f)(ii) pertaining to the vertical placement of the task lights, Annex I paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights, and Annex I paragraph 3(c) pertaining to the horizontal placement of the task lights. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 4, paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Roosevelt:*

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 4

| Vessel | Number | Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction |
|---|---|---|
| * * * * * | * | * |
| USS *Roosevelt* ..... | DDG 80 | 1.90 meters |

* * * * *

3. Table 4, paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Roosevelt:*

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 4

| Vessel | Number | Obstruction angle relative ship's headings |
|---|---|---|
| * * * * * | * | * |
| USS *Roosevelt* | DDG 80 | 101.70 thru 112.50° |

* * * * *

4. Table 5 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Roosevelt:*

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 5

| Vessel | No. | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained. |
|---|---|---|---|---|---|
| * * | * | * | * | * | * |
| USS *Roosevelt* | DDG 80 | X | X | X | 13.7 |
| * * | * | * | * | * | * |

Approved: February 4, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy,, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

**Editorial Note:** This document was received at the Office of the Federal Register October 6, 2000.

[FR Doc. 00–26262 Filed 10–13–00; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Tornado* (PC 14) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** January 24, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Tornado* (PC 14) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 23(a)(ii) pertaining to vessels more than 50 meters in length exhibiting a second masthead light; Annex I paragraph 2(k) pertaining to placement of the forward anchor light not less than six meters above the hull and not less than 4.5 meters above the after anchor light; and, Rule 21(c) pertaining to the placement of the stern light as nearly as practicable at the stern. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is

impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 3 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Tornado*:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 3

| Vessel | No. | Masthead lights arc of visibility; rule 21(a) | Side lights arc of visibility; rule 21(b) | Stern light arc of visibility; rule 21(c) | Side lights distance inboard of ship's sides in meters 3(b) annex 1 | Stern light, distance forward of stern in meters; rule 21(c) | Forward anchor light, height above hull in meters; 2(K) annex 1 | Anchor lights relationship of aft light to forward light in meters 2(K) annex 1 |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | | * |
| USS *Tornado* ..... | PC–14 | ..... | ..... | ..... | ..... | 27.8[1] | 3.01 | 1.1 below |
| * | * | * | * | * | * | | | |

[1] Only when towing.

* * * * *

Approved: January 24, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

**Editorial Note:** This document was received at the Office of the Federal Register October 6, 2000.

[FR Doc. 00–26261 Filed 10–13–00; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS *Benfold* (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** June 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander G. A. Cervi, JAGC, U.S. Navy Deputy Assistant Judge Advocate (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy, Department, Washington Navy Yard, DC 20374–5066, Telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS *Benfold* (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a) pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest because it is based on technical findings that the placement of lights on this vessel in a manner different from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR part 706**

Marine safety, Navigation (water), and Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

2. Table 5 of § 706.2 is amended by revising the entry for USS *Benfold* to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 5

| Vessel | No. | Masthead lights not over all otehr lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained. |
|---|---|---|---|---|---|
| * * * | * | * | * | * | * |
| USS *Benfold* | DDG 65 | X | X | X | 20.0 |

Approved: June 5, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy,, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 00–26260 Filed 10–13–00; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS *Winston S. Churchill* (DDG 81) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** March 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374–5066; telephone number: (202) 685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS *Winston S. Churchill* (DDG 81) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions, Annex I paragraph 2(f)(ii) pertaining to the vertical placement of the task lights, Annex I paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights, and Annex I paragraph 3(c) pertaining to the horizontal placement of the task lights. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

## PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table 4, paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Winston S. Churchill:*

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 4

| Vessel | Number | Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction |
|---|---|---|
| * * * * * | * | * |
| USS *Winston S. Churchill* | DDG 81 | 1.87 meters. |
| * * * * * | * | * |

* * * * *

3. Table 4, paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Winston S. Churchill:*

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 4

| Vessel | Number | Obstruction angle relative ship's headings |
|---|---|---|
| USS *Winston S. Churchill* ..... | DDG 81 | 101.96 thru 112.50°. |
| * * * * * * * | | |

4. Table 5 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Winston S. Churchill*:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE 5

| Vessel | Number | Masthead lights not over all other lights and obstructions. annex I, sec. 2 (f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|---|---|---|---|---|---|
| USS *Winston S. Churchill* ..... | DDG 81 | X | X | X | 13.8 |
| * * * * * * * | | | | | |

* * * * *

Approved: March 7, 2000.

**G.A. Cervi,**

*Lieutenant Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 00–26417 Filed 10–13–00; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## DEPARTMENT OF VETERANS AFFAIRS

## 38 CFR Part 21

**RIN 2900–AI68**

## Reservists Education: Monthly Verification of Enrollment and Other Reports

**AGENCIES:** Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the educational assistance and educational benefit regulations of the Department of Veterans Affairs (VA). It expands the current requirement that some reservists receiving educational assistance under the Montgomery GI Bill—Selected Reserve (MGIB–SR) verify their pursuit of a program of education monthly to include those reservists who are pursuing a standard college degree. At the same time the document reduces the number of reports VA receives from educational institutions. We believe this is a cost-effective way to reduce overpayments.

**DATES:** *Effective Date:* June 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** William G. Susling, Jr., Education Adviser, Education Service (225C), Veterans Benefits Administration, (202) 273–7187.

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on March 31, 1998 (63 FR 15341), VA, the Department of Defense (DOD), and the Department of Transportation (Coast Guard) proposed withholding monthly payments of educational assistance under the MGIB–SR until VA receives the reservist's monthly certification of enrollment in and satisfactory pursuit of a program of education. In addition, in keeping with statutory provisions, VA, DOD, and the Coast Guard proposed that when a reservist withdraws from one or more courses with mitigating circumstances, VA would reduce or discontinue his or her educational assistance on the effective date of the reduction in training. Furthermore, we proposed that an educational institution had to report changes and interruptions in a reservist's training to VA without delay. We sought comments under the Paperwork Reduction Act concerning the collections of information in proposed §§ 21.7654 and 21.7656.

We gave interested persons 60 days to submit comments. We received no comments.

As proposed, the rule would have authorized the Secretary to permit submission of the monthly certification in writing or by telephone. Although we received no formal comments, we have concluded that there is no reason that the rule should not also authorize VA to allow the reservist to submit the monthly verification electronically. Accordingly, the final rule makes a change to proposed § 21.7654 by adding the words ''or electronically.'' Based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule, with this change; with nonsubstantive changes for the purpose of clarification; and with a change to display the currently valid Office of Management and Budget

control numbers assigned to approved collections of information in §§ 21.7654 and 21.7656.

DOD, the Coast Guard, and VA are jointly issuing this final rule since it pertains to the MGIB–SR. DOD and the Coast Guard fund this program, and VA administers it.

**Paperwork Reduction Act of 1995**

The Office of Management and Budget (OMB) has approved the information collection requirements in this final rule concerning §§ 21.7654 and 21.7654(a) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and has assigned OMB control number 2900–0597. The provisions of §§ 21.7654 and 21.7656(a) require a reservist to certify monthly his or her continued enrollment in and satisfactory pursuit of a program of education. This is permitted by 10 U.S.C. 16136(b) and 38 U.S.C. 3684.

OMB has also approved the information collection requirements in this final rule concerning § 21.7656(b) under the provisions of the Paperwork Reduction Act of 1995 and has assigned OMB control number 2900–0612. The provisions of § 21.7656(b) require an educational institution to report changes, including interruptions and terminations, in a reservist's training to VA without delay. This is required by 10 U.S.C. 16136(b) and 38 U.S.C. 3684.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to each collection of information in this final rule is displayed at the end of each of the affected sections of the regulations.

**Regulatory Flexibility Act**

The signers of this document hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule may affect some educational institutions that are small entities. However, educational institutions are paid a reporting fee for making required reports to VA. Furthermore, VA does not believe that a burden of less than two hours annually would result in a significant economic impact. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from both the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

**List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocation rehabilitation.

Approved: April 28, 2000.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

Approved: August 3, 2000.

**Charles L. Cragin,**

*Principal Deputy Assistant Secretary of Defense for Reserve Affairs.*

Approved: September 26, 2000.

**F.L. Ames,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Human Resources.*

For the reasons set out above, 38 CFR part 21 (subpart L) is amended as follows:

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart L—Educational Assistance for Members of the Selected Reserve

1. The authority citation for part 21, subpart L continues to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, unless otherwise noted.

2. In § 21.7635, paragraph (c)(1) introductory text is revised to read as follows:

**§ 21.7635 Discontinuance dates.**

* * * * *

(c) * * *

(1) If the reduction in the rate of training occurs other than on the first date of the term, VA will reduce the reservist's educational assistance effective on the date the reduction occurred when:

* * * * *

3. Section 21.7654 is amended by:

A. Adding introductory text.

B. Revising paragraph (a).

C. Redesignating paragraph (b) as paragraph (c).

D. Adding a new paragraph (b).

E. Revising the parenthetical at the end of the section.

The additions and revisions read as follows:

**§ 21.7654 Pursuit and absences.**

Except as provided in this section, a reservist must submit a verification to VA each month of his or her enrollment during the period for which the reservist is to be paid. This verification shall be in a form prescribed by the Secretary.

(a) *Exceptions to the monthly verification requirement.* A reservist does not have to submit a monthly verification as described in the introductory text of this section when the reservist—

(1) Is enrolled in a correspondence course; or

(2) Has received an advance payment for the training completed during a month.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680(a), (g))

(b) *Items to be reported on all monthly verifications.* (1) The monthly verification for all reservists will include a report on the following items when applicable:

(i) Continued enrollment in and actual pursuit of the course;

(ii) The date of interruption or termination of training;

(iii) Except as provided in § 21.7656(a), changes in the number of credit hours or in the number of clock hours of attendance;

(iv) Nonpunitive grades; and

(v) Any other changes or modifications in the course as certified at enrollment.

(2) The verification of enrollment must:

(i) Contain the information required for release of payment;

(ii) If required or permitted by the Secretary to be submitted on paper, be signed by the reservist on or after the final date of the reporting period, or if permitted by the Secretary to be submitted by telephone or electronically in a manner designated by the Secretary, be submitted in the form and manner prescribed by the Secretary on or after the final date of the reporting period; and

(iii) If submitted on paper, clearly show the date on which it was signed.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680(g))

* * * * *

(The Office of Management and Budget has approved information collection requirements in this section under control number 2900–0597.)

4. Section 21.7656 is amended by:

A. Revising the section heading.

B. Removing the introductory text.

C. Redesignating paragraphs (a), (a)(1), (a)(2), (a)(3) and (b) as paragraphs (b), (b)(3), (b)(4), (b)(5), and (c), respectively.

D. Revising the heading of newly designated paragraph (b).

E. Adding new paragraphs (a), (b)(1), and (b)(2).

F. Revising newly redesignated paragraph (b)(3).

G. Revising the authority citation for the newly redesignated paragraph (b).

H. Revising the parenthetical at the end of the section.

The additions and revisions read as follows:

**§ 21.7656 Other required reports.**

(a) *Reports from reservists.* (1) A reservist enrolled full time in a program of education for a standard term, quarter, or semester must report without delay to VA:

(i) A change in his or her credit hours or clock hours of attendance if that change would result in less than full-time enrollment;

(ii) Any change in his or her pursuit that would result in less than full-time enrollment; and

(iii) Any interruption or termination of his or her attendance.

(2) A reservist not described in paragraph (a)(1) of this section must report without delay to VA:

(i) Any change in his or her credit hours or clock hours of attendance;

(ii) Any change in his or her pursuit; and

(iii) Any interruption or termination of his or her attendance.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3684)

(b) *Interruptions, terminations or changes in hours of credit or attendance.* * * *

(1) Except as provided in paragraph (b)(2) of this section, an educational institution must report without delay to VA each time a reservist:

(i) Interrupts or terminates his or her training for any reason; or

(ii) Changes his or her credit hours or clock hours of attendance.

(2) An educational institution does not need to report a change in a reservist's hours of credit or attendance when:

(i) The reservist is enrolled full time in a program of education for a standard term, quarter, or semester before the change; and

(ii) The reservist continues to be enrolled full time after the change.

(3) If the change in status or change in number of credit hours or clock hours of attendance occurs on a day other than one indicated by paragraph (b)(4) or (b)(5) of this section, the educational institution will initiate a report of the change in time for VA to receive it within 30 days of the date on which the change occurs.

* * * * *

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3684)

* * * * *

(The Office of Management and Budget has approved information collection requirements in this section under control numbers 2900–0612 and 2900–0597.)

[FR Doc. 00–26437 Filed 10–13–00; 8:45 am]

BILLING CODE 8320–01–U

## POSTAL SERVICE

## 39 CFR Part 111

## New Pallet Height Limitation for Anchorage and Fairbanks, AK

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends section M041 of the Domestic Mail Manual (DMM). Due to the limitations of aircraft used to transport mail, the Postal Service is lowering the maximum pallet height from 77 inches to 72 inches for Periodicals, Standard Mail (A), and Standard Mail (B) entered at Anchorage and Fairbanks, Alaska.

**EFFECTIVE DATE:** November 2, 2000.

**FOR FURTHER INFORMATION CONTACT:** RoseMarie Gay (202) 268–7810.

**SUPPLEMENTARY INFORMATION:** Since most Periodicals, Standard Mail (A), and Standard Mail (B) mail for delivery in Alaska is transported by air due to prevailing operating conditions, mail must be prepared to facilitate air transportation. Pallets that are between 72 and 77 inches high do not satisfy this requirement, although heights within this range are currently permitted under Domestic Mail Manual (DMM) standards.

The problem is that pallets between 72 and 77 inches high do not fit through aircraft doors, forcing Alaskan air carriers to re-stack the pallets. To remedy this situation, the Postal Service is lowering the maximum height from 77 inches to 72 inches for mail on pallets (mail and pallet combined) that is entered at Anchorage and Fairbanks, Alaska. The change will allow mail on pallets to be shipped as originally prepared, which will eliminate the risk of mail damage or delay caused by additional handling to load and unload aircraft.

Because the operational circumstances dictating a lower pallet height are not within the control of the Postal Service, the Postal Service finds no need to solicit comments or to delay implementation of the new pallet height specification.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

## PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552 (a): 39 U.S.C 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the Domestic Mail Manual (DMM) as follows:

**M Mail Preparation and Sortation**

**M000 General Preparation Standards**

* * * * *

*M040 Pallets*

* * * * *

*M041 General Standards*

* * * * *

3.0 STACKING PALLETS

[Amend 3.1f to read as follows:]

**3.1 Stacking Up to Four Tiers**

Pallets may be stacked two, three, or four tiers high if:

* * * * *

f. The combined height of the stacked pallets and their loads does not exceed 84 inches. Exception: Pallets prepared for entry at Anchorage and Fairbanks, Alaska, may not measure more than 72 inches in height, mail and pallet combined.

* * * * *

5.0 PREPARATION

* * * * *

**5.5 Maximum Load**

* * * * *

[Add new last sentence to 5.5 to read as follows:]

* * * Exception: A single pallet that is prepared for entry at Anchorage or Fairbanks, Alaska, has a maximum height of 72 inches, mail and pallet combined.

* * * * *

An appropriate amendment to 39 CFR 111 will be published in the **Federal Register** to reflect these changes.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 00–26407 Filed 10–13–00; 8:45 am]

**BILLING CODE 7710–12–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

**[AR–8–1–7409; FRL–6885–1]**

### Approval and Promulgation of Implementation Plans; Arkansas; Regulation 19 and 26

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving the recodification of and revisions to the Arkansas State Implementation Plan (SIP or plan). The Arkansas Department of Environmental Quality (ADEQ) adopted revisions to Regulation 19 on January 22, 1999. The Governor of Arkansas submitted these revisions to EPA on March 5, 1999. The EPA also incorporates into the Arkansas SIP portions of Arkansas' regulation for its Operating Permits Program (Regulation 26) which relate to the construction and modification of major sources. This is necessary because the submitted SIP revision incorporates these provisions to ensure that major sources which must receive an operating permit meet the Federal requirements relating to the construction and modification of major sources as defined under title I of the Clean Air Act (Act).

Furthermore, EPA approves revisions to Arkansas' program for the prevention of significant deterioration (PSD) of air quality to replace the increments for total suspended particulates (TSP) with increments for particulate matter less than 10 micrometers (PM–10). In conjunction with this action, EPA also removes the TSP area designation tables in title 40 of the CFR part 81 for Arkansas. The EPA is taking no action on Chapter 8 of Regulation 19 which pertains to designated facilities. The EPA will act on Chapter 8 in a separate action.

This action also recodifies, with minor revisions, several provisions of its current SIP into Chapters 1, 2, 3, 5, 6, 7, and 10.

The EPA approves these revisions based upon a finding that the regulations meet the requirements of the Act pertaining to the approval of SIPs and the Federal regulations which describe the requirements that a SIP must meet.

**EFFECTIVE DATE:** This rule is effective on November 15, 2000.

**ADDRESSES:** Copies of documents relevant to this action, including the Technical Support Document (TSD), are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at lease two working days in advance.

EPA, Region 6, Air Permits Section (6PD–R), 1445 Ross Avenue, Dallas, Texas 75202–2733.

ADEQ, Division of Air Pollution Control, 8001 National Drive, P.O. Box 8913, Little Rock, Arkansas 72219–8913.

**FOR FURTHER INFORMATION CONTACT:** Stanley M. Spruiell of the EPA Region 6 Air Permits Section at (214) 665–7212 at the address above or at spruiell.stanley@epa.gov.

**SUPPLEMENTARY INFORMATION:** Throughout this document ''we,'' ''us,'' or ''our'' means EPA.

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I. What Action Are We Taking?
II. What Is the Background for This Action?
III. Are There Provisions of Regulation 19 That We Are Not Acting on in Today's Action?
IV. Prevention of Significant Determination (PSD) of Air Quality.
V. Major Source Permitting Procedures.
VI. Sources Subject to Provisions of Sections 111 and 112 of the Act.
VII. Final Action.
VIII. Administrative Requirements.

### I. What Action Are We Taking?

We are finalizing our approval of Regulation 19 of ADEQ, except for Chapter 8—Designated Facilities. Regulation 19 revises and recodifies the Arkansas SIP. The submitted regulation includes provisions which address the requirements of the Act and ensures the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) that we promulgated under section 109 of the Act. The ADEQ adopted and submitted Regulation 19 under section 110 of the Act. The regulation includes:

- Enforceable emission limitations and other control measures and techniques,
- A program for enforcement of such measures,
- Provisions for the regulation of the modification and construction of stationary sources, and;
- Other measures required under section 110 of the Act.

We are also finalizing the approval of the SIP portions of Arkansas Regulation 26—Regulation of the Arkansas Operating Permit Program, adopted July 23, 1993, and submitted to EPA on October 29, 1993. This action approves the provisions of Regulation 26 that are incorporated by reference by Regulation 19, Chapter 11. The provisions of Regulation 26 so incorporated are the provisions of Regulation 26 that meet the Federal requirements applicable to new and modified major sources that are permitted under Regulation 26.

We have reviewed the submittal and determined that Regulation 19 and the incorporated provisions of Regulation 26 meet the requirements of the Act.

Furthermore, we approve revisions to Arkansas' program for PSD to replace the increments for TSP with increments for PM–10. In conjunction with this action, we are removing the TSP area designation tables in 40 CFR part 81 for Arkansas.

We are taking no action on Chapter 8 of Regulation 19 which pertains to designated facilities. We will act on Chapter 8 in a separate action.

We have also prepared a TSD which contains a detailed analysis of our evaluation and proposed approval of Regulation 19. The TSD is included as part of the public docket and is available at the addresses listed above.

### II. What Is the Background for This Action?

On May 9, 2000, we published a notice of proposed rulemaking (NPR) proposing approval of Regulation 19 and the incorporated provisions of Regulation 26. In the NPR, we determined that Regulation 19 and the incorporated portions of Regulation 26 meet the requirements of the Act. The NPR provided opportunity for the public to comment on the proposed action. The public comment period for our proposed action ended June 8, 2000. We received no comments on the NPR. As a result, we are finalizing our proposed approval without changes. For more details on these submittals, please refer to the proposed rulemaking and the TSD.

### III. Are There Provisions of Regulation 19 That We Are Not Acting on in Today's Action?

We are taking no action on Chapter 8—Designated Facilities. Designated facilities are regulated under section 111(d) of the Act. Under section 111(d), emission standards are to be adopted by the States and submitted to EPA for approval. These standards limit the emissions of designated pollutants from existing facilities which, if new, would

be subject to the New Source Performance Standards promulgated by EPA under section 111 of the Act and in 40 CFR part 60. The procedures under which States submit these plans to control existing sources are defined in 40 CFR part 60, subpart B. The submittal and review process of these State Plans is carried out separately from other SIP activities. We are thus taking no action on Chapter 8 in today's action.

## IV. Prevention of Significant Deterioration (PSD) of Air Quality

Arkansas recodified its PSD program into Regulation 19, Chapter 9. Chapter 9 recodifies the PSD regulations without substantive change except as discussed below. Arkansas revised Chapter 9 to incorporate the PSD increments for PM–10 promulgated by EPA on July 3, 1993. Arkansas changed the date of which the Federal regulations are incorporated by reference from June 28, 1989, to June 3, 1994 (the effective date of the PM–10 increments).

We have reviewed this revision and found that it addresses all of the required regulatory revisions for PM–10 increments. In today's action, we approve the recodification of Arkansas' PSD program and the revisions to incorporate the PM–10 increments into the SIP. Consistent with Arkansas' revisions, we are also removing the TSP area designation tables in 40 CFR part 81 for Arkansas. The NPR and the TSD contain a more detailed analysis of the changes that Arkansas made to its PSD regulations.

## V. Major Source Permitting Procedures

Chapter 11 of Regulation 19 addresses the permitting procedures for major sources which are also subject to Regulation 26—Regulations of the Arkansas Operating Permit Program. Regulation 26 is Arkansas' regulation for its Operating Permit Program under title V of the Act.[1] Chapter 9 of Regulation 19 contains the process, already approved by EPA [2] for issuance of a new major source or a major modification of an existing source which is major for purposes of PSD by virtue of incorporation by reference of the provisions of 40 CFR 52.21(b)–(r).[3] Chapter 11 requires major sources which are subject to Regulation 26 to also have their permit applications processed in accordance with the procedures contained in Regulation 26, which are incorporated by reference. Thus, Chapter 11 creates the connection between the PSD and title V programs to allow Arkansas to issue one permit to its sources which are defined as major under both programs.

For minor sources, the permitting process is contained in Chapter 4 of Regulation 19 which complies with 40 CFR 51.160–51.164. Chapters 4 and 9 of Regulation 19 do not, however, fully cover all sources defined as major sources under section 302(j) of the Act. Chapter 11 is necessary to provide a process for permitting the following:

- Sources which are major for purposes of PSD but undergo a physical change or change in the method of operation which does not result in a significant net emission increase, *i.e.,* minor modifications. Such change therefore is not subject to PSD review.[4] Subpart I, however, applies to the construction and modification of all sources, including major and minor sources. Such change, therefore, must meet the applicable requirements of subpart I, sections 51.160–51.164. Regulation 26 contains the provisions which satisfy these provisions of subpart I.[5] These provisions are incorporated into Regulation 19 by Chapter 11.
- A source which is major for title V but not major for PSD. This would include a source whose potential to emit is 100 tons per year (TPY) or more but less than 250 TPY and is not one of the source types listed in 40 CFR 52.21(b)(1).[6] Although a new or modified source which is not a PSD major source is not subject to PSD, the applicable requirements of subpart I, sections 51.160–51.164 nonetheless continue to apply as explained above. Regulation 26 contains the provisions which satisfy these provisions of subpart I.[7] These provisions are incorporated into Regulation 19 by Chapter 11.

Chapter 11 incorporates the applicable requirements of 40 CFR part 51, subpart I [8] (subpart I) that are in Regulation 26 into Regulation 19, which we are approving into the SIP. By approving Chapter 11, we are approving the subpart I provisions of Regulation 26 which are incorporated by reference.

Through Chapter 11, Arkansas will ensure that the construction and modification of sources subject to the preconstruction review requirements of the Act will meet the applicable requirements of subpart I. The NPR and TSD include our analysis of the provisions of Regulation 26 which ADEQ incorporates by reference into Regulation 19. The TSD describes how Regulation 26 meets the requirements of subpart I. It further demonstrates that the procedures in Regulation 26 will ensure that modifications which occur at title V sources will satisfy the requirements of the Act and subpart I.

Our analysis of these provisions of Regulation 26 are from the version of Regulation 26 which Arkansas adopted July 23, 1993, and submitted to us on October 29, 1993. We approved this version of Regulation 26 at 60 FR 46171 (September 8, 1995) as satisfying the requirements for interim approval under 40 CFR part 70. We will need to reexamine our analysis if Arkansas adopts Regulation 26 with significant changes, and Arkansas may need to make further revisions to its SIP.

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[1] This refers to the provisions of title V (Permits) of the Act (42 U.S.C. 7661, 7661a–7661f) and the implementing regulations under 40 CFR part 70 (State Operating Permit Programs). These provisions establish the elements that an Operating Permits Program must meet under part 70. Arkansas' Regulation 26 contains the requirements of its Operating Permits Program. Arkansas currently operates its title V program under an interim approval. *See* 60 **Federal Register** 46171 (September 8, 1995). On August 4, 2000, Arkansas submitted revisions to Regulation 26 in response to the interim approval deficiencies identified by EPA. The EPA is currently reviewing this submittal.

[2] *See* section IV in this preamble for a description of our approval of Arkansas' PSD program and of our evaluation of Chapter 9.

[3] Chapter 9, section 19.904(A) incorporates the provisions of 40 CFR 52.21(b) through (r).

[4] For purposes of PSD, 40 CFR 52.21(i)(1) provides that no stationary source or modification to which the paragraphs (j)–(r) apply shall begin actual construction without a permit which states that the source or modification meets such requirements. The provisions of § 52.21(j)–(r) apply to the construction of major sources and major modifications. ''Major stationary source'' is defined in § 52.21(b)(1) and ''major modification'' is defined in § 52.21(b)(2). A major modification is a physical change or change in the method of operation at a major stationary source which results in a significant net emissions increase. ''Net emissions increase'' is defined in § 52.21(b)(3) which describes how the net emissions increase is determined. Such increase is significant if it equals or exceeds the significance thresholds in § 52.21(b)(23). Thus, minor modifications at major stationary sources do not fall within the purview of the PSD requirements.

[5] According to Regulation 26, section 26.2(e), ''applicable requirement'' is defined as ''Any standard or other requirements provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under title I of the Act * * *'' (PSD *inter alia*) (this includes Regulation 19, Chapter 3 which requires protection of the NAAQS).

[6] Section 52.21(b)(1) is the definition of ''major stationary source.'' Under this definition, a source is major for PSD if its potential to emit (PTE) is 100 TPY or more *and* the source belongs to one of the source categories listed in § 52.21(b)(1)(i)(*a*). Otherwise, a source is a PSD major only if its PTE is 250 TPY or more, pursuant to § 52.21(b)(1)(i)(*b*). Under section 302(j) of the Act and 40 CFR part 70, a ''major source'' includes any stationary source with a PTE of 100 TPY or more.

[7] See footnote 5.

[8] 40 CFR part 51, subpart I contains the requirements that a SIP-approved program for review of new and modified sources must meet. The subpart consists of sections 51.160–51–166. The TSD and NPR contain a detailed analysis which demonstrates how Arkansas submitted SIP revisions meet the requirements of subpart I.

**VI. Sources Subject to Provisions of Sections 111 and 112 of the Act**

The NPR included references to provisions of Regulation 19 which require a source to meet the applicable requirements of section 111 of the Act (Standards of Performance for New Stationary Sources) and section 112 of the Act (National Emission Standards for Hazardous Air Pollutants). We regulate the requirements of section 111 of the Act under 40 CFR part 60 and the provisions of section 112 of the Act under 40 CFR parts 61 and 63. As worded in the NPR, a reader may mistakenly conclude that we were approving the requirements of 40 CFR parts 60, 61, and 63 into the SIP. This is not the case. We were stating that Regulation 19 identifies these requirements as the Federal programs that ADEQ implements and that sources subject to the requirements of sections 111 and 112 of the Act must continue to meet these requirements in the context of permitting under Regulation 19.

**VII. Final Action**

In today's action, we are promulgating final approval of Regulations 19 and 26 as described in Table 1 below.

TABLE 1.—CHAPTERS AND APPENDICES IN REGULATIONS 19 AND 26 APPROVED IN TODAY'S ACTION

| Chapter | Title |
|---|---|
| Regulation 19—Regulations of the Arkansas Plan of Implementation for Air Pollution Control (Submitted January 22, 1999) | |
| Chapter 1 | Title, Intent, and Purpose. |
| Chapter 2 | Definitions. |
| Chapter 3 | Protection of the NAAQS. |
| Chapter 4 | Minor Source Review. |
| Chapter 5 | General Emission Limitations Applicable to Equipment. |
| Chapter 6 | Upset and Emergency Conditions. |
| Chapter 7 | Sampling, Monitoring, and Reporting Requirements. |
| Chapter 9 | Prevention of Significant Deterioration. |
| Chapter 10 | Regulations for the Control of Volatile Organic Compounds. |
| Chapter 11 | Major Source Permitting Procedures. |
| Appendix A | Insignificant Activities List. |
| Regulation 26—Regulations of the Arkansas Operating Air Permit Program (Adopted July 23, 1993) | |
| Section 26.3 | Requirement for a Permit, Applicability. |
| Subsection 26.3(a) | Requirement for a permit. |
| Subsection 26.3(b) | Sources subject to permitting. |
| Section 26.4 | Applications for Permits. |
| Subsection 26.4(a) | Duty to apply. |
| Subsection 26.4(b) | Standard application form and required information. |
| Subsection 26.4(h) | Complete application. |
| Subsection 26.4(j) | Applicant's duty to supplement application. |
| Subsection 26.4(k) | Certification by responsible official. |
| Section 26.5 | Action on Application. |
| Subsection 26.5(a)(1), (3)–(4). | Action on part 70 applications. |
| Subsection 26.5(b) | Final action on permit application. |
| Section 26.6 | Permit Review by the Public, Affected States, and EPA. |
| Subsection 26.6(a) | Untitled. |
| Subsection 26.6(b)(1)(i)–(ii), (v), (b)(4). | Public participation. |
| Subsection 26.6(c)(1)–(2) | Transmission of permit information to the Administrator. |
| Subsection 26.6(d)(1)–(2) | Review of draft permit by affected States. |

We are taking no action on Chapter 8—Designated Facilities—in today's proposal. As discussed in section III, we review and approve the State plans for designated facilities under subpart B of 40 CFR part 60. We will review and process Chapter 8 of Regulation 19 in a separate action.

**VIII. Administrative Requirements**

*A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

*B. Executive Order 13132*

Executive 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) revokes and replaces Executive Order 12612, ''Federalism,'' and Executive Order 12875, ''Enhancing the Intergovernmental Partnership.'' Executive Order 13132 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 Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal

government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final 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, 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 Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

*C. Executive Order 13045*

Executive Order 13045, entitled ''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.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This final rule is not subject to Executive Order 13045 because it approves a State program.

*D. 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 EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

*E. Regulatory Flexibility Act*

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

*F. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

*G. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The 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**. A major rule can not take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major'' rule as defined by 5 U.S.C. 804(2). This rule will be effective November 15, 2000.

*H. Petitions for Judicial Review*

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 15, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the

purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

**List of Subjects**

*40 CFR Part 52*

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Lead, Nitrogen oxides, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

*40 CFR Part 81*

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: October 3, 1999,

**Myron O. Knudson,**

*Acting Regional Administrator, Region 6.*

Parts 52 and 81, chapter I, title 40 of the CFR is amended as follows:

## PART 52—[AMENDED]

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

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

## Subpart E—Arkansas

2. In § 52.170(c), the first table is deleted and replaced with a new table to read as follows:

**§ 52.170 Identification of plan.**

* * * * *

(c) EPA approved regulations

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP

| State citation | Title/subject | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Regulation 19: Regulations of the Arkansas Plan of Implementation for Air Pollution Control** | | | | |
| **Chapter 1: Title, Intent and Purpose** | | | | |
| Section 19.101 | Title | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.102 | Applicability | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.103 | Intent and Construction | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.104 | Severability | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 2: Definitions** | | | | |
| Chapter 2 | Definitions | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 3: Protection of the NAAQS** | | | | |
| Section 19.301 | Purpose | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.302 | Department Responsibilities | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.303 | Regulated Sources Responsibilities. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.304 | Delegated Federal Programs | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 4: Minor Source Review** | | | | |
| Section 19.401 | General Applicability | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.402 | Approval Criteria | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.403 | Owner/Operator's Responsibilities. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.404 | Required Information | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.405 | Action on Application | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.406 | Public Participation | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.407 | Permit Amendments | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.408 | Exemption from Permitting | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.409 | Transition | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.410 | Permit Revocation and Cancellation. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.411 | General Permits | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.412 | Dispersion Modeling | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.413 | Confidentiality | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 5: General Emission Limitations Applicable to Equipment** | | | | |
| Section 19.501 | Purpose | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.502 | General Regulations | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.503 | Visible Emission Regulations | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.504 | Stack Height/Dispersion Regulations. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.505 | Revised Emission Limitation | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 6: Upset and Emergency Conditions** | | | | |
| Section 19.601 | Upset Conditions | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.602 | Emergency Conditions | 01/22/99 | 10/16/00 (65 FR 61108) | |

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

| State citation | Title/subject | State submittal/effective date | EPA approval date | Comments |
|---|---|---|---|---|
| **Chapter 7: Sampling, Monitoring, and Reporting Requirements** | | | | |
| Section 19.701 | Purpose | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.702 | Air Emission Sampling | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.703 | Continuous Emission Monitoring | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.704 | Notice of Completion | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.705 | Recordkeeping and Reporting Requirements. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.706 | Public Availability of Emissions Data. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 9: PSD** | | | | |
| Section 19.901 | Title | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.902 | Purposes | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.903 | Definitions | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.904 | Adoption of Regulations | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 10: Regulations for the Control of Volatile Organic Compounds** | | | | |
| Section 19.1001 | Title | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.1002 | Purpose | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.1003 | Definitions | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.1004 | General Provisions | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.1005 | Provisions for Specific Processes. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| Section 19.1006 | Severability | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Chapter 11: Major Source Permitting Procedures** | | | | |
| Chapter 11 | Major Source Permitting Procedures. | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Appendix A: Insignificant Activities List** | | | | |
| Appendix A: | Insignificant Activities List | 01/22/99 | 10/16/00 (65 FR 61108) | |
| **Regulation 26: Regulations of the Arkansas Operating Permit Program** | | | | |
| Section 3 | Requirements for Permit Applicability. | 07/23/93 | 10/16/00 (65 FR 61108) | Subsections (a) and (b) only. |
| Section 4 | Applications for Permits | 07/23/93 | 10/16/00 (65 FR 61108) | Subsections (a)–(b), (h), and (j)–(k) only. |
| Section 5 | Action on Application | 07/23/93 | 10/16/00 (65 FR 61108) | Subsections (a)(1), (a)(3)–(4), and (b) only. |
| Section 6 | Permit Review by the Public, Affected States, and EPA. | 07/23/93 | 10/16/00 (65 FR 61108) | Subsections (a), (b)(1)(i)–(ii), (b)(1)(v), (b)(4), (c)(1)–(2), and (d)(1)–(2) only. |

3. Section 52.181 is amended by revising paragraph (a) to read as follows:

**§ 52.181 Significant deterioration of air quality.**

(a) The plan submitted by the Governor of Arkansas as follows:

(1) April 23, 1981—submittal of the PSD Supplement Arkansas Plan of Implementation for Pollution Control (the ''PSD Supplement'') submitted April 23, 1981 (as adopted by the Arkansas Commission on Pollution Control and Ecology (ACPCE) on April 10, 1981);

(2) June 3, 1988—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on March 25, 1988);

(3) June 19, 1990—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on May 25, 1990), and;

(4) March 5, 1999—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which recodified Arkansas' PSD regulations (as adopted by the Arkansas Pollution Control and Ecology Commission on January 22, 1999)

* * * * *

## PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

## Subpart C—Section 107 Attainment Status Designations

2. Section 81.304 is amended by removing the table for TSP and adding a table for PM–10 to read as follows:

**§ 81.304 Arkansas.**

* * * * *

ARKANSAS—PM–10

| Designated area | | Designation | | Classification | |
|---|---|---|---|---|---|
| | | Date | Type | Date | Type |
| AQCR 016 | Central Arkansas Intrastate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 017 | Metropolitan Fort Smith Interstate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 018 | Metropolitan Memphis Intrastate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 019 | Monroe (Louisiana)-El Dorado Interstate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 020 | Northeast Arkansas Intrastate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 021 | Northwest Arkansas Intrastate | | Unclassifiable ... | | Unclassifiable. |
| AQCR 022 | Shreveport-Texarkana-Tyler Interstate | | Unclassifiable ... | | Unclassifiable. |

[FR Doc. 00–26509 Filed 10–13–00; 8:45 am]
BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL–6885–5]

## Utah: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Immediate final rule.

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

**DATES:** This Final authorization will become effective on January 16, 2001 unless EPA receives adverse written comment by November 30, 2000. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Copies of the Utah program revision applications and the materials which EPA used in evaluating the revisions are available for inspection and copying at the following locations: EPA Region VIII Library, from Noon to 4 p.m., 999 18th Street, Suite 500, Denver, Colorado 80202–2466, contact: Environmental Information Service Center (EISC), phone number: (303) 312–6312; or Utah Department of Environmental Quality (UDEQ), from 8 a.m. to 5 p.m., 288 North 1460 West, Salt Lake City, Utah 84114–4880, contact: Susan Toronto, phone number: (801) 538–6776. Send written comments to Kris Shurr, 8P–HW, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone number: (303) 312–6139.

**FOR FURTHER INFORMATION CONTACT:** Kris Shurr, 8P–HW, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone number: (303) 312–6139.

**SUPPLEMENTARY INFORMATION:**

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

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

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

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

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

This decision means that a facility in Utah subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Utah has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007,

3008, 3013, and 7003, which include, among others, authority to:

do inspections, and require monitoring, tests, analyses or reports;
enforce RCRA requirements and suspend or revoke permits;
and take enforcement actions regardless of whether the State has taken its own actions.

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

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

EPA did not publish a proposal before today's rule because we view this as a routine program change. We are providing an opportunity for the public to comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State program changes.

### E. What Happens if EPA Receives Comments That Oppose This Action?

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

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

### F. What Has Utah Previously Been Authorized for?

Utah initially received Final Authorization on October 10, 1984, effective October 24, 1984 (49 FR 39683) to implement its base hazardous waste management program. Utah received authorization for revisions to its program on February 21, 1989, effective March 7, 1989 ( 54 FR 7417); May 23, 1991 (56 FR 23648) and August 6, 1991 (56 FR 37291, both effective July 22, 1991; May 15, 1992, effective July 14, 1992 (57 FR 20770); February 12, 1993 (58 FR 8232) and May 5, 1993 (58 FR 26689), both effective April 13, 1993; October 14, 1994, effective December 13, 1994 (59 FR 52084); May 20, 1997 (62 FR 27501), effective July 21, 1997; and January 13, 1999, effective March 15, 1999 (64 FR 02144).

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

On April 4, 2000, Utah submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Utah Final authorization for the following program changes:

| Federal citation | State analog [1] |
|---|---|
| Removal of Legally Obsolete Rules [60 FR 33912, 06/29/95) (Checklist 144). | R315–1–1; R315–2–10; R315–3–3; R315–14–7. |
| Liquids in Landfills III [60 FR 35703, 07/11/95] (Checklist 145) ..... | R315–7–21; R315–8–14. |
| RCRA Expanded Public Participation [60 FR 63417, 12/11/95] (Checklist 148). | R315–1–1; R315–3–5; R315–3–10; R315–3–19; R315–3–20; R315–3–37; R315–3–38. |
| Amendments to the Definition of Solid Waste; Amendment II [61 FR 13103, 03/26/96] (Checklist 150). | R315–2–4. |
| Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, & Spent Potliners [61 FR 15566, 08/08/96, as amended thru 62 FR 07502, 02/09/97] (Checklists 151 thru 151.6). | R315–13–1. |
| Imports & Exports of Hazardous Waste: Implementation of OECD Council Decision [61 FR 16290, 04/12/96] (Checklist 152). | R315–2–6; R315–4–3; R315–4–4; R315–5–1; R315–5–13; R315–5–15; R315–6–1; R315–7–9.3; R315–7–12.2; R315–8–2.3; R315–14–5; R315–16–2.11; R315–16–3.11; R315–16–4.7; R315–16–6. |
| Conditionally Exempt Small Quantity Generator Disposal Options Under Subtitle D [61 FR 34252, 07/01/96] (Checklist 153). | R315–2–5. |
| Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, & Containers [59 FR 62896, 12/06/94, as amended thru 61 FR 59997, 11/25/96] (Checklists 154 thru 154.6). | R307–210–1; R315–1–2; R315–2–6; R315–3–5; R315–3–6; R315–3–13; R315–5–10; R315–7–8; R315–7–9; R315–7–12; R315–7–16; R315–7–17; R315–7–18; R315–7–26; R315–7–27; R315–7–30; R315–8–2; R315–8–5; R315–8–9; R315–8–10; R315–8–11; R315–8–16; R315–8–17; R315–8–18; R315–8–22; R315–50–17. |
| Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance [62 FR 01992, 01/14/97] (Checklist 155). | R315–13–1. |
| Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction & Streamlining, Exemptions from RCRA for Certain Processed Materials; & Miscellaneous Hazardous Waste Provisions [62 FR 25998, 05/12/97] (Checklist 157). | R315–1–1; R315–2–2; R315–2–4; R315–2–6; R315–13–1. |
| Testing & Monitoring Activities Amendment III [62 FR 32452, 06/13/97] (Checklist 158). | R315–1–2; R315–7–26; R315–7–27; R315–8–17; R315–8–18; R315–14–7; R315–50–14. |
| Conformance with the Carbamate Vacature [62 FR 01992, 05/29/97] (Checklist 159). | R315–2–10; R315–2–11; R315–13–1; R315–50–9; R315–50–10. |
| Land Disposal Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance, Amendment [60 FR 37694, 07/14/97] (Checklist 160). | R315–13–1. |

| Federal citation | State analog [1] |
|---|---|
| Emergency Revision of the Carbamate Land Disposal Restrictions [62 FR 45568, 08/28/97] (Checklist 161). | R315–13–1. |

[1] Utah Administrative Code, revised December 15, 1999.

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

We consider the following State requirements to be more stringent than the Federal requirements: R315–8–2.3(a)(2), R315–4–4(e), R315–7–9.3(a)(2), and R315–7–12.2(d) because the State requires that notification also be given to the Utah Division of Solid and Hazardous Waste, as well as, the Federal entities.

These requirements are part of Utah's authorized program and are Federally enforceable.

Utah's rules, promulgated pursuant to this application, contain several errors which may create confusion within the regulated community. EPA has determined that the errors associated with the issues do not pose implementation or enforcement problems. Therefore, EPA will proceed to approve this application with the understanding that the State will correct these items during its next rulemaking. These errors are at the following citation within the Utah Administrative Code, revised December 15, 1999: R315–3–20(d).

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

Utah will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization until Utah has equivalent instruments in place. We will not issue any new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA has previously suspended issuance of permits for other provisions on October 24, 1984, the effective date of Utah's Final Authorization for the RCRA base program. EPA will continue to implement and issue permits for HSWA requirements for which Utah is not yet authorized.

**J. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Utah?**

This program revision does not extend to ''Indian Country'' as defined in 18 U.S.C. 1151. Indian Country includes lands within the exterior boundaries of the following Indian reservations located within or abutting the State of Utah:

1. Goshute Indian Reservation
2. Navajo Indian Reservation
3. Northwestern Band of Shoshoni Nation of Utah (Washakie) Indian Reservation
4. Paiute Indian Tribe of Utah Indian Reservation
5. Skull Valley Band of Goshute Indians of Utah Indian Reservation
6. Uintah and Ouray Indian Reservation (see below)
7. Ute Mountain Indian Reservation

With respect to the Uintah & Ouray Indian Reservation, Federal courts have determined that certain lands within the exterior boundaries of the Reservation do not constitute Indian Country. This State program revision approval will extend to those lands which the courts have determined are not Indian Country.

In excluding Indian Country from the scope of this program revision, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Utah choose to seek program authorization within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

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

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

**L. Administrative Requirements**

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and

Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective January 16, 2001.

### List of Subjects in 40 CFR Part 271

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

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

Dated: October 5, 2000.

**William P. Yellowtail,**

*Regional Administrator, Region VIII.*

[FR Doc. 00–26503 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

**[FRL–6886–4]**

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

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

**ACTION:** Withdrawal of direct final deletion of the Warwick Landfill Site from the National Priorities List.

**SUMMARY:** On August 15, 2000, EPA published a direct final deletion (65 FR 49739) to delete the Warwick Landfill Superfund Site (Site) from the National Priorities List. The EPA is withdrawing this final action due to adverse comments that were received during the public comment period. After consideration of the comments received, if appropriate, EPA will publish a notice of deletion in the **Federal Register** based on the parallel notice of proposed deletion (65 FR 49776 dated August 15, 2000) and place a copy of the final deletion package, including a Responsiveness Summary in the Site repositories.

**DATES:** The direct final action amending 40 CFR part 300, published on August 15, 2000 (65 FR 49739), is withdrawn as of October 16, 2000.

**ADDRESSES:** Comprehensive information on the Site, as well as the comments that were received during the comment period, are available through the public docket contained at: U.S. Environmental Protection Agency, Superfund Records Center, Region II, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308, Hours: 9:00 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866, (212) 637–4269 and Fax: (212) 637–3966.

**SUPPLEMENTARY INFORMATION:**

### Information Repositories

Repositories have been established to provide detailed information concerning this decision at the following addresses: Warwick Town Hall, 132 Kings Highway, Warwick, New York 10990, (914) 986–1120 and the Greenwood Lake Village Hall, Church Street, Greenwood Lake, New York 10925, (914) 477–9215.

**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.

Dated: October 5, 2000.

**William J. Muszynski,**

*Acting Regional Administrator, Region II.*

[FR Doc. 00–26530 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

### 42 CFR Parts 413, 489, and 498

**[HCFA–1155–N]**

### Medicare Program; Open Town Hall Meeting to Discuss Implementation of Provider-Based Regulations; October 31, 2000

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

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a town hall meeting for all interested parties to discuss specific issues related to implementation of the provider-based status regulations published in a final rule on April 7, 2000 (65 FR 18434). Those regulations established requirements for facilities or organizations seeking provider-based status under Medicare.

**DATES:** This meeting is scheduled for October 31, 2000, from 9 a.m. until 4:30 P.M., E.S.T.

**ADDRESSES:** The meeting will be held in the HCFA Central Office Main Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

**FOR FURTHER INFORMATION CONTACT:** Beverly Parker at 410–786–5320.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On April 7, 2000, we published in the **Federal Register** (65 FR 18434), a final rule with comment period entitled ''Prospective Payment System for Hospital Outpatient Services''. Among the regulatory provisions included were new §§ 413.24(d)(6) and 413.65 and revisions to §§ 489.24, 498.2, and 498.3. These regulations established requirements for facilities or organizations that seek provider-based status. The effective date of the provider-based regulations, as stated in the April 2000 rule, was October 10, 2000. On October 3, 2000, we published a notice in the **Federal Register** (65 FR 58919) that delayed the effective date of these provider-based regulations from

October 10, 2000 to the first day of each provider's first cost reporting period beginning on or after January 10, 2001. In addition, we made a conforming change in new § 413.65(i)(2). In the October 3, 2000 notice, we explained that a major purpose of the delay was to allow time for clarification of administrative, procedural, and technical issues relating to implementation of the regulations.

We also stated our intent to host a town hall meeting to discuss specific aspects of the provider-based regulations. The subjects to be discussed will be the ways that a facility or organization can demonstrate that it serves the same patient population as the main provider (§ 413.65(d)(7)(i)), and the applicability of provisions on management contracts to certain on-campus hospital departments (§ 413.65(f)). We will also provide clarification of the administrative procedures that we will follow in making provider-based determinations. The purpose of the meeting is to solicit suggestions that will lead to more effective implementation of these regulations in their current form.

**II. Format of Meeting**

Following introductory remarks, we will begin the meeting with a brief overview of the application process that we are developing and plan to have in place before January 10, 2001. This overview will describe the procedures we will follow in making provider-based determinations, and identify those types of facilities or organizations for which no determinations are needed, as described on page 18506 of the April 7, 2000 regulations. We will then hold two separate, consecutive sessions. The first session will concern the ways that a facility or organization can demonstrate that it serves the same patient population as the main provider (§ 413.65(d)(7)(i)). The second session will focus on the applicability of provisions on management contracts to certain on-campus hospital departments (§ 413.65(f)). Each session will include a specified amount of time for a limited number of public presentations by participants.

**III. Registration**

Individuals may register to attend the meeting by contacting Ms. Sue Panchit, JW Associates, LLC, either by telephone at 301–495–9471, by mail, at 850 Sligo Avenue, Silver Spring, Maryland 20910, by fax, at 301–495–5989, or electronically at www.hcfa.gov, which includes a link to www.hcfa.gov/medlearn/event.htm. Please provide, as applicable, your name, title, firm name, address, telephone number, fax number, and electronic mailing address.

Requests to attend the meeting should be submitted as soon as possible, but must be received by Ms. Sue Panchit no later than October 24, 2000. We will notify persons who have been selected to attend. Participants who wish to make a presentation at the meeting are asked to contact Ms. Beverly Parker at 410–786–5320 or via E-mail at BParker@hcfa.gov as soon as possible. Requests to make a presentation must be received by Ms. Parker no later than October 17, 2000. Please identify the topic(s) for your presentation.

Due to time constraints, we may need to limit the number of individuals who make presentations and the time allowed for each presentation. We will notify participants who have been selected to make a presentation. We will assign presentation times before the meeting. While the meeting is open to the public, attendance is limited to the space available. On a general note, JW Associates, LLC, will confirm receipt of registrations and notify individuals as to whether their registration has been accepted.

We will accept written questions, comments, or other materials, before and during the meeting, or up to 3 days after the meeting. Address comments to: DHHS, HCFA, ATTN: Beverly Parker, Room C4–07–07, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, Telephone Number: (410) 786–5320, Fax Number: (410) 786–0169, E-mail: BParker@hcfa.gov. Although there is no special format for the materials, we request that commenters be clear about the issue or aspect of the proposed process on which they have a question, comment, or suggestion.

**Authority:** Sections 1102 and 1871 of the Act (42 U.S.C. 1302 and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 98.773, Medicare-Hospital Insurance; and Program No. 93.774, Medicare-Supplementary Medicare insurance Program)

Dated: October 10, 2000.

**Michael M. Hash,**

*Acting Administrator, Health Care Financing Administration.*

[FR Doc. 00–26489 Filed 10–13–00; 8:45 am]

BILLING CODE 4120–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA No. 00–2227, MM Docket No. 00–37; RM–9749]**

### Radio Broadcasting Services; New Richmond, WI, Coon Rapids and Moose Lake, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 296C2 for Channel 296C3 at New Richmond, Wisconsin, reallots Channel 296C2 to Coon Rapids, Minnesota, and modifies the license for Station WIXK–FM to specify operation on Channel 296C2 at Coon Rapids in response to a petition filed by Smith Broadcasting Company, Inc. *See* 65 FR 13261, March 13, 2000. The coordinates for Channel 296C2 at Coon Rapids are 45–11–42 and 93–05–14. To accommodate the allotment for Coon Rapids, we shall also substitute Channel 295A for Channel 296A at Moose Lake, Minnesota, and modify the authorization for Station KBFH to specify operation on Channel 295A at coordinates 46–27–30 and 92–39–10. Canadian concurrence has been received for the allotment of Channel 295A at Moose Lake.

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

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00–37, adopted September 20, 2000, and released September 29, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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

Radio broadcasting.

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

### PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing New Richmond, Channel 296C3.

3. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Coon Rapids, Channel 296C2, and by removing Channel 296A and adding Channel 295A at Moose Lake.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00–26453 Filed 10–13–00; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 622

**[Docket No. 000616183-0278-02; I.D. 053000E]**

**RIN 0648-AN35**

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Special Management Zones

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with the framework procedure of the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), NMFS issues this final rule to establish 12 new special management zones (SMZs) at the sites of artificial reefs (ARs) in the exclusive economic zone (EEZ) off Georgia; to revise the boundaries of the 7 existing SMZs that are in the EEZ off Georgia; to restrict fishing gear in the new and revised SMZs to handline, rod and reel, and spearfishing gear, including powerheads; and within these SMZs, to limit the harvest and possession of South Atlantic snapper-grouper taken by powerheads to the applicable bag limits. This rule also establishes a 30-day deadline for resolving deficiencies related to a permit application and a 60-day deadline for correcting deficiencies regarding automatic renewals of permits. The intended effects of this rule are to promote orderly use of the fishery resources on and around the ARs and SMZs, to maintain the socioeconomic benefits of the ARs and SMZs to the maximum extent practicable, and to improve the procedure for issuance of permits.

**DATES:** This final rule is effective November 15, 2000.

**ADDRESSES:** Comments regarding the collection-of-information requirements contained in this rule should be sent to Roy Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Comments on any ambiguity or unnecessary complexity arising from the language used in this rule should be directed to Rod Dalton, Southeast Regional Office, NMFS, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter J. Eldridge, telephone: 727-570-5305, fax: 727-570-5583, e-mail Peter.Eldridge@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The fisheries for snapper-grouper species in the EEZ off the southern Atlantic states are regulated pursuant to the FMP. The South Atlantic Fishery Management Council (Council) prepared, and NMFS approved, the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMP appear at 50 CFR part 622.

In accordance with the framework procedure of the FMP, the Council recommended, and NMFS published, a proposed rule (65 FR 41041, July 3, 2000) to establish 12 new SMZs at the sites of ARs in the EEZ off Georgia; to revise the boundaries of the 7 existing SMZs that are in the EEZ off Georgia; to restrict fishing gear in the new and revised SMZs to handline, rod-and-reel, and spearfishing gear, including powerheads; and within these SMZs, to limit the harvest and possession of South Atlantic snapper-grouper taken by powerheads to the applicable bag limits. The proposed rule described the need and rationale for these measures.

### Comments and Responses

NMFS received two public comments on the proposed rule.

*Comment 1*: One commenter supported all of the proposed measures.

*Response*: NMFS agrees.

*Comment 2*: One commenter supported the proposed measures but wanted to exclude the use of powerheads on SMZs. He wanted divers to have powerheads for protection while on SMZs, but he did not want them to be able to fish with powerheads because he believed that they would take too many fish.

*Response*: Pursuant to the Magnuson-Stevens Act, NMFS can only approve, partially approve, or disapprove a management measure proposed by a Fishery Management Council; NMFS cannot substitute different management measures. In this case, the Council recommended, and NMFS approved, imposing the bag limit on the use of powerhead gear in the SMZs to ensure that divers with powerhead gear would not obtain a disproportionate share of the catch.

### Changes From the Proposed Rule

In § 622.35(e)(1)(xiv), the northern boundary coordinate for Artificial Reef—G has been corrected to read 31°00.0' N. lat..

In the proposed rule (65 FR 41041, July 3, 2000), the preamble stated that fishing in the 12 new SMZs and the 7 revised SMZs off Georgia would be restricted to rod and reel and spearfishing gear, including powerheads. The codified text of the proposed rule did not establish this gear restriction for the 12 new SMZs. Further, the Council did not intend to exclude the use of handline gear in the 12 new SMZs or in the 7 revised SMZs. Therefore, this final rule revises § 622.35(e)(2) to restrict allowable fishing gear in the 12 new SMZs and in the 7 revised SMZs to handline, rod and reel, and spearfishing gear, including powerheads. In addition, to make the varying fishing restrictions within different SMZs more understandable to the reader, § 622.35(e)(2) has been revised to present the applicable information in a table.

### Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This final rule makes minor revisions to an existing collection-of-information requirement subject to review and approval by OMB under Control Number 0648-0205. This requirement has been approved by OMB under Control Number 0648-0205. Public reporting burden for submitting permit applications is estimated to average 20

minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that it would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this rule. Such comments should be sent to the Southeast Regional Office (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 622**

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: October 5, 2000.

**William T. Hogarth,**

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

## PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.4, paragraph (h) is revised to read as follows:

### § 622.4 Permits and fees.

* * * * *

(h) *Renewal.* Although a permit, license, or endorsement required by this section is issued on an annual basis, an application for its renewal is required only every 2 years. In the interim years, renewal is automatic (without application) for a vessel owner or dealer who has met the specific requirements for the requested permit, license, or endorsement; who has submitted all reports required under the Magnuson-Stevens Act; and who is not subject to a sanction or denial under paragraph (j) of this section. An owner or dealer whose permit, license, or endorsement is expiring will be mailed a notification by the RA approximately 2 months prior to its expiration. That notification will advise the status of the renewal. That is, the notification will advise that the renewal will be issued without further action by the owner or dealer (automatic renewal); that the permit, license, or endorsement is ineligible for automatic renewal; or that a new application is required.

(1) *If eligible for automatic renewal.* If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is eligible for automatic renewal, the RA will mail the automatically renewed permit, license, or endorsement approximately 1 month prior to expiration of the old permit, license, or endorsement.

(2) *If ineligible for automatic renewal.* If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is ineligible for automatic renewal, the notification will specify the reasons and will provide an opportunity for correction of any deficiencies. If the owner or dealer does not correct such deficiencies within 60 days after the date of the RA's notification, the renewal will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(3) *If new application is required.* If the RA's notification indicates that a new application is required, the notification will include a preprinted renewal application. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(4) *If notification is not received.* A vessel owner or dealer who does not receive a notification from the RA regarding status of renewal of a permit, license, or endorsement by 45 days prior to expiration of the current permit must contact the RA.

* * * * *

3. In § 622.35, paragraphs (e)(1)(xii) through (e)(1)(xviii) are revised, paragraphs (e)(1)(xl) through (e)(1)(li) are added, and paragraph(e)(2) is revised to read as follows:

### § 622.35 South Atlantic EEZ seasonal and/or area closures.

* * * * *

(e) * * *

(1) * * *

(xii) Artificial Reef—A is bounded on the north by 30°57.4' N. lat.; on the south by 30°55.4' N. lat.; on the east by 81°13.9' W. long.; and on the west by 81°16.3' W. long.

(xiii) *Artificial Reef—C* is bounded on the north by 30°52.0' N. lat.; on the south by 30°50.0' N. lat.; on the east by 81°08.5' W. long.; and on the west by 81°10.9' W. long.

(xiv) *Artificial Reef— G* is bounded on the north by 31°00.0' N. lat.; on the south by 30°58.0' N. lat.; on the east by 80°56.8' W. long.; and on the west by 80°59.2' W. long.

(xv) *Artificial Reef—F* is bounded on the north by 31°06.8' N. lat.; on the south by 31°04.8' N. lat.; on the east by 81°10.5' W. long.; and on the west by 81°13.4' W. long.

(xvi) *Artificial Reef—J* is bounded on the north by 31°36.7' N. lat.; on the south by 31°34.7' N. lat.; on the east by 80°47.3' W. long.; and on the west by 80°50.1' W. long.

(xvii) *Artificial Reef— L* is bounded on the north by 31°46.0' N. lat.; on the south by 31°44.0' N. lat.; on the east by 80°34.7' W. long.; and on the west by 80°37.1' W. long.

(xviii) *Artificial Reef— KC* is bounded on the north by 31°51.2' N. lat.; on the south by 31°49.2' N. lat.; on the east by 80°45.3' W. long.; and on the west by 80°47.7' W. long.

* * * * *

(xl) *Artificial Reef— ALT* is bounded on the north by 31°18.6' N. lat.; on the south by 31°16.6' N. lat.; on the east by 81°07.0' W. long.; and on the west by 81°09.4' W. long.

(xli) *Artificial Reef— CAT* is bounded on the north by 31°40.2' N. lat.; on the south by 31°38.2' N. lat.; on the east by 80°56.2' W. long.; and on the west by 80°58.6' W. long.

(xlii) *Artificial Reef— CCA* is bounded on the north by 31°43.7' N. lat.; on the south by 31°41.7' N. lat.; on the east by 80°40.0' W. long.; and on the west by 80°42.3' W. long.

(xliii) *Artificial Reef— DRH* is bounded on the north by 31°18.0' N. lat.; on the south by 31°16.0' N. lat.; on the east by 80°56.6' W. long.; and on the west by 80°59.0' W. long.

(xliv) *Artificial Reef— DUA* is bounded on the north by 31°47.8' N. lat.; on the south by 31°45.8' N. lat.; on the east by 80°52.1' W. long.; and on the west by 80°54.5' W. long.

(xlv) *Artificial Reef— DW* is bounded on the north by 31°22.8' N. lat.; on the

south by 31°20.3' N. lat.; on the east by 79°49.8' W. long.; and on the west by 79°51.1' W. long.

(xlvi) *Artificial Reef— KBY* is bounded on the north by 30°48.6' N. lat.; on the south by 30°46.6' N. lat.; on the east by 81°15.0' W. long.; and on the west by 81°17.4' W. long.

(xlvii) *Artificial Reef— KTK* is bounded on the north by 31°31.3' N. lat.; on the south by 31°29.3' N. lat.; on the east by 80°59.1' W. long.; and on the west by 81°01.5' W. long.

(xlviii) *Artificial Reef— MRY* is bounded on the north by 30°47.5' N. lat.; on the south by 30°45.5' N. lat.; on the east by 81°05.5' W. long.; and on the west by 81°07.8' W. long.

(xlix) *Artificial Reef— SAV* is bounded on the north by 31°55.4' N. lat.; on the south by 31°53.4' N. lat.; on the east by 80°45.2' W. long.; and on the west by 80°47.6' W. long.

(l) *Artificial Reef— SFC* is bounded on the north by 31°00.8' N. lat.; on the south by 30°59.8' N. lat.; on the east by 81°02.2' W. long.; and on the west by 81°03.4' W. long.

(li) *Artificial Reef— WW* is bounded on the north by 31°43.5' N. lat.; on the south by 31°42.2' N. lat.; on the east by 79°57.7' W. long.; and on the west by 79°59.3' W. long.

(2) To determine what restrictions apply in the SMZs listed in § 622.35(e)(1), follow this table:

| IN SMZs SPECIFIED IN THE FOLLOWING PARAGRAPHS OF § 622.35 | THESE RESTRICTIONS APPLY |
|---|---|
| (e)(1)(i) through (x), (e)(1)(xx), and (e)(1)(xxii) through (xxxix) | Use of a powerhead to take South Atlantic snapper-grouper is prohibited. Possession of a powerhead and a mutilated South Atlantic snapper-grouper in, or after having fished in, one of these SMZs constitutes *prima facie* evidence that such fish was taken with a powerhead in the SMZ. |
| (e)(1)(i) through (xviii) and (e)(1)(xxii) through (li) | Fishing may only be conducted with handline, rod and reel, and spearfishing gear. |
| (e)(1)(i) through (li) | Use of a sea bass pot or bottom longline is prohibited. |
| (e)(1)(xii) through (xviii) and (e)(1)(xl) through (li) | Possession of South Atlantic snapper-grouper taken with a powerhead is limited to the bag limits specified in § 622.39(d)(1). |
| (e)(1)(xix) and (e)(1)(xx) | A hydraulic or electric reel that is permanently affixed to the vessel is prohibited when fishing for South Atlantic snapper-grouper. |
| (e)(1)(xix) and (e)(1)(xxi) | Use of spearfishing gear is prohibited. |

* * * * *

4. In § 622.39, paragraph (a)(4) is added to read as follows:

**§ 622.39 Bag and possession limits.**

(a) * * *

(4) Paragraph (a)(1) of this section notwithstanding, a person aboard a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued must comply with the bag limits specified in paragraph (d)(1) of this section for South Atlantic snapper-grouper taken with a powerhead, regardless of where taken, when such snapper-grouper are possessed in an SMZ specified in § 622.35(e)(1)(xii) through (e)(1)(xviii) or (e)(1)(xl) through (e)(1)(li).

* * * * *

**§§ 622.17 and 622.41 [Amended]**

5. In addition to the amendments set forth above, in 50 CFR part 622, remove the telephone number, ''813-570-5344'', and add in its place ''727-570-5344'' in the following places:

(a) Section 622.17(b)(1) introductory text; and

(b) Section 622.41(a)(4) introductory text.

[FR Doc. 00–26359 Filed 10–13–00; 8:45 am]

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 697

**[Docket No. 000824246-0246-01; I.D. 062700F]**

**RIN 0648-AO33**

## Horseshoe Crab; Interstate Fishery Management Plans

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

**ACTION:** Declaration of a moratorium; interim final rule.

**SUMMARY:** In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), as amended, NMFS, determined, on July 7, 2000, that the Commonwealth of Virginia is not in compliance with Addendum 1 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for horseshoe crab and has failed to implement measures necessary for the conservation of the fishery in question. Pursuant to the Act, NMFS hereby declares a Federal moratorium on fishing for horseshoe crabs in Virginia waters and issues regulations prohibiting the possession of horseshoe crabs in Virginia waters and the landing of horseshoe crabs in Virginia, regardless of where they were caught. The purpose of this action is to support the interstate fishery management system and to encourage the implementation and enforcement of the Commission's ISFMP on horseshoe crabs.

**DATES:** Effective October 23, 2000.

**ADDRESSES:** Copies of an Environmental Assessment and Regulatory Impact Review (EA/RIR) are available from Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 8484 Georgia Avenue, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, Headquarters 301-427-2014.

**SUPPLEMENTARY INFORMATION:**

### Background

The Atlantic Coastal Fisheries Cooperative Management Act, as amended in 1996 (Act), 16 U.S.C. 5101 *et seq.*, was enacted to support and encourage the development, implementation, and enforcement of the Commission's ISFMPs to conserve and manage Atlantic coastal fishery resources. Section 806 of the Act specifies that, after notification by the Commission that an Atlantic coastal state is not in compliance with an ISFMP of the Commission, the Secretary of Commerce (Secretary) shall make a

finding, no later than 30 days after receipt of the Commission's notification, on: (1) Whether the state has failed to carry out its responsibilities to implement and enforce the Commission's ISFMP; and (2) whether the measures that the state has failed to implement and enforce are necessary for the conservation of the fishery in question. In making such a finding, the Act requires the Secretary to give careful consideration to the comments of the Commission, the Atlantic coastal state found out of compliance by the Commission, and the appropriate Regional Fishery Management Councils. If the Secretary finds that the state is not in compliance with the Commission's ISFMP, and that the measures the state has failed to implement are necessary for the conservation of the fishery, the Secretary must declare a moratorium on fishing in that fishery within the waters of the noncomplying state. The Secretary must specify the moratorium's effective date, which may be any date within 6 months after the declaration of the moratorium, and may issue regulations necessary to implement the moratorium. The Secretary has delegated this decision-making authority to NMFS.

**Commission Finding of Noncompliance**

Because of concern that the horseshoe crab population may be in the process of being depleted and the need to collect comprehensive information on the horseshoe crab fishery, the Commission adopted an ISFMP to improve data collection programs for horseshoe crabs in 1999. In February 2000, after extensive review of historical information on the fishery, the Commission adopted Addendum 1 to the ISFMP. Addendum 1 to the ISFMP for horseshoe crab is viewed by the Commission as a risk-averse, cooperative State/Federal means of controlling fishing effort on horseshoe crabs. The Commission used average landings over a base period of years to reduce each state's landings for horseshoe crab commercial bait fisheries by 25 percent for the 2000 fishing year. Addendum 1 caps the Atlantic coast state landings in the year 2000 at 2,275,296 horseshoe crabs; the Commonwealth of Virginia is allowed a landings quota of 152,495 horseshoe crabs – a 25-percent reduction from the average calculated using 1995-1997 as the base period.

Rather than implementing the 152,495 horseshoe crab quota by May 1, 2000, Virginia maintained an annual quota of 710,000 horseshoe crabs until July 28, 2000. The Commission found that the Commonwealth of Virginia has not implemented and is not enforcing the Commission's ISFMP for horseshoe crab because it has failed to establish a quota on commercial horseshoe crab landings of 152,495 horseshoe crabs as specified in Addendum 1. The Commission notified the Secretary of its finding in a letter on June 9, 2000. Since that time, Virginia implemented through emergency regulations on July 28, 2000, an annual quota of 355,000 horseshoe crabs and a requirement for fishermen to use only one-half of a female horseshoe crab or two-halves of a male horseshoe crab in a bait bag if they use horseshoe crabs as bait.

**NMFS Determination Regarding Compliance by the Commonwealth of Virginia**

On July 7, 2000, based on a careful analysis of all relevant information, and taking into account comments presented by the Commission and the Commonwealth of Virginia, NMFS found that the Commonwealth of Virginia is not in compliance with the Commission's ISFMP for horseshoe crab based on Virginia's failure to implement and enforce the commercial quota specified in Addendum 1, and that the measure Virginia failed to implement and enforce is necessary for the conservation of the horseshoe crab fishery.

**Whether Virginia Implemented and is Enforcing Addendum 1**

Addendum 1 requires Virginia to implement a quota of 152,495 horseshoe crab by May 1, 2000. Instead, Virginia maintained its 710,000 horseshoe crab annual quota until July 28, 2000, when it reduced its quota to 355,000 horseshoe crabs by emergency regulations. Therefore, Virginia has failed to carry out its responsibility under 16 U.S.C. 5104 to implement and enforce Addendum 1 of the ISFMP for horseshoe crabs.

**Whether the Measure is Necessary for Conservation**

''Conservation'' is defined in the Act as ''the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.'' The best available scientific information suggests that the horseshoe crab population is at risk of decline. If the population is in decline, the ability to restore, rebuild, and maintain the population to assure the availability of horseshoe crabs on a long-term basis is compromised, especially in light of the fact that horseshoe crabs are extremely vulnerable to overexploitation. They are easily harvested and breed only once a year after reaching maturity at 10 years of age. Furthermore, all states in the Delaware Bay area – New Jersey, Maryland, Pennsylvania, and Delaware – have reduced horseshoe crab landings in line with Addendum 1, yet Virginia has not. As a result, the fishery has merely shifted landings to Virginia, thereby negating any conservation benefits of the other states' reductions in allowable landings. For these reasons, Virginia's implementation of the quota specified in Addendum 1 is necessary to support the interstate fishery management system designed to promote conservation of coastal fishery resources in a cooperative manner and to allow the Commission to assure the availability of horseshoe crabs on a long-term basis through further study and management measures, rather than risk depletion.

**Declaration of a Moratorium and Issuance of Regulations**

An Environmental Assessment and Regulatory Impact Review (EA/RIR) were completed to analyze the impacts caused by various alternatives for the implementation of a moratorium and necessary regulations. After a thorough review of the EA/RIR, NMFS is hereby declaring, pursuant to subsection 806(c) of the Act, a Federal moratorium on fishing for horseshoe crabs in Virginia waters and issuing, pursuant to subsection 806(d) of the Act, regulations that contain measures necessary to implement section 806, both to be effective October 23, 2000, unless Virginia is found in compliance with the Commission's ISFMP for horseshoe crabs by that time. The moratorium on fishing for horseshoe crabs includes the statutory prohibitions listed in subsection 806(e) of the Act (16 U.S.C. 5106(e)). Subsection 806(e) states: ''During the time in which a moratorium under this section is in effect, it is unlawful for any person to - (1) violate the terms of the moratorium or of any implementing regulation issued under subsection 806(d) of this section; (2) engage in fishing for any species of fish to which the moratorium applies within the waters of the State subject to the moratorium; (3) land, attempt to land, or possess fish that are caught, taken, or harvested in violation of the moratorium or of any implementing regulation issued under subsection (d) of this section; (4) fail to return to the water immediately, with a minimum of injury, any fish to which the moratorium applies that are taken incidental to fishing for species other than those to which the moratorium applies, except as provided by regulations issued under

subsection (d) of this section; (5) refuse to permit any officer authorized to enforce the provisions of this chapter to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this chapter; (6) forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this chapter; (7) resist a lawful arrest for any act prohibited by this section; (8) ship, transport, offer for sale, sell, purchase, import, or have custody, control or possession of, any fish taken or retained in violation of this chapter; or (9) interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such person has committed any act prohibited by this section.''

The measures in this rule, which are necessary to implement section 806, are: (1) a prohibition on the possession of horseshoe crabs in Virginia waters regardless of where they are caught, and (2) a prohibition on landing horseshoe crabs in Virginia regardless of where they are caught. These measures are necessary to implement section 806, because they enable the effective enforcement of the statutory prohibitions on fishing for horseshoe crabs within Virginia waters and on landing and possessing horseshoe crabs caught in violation of the moratorium. Because enforcement agents enforcing the moratorium in Virginia waters would be unable to determine whether a horseshoe crab was caught in Virginia waters or in the EEZ and brought into Virginia waters, it is necessary to prohibit the possession of any horseshoe crabs in Virginia waters and the landing of horseshoe crabs in Virginia, regardless of where they were caught.

If the Commonwealth of Virginia implements and enforces measures bringing them into compliance, the Secretary will publish an appropriate announcement in the **Federal Register** rescinding the moratorium and this rule with respect to the Commonwealth of Virginia.

The agency is implementing the moratorium immediately because Virginia most likely has already exceeded its quota. Landings data from 1999 show that 152,495 horseshoe crabs – the equivalent of Virginia's quota for year 2000 under Addendum 1 – were landed by the first week in May 1999. Assuming the same rate of landings applies in 2000 as in 1999, Virginia has most likely landed more horseshoe crabs than its allocation under Addendum 1 by this time. Further, in anticipation of the declaration of a moratorium on fishing for horseshoe crabs in Virginia waters, fishermen may have increased horseshoe crab landings in Virginia over the past couple months since the Commission voted to find Virginia out of compliance. As a result, there is reason to believe that the horseshoe crab landings rate in 2000 is higher than it was in 1999.

**Classification**

This declaration of a moratorium and rule are consistent with section 806 of the Atlantic Coastal Fisheries Cooperative Management Act.

The Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior public notice and opportunity for comment is contrary to the public interest. Providing prior notice and opportunity for comment would be contrary to the public interest, because Virginia most likely has already exceeded its quota. Landings data from 1999 show that 152,495 horseshoe crabs – the equivalent of Virginia's quota for year 2000 under Addendum 1 – were landed by the first week in May 1999. Assuming the same rate of landings applies in 2000 as in 1999, Virginia has most likely landed more horseshoe crabs than its allocation under Addendum 1 by this time. Further, in anticipation of the declaration of a moratorium on fishing for horseshoe crabs in Virginia waters, fishermen may have increased horseshoe crab landings in Virginia over the past couple months since the Commission voted to find Virginia out of compliance. As a result, there is reason to believe that the horseshoe crab landings rate in 2000 is higher than it was in 1999. Given the fact that Virginia most likely has landed its horseshoe crab quota already, providing prior notice and opportunity for comment would be contrary to the public interest because it would allow Virginia to continue to land more horseshoe crabs than what should be its quota under Addendum 1, thereby frustrating achievement of conservation goals in Addendum 1. Therefore, the AA, under 5 U.S.C. 553(b)(B), finds that good cause exists to waive the requirement for prior notice and opportunity for comment.

Because Virginia most likely has already landed the equivalent number of horseshoe crabs as its quota under Addendum 1, given last year's landing rate, the AA finds that it is contrary to the public interest to delay for 30 days the effectiveness of this moratorium and this rule. Therefore, the AA, under 5 U.S.C. 553(d)(3), finds that good cause exists not to delay for 30 days the effective date of this rule. However, because fishermen need time to return to port or leave Virginia waters if they have horseshoe crabs on board, the AA is delaying the effectiveness of the moratorium and this rule until October 23, 2000.

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.

**Federalism Summary Impact Statement**

The Act does not explicitly preempt state law. Rather, section 806 of the Act provides clear evidence that Congress intended the Secretary to have the authority to preempt state law. That authority has been delegated from the Secretary to the NMFS. NMFS has met the special requirements for preemption under section 4 of Executive Order 13132. The agency, in declaring a moratorium on fishing for horseshoe crabs and issuing this interim final rule, has restricted the preemption of state law to the minimum level necessary to achieve the objectives of the statute. As described in the following text, NMFS notified the Commonwealth of Virginia of the possibility of a moratorium and met with state officials to discuss the issues involved.

The AA wrote to the Governor of Virginia notifying him of the Commission's non-compliance determination, and the possibility that a moratorium may be declared, and offering him an opportunity to meet and present comments on these issues. In response, the Virginia Secretary of Natural Resources requested a meeting with the Secretary. On July 3, 2000 Virginia's representatives met with Deputy Secretary Robert Mallett and NOAA personnel.

Virginia representatives stated that the Commonwealth is managing the horseshoe crab fishery responsibly and noted that Virginia has implemented a number of strong conservation regulations on horseshoe crabs within its waters. They stated that the quota reduction required by Addendum 1 to the Commission's ISFMP for horseshoe crabs could not be implemented by the Virginia Marine Resources Commission (VMRC), because it did not meet Virginia's standards on preventing overfishing, achieving optimum yield, using the best scientific and biological information, managing interrelated stocks, and allocating fishing privileges among user groups with which VMRC's fisheries regulations must be consistent. They submitted a memorandum from VMRC stating that it could not ignore the mandates of Virginia law and implement a quota that may negatively

affect their whelk/conch (whelk) fishery.

Virginia's representatives further stated that the state legislature could act to implement the quota, but it is out of session until January 2001. They also noted that VMRC is in the process of requiring that bait bags be used in the Virginia whelk fishery and that the bait bag requirement should cut Virginia's need for horseshoe crabs in half. They also suggested that once the bait bag regulation goes in place, and if the Commission allowed unused horseshoe crab quota from other states to be transferred to Virginia, these actions should meet Virginia's bait needs without Virginia taking more than its Commission-allotted quota.

The Virginia representatives further said that under the ISFMP, Virginia is the only state to experience what it believes to be severe economic impact. Virginia has the market for horseshoe crab, which is used as bait in the Virginia eel and whelk/conch fisheries. Bait for these fisheries was shipped into Virginia, but since other states have restricted landings, Virginia's horseshoe crab landings have gone up. Virginia representatives felt that the state should not be found out of compliance. But if it is found out of compliance, it should be allowed time for the state legislature to act. Alternatively, Virginia believes that the moratorium should not go into effective until the entire coastwide quota for the ISFMP is exceeded.

On July 11, the AA informed Virginia that NMFS agrees with the Commission that Virginia is not in compliance with the ISFMP, and found that the measures Virginia has failed to implement for horseshoe crab management are necessary for conservation. In order to come back into compliance, Virginia must take action to reduce its commercial horseshoe crab fishery in line with the ISFMP. In response to Virginia's comments about the timing of a moratorium and the pending implementation of further horseshoe regulations by Virginia, and in light of the amount of horseshoe crabs most likely already landed in Virginia over its Addendum 1 quota, NMFS believes it is inadvisable to wait for the state legislature to address the issue in 2001 in a regular session. Also, any difficulties Virginia faces in light of Virginia State law and legislative scheduling do not override the Federal government's responsibility to implement Federal law. If Virginia is found in compliance by October 23, 2000, the moratorium and this rule will be rescinded. If Virginia is found in compliance after that date, the moratorium will be lifted and the rule repealed.

**Coastal Zone Management Act (CZMA)**

*Substantive Considerations*

The CZMA requires that ''[e]ach Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.'' (16 U.S.C. 1456(c)(1)(A)). NMFS reviewed the list of policies contained in Executive Order 23 (1998) on the Virginia Coastal Resources Management Program, the United States Department of Commerce Final Environmental Impact Statement and the Virginia Coastal Resources Management Program (reprinted in 1994), a summary of the regulatory programs that comprise Virginia's coastal program, which included the Virginia Code citations for the legal authorities.

According to Chapter III of the United States Department of Commerce Final Environmental Impact Statement and the Virginia Coastal Resources Management Program, dated July 1985 and reprinted in 1994, the Fisheries Management Regulatory Program, which is part of Virginia's coastal management program, contains the following applicable policy and citation:

> It shall be the goal of fisheries management within the Commonwealth of Virginia to conserve and enhance finfish and shellfish resources, and to preserve and promote both commercial and recreational fisheries, and, thereby, to maximize food production and recreational opportunities. The marine resources of the Commonwealth shall be managed for their maximum benefit and long-term use by present and future generations. The fishery management plans prepared and implemented according to law shall also have as a goal the preservation of the Commonwealth's exclusive right to manage the fisheries within its territorial jurisdiction.
>
> Fishery management shall be based on the best scientific, economic, biological, and sociological information available, shall be responsive to the needs of interested and affected citizens, shall promote efficiency in the utilization of the resources, and shall draw upon all available capabilities in carrying out research, administration, management, and enforcement. (§ 28.1-23.1).

United States Department of Commerce Final Environmental Impact Statement and the Virginia Coastal Resources Management Program, Chapter III, July 1985, reprinted in 1994, at III-2. This policy was certified by the Attorney General's Office of Virginia as being enforceable. However, this policy appeared at Virginia Code §28.1-23.1, which was repealed in 1992.

Nevertheless, NMFS finds that the Federal moratorium action is consistent to the maximum extent practicable with the enforceable policies of Virginia's approved coastal zone program. The Act states that upon finding that (1) a State has failed to implement and enforce a coastal fishery management plan and (2) the measures the State has failed to implement and enforce are necessary for the conservation of the fishery in question, the Secretary must declare a moratorium on fishing in the fishery in question. (16 U.S.C. 1506(c).) Once the factual findings are made, the Secretary does not have the discretion to decline to declare a moratorium. Nor does he have the discretion to modify the acts listed in §5106(e) that are prohibited during a moratorium. The Secretary does have the discretion to issue regulations necessary to implement the moratorium, and in this case, he has chosen to exercise that discretion. However, these two regulations make the moratorium enforceable; without them the declaration of a moratorium effectively would be meaningless, given that most horseshoe crabs landed in Virginia are caught outside of Virginia waters. According to the CZMA regulations, ''consistent to the maximum extent practicable'' describes the requirement for Federal activities affecting the coastal zone of States with approved management programs to be ''fully consistent with such programs unless compliance is prohibited based on the requirements of existing law applicable to the Federal agency's operations.'' (15 CFR §930.32(a).) Because the Secretary lacks discretion under the Act in declaring a moratorium and identifying the main prohibited acts during the moratorium, the Secretary's action is consistent to the maximum extent practicable with Virginia's approved coastal management program. To the extent the Secretary's action is inconsistent with the enforceable policies of Virginia's approved coastal zone program, full consistency is prohibited by the requirements of the Act.

Even if the requirements of the Act did not prohibit consistency with the enforceable policies of Virginia's approved coastal management program, and assuming the policy formerly at Virginia Code §28.1-23.1 is an enforceable policy of Virginia's approved coastal management program, while also noting the standards for fishery management in Virginia Code §28.2-203, NMFS determines that this action is consistent to the maximum extent practicable. The goal of this

action is to support Addendum 1 to the Commission's ISFMP for horseshoe crab, which addresses concerns about localized depletion of horseshoe crabs by conserving and enhancing the horseshoe crab resource through a state by state quota system. Virginia is a participating member of the Commission, which acts under the authority of the Act, and has full knowledge of the moratorium provision in that statute. Therefore, this moratorium action is consistent with Virginia's desire to preserve the Commonwealth's exclusive right to manage fisheries within its jurisdiction to the same extent to which Virginia has retained such a right in light of its voluntary participation in the Commission.

While horseshoe crabs are neither finfish nor shellfish, but arthropods closely related to arachnids, they are a marine organism for which there is a fishery. NMFS' support of Addendum 1 through this non-allocative moratorium action is designed to prevent overfishing and assure achievement of optimum yield for a variety of user groups, which include the medical industry and commercial fishermen. The best available scientific information suggests that the horseshoe crab population is at risk of decline. If the population is in decline, the Commission's ability to restore, rebuild, and maintain the population to assure the availability of horseshoe crabs on a long-term basis is compromised, especially in light of the fact that horseshoe crabs are extremely vulnerable to overexploitation. They are easily harvested and breed only once a year after reaching maturity at 10 years of age. Furthermore, all states in the Delaware Bay area – New Jersey, Maryland, Pennsylvania, and Delaware – have reduced horseshoe crab landings in line with Addendum 1, yet Virginia has not. As a result, the fishery has merely shifted landings to Virginia, thereby negating any conservation benefits of the other states' reductions in allowable landings.

Landings data from 1999 show that 152,495 horseshoe crabs the equivalent of Virginia's quota for year 2000 under Addendum 1 - were landed by the first week in May 1999. Assuming the same rate of landings applies in 2000 as in 1999, Virginia has most likely landed more horseshoe crabs than its allocation under Addendum 1 by this time. Therefore, this moratorium action, designed to support and encourage implementation of Addendum 1, is necessary to allow the Commission to assure the availability of horseshoe crabs for present and future generations, including commercial fishermen, through further study and management, rather than risk depletion by overfishing.

A recreational fishery for horseshoe crabs does not exist. Yet, by issuing regulations regarding possession and landing of horseshoe crabs regardless of where they are harvested, NMFS has taken into account the variation in Virginia's horseshoe crab fishery as it is prosecuted in both Virginia waters and the exclusive economic zone (EEZ). The acts prohibited during the moratorium are defined by the Act; therefore, NMFS cannot reduce the burden on fishermen. The regulations NMFS is issuing pursuant to 16 U.S.C. 5106(d) are the minimum necessary to implement the moratorium, and still allow horseshoe crabs to be harvested and used by Virginia's whelk fishermen in the EEZ. Therefore, NMFS has minimized the regulatory burden on fishermen where practicable.

*Procedural Considerations*

For the following legal and factual reasons, NMFS is proceeding with the declaration of the moratorium and issuance of regulations necessary to implement the moratorium prior to the end of the 90-day CZMA time period. First, the Act states in section 804 that ''the [Atlantic States Marine Fisheries] Commission shall prepare and adopt coastal fishery management plans to provide for the conservation of coastal fishery resources,'' and mandates in section 806 that the Secretary enforce such conservation efforts by declaring a moratorium on a fishery upon finding that a state has failed to implement and enforce measures in the applicable coastal fishery management plan that are necessary for conservation. ''Conservation'' is defined in the Act as ''the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.'' (Section 802(4).) The best available scientific information suggests that the horseshoe crab population is at risk of decline. If the population is in decline, the Commission's ability to restore, rebuild, and maintain the population to assure the availability of horseshoe crabs on a long-term basis is compromised, especially in light of the fact that horseshoe crabs are extremely vulnerable to overexploitation. They are easily harvested and breed only once a year after reaching maturity at 10 years of age. Furthermore, all states in the Delaware Bay area – New Jersey, Maryland, Pennsylvania, and Delaware – have reduced horseshoe crab landings in line with Addendum 1 to the Horseshoe Crab Plan, yet Virginia has not. As a result, the fishery has merely shifted landings to Virginia, thereby negating any conservation benefits of the other states' reductions in allowable landings.

In Section 802(a) of the Act, Congress found:

(3) Because no single governmental entity has exclusive management authority for Atlantic coastal fishery resources, harvesting of such resources [is] frequently subject to disparate, inconsistent, and intermittent State and Federal regulation that has been detrimental to the conservation and sustainable use of such resources and to the interests of fishermen and the Nation as a whole.

(4) The responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission. It is the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources.

(5) The failure by one or more Atlantic States to fully implement a coastal fishery management plan can affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans.

(6) It is in the national interest to provide for more effective Atlantic State fishery resource conservation and management.

The purpose of the Act as stated in Section 802(b) ''is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management Atlantic coastal fishery resources.''

Given these findings and purposes, Congress clearly intended to address the type of situation presented by Virginia's refusal to implement and enforce Addendum 1 to the Commission's ISFMP for horseshoe crab. In the Act, Congress established procedures for quick action regarding the declaration of a Federal moratorium to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources. This interpretation is supported by the plain language of section 805, which allows the Commission only 10 working days to notify the Secretary that a state is not in compliance with a coastal fishery management plan; and by section 806, which allows the Secretary only 30 days to solicit and consider comments by the state and fishery management councils, make an independent determination of whether the State is in compliance and, if not, determine whether the measures the state has failed to implement and enforce are necessary for conservation.

Furthermore, section 806 also states that the Secretary must implement the moratorium within 6 months after its declaration. While the Act does not explicitly state a limit on the length of time that may elapse between the Secretary's finding and his declaration of the moratorium, NMFS believes, based on the language of sections 805 and 806, that that time period must be as short as possible.

Furthermore, landings data from 1999 show that 152,495 horseshoe crabs – the equivalent of Virginia's quota for year 2000 under Addendum 1 – were landed by the first week in May 1999. Assuming the same rate of landings applies in 2000 as in 1999, Virginia has most likely landed more horseshoe crabs than its allocation under Addendum 1 by this time, further supporting implementation of a moratorium without further delay.

Because of these legal and factual reasons, and the need to promote the conservation of the resource, NMFS' action is consistent to the maximum extent practicable with the Virginia Coastal Management Program under 15 CFR 930.32(a). Moreover, NMFS is authorized to act prior to the end of the CZMA statutory and regulatory time periods pursuant to 15 CFR 930.32(b), otherwise NMFS would fail to meet its statutory responsibilities.

The interim final rule has been determined to be significant for purposes of Executive Order 12866.

**List of Subjects in 50 CFR Part 697**

Fisheries, Fishing, Intergovernmental relations.

Dated: October 10, 2000.

**William T. Hogarth,**

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

For the reasons set out in the preamble, 50 CFR Chapter VI, part 697, is amended as follows:

## PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

1. The authority citation for 50 CFR part 697 continues to read as follows:

**Authority:** 16 U.S.C. 5101 *et seq.*

2. In § 697.2, the definition for ''Horseshoe crab'' is added in alphabetical order to read as follows:

**§ 697.2 Definitions.**

* * * * *

*Horseshoe crab* means members of stocks or populations of the species *Limulus polyphemus*.

* * * * *

3. In § 697.7, paragraph (e) is added to read as follows:

**§ 697.7 Prohibitions.**

* * * * *

(e)*Atlantic Coast horseshoe crab fishery*. In addition to the prohibitions set forth in § 600.725 of this chapter and 16 U.S.C. 5106(e), it is unlawful for any person to do any of the following:

(1) Possess any horseshoe crabs in Virginia waters, regardless of where they were harvested.

(2) Land any horseshoe crabs in Virginia, regardless of where they were harvested.

[FR Doc. 00–26499 Filed 10–11–00; 4:11 pm]

BILLING CODE 3510–22–S

# Proposed Rules

Federal Register
Vol. 65, No. 200
Monday, October 16, 2000

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1210

**[FV–00–703 PR]**

## Watermelon Research and Promotion Plan; Redistricting and Adding Two Importer Members to the National Watermelon Promotion Board

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This proposed rule invites comments on changing the boundaries of all seven districts under the Watermelon Research and Promotion Plan (Plan) to apportion producer and handler membership on the National Watermelon Promotion Board (Board). This would make all districts equal according to the assessments collected in each district. Pursuant to the provisions of the Plan and regulations, we would also add two importer members to the Board to ensure that representation of importers is proportionate to the percentage of assessments importers pay to the Board. These changes are based on a review of the production and assessments paid in each district and the amount of watermelon import assessments, which the Plan requires at least every five years.

**DATES:** Comments must be received by November 15, 2000.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule to the Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Programs (FV), Agricultural Marketing Service (AMS), USDA, Stop 0244, Room 2535–S, 1400 Independence Avenue, SW., Washington, DC 20250–0244. Comments should be submitted in triplicate and will be made available for public inspection at the above address during regular business hours. Comments may also be submitted electronically to: *malinda.farmer@usda.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. A copy of this rule may be found at *www.ams.usda.gov/fv/rpdocketlist.htm.*

Also, pursuant to the Paperwork Reduction Act (PRA), you may send comments regarding the merits of the burden estimate, ways to minimize the burden, including the use of automated collection techniques of other forms of information technology, or any other aspect of the collection of information contained in this proposed rule to the above address. Comments concerning the information collection under the PRA should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kathie Birdsell, Research and Promotion Branch, FV, AMS, USDA, Room 2535–S, Stop 0244, Washington, DC 20250–0244; telephone (202) 720–6930 or (888) 720–9917 (toll free); e-mail to kathie.birdsell@usda.gov.

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued under the Watermelon Research and Promotion Plan (Plan) [7 CFR Part 1210]. The Plan is authorized under the Watermelon Research and Promotion Act (Act) [7 U.S.C. 4901–4916].

### Question and Answer Overview

*Why Does the U.S. Department of Agriculture (USDA or the Department) Want To Take This Action?*

Section 1210.320(d) of the Plan requires the National Watermelon Promotion Board (Board) to review the alignment of the seven districts and importer representation every five years. The Board conducted a review in 1999. Therefore, USDA is publishing this proposed rule which is based upon the Board's recommendations to obtain public input before finalizing any changes.

*What Is the Size and Composition of the Board?*

The Plan divides the United States into seven districts of comparable watermelon production. Each district is allocated two producer members and two handler members. The Plan also requires the number of importer members on the Board to be proportionate to the percentage of assessments paid by importers. In addition, one public member should serve on the Board. The Board currently has 33 members: 14 producers, 14 handlers, 4 importers, and 1 public member. However, two importer positions and the public member position are currently vacant.

*What Data Is Used by the Board To Conduct the Review?*

The Board is required to base its recommendations on the most recent three years of USDA production reports or Board assessment reports. In this instance, the Board used assessment reports for 1996, 1997, and 1998 because USDA production reports were available for only 16 of the 35 states in which watermelons are produced.

*What Was the Outcome of the 1999 Redistricting Review?*

The 1999 review indicated that the boundaries of the districts needed to be adjusted in order for there to be an equal amount of assessments paid by the producers and handlers in the districts and that two additional importers needed to be added to the Board.

*How Would the Size and Composition of the Board Change if This Action Is Approved?*

The number of producer and handler members would not be changed. However, the number of importer positions on the Board would be increased from four to six.

*How Would This Action Affect the Current Assessment Rates Paid by Importers? By Producers and Handlers?*

This action will not have any impact on the assessment rates paid by producers, handlers, and importers.

*Why Is the USDA Inviting Comments on This Proposed Rule Before Taking Further Action?*

The USDA is required to provide to all interested parties a 60-day comment period before USDA makes a final decision on this proposed rule. The comment period gives an opportunity to all producers, handlers, and importers that are subject to the Plan to convey their opinions and concerns on the proposed changes. Your participation is

greatly appreciated and significant to the outcome of this action.

**Executive Orders 12886 and 12988**

This rule has been determined ''not significant'' for purposes of Executive Order (E.O.) 2866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

In addition, this rule has been reviewed under E.O. 12988, Civil Justice Reform. The rule is not intended to have retroactive effect and will not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

The Act allows producers, producer-packers, handlers, and importers (if covered by the program) to file a written petition with the Secretary of Agriculture (Secretary) if they believe that the Plan, any provision of the Plan, or any obligation imposed in connection with the Plan, is not established in accordance with law. In any petition, the person may request a modification of the Plan or an exemption from the Plan. The petitioner will have the opportunity for a hearing on the petition. Afterwards, an Administrative Law Judge (ALJ) will issue a decision. If the petitioner disagrees with the ALJ's ruling, the petitioner has 30 days to appeal to the Judicial Officer, who will issue a ruling on behalf of the Secretary. If the petitioner disagrees with the Secretary's ruling, the petitioner may file, within 20 days, an appeal in the U.S. District Court for the district where the petitioner resides or conducts business.

**Regulatory Flexibility Act and Paperwork Reduction Act**

*Initial Regulatory Flexibility Analysis*

In accordance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], AMS has examined the economic impact of this rule on the small producers, handlers, and importers that would be affected by this rule.

The Small Business Administration defines, in 13 CFR Part 121, small agricultural producers as those having annual receipts of no more than $500,000 and small agricultural service firms (handlers and importers) as those having annual receipts of no more than $5 million. Under these definitions, the majority of the producers, handlers, and importers that would be affected by this rule would be considered small entities. Producers of less than 10 acres of watermelons are exempt from this program. Importers of less than 150,000 pounds of watermelons per year are also exempt.

According to the Board, there are approximately 2,219 non-exempt producers, 619 handlers, and 278 importers who are eligible to serve on the Board.

The Plan requires producers to be nominated by producers, handlers to be nominated by handlers, and importers to be nominated by importers. This would not change. Because some current members are in states or counties which would be moved to other districts under this proposed rule, at least one producer member vacancy in Districts 1, 6, and 7 and one handler member vacancy in District 6 would be created if this rule is adopted. Nomination meetings would have to be held in the new districts to fill these vacancies.

The overall impact would be favorable for producers and handlers because the proposed district boundaries would provide more equitable representation for the producers and handlers who pay assessments in the various districts. For importers, too, the overall impact would be favorable because they would be provided two additional seats on the Board and more equitable representation on the Board.

The Board considered several alignments of the districts in an effort to provide balanced representation for each district. The Board selected the alignment described in this rule as it will provide proportional representation on the Board of producers, handlers, and importers.

The addition of two importer seats on the Board would mean four additional nominees. This is because two nominees must be submitted for each position. The estimated additional annual cost of providing nomination information by four persons eligible to be nominated to serve as importer members on the Board would be $6.00 or $1.50 per importer. The increase of .06 hours has been added to the burden previously approved under OMB No. 0505–0001.

There are no federal rules that duplicate, overlap, or conflict with this rule.

*Paperwork Reduction Act*

This rule would increase the information collection burden previously approved by OMB for the Board nominee background information form under OMB Number 0505–0001. This is because there would be two additional importers on the Board. Since two nominees must be submitted to the Secretary for each position, there is the potential for four additional background forms to be submitted under this proposed rule. As required by OMB regulations [5 CFR part 1320], the revised burden, as described below, has been submitted to OMB.

*Title:* National Research, Promotion, and Consumer Information Programs.

*OMB Number:* 0505–0001.

*Expiration Date of Approval:* July 31, 2001.

*Type of Request:* Revision of a currently approved information collection for research and promotion programs.

*Abstract:* The information collection requirements in this request are essential to carry out the intent of the Act. The increase in burden associated with the background form is as follows:

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 0.50 hours per response.

*Respondents:* Importers.

*Estimated Number of Respondents:* 4.

*Estimated Number of Responses per Respondent:* 1 every 3 years (0.3).

*Estimated Total Annual Burden on Respondents:* 0.6 hours.

The estimated additional annual cost of providing nomination information by four persons eligible to be nominated to serve as importer members on the Board would be $6.00 or $1.50 per importer. The increase of .06 hours has been added to the burden previously approved under OMB No. 0505–0001.

**Background**

Under the Plan, the Board administers a nationally coordinated program of research, development, advertising, and promotion designed to strengthen the watermelon's position in the market place and to establish, maintain, and expand markets for watermelons. This program is financed by assessments on producers growing 10 acres or more of watermelons, handlers of watermelons, and importers of 150,000 pounds of watermelons or more per year. The Plan specifies that handlers are responsible for collecting and submitting both the producer and handler assessments to the Board, reporting their handling of watermelons, and maintaining records necessary to verify their reporting(s). Importers are responsible for payment of assessments to the Board on watermelons imported into the United States through the U.S. Customs Service.

Domestic membership on the Board is determined on the basis of two producers and two handlers for each of the seven districts established by the Plan. The Board should also include at least one representative of importers and one public member. There are currently four importer positions on the Board.

The current U.S. districts were established in 1994. They are:

*District 1*—South Florida, including all south areas of State Highway 50.

*District 2*—North Florida, including all north areas of State Highway 50.

*District 3*—Alabama, Georgia, and Mississippi.

*District 4*—Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., and West Virginia.

*District 5*—Alaska, Arkansas, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin.

*District 6*—Arkansas, Louisiana, and Texas.

*District 7*—Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

The Plan provides that two years after its effective date (June 8, 1989), and at least every five years thereafter, the Board should review the districts to determine whether realignment of the districts is necessary.

When making a review, the Plan specifies that the Board should consider factors such as the most recent three years of USDA production reports or Board assessment reports if USDA production reports are unavailable, shifts and trends in quantities of watermelons produced, and any other relevant factors. In reviewing importer representation, the Board should review a three-year average of watermelon import assessments.

The Plan further specifies that, as a result of a review, the Board may recommend realignment of the districts and a change in the number of importer members subject to the approval of the Secretary. Any realignment should be recommended by the Board at least six months prior to the date of the call for nominations and should become effective at least 30 days prior to this date.

On November 8, 1999, the Board appointed a subcommittee to begin reviewing the U.S. districts and to determine whether realignment was necessary based on production and assessment collections in the current districts. During the review, as prescribed by the Plan, the subcommittee reviewed USDA's Annual Crop Summary reports for 1996 through 1998, which provide figures for the top 16 watermelon producing states, and the Board's assessment collection records for 1996 through 1998, including assessments collected at the county level for California and Florida.

The subcommittee recommended to the Board that the boundaries of Districts 3 through 7 be changed and that Districts 1 and 2 be defined by Florida counties, rather than using Route 50 as the boundary line.

The subcommittee also determined that assessments on imports represented 20 percent of the Board's assessment income during 1996–1998. The Plan requires that importers have proportionate representation on the Board. Therefore, importers should have 20 percent of the seats on the Board. Currently, the four importer positions represent only 12.5 percent of the 32 industry seats on the Board. Adding two more importer member positions would give importers approximately 20 percent of the seats on the Board. Because the Plan and regulations are self-executing in this regard, no change to the regulations is needed.

Subsequently, the realignment was approved by Board at its February 15–16, 2000, meeting, with slight modification. Under the proposed realignment, each district would represent, on average, 14 percent of total U.S. production.

Therefore, this proposal would realign the districts as follows:

*District 1*—The Florida counties of Brevard, Broward, Collier, Dade, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, and St. Lucie.

*District 2*—The Florida counties of Alachula, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Columbia, Desoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Okaloosa, Orange, Pasco, Pinnellas, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

*District 3*—Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee.

*District 4*—Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, D.C., West Virginia, and Wisconsin.

*District 5*—Alaska, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming and the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Venture, Yolo, and Yuba.

*District 6*—Texas.

*District 7*—Arizona, New Mexico, and the California counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

Under this proposed realignment: (1) South Carolina and Tennessee would be moved from District 4 to District 3; (2) Arkansas and Louisiana would be moved from District 6 to District 3; (3) Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin would be moved from District 5 to District 4; (4) four California counties would be moved from District 7 to District 5; and (5) only Texas would remain in District 6.

This would create one producer vacancy in Districts 1, 6, and 7 and one handler in District 6. Current Board members would be affected because their states or counties would be moved to other districts. Nomination meetings would have to be held in the new districts to fill the vacancies.

**List of Subjects in 7 CFR Part 1210**

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Reporting and recordkeeping requirements, Watermelon promotion.

For the reasons set forth in the preamble, Part 1210, Chapter XI of Title 7 is proposed to be amended as follows:

## PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR Part 1210 continues to read as follows:

**Authority:** 7 U.S.C. 4901–4916.

2. Section 1210.501 is revised to read as follows:

### § 1210.501 Realignment of districts.

Pursuant to § 1210.320(c) of the Plan, the districts shall be as follows:

*District 1*—The Florida counties of Brevard, Broward, Collier, Dade, Glades, Hardee, Hendry, Highlands, Indian

River, Lee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, and St. Lucie.

*District 2*—The Florida counties of Alachula, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Columbia, Desoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Okaloosa, Orange, Pasco, Pinnellas, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

*District 3*—Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee.

*District 4*—Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, D.C., West Virginia, and Wisconsin.

*District 5*—Alaska, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Venture, Yolo, and Yuba.

*District 6*—Texas.

*District 7*—Arizona, New Mexico, and the California counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and San Diego.

Dated: October 10, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 00–26488 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–02–U

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 36

**[Docket No. FAA–2000–7958; Notice No. 00–12]**

**RIN 2120–AH10**

## Noise Certification Regulations for Helicopters; Correction

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** This document contains a correction to the notice of proposed rulemaking, published in the **Federal Register** on October 5, 2000 (65 FR 59634). That NPRM proposed changes to the noise certification regulations for helicopters. Those proposed changes are based on a joint effort by the FAA, the European Joint Aviation Authorities (JAA), and Aviation Rulemaking Advisory Committee (ARAC), to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements (JAR) for helicopter. The harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

**FOR FURTHER INFORMATION CONTACT:** Sandy Liu, (202) 493–4864.

### Correction of Publication

In NPRM FR Doc. 00–24634, beginning on page 59634 in the **Federal Register** issue of October 5, 2000, make the following corrections:

1. On page 59634, in column 1, in the heading section, beginning on line 4, correct ''Notice No. 00–11'' to read ''Notice No. 00–12''.

Issued in Washington, DC on October 10, 2000.

**Donald P. Byrne,**

*Assistant Chief Counsel, Regulations Division.*

[FR Doc. 00–26513 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ANM–14]**

## Proposed Establishment of Class E Airspace, Prineville, OR

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at Prineville, OR. New Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) to Runway (RWY) 10, RNAV RWY 28, and Non-Directional Beacon (NDB) RWY 10 SIAP at Prineville Airport has made this proposal necessary. Class E 700 foot, and 1,200 foot controlled airspace, above the surface of the earth is required to contain aircraft executing the NDB RWY 10, RNAV RWY 10, and RNAV RWY 28 SIAPs to Prineville Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Prineville Airport, Prineville, OR.

**DATES:** Comments must be received on or before November 30, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–14, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the Office of the Regional Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–14, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed

stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–14.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Prineville, OR. Newly developed RNAV SIAPs to RWY 10, RWY 28, and NDB RWY 10 approaches at Prineville Airport have made this proposal necessary. Controlled airspace from 700 feet, and 1,200 feet, above the surface is required to contain aircraft executing the NDB RWY 10, RNAV RWY 28, and RNAV RWY 10 SIAPs. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Prineville Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

**ANM OR E5 Prineville, OR [New]**

Prineville Municipal Airport, OR
(Lat. 44°17′13″ N., long. 120°54′14″ W.)

That airspace extending upward from 700 feet above the surface within a 4.6-mile radius of the airport, and extending from 2.7 miles south of the 281° bearing from the airport to 12.2 miles, then in an arc clockwise to a point 2 miles north of the 287° bearing then to the airport, and extending from 3 miles each side of the 121° bearing from the airport to 7.2 miles; that airspace extending upward from 1,200 feet above the surface within a 9.2-miles radius of the airport clockwise from the 320° bearing to the 190° bearing, and extending to 18.2 miles in an arc clockwise to the 230° bearing, then extending to 28.3 miles in an arc clockwise to the 320° bearing, and extending 6 miles each side of the 121° bearing from the airport to 22.9 miles; excluding that airspace within Federal Airways; the Redmond, OR Class D and E airspace; the Bend, OR; Sunriver, OR; and Madras, OR Class E airspace.

* * * * *

Issued in Seattle, Washington, on September 15, 2000.

**Daniel A. Boyle,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 00–26522 Filed 10–13–00; 8:45 am]

**BILLING CODE 4910–13–M**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ANM–17]**

## Proposed Revision of Class E Airspace, Roosevelt, UT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This action proposes to revise Class E airspace at Roosevelt, UT. The development of a new Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 25 at Roosevelt Airport has made this proposal necessary. Class E 700 foot, and 1,200 foot controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV RWY 25 SIAP to Roosevelt Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Roosevelt Airport, Roosevelt, UT.

**DATES:** Comments must be received on or before November 30, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–17, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the Office of the Regional Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–17, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–17.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Roosevelt, UT. Newly developed RNAV SIAP to RWY 25 at Roosevelt Airport has made this proposal necessary. Controlled airspace from 700 feet, and 1,200 feet, above the surface is required to contain aircraft executing the RNAV RWY 25 SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Roosevelt Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

**ANM UT E5 Roosevelt, UT [Revised]**

Roosevelt Municipal Airport, UT
(Lat. 40°16′42″ N., long 110°03′05″ W.)
Myton VORTAC
(Lat. 40°08′42″ N., long 110°07′40″ W.)

That airspace extending from 700 feet above the surface within a 6.5-mile radius of the Roosevelt Municipal Airport and within 8 miles east and 5 miles west of the Myton VORTAC 024° and 154° radials extending from the 6.5-mile radius of the airport to 17 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 39°52′04″ N., long. 110°15′12″ W.; to lat. 40°27′47″ N., long. 110°16′01″ W.; to lat. 40°19′27″ N., long. 109°33′53″ W.; to lat. 40°03′27″ N., long. 109°24′49″ W.; to lat. 40°04′04″ N., long. 109°44′52″ W.; to lat. 39°52′27″ N., long. 109°44′36″ W., to the point of beginning.

* * * * *

Issued in Seattle, Washington, on September 27, 2000.

**Daniel A. Boyle,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 00–26523 Filed 10–13–00; 8:45 am]

**BILLING CODE 4910–13–M**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 00–ANM–21]**

## Proposed Modification of Class E Airspace, Astoria, OR

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** This action proposes to modify the Class E airspace at Astoria, OR. An operational need in support of military operations at the Oregon Air National Guard (ORANG) Camp Rilea Heliport has made this proposal necessary. A modification to the Astoria Class E surface area is required to allow less restrictive air operations to and from Camp Rilea Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Astoria Municipal Airport, Astoria, OR, and allow the ORANG to conduct air operations at Camp Rilea without impacting civil air traffic.

**DATES:** Comments must be received on or before November 30, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–21, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the Office of the Regional Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–21, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–21.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Astoria, OR. An operational need in support of military operations at the Oregon Air National Guard (ORANG) Camp Rilea Heliport has made this proposal necessary. A revision to the Astoria Class E surface area is required to allow less restrictive air operations to and from Camp Rilea Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Astoria Municipal Airport, Astoria, OR, and allow the ORANG to conduct air operations at Camp Rilea without impacting civil air traffic. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Astoria Municipal Airport and between the terminal and en route transition stages and permit military operations from Camp Rilea Heliport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as surface area for an airport are published in Paragraph 6002, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6002 Class E airspace areas designated as surface area for an airport.*

* * * * *

**ANM OR E2 Astoria, OR [Revised]**

Astoria, Port of Astoria Airport, OR
(Lat. 46°09′28″ N, long. 123°52′44″ W)
Astoria VOR/DME
(Lat. 46°09′42″ N, long. 123°52′50″ W)

Karpen NDB
(Lat. 46°08′22″ N, long. 123°35′14″ W)
Astoria ILS Localizer
(Lat. 46°09′35″ N, long. 123°53′28″ W)
Camp Rilea Heliport
(Lat. 46°06′59″ N, long. 123°55′54″ W)

Within a 4-mile radius of the Port of Astoria Airport, and within 1.8 miles each side of the Astoria VOR/DME 268° radial extending from the 4-mile radius to 7 miles west of the VOR/DME, and within 1.8 miles each side of the Astoria ILS localizer east course extending from the 4-mile radius to the Karpen NDB, excluding the airspace within a wedge south of Camp Rilea Heliport, from the 120 bearing clockwise to the 225 bearing of the Camp Rilea Heliport.

* * * * *

Issued in Seattle, Washington, on September 27, 2000.

**Daniel A. Boyle,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 00–26524 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 9

**[Notice No. 904]**

**RIN 1512–AA07**

## West Elks Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is requesting comments concerning the proposed establishment of a viticultural area to be known as ''West Elks,'' located in Delta County, Colorado. This notice responds to a petition filed on behalf of several grape growers and winery owners in the area.

**DATES:** Written comments must be received by December 15, 2000.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221 (Attention: Notice No. 904). See ''Public Participation'' section of this notice if you want to comment by facsimile or e-mail.

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

**SUPPLEMENTARY INFORMATION:**

### 1. Background on Viticultural Areas

*What Is ATF's Authority To Establish a Viticultural Area?*

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

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

*What Is the Definition of an American Viticultural Area?*

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

*What Is Required To Establish a Viticultural Area?*

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

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

### 2. West Elks Petition

ATF has received a petition from Barbara E. Heck proposing to establish a viticultural area in Delta County, Colorado, known as ''West Elks.'' The proposed area encompasses approximately 75 square miles. Over 84 acres of vineyards are currently planted in ''West Elks'' and the area presently boasts eighteen vineyard and/or winery businesses.

*What Name Evidence Has Been Provided?*

The name of the proposed ''West Elks'' viticultural area was well documented by the petitioner. ''West Elks'' takes its name from the West Elk Mountains located just east of the area. The petitioner states that each vineyard in the area has a magnificent view of the West Elk Mountains. The following was submitted as evidence of name recognition:

- Brochure from the U.S. Department of Agriculture Forest Service indicating that the proposed ''West Elks'' viticulture area is known as West Elk Wilderness;
- Brochure from the Colorado State Historical Society and Delta County Tourism mapping the West Elk Loop which runs through the proposed ''West Elks'' viticultural area;
- Delta County Area Map on which the West Elk Mountains are prominently labeled; and
- United States Department of the Interior topographic map on which the West Elk Wilderness and the West Elk Mountains are prominently labeled.
- News article from the *Delta County Independent* which depicts a 1855 map on which the Elk Mountains are prominently labeled;
- Delta County Historical Society map which also shows the Elk Mountains;

*What Boundary Evidence Has Been Provided?*

According to the petitioner, the proposed ''West Elks'' viticultural area is located on mesa lands. Its borders are the West Elk Mountains to the east and the higher Grand Mesa to the north. To the south, Crawford and Fruitland Mesa have a higher elevation and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west lie the Adobe Badlands in which very little grows.

*What Evidence Relating to Geographical Features Has Been Provided?*

- Soil

The petitioner asserts that the soils of the proposed ''West Elks'' viticultural area distinguish it from the surrounding areas. The petitioner provided a General Soil Map which indicates that the proposed ''West Elks'' viticultural area is comprised mostly of Aqua Fria-Saration soils which are deep and moderately deep well-drained stony

soils that formed in outwash alluvium derived from igneous rock. To the north of the proposed viticultural area the soils change to Delson-Cerro soils and to the east the soils are Fughes-Bulkley, Absarokee-Beenom and Delson-Cerro. Billings-Gullied land soils are found to the south of the proposed area.

• Elevation

The petitioner states that the boundaries of the proposed ''West Elks'' viticultural area are defined by elevation. The far eastern boundary, Juanita Junction, sits at 5942 feet. The eastern line sits mainly at 6200 feet. The southern borders of the proposed area follows section lines of the U.S.G.S. maps that have elevations that range from 5300 to over 5800 feet. The northern border has an elevation range from 6900 to 5900 feet.

According to the petitioner, the elevations of the areas surrounding ''West Elks'' are much higher. Mountains surround ''West Elks'' to the east with elevations reaching 11,000 feet. The Grand Mesa is located to the north of ''West Elks'' with elevations reaching 10,000 feet at the top. To the south, Crawford and Fruitland Mesa have higher elevations and the plateau climbs until it reaches the north rim of the Black Canyon of the Gunnison. To the west, the Adobe Badlands, on which very little grows, and the Redlands Mesa, which sits above 6200 feet, separate ''West Elks'' from Delta, Cedaredge and the Surface Creek areas. The farming area to the east of Delta sits under 5000 feet elevation, which indicates a longer growing season than that of the proposed ''West Elks'' viticultural area.

The petitioner asserts that the high elevation of the proposed area creates a fruit that has tremendous flavor. The area is completely protected and sheltered by lofty mesas and mountain ranges. The elevations of the surrounding areas help protect ''West Elks'' from severe storms and climatic disturbances, which often injure or destroy fruit.

Climate

According to the petitioner, the climate of the proposed ''West Elks'' viticultural area is rather mild. With over 300 full sun days a year, sugar contents are high. The West Elk Loop Scenic and Historical Byway brochure states ''* * * warm days, cool nights, and the so-called Million Dollar Breeze which flows down valley enhance the growing season.'' The areas surrounding the ''West Elks'' are much cooler due to their higher elevation.

**3. Regulatory Analyses and Notices**

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

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

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

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

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

*Does the Paperwork Reduction Act Apply to This Proposed Rule?*

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because the proposed regulation is not proposing new or revised record keeping or reporting requirements.

**4. Public Participation and Request for Comments**

*Who May Comment on This Notice?*

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

*Can I Review Comments Received?*

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

*Will ATF Keep My Comments Confidential?*

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

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

*How Do I Send Facsimile Comments?*

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

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

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

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

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

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

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

*How Do I Send Comments to the ATF Internet Web Site?*

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

**5. Drafting Information**

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

**List of Subjects in 27 CFR Part 9**

Administrative practice and procedure, Alcohol and alcoholic beverages, Consumer protection, and Wine.

**Authority and Issuance**

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

## PART 9—AMERICAN VITICULTURAL AREAS

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

**Authority:** 27 U.S.C. 205.

## Subpart C—Approved American Viticultural Areas

**Par. 2.** Subpart C is amended by adding § 9.172 to read as follows:

* * * * *

### § 9.172 West Elks

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

(b) *Approved Maps.* The appropriate maps for determining the boundary of the West Elks viticultural area are four United States Geological Survey (U.S.G.S.) topographic maps (Scale: 1:250,000). They are titled:

(1) Lazear Quadrangle (Colorado-Delta Co. 1955 (photorevised 1978));

(2) Hotchkiss Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979));

(3) Paonia Quadrangle (Colorado-Delta Co. 1965 (photorevised 1979); and

(4) Bowie Quadrangle (Colorado-Delta Co. 1965 (photorevised 1978).

(c) *Boundaries.* The West Elks viticultural area is located in eastern Delta County, Colorado. The beginning point is found on the ''Bowie Quadrangle'' U.S.G.S. map at the ¼ corner common to Sections 19 and 20, Township 13 South, Range 91 West (T. 13 S., R. 91 W.);

(1) The boundary proceeds east following the center subdivision lines of Sections 20 and 21 to its intersection with Colorado Highway 133;

(2) Then northeasterly following Colorado Highway 133 to its intersection with the N–S center subdivision line of Section 14, T. 13 S., R. 91 W., near Juanita Junction;

(3) Then south following the center subdivision line to its intersection with the North Fork of the Gunnison River;

(4) Then southwesterly following the North Fork of the Gunnison River to its intersection with the Stewart Ditch in the extreme southern part of Section 15, T. 13 S., R. 91 W.;

(5) Then southwesterly following the Stewart Ditch to its intersection with the section line common to Sections 21 and 28, T. 13 S., R. 91 W.;

(6) Then east following the section line common to Sections 21 and 28 to its intersection with the 6000 foot contour;

(7) Then southerly following the 6000 foot contour to its second intersection with the section line common to Sections 3 and 4, T. 14 S., R. 91 W., located on the Paonia, Colo. U.S.G.S. map;

(8) Then south following the section line common to Sections 3 and 4 to its intersection with the 6200 foot contour;

(9) Then southerly following the 6200 foot contour to its intersection with the section line common to Sections 16 and 17, T. 14 S., R. 91 W.;

(10) Then south following the section line common to Sections 16 and 17 to the point of intersection of Sections 16, 17, 20 and 21;

(11) Then west following the section line common to Sections 17 and 20 to the point of intersection of Sections 17, 18, 19 and 20;

(12) Then south following the section line common to Sections 19 and 20 to the N1/16 corner common to Sections 19 and 20;

(13) Then west following the subdivision line across Section 19 to the N1/16 corner common to Section 19, T. 14 S., R. 91 W. and Section 24, T, 14 S., R. 92 W.;

(14) Then south following the range line between R. 91 W. and R. 92 W. to the point of intersection between Sections 19 and 30, T. 14 S., R. 91 W. and Sections 24 and 25, T. 14 S., R. 92 W.;

(15) Then west following the section line common to Sections 24 and 25 to the point of intersection between Sections 23, 24, 25 and 26, located on the Hotchkiss, Colo. U.S.G.S. map;

(16) Then south following the section line common to Sections 25 and 26 to the point of intersection between Sections 25, 26, 35 and 36;

(17) Then west following the section lines common to Sections 26 and 35 and Sections 27 and 34 to the point of intersection between Sections 27, 28, 33 and 34;

(18) Then south following the section line common to Sections 33 and 34 to the point of intersection between Sections 33 and 34, T. 14 S., R. 92 W. and Sections 3 and 4, T. 15 S., R. 92 W.;

(19) Then west following the township line between T. 14 S. and T. 15 S. approximately three miles to the point of intersection between Section 31, T. 14 S., R. 92 W., Section 6, T. 15 S., R. 92 W., Section 1, T. 15 S., R. 93 W., and Section 36, T. 14 S., R. 93 W.;

(20) Then south following the range line between R. 92 W. and R. 93 W. to the point of intersection between Sections 6 and 7, T. 15 S., R. 92 W. and Sections 1 and 12, T. 15 S., R. 93 W.;

(21) Then west following the section lines common to Sections 1 and 12 and Sections 2 and 11 to its intersection with the North Fork of the Gunnison River, located on the Lazear, Colo. U.S.G.S. map;

(22) Then westerly following the North Fork of the Gunnison River to its intersection with Big Gulch in the extreme northeastern corner of Section 6, T. 15 S., R. 93 W.;

(23) Then northerly following Big Gulch to its intersection with the section line common to Sections 17 and 18, T. 14 S., R. 93 W.;

(24) Then north following the section lines common to Sections 17 and 18, Sections 7 and 8, and Sections 5 and 6 to the point of intersection between Sections 5 and 6, T. 14 S., R. 93 W. and Sections 31 and 32, T. 13 S., R. 93 W.;

(25) Then east following the township line between T. 13 S. and T. 14 S. approximately two miles to the point of intersection between Sections 3 and 4, T. 14 S., R. 93 W. and Sections 33 and 34, T. 13 S., R. 93 W.;

(26) Then south following the section line common to Sections 3 and 4 to the point of intersection between Sections 3, 4, 9 and 10;

(27) Then east following the section lines for approximately 6 miles to the point of intersection between Sections 3, 4, 9 and 10, T. 14 S., R. 92 W., located on the Hotchkiss, Colo. U.S.G.S. map;

(28) Then north following the section line common to Sections 3 and 4 to the point of intersection between Sections 3 and 4, T. 14 S., R. 92 W. and Sections 33 and 34, T. 13 S., R. 92 W.;

(29) Then east following the township line between T. 13 S. and T. 14 S. to its intersection with the Fire Mountain Canal in the southwestern corner of Section 35, T. 13 S., R. 92 W.;

(30) Then northeasterly following the Fire Mountain Canal through the extreme northwest corner of the Paonia, Colo. U.S.G.S. map to its intersection with the section line common to Sections 29 and 30, T. 13 S., R. 91 W., located on the Bowie, Colo. U.S.G.S. map;

(31) Then north following the section lines common to Sections 29 and 30 and Sections 19 and 20 to the ¼ corner

common to Sections 19 and 20, the point of beginning.

**Bradley A. Buckles,**

*Director.*

[FR Doc. 00–26454 Filed 10–13–00; 8:45 am]

**BILLING CODE 4810–31–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

**RIN 2900–AK00**

### Post-Traumatic Stress Disorder Claims Based on Personal Assault

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend Department of Veterans Affairs (VA) adjudication regulations concerning the proof necessary to establish occurrence of a stressor in claims for service connection of post-traumatic stress disorder (PTSD) resulting from personal assault. This amendment would provide that evidence other than the veteran's service records may be sufficient to establish the occurrence of the stressor. The proposed regulation also would require that VA not deny such claims without first advising claimants that evidence from sources other than a veteran's service records may prove the stressor occurred. This would make claimants aware of the types of evidence which might support their claims, and would give them an opportunity to obtain and submit such evidence. It would also ensure that VA will not deny claims simply because the claimants did not realize that certain types of evidence may be relevant and therefore failed to submit such evidence to VA.

**DATES:** Comments must be received on or before December 15, 2000.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to ''*OGCRegulations@mail.va.gov*''. Comments should indicate that they are submitted in response to ''RIN 2900–AK00.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Bill Russo, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; telephone (202) 273–7210.

**SUPPLEMENTARY INFORMATION:** Section 3.304(f) of 38 CFR states that service connection for PTSD requires medical evidence diagnosing the condition; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred.

A claim for PTSD may be based upon a personal assault, including sexual assault. Many incidents of in-service personal assault are not officially reported, and veterans may find it difficult to produce evidence to prove the occurrence of this type of stressor. This proposed amendment addresses this difficulty by specifying that evidence from sources other than the veteran's service records may constitute credible supporting evidence of the in-service stressor, where the alleged stressor is a personal assault.

VA's Adjudication Procedure Manual, M21–1, discusses the types of evidence which may be credible supporting evidence that the stressor occurred for PTSD claims involving an in-service personal assault. M21–1, Part III, par. 5.14c. and Part VI, par. 11.38. In *Patton* v. *West,* 12 Vet. App. 272, 283 (1999), the U.S. Court of Appeals for Veterans Claims discussed paragraph 5.14c. of M21–1, Part III, referring to it as a ''regulatory provision [ ].'' We are proposing to amend VA's adjudication regulations at § 3.304(f) to specify the types of evidence, other than a veteran's service records, which may establish the occurrence of a personal assault during service.

This proposed amendment would recognize that in PTSD claims based on in-service assault, evidence from sources other than a veteran's service records may constitute credible supporting evidence of the stressor. Examples of such evidence include, but are not limited to: Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals or physicians; and statements from family members, roommates, fellow service members or clergy.

Evidence from these sources might include, for example, evidence of behavior changes following the personal assault. Examples of behavior changes that might result from a personal assault include, but are not limited to: A request by the veteran for a transfer to another military duty assignment; a change in work performance; substance abuse; episodes of depression, panic attacks or anxiety where there is no identifiable reason for the episodes; or unexplained economic or social behavior changes.

The proposed regulation would also provide that VA will not deny a PTSD claim which is based on personal assault without first advising the claimant that evidence from alternative sources or evidence of behavior changes may constitute credible supporting evidence of the stressor. This would ensure that claimants are aware of the types of evidence which might support their claims and would give them an opportunity to obtain and submit such evidence. It would also ensure that VA will not deny claims simply because the claimants did not realize that certain types of evidence may be relevant and therefore failed to submit such evidence to VA.

The proposed amendment also would state that VA may submit any evidence that it receives to an appropriate medical professional for an opinion as to whether it indicates that a personal assault occurred. Such an opinion may be necessary when evidence requires medical interpretation and analysis based on the portion of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, which concerns PTSD.

This proposed amendment would also divide current § 3.304(f), regarding PTSD claims, into two new sub-paragraphs, one involving PTSD claims by combat veterans and the other concerning PTSD claims by former prisoners-of-war. No substantive change would be made by this aspect of the proposal.

#### OMB Review

This proposed rule has been reviewed by OMB under Executive Order 12866.

#### Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.100,

64.101, 64.104, 64.105, 64.106, 64.109, and 64.110.

**List of Subjects in 38 CFR Part 3**

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: July 17, 2000.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR part 3 is proposed to be amended as follows:

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

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

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.304, paragraph (f) is revised to read as follows:

**§ 3.304 Direct service connection; wartime and peacetime.**

* * * * *

(f) *Post-traumatic stress disorder.* Service connection for post-traumatic stress disorder requires medical evidence diagnosing the condition in accordance with § 4.125(a) of this chapter; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred.

(1) If the evidence establishes that the veteran engaged in combat with the enemy and the claimed stressor is related to that combat, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

(2) If the evidence establishes that the veteran was a prisoner-of-war under the provisions of § 3.1(y) of this part and the claimed stressor is related to that prisoner-of-war experience, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

(3) If a post-traumatic stress disorder claim is based on in-service personal assault, evidence from sources other than the veteran's service records may constitute credible supporting evidence of the stressor. Examples of such evidence include, but are not limited to: Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals or physicians; and statements from family members, roommates, fellow service members or clergy. Evidence of behavior changes following the claimed assault is one type of relevant evidence which may be found in these sources. Examples of behavior changes that may constitute credible supporting evidence of the stressor include, but are not limited to: A request for a transfer to another military duty assignment; deterioration in work performance; substance abuse; episodes of depression, panic attacks, or anxiety without an identifiable cause; or unexplained economic or social behavior changes. VA will not deny a post-traumatic stress disorder claim which is based on in-service personal assault without first advising the claimant that evidence from sources other than the veteran's service records or evidence of behavior changes may constitute credible supporting evidence of the stressor and allowing him or her the opportunity to furnish this type of evidence or advise VA of potential sources of such evidence. VA may submit any evidence that it receives to an appropriate medical professional for an opinion as to whether it indicates that a personal assault occurred.

(Authority: 38 U.S.C. 501(a), 1154(b))

[FR Doc. 00–26450 Filed 10–13–00; 8:45 am]

BILLING CODE 8320–01–U

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 030–EOC; FRL–6885–8]**

### Revisions to the California State Implementation Plan, Bay Area Air Quality Management District; Extension of Comment Period

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** EPA is extending the comment period for action proposed on September 18, 2000 (65 FR 56284).

**DATE:** Any comments on this proposal must arrive by November 17, 2000.

**ADDRESSES:** Mail comments to David Wampler, Permits Office (Air-3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

**FOR FURTHER INFORMATION CONTACT:** David Wampler, Permits Office (Air-3), U.S. Environmental Protection Agency, Region IX, (415) 744–1256.

**SUPPLEMENTARY INFORMATION:** On September 18, 2000, EPA proposed the following revisions to the California State Implementation Plan (SIP).

| Local agency | Rule No. | Proposed action |
|---|---|---|
| Bay Area AQMD | Regulation 1 | Approval. |
| Bay Area AQMD | Regulation 2, Rules 1, 2, and 4 | Limited Approval/Disapproval. |

The proposed action provided a 30-day public comment period. In response to a request from California Council for Environmental and Economic Balance submitted by telephone and in writing on September 28, 2000, EPA is extending the comment period for an additional 30 days.

Dated: October 3, 2000.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

[FR Doc. 00–26506 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[FRL–6886–7]**

## Supplemental Information to Support Proposed Approvals of One-Hour Ozone Attainment Demonstrations for Serious Ozone Nonattainment Areas

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

**ACTION:** Notice of availability and reopening of comment period.

**SUMMARY:** Notice is hereby given that EPA has performed an analysis to evaluate emission levels of oxides of nitrogen ( $NO_X$) and volatile organic compounds (VOC) and their relationships to the application of current and anticipated control measures expected to be implemented in four serious one-hour ozone nonattainment areas. This analysis was done to determine if additional reasonably available control measures (RACM) are available after adoption of Clean Air Act (Act) required measures for the following serious ozone nonattainment areas: Greater Connecticut, New York-New Jersey-Connecticut; Springfield, Massachusetts; Washington, D.C.-Virginia-Maryland; and Atlanta, Georgia. The EPA performed this analysis in response to comments that were submitted on the proposals on these areas' one-hour ozone attainment demonstrations. The EPA took action to propose approval (and disapproval in the alternative) of these areas' State implementation plans (SIPs) on December 16, 1999 (Greater Connecticut (64 FR 70332); Springfield (64 FR 70319); Metropolitan Washington (64 FR 70460); and Atlanta (64 FR 70478)). This information supplements the December 16, 1999 proposals.

**DATES:** The EPA is establishing a comment period, ending on October 31, 2000. All comments should be sent to the appropriate regional office as listed in the **ADDRESSES** section by that date.

**ADDRESSES:** Written comments on the Greater Connecticut and Springfield SIPs should be sent (in duplicate if possible) to: David B. Conroy, EPA Region I (New England) Office, One Congress Street, Suite 1100–CAQ, Boston, Massachusetts 02114–2023. Copies of the Connecticut and Massachusetts State submittals and EPA's technical support document are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 1 (New England), One Congress St., 11th Floor, Boston, Massachusetts, telephone (617) 918–1664. Please telephone in advance before visiting.

Written comments on the Washington, D.C.-Virginia-Maryland submittals should be submitted (in duplicate if possible) to: David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region 3, 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 following address: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the docket numbers are DC039–2019, VA090–5036 and MD073–3045.

Written comments on the Atlanta SIP should be submitted (in duplicate if possible) to: Scott M. Martin, EPA Region 4, Air Planning Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303. Copies of the State submittal are available at the following address for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303–8960, and the docket number is GA–47–200002.

**FOR FURTHER INFORMATION CONTACT:** For general questions on the RACM analysis for mobile sources, contact Mr. Mark Simons at either 734–214–4420 or by e-mail *simons.mark@epa.gov.* For general questions on the RACM analysis for stationary sources, contact Mr. John Silvasi at either (919) 541-5666 or by e-mail *silvasi.john@epa.gov.* For specific questions on the Greater Connecticut and Springfield SIPs, contact Mr. Richard Burkhart at (617) 918–1664 or by e-mail *burkhart.richard@epa.gov.* For specific questions on the Washington, D.C., SIP, contact Mr. David Arnold at (215) 814–2172 or by e-mail *arnold.dave@epa.gov.* For specific questions on the Atlanta SIP, contact Mr. Scott Martin at (404) 562–9036 or by e-mail *martin.scott@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Section 172(c)(1) of the Act requires SIPs to contain reasonably available control measures (RACM) as necessary to provide for attainment as expeditiously as practicable. Several commenters have stated that there is no evidence in the four serious ozone attainment demonstrations that were proposed on December 16, 1999 that they have adopted all RACM, and a commenter further stated that the mobile source emission budgets in the SIPs are inadequate by definition because the SIPs do not demonstrate timely attainment or contain the emission reductions required for all RACM. In addition, some commenters stated that for all potential RACM measures not adopted into the SIP, the State must provide a justification for why they were determined not to be RACM.

The analysis EPA conducted demonstrates that a number of possible emission control measures have been evaluated for their emission reductions. It further demonstrates that the measures evaluated either (a) are likely to require an intensive and costly effort for numerous small area sources, or (b) do not advance the attainment dates for the four areas, and therefore would not be considered RACM under the Act.

EPA has previously provided guidance interpreting the RACM requirements of 172(c)(1). See 57 FR 13498, 13560. In that guidance, EPA indicated its interpretation that potentially available measures that would not advance the attainment date for an area would not be considered RACM. EPA concluded that a measure would not be reasonably available if it would not advance attainment. EPA also indicated in that guidance that States should consider all potentially available measures to determine whether they were reasonably available for implementation in the area, and whether they would advance the attainment date. Further, States should indicate in their SIP submittals whether measures considered were reasonably available or not, and if measures are reasonably available they must be adopted as RACM. Finally, EPA indicated that States could reject potential RACM measures either because they would not advance the attainment date, would cause substantial widespread and long-term adverse impacts, or for various reasons related to local conditions, such as economics or implementation concerns.

The EPA also issued a recent memorandum on this topic, ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas.'' John S. Seitz, Director, Office of Air Quality Planning and Standards, dated November 30, 1999. A copy can be obtained from *www.epa.gov/ttn/oarpg/t1pgm.html.*

In response to public comments received on the proposed rulemakings in December, EPA has reviewed the SIP submittals for the four serious areas and determined that they did not include sufficient documentation concerning available RACM measures. Therefore, EPA has itself reviewed numerous potential RACM measures, as documented in the available analysis. Based on this analysis, EPA concluded that these measures would either (a) likely require an intensive and costly effort for numerous small area sources, or (b) not advance the attainment date in any of the four areas and, therefore, would not be considered RACM.

Although EPA encourages areas to implement available RACM measures as potentially cost effective methods to achieve emissions reductions in the short term, EPA does not believe that section 172(c)(1) requires implementation of potential RACM measures that either require costly implementation efforts or produce relatively small emissions reductions that will not be sufficient to allow any of the four areas to achieve attainment in advance of full implementation of all other required measures.

Electronic Availability—An electronic version of EPA's RACM analysis can be downloaded at *www.epa.gov/ttn/rto* under ''What's New.''

For those persons without electronic capability, a copy of this analysis may be obtained from Ms. Linda Lassiter at (919) 541–5526.

The official record for these proposed actions have been established under individual dockets which are located at the Regional office address in the **ADDRESSES** section at the beginning of this document. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect file format or ASCII file format. All comments and data in electronic form must be identified by the docket number associated with the individual state proposal.

Dated: October 10, 2000.

**Henry C. Thomas,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 00–26612 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

**[FRL–6885–4]**

### Utah: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to grant Final authorization to the hazardous waste program changes submitted by Utah. In the ''Rules'' section of this **Federal Register**, we are authorizing the State's program changes as an immediate final rule without a prior proposed rule because we believe this action is not controversial. Unless we get written comments opposing this authorization during the comment period, the immediate final rule will become effective and the Agency will not take further action on this proposal. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

**DATES:** We must receive your comments by November 30, 2000.

**ADDRESSES:** Send written comments to Kris Shurr, 8P–HW, U.S. EPA, Region VIII, 999 18th St, Ste 500, Denver, Colorado 80202–2466, phone number: (303) 312–6139. You can view and copy Utah's application at the following addresses: Utah Department of Environmental Quality (UDEQ), from 8:00 AM to 5:00 PM, 288 North 1460 West, Salt Lake City, Utah 84114–4880, contact: Susan Toronto, phone number: (801) 538–6776. and EPA Region VIII, from 8:00 AM to 3:00 PM, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, contact: Kris Shurr, phone number: (303) 312–6139.

**FOR FURTHER INFORMATION CONTACT:** Kris Shurr, EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone number: (303) 312–6139.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the ''Rules'' section of this **Federal Register**.

Dated: October 5, 2000.

**William P. Yellowtail,**

*Regional Administrator, Region VIII.*

[FR Doc. 00–26504 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 697

**[Docket No. 000412106-0262-02; I.D. 032200A]**

**RIN 0648-AO02**

### Atlantic Coastal Fisheries Cooperative Management Act Provisions; Horseshoe Crab Fishery; Closed Area

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

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

**SUMMARY:** NMFS proposes to prohibit fishing for horseshoe crabs and limit possession of them in an area in the exclusive economic zone (EEZ) encompassing a 30-nautical mile (nm) radius (in a shape roughly equivalent to a rectangle) seaward from the midpoint of the territorial sea line at the mouth of Delaware Bay. The intent of this proposed rule is to provide protection for the Atlantic coast stock of horseshoe crab, and to promote the effectiveness of the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for horseshoe crab.

**DATES:** Written comments must be received on or before October 31, 2000.

**ADDRESSES:** Comments on the proposed rule should be sent to, and copies of an Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), are available from, Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, National Marine Fisheries Service, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910. Comments regarding the collection-of-information requirement contained in this proposed rule should be sent to Richard H. Schaefer and to the Office of Information and Regulatory Affairs attention: NOAA Desk Officer, Office of Management and Budget, Washington D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, 301-427-2014.

**SUPPLEMENTARY INFORMATION:**

**Proposed Action**

NMFS is proposing Federal horseshoe crab conservation measures in the EEZ under the authority of section 803(b) of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), 16 U.S.C. 5101 *et seq.*, which states that, in the absence of an approved and implemented Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and after consultation with the appropriate Fishery Management Council(s), the Secretary of Commerce may implement regulations to govern fishing in the EEZ, i.e., from 3 to 200 nm offshore. These regulations must be (1) compatible with the effective implementation of an ISFMP developed by the Commission, and (2) consistent with the national standards set forth in section 301 of the Magnuson-Stevens Act.

The proposed rule would prohibit fishing for and limit the possession of horseshoe crabs in an area in the EEZ encompassing a 30-nm radius (in a shape roughly equivalent to a rectangle) seaward from the midpoint of the territorial sea line at the mouth of Delaware Bay. The proposed rule would also allow whelk fishing vessels to possess horseshoe crabs as bait on board in the closed area as long as the vessels do not have commercial fishing gear on board aside from whelk fishing traps. Other commercial gears (e.g., trawls, dredges, gill nets) would be prohibited on vessels in the closed area with horseshoe crabs on board. As a consequence of not allowing other commercial gears on the whelk vessels in the closed area, whelk vessels would not be able to fish for species other than whelks in the closed area. NMFS does not know the number of whelk vessels that may fish in the closed area or if they conduct other fishing activities in conjunction with their whelk fishing trips, but assumes from discussions with the ASMFC Horseshoe Crab Plan Monitoring Team that combined whelk and other species trips do not take place or are minimal. The proposed rule would also require fishermen to return to the water all horseshoe crabs caught in the closed area incidental to any fishing operations, including whelk fishing.

The proposed closed area in the EEZ off Delaware Bay would be bounded as follows: (1) On the north by a straight line connecting points 39°14.6'N. lat., 74°30.9'W. long. (3 nm off of Peck Beach, New Jersey) and 39°14.6'N lat., 74°22.5'W. long.; (2) On the east by a straight line connecting points 39°14.6'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 74°22.5'W. long.; (3) On the south side by a straight line connecting points 38°22.0'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 75°00.4'W. long. (3 nm off of Ocean City, MD); and (4) On the west by state waters.

**The Horseshoe Crab Fishery**

Horseshoe crabs are used as bait in American eel, whelk, and catfish fisheries, and are utilized by the biomedical industry. Also, horseshoe crabs play an important ecological role because they are a food source for loggerhead sea turtles, and their eggs are an important food source for migratory shorebirds. They have been directly harvested by hand and by various gears including gill nets, traps, pound nets, otter trawls, and seines. There is no evidence that a recreational fishery ever developed for horseshoe crab. While no complete coastwide assessment exists for horseshoe crabs, some mid-Atlantic surveys show several cases of localized horseshoe crab population declines that are of concern.

Estimated total landings of horseshoe crabs for bait from 1993 to 1997 increased from 1,906,059 lb (864.6 metric tons) to 6,146,487 lb (2788 metric tons). These numbers are probably an underestimation of landings for these years because all horseshoe crab landings have not been reported due to a lack of reporting requirements in some states. Improvements in the collection of landings data in recent years could account for some of the increase in landings. However, estimates of landings in Delaware, Maryland, New Jersey, New York, and Rhode Island indicate a rapid growth in the fishery due primarily to the increased use of horseshoe crab as bait in the American eel, whelk, and catfish fisheries, and a shift in fishing pressure from declining traditional fisheries to the horseshoe crab fishery. The current estimate for total Atlantic coast horseshoe crab bait landings for 1998, based on a 1998/99 NMFS/Commission Horseshoe Crab Technical Committee harvest survey, is 8,995,700 lb (4080.4 metric tons).

**Addendum 1 to the ISFMP for Horseshoe Crabs**

Historically, horseshoe crabs were managed by individual states until 1998 when the Commission adopted an ISFMP for horseshoe crab in response to concerns of possible localized declines in the Atlantic Coast horseshoe crab stock. The Commission approved and implemented Addendum 1 to the Commission's ISFMP for horseshoe crab in February 2000. Addendum 1's intent is to protect and maintain horseshoe crab spawning stock at levels that can sustain fisheries and that will provide an abundance of horseshoe crab eggs as a food source for migratory shorebirds. Addendum 1 mandates that all Atlantic coastal states implement their portion of a Commission quota system for the bait harvest of horseshoe crabs and implement a stock and fishery monitoring program as established by the Commission. In addition, Addendum 1 requests that NMFS prohibit the transfer of horseshoe crabs in Federal waters, and establish an offshore horseshoe crab sanctuary in Federal waters within a 30-nautical mile radius off the mouth of the Delaware Bay.

To support the Commission's horseshoe crab management efforts under Addendum 1, NMFS published an Advance Notice of Proposed Rulemaking (ANPR)(65 FR 25698, May 3, 2000), to ask the public to consider the establishment of an offshore horseshoe crab closed area in the EEZ encompassing a 30-nm radius off the mouth of the Delaware Bay. Because of the difficulty in enforcing a semi-circular closed area, NMFS proposes establishing a closed area in Federal waters that would be roughly equivalent in area to a semi-circle with a 30-nm radius, but roughly in the shape of a rectangle. The comment period closed on June 2, 2000. Public response was overwhelming for proceeding with a proposed rule to implement the closed area. Two-hundred-eighty-one comments were received in favor of continuing the rulemaking process, and one was against. Thirteen conservation organizations, whose combined membership is estimated at over one million people, wrote in support of the closure. The States of Delaware, Maryland, and New Jersey also sent in letters supporting the closure. The one letter opposing the closure was written on behalf of two Virginia conch processing companies. It stated that a closed area in addition to the other measures in the Commission's ISFMP for horseshoe crabs is not scientifically justified. The commenter felt that the closed area will force the harvest of horseshoe crabs from more offshore areas to more nearshore areas where female horseshoe crabs tend to be more prominent, which would be detrimental to the protection of the stock.

NMFS feels the closed area is a risk-averse (i.e., minimizes the risk to the horseshoe crab resource) measure that is based on the best available scientific

information and designed to protect the horseshoe crabs in the Delaware Bay area. Furthermore, the closed area, in conjunction with current state laws including the Atlantic coast states' implementation of their quotas in Addendum 1, is part of a comprehensive management program that will control fishing effort on horseshoe crabs in nearshore areas and the EEZ off Delaware Bay. Addendum 1 is adequate to protect horseshoe crabs because it will reduce fishing effort on both male and female horseshoe crabs by protecting them when they are concentrated in the closed area and by reducing state quotas.

**The Need for a Closed Area Off Delaware Bay**

Under Addendum 1, Atlantic coast states have recently implemented measures to control the harvest of horseshoe crabs as bait. As a result, more fishing for horseshoe crabs is taking place in the EEZ, particularly in the mid-Atlantic area. Therefore, efforts to support the Commission's management plan and provide adequate conservation measures for horseshoe crabs by implementing compatible management measures in the EEZ are a very important part of the coastwide management program for horseshoe crab.

Addendum 1 manages horseshoe crabs as a coastwide stock from Maine through Florida, but pays particular attention to protecting the localized Delaware Bay population of horseshoe crabs by recommending a closed area to horseshoe crab fishing in the EEZ encompassing a 30-nm radius off the mouth of Delaware Bay. Since there are no Federal laws restricting harvest for horseshoe crab in EEZ waters adjoining Delaware Bay, horseshoe crabs in the Delaware Bay area can be legally caught in the EEZ, and landed in other states that have less strict conservation measures for horseshoe crabs than the Delaware Bay states. Under current state laws, all Atlantic coast states monitor and manage fishing for horseshoe crabs in state waters. The states of New Jersey, Delaware, and Maryland have implemented especially strong conservation measures to protect horseshoe crabs in the Delaware Bay area, such as restricting the types of gear used, number of vessels that can harvest horseshoe crabs, and the amounts of horseshoe crabs that can be harvested from their waters. While some fishing may be allowed in state waters near the mouth of Delaware Bay, it is very closely controlled by state regulations. However, adjoining EEZ waters have no Federal restrictions on horseshoe crab harvest.

This special concern for horseshoe crabs in the Delaware Bay area arises because the Delaware Bay area is the epicenter of abundance for the Atlantic coast horseshoe crab stock and concentrated fishing effort in the EEZ near the mouth of Delaware Bay could deplete the horseshoe crab population in the Delaware Bay area. Maintaining the abundance of horseshoe crabs in the Delaware Bay is important because migratory shorebirds stop in the Delaware Bay area where they depend on horseshoe crab eggs as an important food source at a critical time during their migrations. Also, the Delaware Bay area supports horseshoe crab fisheries that harvest horseshoe crabs for whelk and eel bait, and for medical use. The increased landings of horseshoe crabs from the EEZ has caused concern for the ability of the mid-Atlantic horseshoe crab population to continue to provide enough eggs for migratory shorebird needs as well as maintaining a sustainable fisheries over the long term. The proposed closed area will give added protection to the localized population of horseshoe crabs that tend to concentrate near the mouth of the Delaware Bay. Horseshoe crabs have been found as far as 35 nm from shore. They tend to concentrate nearshore in the spring and move further offshore into deeper water in the fall and winter. The proposed closed area is known to have high concentrations of horseshoe crabs and is large enough to protect horseshoe crabs in the shallow and deeper waters adjacent to Delaware Bay as they move inshore and offshore throughout the year. The proposed closed area will serve as an integral part of the comprehensive State/Federal management program detailed in Addendum 1.

In addition to this proposed rule, NMFS intends to propose, under a separate rulemaking, a rule to establish reporting and permitting requirements, and prohibit transfers at sea of horseshoe crabs by federally permitted vessels, as recommended to NMFS by the Commission.

Additional background for the proposed rule for the closed area is available and contained in a EA/RIR/IRFA prepared by NMFS (see **ADDRESSES**).

**Changes from ANPR**

The following are minor adjustments to the closed area's latitude and longitude readings identified in the ANPR:

39°15.0'N. lat., has been changed to 39°14.6'N. lat.; 74°32.66'W. long., has been changed to 74°30.9'W. long.; 74°22.0'W. long., has been changed to 74°22.5'W. long.; and 75°35.46'W. long., has been changed to 75°00.4'W. long.

**Classification**

NMFS prepared an initial regulatory flexibility analysis (IRFA) that describes the impact this proposed rule, if adopted, would have on small entities. A summary of the IRFA is as follows:

This proposed rule is published under the authority of section 803 of the ACFCMA. The purpose of the proposed rule is to improve cooperative management for the Atlantic coast horseshoe crab (*Limulus polyphemus*) and to provide protection to the Delaware Bay population of horseshoe crabs to support conservation of the resource and help assure an adequate supply of horseshoe crab eggs for migrating shorebirds as well as an adequate supply of horseshoe crabs for bait and medical purposes over time. The need for the closed area is explained in the preamble to this proposed rule and is not repeated here. The proposed rule is estimated to affect 18 fishing vessels, all of which are small businesses; effects on them are expected to be minor. Of these 18 vessels, 8 target horseshoe crabs directly and 10 land horseshoe crabs caught incidentally while targeting other species. This proposed rule may also affect vessels that fish for whelks and other species on the same trip in the closed area. However, it is unknown whether any vessels make such trips in the closed area and, if so, how many. NMFS requests comments on this issue.

There is an application requirement for persons or vessels seeking to obtain an exempted fishing permit under 50 CFR sections 697.22 and 600.745. No special skills are required to complete the application for an exempted fishing permit. The response time to complete the application is estimated to be 1 hour per vessel. No other Federal rules duplicate or conflict with the proposed action. Six alternatives were examined counting the proposed action. They were: Alternative 1: no action; Alternative 2: a closed area using a radius of 30 nm, prohibition on possession of horseshoe crabs; Alternative 3: a closed area using a radius of 30 nm, limited possession of horseshoe crabs by whelk fishermen allowed; Alternative 4: a closed area using a radius of 15 nm, prohibition on possession of horseshoe crabs; Alternative 5: a closed area using a radius of 15 nm, limited possession of horseshoe crabs by whelk fishermen; and Alternative 6: a closed area using a

radius of 60 nm, limited possession of horseshoe crabs by whelk fishermen.

The preferred alternative would close an area encompassing a 30-nm radius off the mouth of Delaware Bay to horseshoe crab fishing, and allow limited possession of horseshoe crabs in the closed area by whelk vessels. Of the 18 vessels affected, 8 direct effort on horseshoe crabs, and 10 harvest and sell horseshoe crabs that were caught incidently while directing effort on other species. The reduction in annual total revenue for the 8 vessels that conduct directed fishing trips is likely to be much lower than the $694,650, which is the total 1998 EEZ horseshoe crab combined dockside landings for Maryland, Delaware, and Virginia). Since these vessels would be able to continue to fish for horseshoe crabs in adjoining areas, NMFS assumes they would do so with a reduction in efficiency because the density of horseshoe crabs decreases as you move further away from the mouth of Delaware Bay. For the purpose of our analysis, we assumed that efficiency is reduced by 10 percent, which is likely since NMFS trawl surveys show horseshoe crabs to be less dense in areas outside the closed areas. A corresponding 10-percent reduction in landings value would be about $69,465. The reduction in annual revenue for the 10 vessels that incidently harvest horseshoe crabs is expected to be less than $3,000 per vessel or about $30,000.

Analysis for the non-preferred alternatives as compared to the preferred alterative is as follows:

The no action alternative would not reduce revenue to any vessels in the short term, but may reduce future ex-vessel revenues if taking no action results in a decline in the horseshoe crab resource off Delaware Bay. Alternative 2 to close an area encompassing a 30-nm radius off of mouth of Delaware Bay to horseshoe crab fishing and to prohibit possession of horseshoe crabs would affect the same number of vessels that harvest horseshoe crabs by either directed effort or incidental catch and have the same associated revenue reduction for those vessels as the preferred Alternative 3 ($30,000 for the 10 vessels that have incidental harvest, and less than $69,465 for the 8 vessels that make directed horseshoe crab trips). Also, under Alternative 2 all whelk vessels that fish in the proposed area and use horseshoe crabs for bait would be affected. Under Alternative 3, they could continue to fish for whelks with horseshoe crabs. It is not known how many whelk vessels fish in the proposed area but it is assumed that some whelk vessels would have to use alternate baits or search for other fishing areas under Alternative 2. Therefore, revenue would be reduced for some of the whelk fishing fleet. Alternative 4 to close an area encompassing a radius of 15 nm and prohibit possession of horseshoe crabs would have lower economic impacts on vessels that harvest horseshoe crabs than the preferred Alternative 3 because the area is smaller. However, impacts on whelk fishermen under Alternative 4 may be greater than those on whelk fishermen under Alternative 3 because whelk fishermen would have to travel around the Alternative 4 closed area if they have horseshoe crabs on board. Under Alternative 4, as in Alternative 2, whelk vessels would be prevented from using horseshoe crabs as bait in the closed area. For Alternative 5 to close an area using a radius of 15 nm with limited possession of horseshoe crabs, economic impacts are expected to be similar to or slightly lower than those for the preferred Alternative 3 because the closed area is smaller than under the preferred alternative. For Alternative 6 to close an area using a radius of 60 nm while allowing limited possession of horseshoe crabs, economic impacts are expected to be similar but more than those for the preferred alternative, because the closed area is larger than the preferred alternative. A copy of the IRFA is available from NMFS (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule contains a collection-of-information requirement subject to the PRA. That collection of information requirement is for persons or vessels requesting an exempted fishing permit subject to § 697.22 and § 600.745 to complete and submit an application. The response time to complete the application is estimated to be 1 hour per vessel. The collection of this information has been approved by the OMB under OMB Control Number 0648-0309. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

This proposed rule has been determined to be significant for purposes of Executive Order 12866.

**List of Subjects in 50 CFR Part 697**

Fisheries, Fishing.

Dated: October 10, 2000.

**William T. Hogarth,**

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

For the reasons set out in the preamble, 50 CFR chapter VI, part 697, is proposed to be amended as follows:

## PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

1. The authority citation for part 697 is revised to read as follows:

**Authority:** 16 U.S.C. 5101 *et seq.*

2. In § 697.2, the definitions for ''Whelk'' and ''Whelk trap'' are added alphabetically to read as follows:

### § 697.2 Definitions.

* * * * *

*Whelk* means *Busycon* sp.

*Whelk trap* means any structure or device, other than a net or a dredge, that is placed or designed to be placed on the ocean bottom, is designed for or is capable of catching whelks, and has an unobstructed opening on its top of not less than eight inches (20.3 cm) square or nine inches (22.9 cm) in diameter through which whelks may pass.

* * * * *

3. Section 697.7, paragraphs (e) (3) through (5) are added to read as follows:

### § 697.7 Prohibitions.

* * * * *

(e) * * *

(3) Fish for horseshoe crabs in the Carl N. Shuster Jr., Horseshoe Crab Reserve described in § 697.23(f)(1).

(4) Possess any horseshoe crabs in the area described in § 697.23(f)(1), except as allowed by § 697.23(f)(2).

(5) Fail to return immediately to the water horseshoe crabs caught in the area described in § 697.23(f)(1).

4. Section 697.22 is revised to read as follows:

### § 697.22 Exempted fishing.

The Regional Administrator may exempt any person or vessel from the requirements of this part for the conduct of exempted fishing beneficial to the management of the American lobster, weakfish, Atlantic striped bass, Atlantic sturgeon, or horseshoe crab, resource or fishery pursuant to the provisions of § 600.745 of this chapter.

(a) The Regional Administrator may not grant such exemption unless it is determined that the purpose, design, and administration of the exemption is consistent with the objectives of any applicable stock rebuilding program, the provisions of the ACFCMA, the Magnuson-Stevens Act, and other applicable law, and that granting the exemption will not:

(1) Have a detrimental effect on the American lobster, Atlantic striped bass, weakfish, Atlantic sturgeon, or horseshoe crab resource or fishery; or

(2) Create significant enforcement problems.

(b) Each vessel participating in any exempted fishing activity is subject to all provisions of this part, except those explicitly relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Administrator to each vessel participating in the exempted activity. This letter must be carried aboard the vessel seeking the benefit of such exemption. Exempted fishing activity shall be authorized pursuant to and consistent with § 600.745 of this chapter.

5. Section 697.23, paragraph (f) is added to read as follows:

**§ 697.23 Restricted gear areas.**

* * * * *

(f) Carl N. Schuster Jr., Horseshoe Crab Reserve— (1) No fishing vessel or person on a fishing vessel may fish for or possess horseshoe crabs in the area known as the Carl N. Shuster Jr., Horseshoe Crab Reserve bounded as follows:

(i) On the north by a straight line connecting points 39°14.6'N. lat., 74°30.9'W. long. (3 nm off of Peck Beach, NJ) and 39°14.6'N lat., 74°22.5'W. long.

(ii) On the east by a straight line connecting points 39°14.6'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 74°22.5'W. long.

(iii) On the south side by a straight line connecting points 38°22.0'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 75°00.4'W. long. (3 nm off of Ocean City, MD).

(iv) On the west by state waters.

(2) Paragraph (f)(1) of this section does not apply to fishing vessels or persons on fishing vessels fishing with whelk traps or with whelk traps on board, provided that no other commercial fishing gear aside from whelk traps is on board or is being used.

(3) Horseshoe crabs caught in the area described in paragraph (f)(1) of this section must be returned immediately to the water.

[FR Doc. 00–26498 Filed 10–11–00; 4:11 pm]

BILLING CODE 3510–22–S

# Notices

Federal Register
Vol. 65, No. 200
Monday, October 16, 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.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

### Notice of Public Information Collection Requirements Submitted to OMB for Review

**SUMMARY:** U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503. Copies of submission may be obtained by calling (202) 712–1365.

**SUPPLEMENTARY INFORMATION:**

*OMB Number:* OMB 0412–0536.

*Form Number:* AID 1420–62.

*Title:* AID Contractor Employee Physical Examination Form.

*Type of Submission:* Renewal of Information Collection.

*Purpose:* When USAID hires contractor personnel for overseas assignments, the contractors are required to obtain a physician's certification that they are physically qualified to engage in the type of activity for which they will be employed. Physicians who do not regularly deal with patients going to lesser-developed countries do not appreciate the difficulties of providing even the most basic medical services in many such areas. This form requests the minimum information needed in order to make a determination as to whether or not the individual should travel to the post in question. The State Department's Office of Medical Services (M/MED) reviews the form prior to departure to insure the Mission or Embassy medical facility can meet special medical needs of the contractor. Thus the need for future medical evacuations would be reduced, since M/MED would find most existing medical problems that could not be dealt with locally and the individual would then most likely be denied approval to post.

*Annual Reporting burden:*

*Respondents:* 3,300.

*Total annual responses:* 3,300.

*Total annual hours requested:* 13,200 hours.

Dated: October 4, 2000.

**Joanne Paskar,**

*Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.*

[FR Doc. 00–26421 Filed 10–13–00; 8:45 am]

**BILLING CODE 6116–01–M**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

### Rural Business-Cooperative Service

### Rural Utilities Service

### Farm Service Agency

### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCY:** Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS), Rural Utilities Service (RUS), and Farm Service Agency (FSA), USDA.

**ACTION:** Proposed collection; Comments requested.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the Real Estate Title Clearance and Loan Closing regulation.

**DATES:** Comments on this notice must be received by December 15, 2000 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Carolyn L. Bell, Senior Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Avenue, SW., Washington, DC 20250–0783. Telephone (202) 720–1532.

**SUPPLEMENTARY INFORMATION:**

*Title:* 7 CFR 1927–B, Real Estate Title Clearance and Loan Closing.

*OMB Number:* 0575–0147.

*Expiration Date of Approval:* November 30, 2000.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* Section 501 of Title V of the Housing Act of 1949, as amended, authorizes the Secretary of Agriculture to extend financial assistance to construct, improve, alter, repair, replace or rehabilitate dwellings, farm buildings and/or related facilities to provide decent, safe, and sanitary living conditions and adequate farm buildings and other structures in rural areas. Title Clearance is required to assure the Agency(s) that the loan is legally secured and has the required lien priority.

The Agency will be collecting information to assure that those participating in this program remain eligible to proceed with loan closing and to ensure that loans made with Federal funds are legally secured. The respondents are individuals or households, farms, businesses, and nonprofit institutions. The information required is used by Agency personnel to verify that the required lien position has been obtained. The information is collected at the field office responsible for processing a loan application through loan closing. The information is also used to insure the program is administered in a manner consistent with legislative and administrative requirements. If not collected, the Agency would be unable to determine if the loan is adequately and legally secured.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .23 hours per response.

*Respondents:* Individuals or households, farms, business, non-profit institutions.

*Estimated Number of Respondents:* 32,000.

*Estimated Number of Responses per Respondent:* 5.38.

*Estimated Number of Responses:* 172,000.

*Estimated Total Annual Burden on Respondents:* 39,466 hours.

Copies of this information collection can be obtained from Tracy Gillin, Regulations and Paperwork Management Branch, at (202) 692–0039.

**Comments**

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information 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.

Comments may be sent to Tracy Gillin, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. 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: October 4, 2000.

**Jill Long Thompson,**

*Under Secretary, Rural Development.*

Dated: October 5, 2000.

**Thomas I. Grau,**

*Acting Under Secretary, Farm and Foreign Agricultural Services.*

[FR Doc. 00–26414 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–XV–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Oregon Coast Provincial Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Oregon Coast Provincial Advisory Committee (PAC) will meet at the Florence Convention & Performing Arts Center, at 715 Quince Street, Florence, OR, on October 26, 2000. The meeting will begin at 9 a.m. and end at 4 p.m. The agenda will include 303–D Listed Streams, public comments, and round-robin information sharing. Two fifteen-minute open public forums are scheduled at 11:30 a.m. and 3:45 p.m. Interested citizens are encouraged to attend. The committee welcomes the publics' written comments on committee business at any time.

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

Dated: October 3, 2000.

**Y. Robert Iwamoto,**

*Acting Forest Supervisor.*

[FR Doc. 00–26468 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

### Elk Mound Combustion Turbine Project, Notice of Finding of No Significant Impact

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

**ACTION:** Notice of finding of no significant impact.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR part 1794), has made a finding of No Significant Impact (FONSI) with respect to a project proposed by Dairyland Power Cooperative (DPC) of La Crosse, Wisconsin. The proposed project will have a total of two combustion turbine units. Each turbine unit will have a maximum rating of 49 MW. DPC proposes to construct the facility in Wheaton Township in Chippewa County, Wisconsin. The site is located adjacent to DPC's Elk Mound Substation, which is located north of Highway 29. The primary purpose of the facility is to meet DPC's peak electrical load. The facility will require approximately 5 acres of land. However, DPC wants to purchase up to 60 acres in order to provide sufficient construction lay-down area and to maintain an appropriate distance between the facility and its neighbors. The primary fuel for the facility will be natural gas that will be obtained from the Viking Gas Transmission Company pipeline that is located approximately 2.2 miles north of the plant site. A 6-inch lateral pipeline will connect the Viking pipeline with the plant site. No new electric transmission lines will be required.

RUS has concluded that the impacts from the proposed project would not be significant and that the proposed action is not a major federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary.

**FOR FURTHER INFORMATION CONTACT:** Nurul Islam, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone: (202) 720–1414. His e-mail address is nislam@rus.usda.gov. Information is also available from Mr. George L. Johnston, Senior Environmental Biologist, DPC, 3200 East Avenue South, La Crosse, Wisconsin 54601, telephone (608) 787–1322, FAX: (608) 787–1241. His e-mail address is: glj@dairynet.com.

**SUPPLEMENTARY INFORMATION:** RUS, in accordance with its environmental policies and procedures, required that DPC prepare an Environmental Analysis (EVAL) reflecting the potential impacts of the proposed facilities. The EVAL, which includes input from federal, state, and local agencies, has been reviewed and accepted as RUS' Environmental Assessment (EA) for the project in accordance with § 1794.41. RUS and DPC published notices of the availability of the EA and solicit public comments per § 1794.42. No responses were received from the public or any agencies and also no objections were raised to the project. Based on the EA, RUS has concluded that the proposed action will not have a significant effect to various resources, including important farmland, floodplains, wetlands, cultural resources, threatened and endangered species and their critical habitat, air and water quality, and noise. RUS has also determined that there would be no negative impacts of the proposed project on minority communities and low-income communities as a result of the construction of the project.

Copies of the EA and FONSI can be reviewed at the headquarters of DPC and RUS, at the addresses provided above in this notice.

Dated: October 10, 2000.

**George J. Bagnall,**

*Acting Assistant Administrator, Electric Program.*

[FR Doc. 00–26459 Filed 10–13–00; 8:45 am]

BILLING CODE 3410–15–P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A–428–827]**

## Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings From Germany

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

**EFFECTIVE DATE:** October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Carrie Blozy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0165.

### 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 Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (April 1999).

### Final Determination

We determine that stainless steel butt-weld pipe fittings from Germany are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Continuation of Suspension of Liquidation'' section of this notice.

### Case History

The preliminary determination in this investigation was published on August 2, 2000. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings from Germany,* 65 FR 47384 (August 2, 2000) (''*Preliminary Determination*''). No interested parties have provided comments on the *Preliminary Determination* and no request for a hearing has been received by the Department.

### Period of Investigation

The period of investigation is October 1, 1998 through September 30, 1999.

### Scope of Investigation

For purposes of this investigation, the product covered is certain stainless steel butt-weld pipe fittings. Certain stainless steel butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and ''commodity'' and ''specialty'' fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The fittings subject to this investigation are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (*e.g.,* DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Pipe fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by this investigation.

This investigation does not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The stainless steel butt-weld pipe fittings subject to this investigation are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

### Facts Available

In the *Preliminary Determination,* the Department based the margins for Hage Fittings GmbH (''Hage Fittings'') and Nirobo Metalverarbeitungs GmbH (''Nirobo Metalverarbeitungs'') on facts otherwise available under sections 776(a)(2)(A) and (C) of the Act because Hage Fittings and Nirobo Metalverarbeitungs failed to respond to our questionnaires, thus significantly impeding the investigation, and because subsection 782(d) of the Act therefore did not apply. *See Preliminary Determination* at 65 FR 47385. Also, in the *Preliminary Determination,* the Department based the margin for Wilh. Schulz GmbH (''Schulz'') on facts otherwise available under sections 776(a)(2)(A) and (C) of the Act because the Department had no data on the record for Schulz upon which to base its margin calculation since the Department returned all of Schulz's business proprietary information at Schulz's request. *Id.*

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may employ adverse inferences when an interested party has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See* also ''Statement of Administrative Action'' accompanying the URAA, H.R. Rep. No. 103–316, 870 (1994) (''SAA''). Based on the failure of Hage Fittings and Nirobo Metalverarbeitungs to respond to the Department's antidumping questionnaire and Schulz's subsequent withdrawal of its business proprietary data, we have determined that Hage Fittings, Nirobo Metalverarbeitungs, and Schulz have not acted to the best of their ability to comply with the Department's information requests.

Therefore, pursuant to 776(b) of the Act, we used an adverse inference in selecting a margin from the facts available. As adverse facts available, the Department has applied a margin of 76.24 percent, the highest margin alleged in the petition. As discussed in the *Preliminary Determination,* the Department has, to the extent practicable, corroborated the information used as adverse facts available. *Id.,* at 65 FR 47385–86. Since then, no interested parties have provided comments on the *Preliminary Determination* and no request for a hearing has been received by the Department. Therefore, we are continuing to use as adverse facts available the highest margin alleged by petitioners.

### Critical Circumstances

No comments were received regarding the Department's preliminary critical circumstances determination, and the Department has not made any changes to this determination. For the reasons given in the *Preliminary Determination,* the Department continues to find that critical circumstances exist with respect to stainless steel butt-weld pipe fittings imported from Hage Fittings, Nirobo Metalverarbeitungs, and Schulz, in accordance with section 733(e)(1) of the Act. *Id.,* at 65 FR 47386. As set forth in our *Preliminary Determination,* because the massive imports criterion necessary to find critical circumstances has not been met with respect to firms other than Hage Fittings, Nirobo Metalverarbeitungs, and Schulz, the Department continues to find, for the purposes of this final determination, that critical circumstances do not exist for imports of stainless steel butt-weld pipe fittings for the ''all others'' category in this case.

### The All-Others Rate

No interested parties have filed case briefs or rebuttal briefs on this issue.

Accordingly, the Department is continuing to base the all-others rate on a weighted-average of all the margins alleged in the petition. As a result, the all-others rate is 51.34 percent.

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act for Hage Fittings, Nirobo Metalverarbeitungs and Schulz we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise from Germany that are entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior date of publication of the *Preliminary Determination* in the **Federal Register**. For all other companies, we are directing the Customs Service to continue suspend liquidation of entries of subject merchandise from Germany that are entered, or withdrawn from warehouse, for consumption on or after August 2, 2000 (the date of publication of the *Preliminary Determination* in the **Federal Register**). We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the U.S. price, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

| Exporter/manufacturer | Weighted-average margin (percent) |
|---|---|
| Hage Fittings | 76.24 |
| Nirobo Metalverarbeitungs | 76.24 |
| Schulz | 76.24 |
| All Others | 51.34 |

**ITC Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: October 10, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00–26520 Filed 10–13–00; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–580–810, A–583–815]**

### Continuation of Antidumping Duty Orders: Certain Welded Stainless Steel Pipe from South Korea and Taiwan

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

**ACTION:** Notice of Continuation of Antidumping Duty Orders: Certain Welded Stainless Steel Pipe from South Korea and Taiwan.

**SUMMARY:** On February 4, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan is likely to lead to continuation or recurrence of dumping. See 65 FR 5607 (February 4, 2000).

On October 2, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See 65 FR 58806 (October 2, 2000). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of continuation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan.

**EFFECTIVE DATE:** *Effective Date of Continuation:* October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 1, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 35588 and 64 FR 35694) of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan pursuant to section 751(c) of the Act. As a result of its reviews, the Department found on February 4, 2000, that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the orders revoked. See 65 FR 5607 (February 4, 2000).

On October 2, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Certain Welded Stainless Steel Pipe from Korea and Taiwan, 65 FR 58806 (October 2, 2000) and USITC Publication 3351, Investigation Nos. 731–TA–540 and 541 (Review) (October 2000).

**Scope of the Orders**

The merchandise subject to these orders are certain welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (''ASTM'') for the welded form of chromium-nickel pipe designated ASTM A–312. The merchandise covered by the scope of these orders also includes austenitic welded stainless steel made according to the standards of other nations which are comparable to ASTM A–312. Pipes are produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. Pipes are a commodity product generally used as a conduit to transmit liquids or gases. Major applications for pipes include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper process machines. Imports are currently classifiable under the following Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings:

7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5065, and 7306.40.5085. Although these subheadings include both pipes and tubes, the scope of these orders is limited to welded austenitic stainless steel. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of these orders are dispositive.

**Determination**

As a result of the determination by the Department and the Commission that revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1), the Department hereby orders the continuation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan. The Department will instruct the Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice. Pursuant to section 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of the orders on certain welded stainless steel pipe from South Korea and Taiwan not later than September 2005.

Dated: October 10, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00–26519 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–DS–M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On September 22, 2000, Whirlpool Corporation and Inglis Limited filed a First Request for Panel Review with the Canadian Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final injury determination made by the Canadian International Trade Tribunal, respecting Certain Refrigerators, Dishwashers and Dryers, Originating in or Exported from the United States of America and Produced by, or on Behalf of, White Consolidated Industries, Inc. and Whirlpool Corporation, their Respective Affiliates, Successors and Assigns. This determination was published in the *Canada Gazette,* Part I, (Vol. 134, No. 35, pp. 2694) on August 26, 2000. The NAFTA Secretariat has assigned Case Number CDA–USA–00–1904–04 to this request.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482–5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Canadian Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on September 22, 2000, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 23, 2000);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 06, 2000); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: September 26, 2000.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 00–26415 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–GT–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 101000D]**

### Raised Footrope Whiting Trawl Exemption Requests and Notifications

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 15, 2000.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Peter Christopher, NMFS, 1 Blackburn Drive, Gloucester, MA 01930 (phone 978-281-9288).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Massachusetts Division of Marine Fisheries has been conducting an experimental fishery, referred to as the Raised Footrope Whiting Trawl Experimental Fishery (Raised Footrope Experiment), to allow trawlers to target whiting, red hake, dogfish and other small mesh species using a raised footrope trawl. The experiment was designed to assess the effectiveness of a raised footrope small mesh otter trawl in reducing bycatch of regulated multispecies. Framework Adjustment 35 to the Multispecies Fishery Management Plan made the Raised Footrope Experiment a multispecies exempted fishery. The collection-of-information requirements are: (1) a request for a certificate to fish in the Raised Footrope Whiting Trawl Exemption, and (2) a notification of intention to withdraw from the Raised Footrope Whiting Trawl Exemption. Requests for a certificate identify the person, the vessel name, the permit number, and how long he/she intends to fish in the exemption area (no less than 7 days but not more than 4 months). These collection-of-information requirements were approved by OMB under emergency procedures for 6 months; NOAA is soliciting comments on its intent to request a 3-year Paperwork Reduction Act approval for the requirements.

**II. Method of Collection**

Requests and notifications are made by telephone.

**III. Data**

*OMB Number*: 0648-0422.
*Form Number*: None.
*Type of Review*: Regular submission.
*Affected Public*: Business and other for-profit (commercial fishermen) organizations.
*Estimated Number of Respondents*: 288.
*Estimated Time Per Response*: 2 minutes.
*Estimated Total Annual Burden Hours*: 230 hours.
*Estimated Total Annual Cost to Public*: $27.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 6, 2000.

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of the Chief Information Officer.*

FR Doc. 00–26406 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 101000A]**

## Foreign Fishing Reporting Requirements

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed collection; comment request.

**SUMMARY:**

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 15, 2000.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Bob Dickinson, Office of Sustainable Fisheries, International Fisheries Division, 1315 East West Highway, Silver Spring, Maryland 20910, (301-713-2276).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

Foreign fishing activities can be authorized under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Collection of information from permitted foreign vessels is necessary to monitor their activities and whereabouts in U.S. waters. Reports are also necessary to monitor the amounts of fish, if any, such vessels receive from U.S. vessels in joint venture operations, wherein U.S. vessels catch and transfer at-sea to permitted foreign vessels certain species for which U.S. demand is low relative to the abundance of the species.

**II. Method of Collection**

Activity reports are made by radio when fishing begins or ceases, to report on the transfers of fish, and to file weekly reports on the catch and receipt of fish. Foreign vessels are also subject to recordkeeping requirements. These include a communications log, a transfer log, a daily fishing log, a consolidated fishing or joint venture log, and a daily joint venture log. These records must be maintained for three years.

**III. Data**

*OMB Number*: 0648-0075.
*Form Number*: None.
*Type of Review*: Regular submission.
*Affected Public*: Business and other for-profit organizations.
*Estimated Number of Respondents*: 25.
*Estimated Time Per Response*: 6 minutes for radio reports, 30 minutes per day for recordkeeping by a fishing vessel, and 7.5 minutes per day for recordkeeping by transport vessels.
*Estimated Total Annual Burden Hours*: 425.
*Estimated Total Annual Cost to Public*: $500.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 6, 2000.

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of the Chief Information Officer.*

FR Doc. 00–26408 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### National Estuarine Research Reserve System

**AGENCY:** Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**ACTION:** Notice of approval and availability of revision to the Final Revised Management Plan for the Old Woman Creek National Estuarine Research Reserve, 2000–2005.

**SUMMARY:** Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, has approved the revised Management Plan for the Old Woman Creek National Estuarine Research Reserve (OWCNERR). The OWCNERR was designated in 1980 and has been operating under a Management Plan approved in 1983. Pursuant to section 315 of the Coastal Zone Management Act, 16 U.S.C. 1461, and section 921.33(c) of the implementing regulations, a state must revise its management plan at least every five years, or more often if necessary. This revision is Ohio's effort to comply with this requirement.

**FOR FURTHER INFORMATION CONTACT:** Nathalie Peter, OCRM, Estuarine Reserves Division, 1305 East-West Highway, 11th Floor (N/ORM5), Silver Spring, Maryland 20910. (301) 713–3155, Extension 119.

**SUPPLEMENTARY INFORMATION:** The Management Plan contains the program mission, goals and objectives of the OWCNERR and State Natural Preserve, and establishes policies that will protect the natural resources and ecological integrity of the reserve. It provides guidance for administration of the reserve's operation, management, research, education and public outreach for the next five years.

The Management Plan also describes the necessary elements of site ecological management: (1) To identify key natural resources; (2) to determine the appropriate level of human use for the sites and these resources; and (3) to foster their long-term protection.

The chief areas of concentration for the OWCNERR in the next five years are as follows:

1. Refining the OWCNERR Program, particularly in the areas of research and monitoring.

2. Encouraging community stewardship of the estuary, watershed and near-shore Lake Erie coast through an expanded outreach program.

3. Protecting the core estuaries area, through buffer land acquisition, conservation easements or cooperative agreements.

4. Improving the transfer of estuarine information between reserve programs (*i.e.* research, monitoring, education, and resource management) and external groups (*e.g.* local neighbors, regional decision-makers in the scientific, governmental and educational communities).

Copies of the document can be obtained from the Old Woman Creek National Estuarine Research Reserve, Department of Natural Resources, 2514 Cleveland Road, Huron, Ohio 44839. (419) 433–4601.

Dated: October 4, 2000.

**Captain Ted Lillestolen,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 00–26449 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[Docket No. 000616180–0269–02]**

**RIN 0648**

### NOAA Climate and Global Change Program, Program Announcement

**AGENCY:** Office of Global Programs (OGP), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Revisions to the Notice from NOAA Climate and Global Change Program, CLIVAR Element, FOR FY 2001; invitation to submit proposals.

**SUMMARY:** NOAA amends the notice published in the **Federal Register** on August 25, 2000, regarding the NOAA Climate and Global Change Program to change the dates for receipt of Letters of Intent and Full Proposals (see **DATES**). NOAA also invites the submission of proposals.

**DATES:** Letters of Intent must be received no later than November 13, 2000, with full proposals postmarked on or before January 26, 2001.

**ADDRESSES:** Proposals should be sent to Office of Global Programs, National Oceanic and Atmospheric Administration, 1100 Wayne Avenue, Suite 1201, Silver Spring, MD 20910–5603.

**FOR FURTHER INFORMATION CONTACT:** Irma duPree at the above address or at phone: (301) 427–2089 ext 107, Internet: irma.dupree@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The NOAA Office of Global Programs published a notice describing the Climate and Global Change Program, and funding area descriptions on August 25, 2000. (65 FR 51799.) The program description, evaluation criteria, selection process, background and requirements, as well as guidelines for applications are in that notice and are not repeated here. The Office hereby revises the dates for the submission of the LOI and full proposals (See **DATES**). The office invites the submission of proposals for CLIVAR.

**Program authority:** 49 U.S.C. 44720 (b); 33 U.S.C. 883D; 15 U.S.C. 2904; 15 U.S.C. 2931 *et seq.;* (CFDA No. 11.431)—Climate and Atmospheric Research.

Dated: October 10, 2000.

**David L. Evans,**

*Assistant Administrator, OAR.*

[FR Doc. 00–26463 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–KB–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 091400B]**

### Taking and Importing of Marine Mammals

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

**ACTION:** Notice of embargo for Spain.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) issued an embargo for the Government of Spain under the Marine Mammal Protection Act (MMPA) on October 6, 2000. This embargoes the importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999, by Spanish-flag purse seine vessels or vessels operating

under Spanish jurisdiction and all other yellowfin tuna harvested by purse seine in the ETP exported from Spain. This embargo determination was made after considering documentary evidence submitted by the Government of Spain and obtained from the Inter-American Tropical Tuna Commission (IATTC). This embargo remains in effect until further notice.

**DATES:** Effective October 6, 2000.

**ADDRESSES:** Copies of this notice may be obtained by writing to Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Regional Administrator; Phone 562-980-4000; Fax 562-980-4018.

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the International Dolphin Conservation Program Act (IDCPA) (Pub. L. 105-42), allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, by the International Dolphin Conservation Program (IDCP), the IATTC, and/or the Department of State. An affirmative finding will remain valid for 1 year (generally April 1 through March 31) or for such other period as the Assistant Administrator may determine. The harvesting nation must submit an application directly to the Assistant Administrator for the first affirmative finding. The Assistant Administrator may require the submission of additional supporting documentation or verification of statements made in connection with requests to allow importations. An affirmative finding applies to tuna and tuna products that were harvested in the ETP by purse seine vessels of the nation, and applies to any yellowfin tuna harvested in the ETP purse seine fishery after March 3, 1999, the effective date of the IDCPA.

The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the IDCP. To issue an annual affirmative finding NMFS must receive the following information:

1. A statement requesting an affirmative finding;

2. Evidence of membership in the IATTC;

3. Evidence that a nation is meeting its obligations to the IATTC, including financial obligations;

4. Evidence that a nation is complying with the IDCP. For example, national laws or regulations implementing the Agreement on the IDCP and information that the nation is enforcing those laws and regulations;

5. Evidence of a tuna tracking and verification program comparable to the U.S. tracking and verification regulations at 50 CFR 216.94;

6. Evidence that the national fleet dolphin mortality limits (DMLs) were not exceeded in the previous calendar year;

7. Evidence that the national fleet per-stock per-year mortality limits, if they are allocated to countries, were not exceeded in the previous calendar year;

8. Authorization for the IATTC to release to the Assistant Administrator complete, accurate and timely information necessary to verify and inspect Tuna Tracking Forms; and

9. Authorization for the IATTC to release to the Assistant Administrator information demonstrating whether the nation is meeting its obligations of membership to the IATTC and whether the nation is meeting its obligations under the IDCP including managing (not exceeding) its national fleet DMLs or its national fleet per-stock per-year mortality limits. A nation may opt to provide this information directly to NMFS on an annual basis or to authorize the IATTC to release the information to NMFS in years when NMFS will review and consider whether to issue an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f)(9) are no longer being met or that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the IDCP. Every 5 years, the Government of the harvesting nation, must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator.

The Assistant Administrator reviewed the application and documentary evidence submitted by the Government of Spain and determined that the requirements under the MMPA to receive an affirmative finding have not been met. On October 6, 2000, after consultation with the Department of State, NMFS issued an embargo on yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Spanish-flag purse seine vessels or vessels under Spanish jurisdiction after March 3, 1999, and all other yellowfin tuna harvested by purse seine in the ETP exported from Spain to be imported into the United States.

The Assistant Administrator may reconsider a finding upon request from, and the submission of additional information by, a harvesting nation, if the information indicates that the nation has met the requirements under 50 CFR 216.24(f)(9).

Dated: October 6, 2000.

**William T. Hogarth,**

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

[FR Doc. 00–26405 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Science Advisory Board

**AGENCY:** Office of Oceanic and Atmospheric Research, NOAA, DOC.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education, and application of science to resource management. SAB activities and advice with provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

**TIME AND DATE:** The meeting will be held Tuesday, October 31, 200, from 1 p.m. to 5 p.m., Wednesday, November 1, 2000, from 8:30 a.m. to 4:30 p.m., and Thursday, November 2, 2000, from 8 a.m to 12:30 p.m.

**PLACE:** The meeting on Tuesday, October 31 and Thursday, November 2 will be held at the DoubleTree Alana Waikiki Hotel, 1956 Ala Moana Boulevard, Honolulu, Hawaii. On Wednesday, November 1, the meeting will be held at the Hawaii Imin International Conference Center at The East-West Center, 1777 East-West Road, Honolulu, Hawaii.

**STATUS:** The meeting will be open to public participation with two 30-minute time periods set aside for direct verbal comments or questions from the public. The SAB expects that public statements

presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a vertab presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received in the SAB Executive Director's Office by October 20, 2000, in order to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after October 20 will be distributed to the SAB, but may not be reviewed prior to the meeting date. Approximately thirty (30) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come, first-served basis.

**MATTERS TO BE CONSIDERED:** The meeting will include the following topics: (1) Overview of NOAA's Hawaiian and Pacific region science and research programs, (2) Presentation and SAB discussion of the University of Hawaii Sea Level Center and the Tsunami Warning Program, (3) Discussion of the Report of the Panel on Ocean Exploration, (4) Public Input Sessions with SAB discussion, (5) Presentation and SAB discussion of aquaculture in the Hawaii region, (6) SAB Sub-Committee and Working Group Reports, (7) SAB debriefing of NOAA response to SAB recommendations to the Under Secretary, (8) Presentations and SAB discussions of University of Hawaii Joint Institute for Marine and Atmospheric Research (JIMAR) major NOAA activities and research programs, (9) Update on Implementation of the Marine Protected Area Executive Order and SAB Discussion, and (10) Status report on the Aquatic Nuisance Species Task Force and Invasive Species Council.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael Uhart, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–713–9121, Fax: 301–713–3515, E-mail: *Michael.Uhart@noaa.gov*); or visit the NOAA SAB website at *http://www.sab.noaa.gov.*

Dated: October 10, 2000.

**David L. Evans,**

*Assistant Administrator, OAR.*

[FR Doc. 00–26462 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–12–M**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Duty and Quota Free Imports of Apparel Articles Assembled From Regional and Other Fabric for Beneficiary Sub-Saharan African Countries

October 11, 2000.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Publishing the First 12-Month Cap on Duty and Quota Free Benefits.

**FOR FURTHER INFORMATION CONTACT:** Philip J. Martello, Director, Trade and Data Division, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Title I, Section 112(b)(3) of the Trade and Development Act of 2000, Presidential Proclamation 7350 of October 4, 2000 (65 FR 59321).

Title I of the Trade and Development Act of 2000 provides for duty and quota-free treatment for certain textile and apparel articles imported from designated beneficiary sub-Saharan African countries. Section 112(b)(3) of that Act provides duty and quota-free treatment for certain apparel articles assembled in beneficiary sub-Saharan African countries from fabric formed in one or more beneficiary countries. More specifically, this treatment is for apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating in the U.S. or one or more beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 and 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in one or more beneficiary country).

Moreover, this preferential treatment is also available for apparel articles wholly assembled in one or more lesser-developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric used to make such articles. This preferential treatment for lesser-developed countries applies through September 30, 2004.

This preferential tariff treatment is limited to imports of qualifying apparel articles in an amount not to exceed one and one-half percent of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available. For the purpose of this notice, the 12-month period for which data are available is the 12-month period ended July 31, 2000. In Presidential Proclamation 7350 (published in the Federal Register on October 4, 2000, 65 FR 59321), the President directs CITA to publish the aggregate quantity of imports allowed during each 12-month period, in the Federal Register.

For the one-year period, beginning on October 1, 2000, and extending through September 30, 2001, the aggregate quantity of imports eligible for preferential tariff treatment under these provisions is 246,500,393 square meter equivalents. This quantity will be recalculated for each subsequent year, under Section 112(b)(3)(A). Apparel articles entered in excess of this quantity shall be subject to otherwise applicable tariffs.

The amount is calculated using the aggregate square meter equivalents of all apparel articles imported into the United States, derived from the set of Harmonized Tariff Schedule (HTS) lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (ATC), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC.

**Richard B. Steinkamp**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc.00–26518 Filed 10–13–00; 8:45 am]

**BILLING CODE 3510–DR–F**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Domestic Advisory Panel (DAP) on Early Intervention and Education for Infants, Toddlers, Preschool Children, and Children With Disabilities

**AGENCY:** Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS)

**ACTION:** Notice.

**SUMMARY:** Pursuant to Public Law 92–463, as amended (5 U.S.C. app. II), the Federal Advisory Committee Act, notice is hereby given that a meeting of the Domestic Advisory Panel (DAP) on Early Intervention and Education for Infants, Toddlers, Preschool Children, and Children with Disabilities is scheduled to be held from 8 a.m. to 3 p.m. on November 14–15, 2000. The meeting is open to the public and will be held at the Hilton Arlington Hotel, 950 N. Stafford Street, Arlington, VA 22203. The purpose of the meeting is to: (1) review the response to the panel's recommendations from its May 2000

meeting; (2) review and comment on data and information provided by the Department of Defense Domestic Dependent Elementary and Secondary Schools; and (3) establish subcommittees as necessary. Persons desiring to attend the meeting or desiring to make oral presentations or submit written statements for consideration by the panel must contact Dr. David V. Burket at (703) 696–4354, extension 1455.

Dated: October 10, 2000.

**L.M. Bynum,**

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

[FR Doc. 00–26411 Filed 10–13–00; 8:45 am]

**BILLING CODE 5001–10–M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Meeting To Discuss Gulf War Illness Research

**AGENCY:** Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Board will conduct a three-hour public meeting to receive a presentation by the Special Assistant for Gulf War Illnesses, Medical Readiness, and Military Deployments on the transition of his office from a Gulf War Illness-focused organization to one that also includes a force health protection orientation.

**DATES:** October 27, 2000.

**ADDRESSES:** Conference Room, 1401 Wilson Boulevard, Suite 400, Arlington, VA 22209.

**FOR FURTHER INFORMATION CONTACT:** CONTACT: Sandra Robinson, Administrative Assistant, Special Oversight Board, 1401 Wilson Blvd., Suite 401, Arlington, VA 22209, phone (703) 696–9477, fax (703) 696–4062, or via Email at *Gulfsyn@ods.pentagon.mil*

**SUPPLEMENTARY INFORMATION:** The hearing is scheduled from 9 a.m. until no later than 12 p.m. EDT. Seating is limited and will be available on a first-come, first-served basis beginning at 8:45 a.m. EDT.

Dated: October 10, 2000.

**L.M. Bynum,**

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

[FR Doc. 00–26409 Filed 10–13–00; 8:45 am]

**BILLING CODE 5001–10–M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board (DSB) Task Force on High Energy Laser Weapon Systems Applications will meet in closed session on November 14–15, 2000; December 14–15, 2000; January 23–24, 2001; February 21–22, 2001; March 13–14, 2001; April 17–18, 2001; and May 15–16, 2001, at Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA 22201.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Task Force will review on-going or proposed programs in high energy laser (HEL) applications; examine recent supporting technology advancements and their applications with respect to supporting military HEL weapon system developments; develop potential military and strategic HEL system applications and identify processes required to implement these potentials; determine what needs to be done to weaponize these systems; and assess HEL operational concepts, impacts and limitations, considering legal, treaty and policy issues concerning HEL employment.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: October 10, 2000.

**L.M. Bynum,**

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

[FR Doc. 00–26410 Filed 10–13–00; 8:45 am]

**BILLING CODE 5001–10–M**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Advisory Committee Meeting Notice

**AGENCY:** U.S. Army Training and Doctrine Command (TRADOC).

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–9463), announcement is made of the following meeting:

*Name of Committee:* Distance Learning/Training Technology Subcommittee of the Army Education Advisory Committee.

*Date:* 1–2 November 2000.

*Place:* Institute for Defense Analysis (IDA) Alexandria, Virginia.

*Time:* 0800–1630 on 1 November 2000; 0800–1400 on 2 November 2000.

*Proposed Agenda:* Discussions will Include: The Army University Access Online Program and Distance Learning, how the two programs are mutually supportive; the National Guard and Distance Learning; Army Research Institute (ARI), recent results on the long term effectiveness of DL and plans for collaborative learning in online training environments; Update on the status of the development and delivery of a learning (student) management system to support DL.

*Purpose of the Meeting:* The members will advise the Assistant Deputy Chief of Staff (ADCST), HQ Training and Doctrine Command (TRADOC), on matters pertaining to education and training technologies.

**FOR FURTHER INFORMATION CONTACT:** All communications regarding this subcommittee should be addressed to Mr. Richard Karpinski, at Commander, Headquarters TRADOC, ATTN: ATTG–CF (Mr. Karpinski), Fort Monroe, VA 23651–5000; telephone number (757) 728–5531.

**SUPPLEMENTARY INFORMATION:** Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend. Contact Mr. Karpinski (757–728–5531) for meeting agenda and specific locations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

**Robert E. Seger,**

*Senior Executive Service, Assistant Deputy Chief of Staff for Training.*

[FR Doc. 00–26492 Filed 10–13–00; 8:45 am]

**BILLING CODE 3710–08–M**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 18 October 2000.

*Time of Meeting:* 0730–1700.

*Place:* Presidential Towers.

*Agenda:* The Army Science Board's (ASB) Study Group on ''Countermine'' will meet to have subgroup briefings and overall group discussion on October 18.. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). (Please see attached Agendas.) The classified preclude opening any portion of this meeting. For further information, please contact Ms. Debbie Butler at (703) 601–1552.

**Wayne Joyner,**

*Program Support Specialist, Army Science Board.*

**Army Science Board Countermine Study—Presidential Towers, Crystal City, VA, 18 October 2000.**

*Agenda*

0800–0900—Introduction—CLASSIFIED—Frank Kendall
0900–0945—Wide Area Surveillance—CLASSIFIED—Dr. Irene Peden
0945–1030—Maneuver Unit Support and Route Clearing—CLASSIFIED—Joanna Lau
1030–1115—Physical Security and Humanitarian Demining—CLASSIFIED—Buddy Beck
1115–1230—LUNCH
1230–1315—Breaching—CLASSIFIED—Dr. Luyten
1315–1415—Basic Research and Phenomenology—CLASSIFIED—Dr. Canavan
1415–1515—Open Discussion/Closing Remarks—CLASSIFIED—Frank Kendall

[FR Doc. 00–26416 Filed 10–13–00; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF DEFENSE

### Department of the Army

### Privacy Act of 1974; System of Records

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice to amend systems of records.

**SUMMARY:** The Department of the Army is amending four systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on November 15, 2000 unless comments are received which result in a contrary determination.

**ADDRESSES:** Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, Ft. Belvoir, VA 22060–5603.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

**SUPPLEMENTARY INFORMATION:** The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 10, 2000.

**L.M. Bynum,**

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

**A0056–9 TRADOC**

**SYSTEM NAME:**

Marine Qualification Records (February 1, 1996, 61 FR 3686).

**CHANGES:**

* * * * *

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–88, Sea Duty; and E.O. 9397 (SSN).'

* * * * *

**STORAGE:**

Delete entry and replace with 'Electronic storage medium, paper records in file folders and on microfiche.'

* * * * *

**SAFEGUARDS:**

Delete entry and replace with 'Records are maintained in locked file cabinets in a secure building and are accessible only to authorized personnel in their official capacity.'

**RETENTION AND DISPOSAL:**

Delete entry and replace with 'DA Form 3068–1 and related records are maintained for 40 years then destroyed. Registers are destroyed 40 years after the date of the last entry in the register.'

* * * * *

**A0056–9 TRADOC**

**SYSTEM NAME:**

Marine Qualification Records (February 1, 1996, 61 FR 3686).

**SYSTEM LOCATION:**

Director, Office of the Chief of Transportation, 705 Read Street, Room 12, Fort Eustis, VA 23604–5407.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

**MILITARY AND CIVILIAN EMPLOYEES OF THE ARMY.**

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Marine Service Record (DA Form 3068–1), individual's request for examination, test results, character and suitability statements, physical qualification reports, experience qualifications and evaluations, commander's recommendation, Marine Qualification Board recommendation and final action thereon, U.S. Army Marine Licenses (DA Forms 4309 and 4309–1), and similar relevant documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–88, Sea Duty; and E.O. 9397 (SSN).

**PURPOSE(S):**

To evaluate and recommend appropriate action concerning the issuance, denial, suspension, or revocation of U.S. Army Marine Licenses; to award certification to individuals passing the marine qualification examination; to monitor test content and procedures to ensure that tests are valid and current; to award Special Qualification Identifiers to appointed Marine Qualification Field Examiners; to review marine casualty reports, incident reports, and investigations to re-evaluate qualifications of persons involved; and to maintain Marine Service Records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may

specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The U.S. Coast Guard, Department of Transportation may be furnished information concerning certification and licensing of individuals.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of system of record notices apply to this record system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Electronic storage medium, paper records in file folders and on microfiche.

**RETRIEVABILITY:**

By individual's surname and Social Security Number.

**SAFEGUARDS:**

Records are maintained in locked file cabinets in a secure building and are accessible only to authorized personnel in the their official capacity.

**RETENTION AND DISPOSAL:**

DA Form 3068–1 and related records are maintained for 40 years then destroyed. Registers are destroyed 40 years after the date of the last entry in the register.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, U.S. Army Transportation Center, Privacy Act Officer, 667 Monroe Avenue, Fort Eustis, VA 23604–5040.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Office of the Chief Transportation, 705 Read Street, Room 12, Fort Eustis, VA 23604–5407.

Individual should furnish name, Social Security Number, address and enough pertinent details that will facilitate locating the information. Request must be signed.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Office of the Chief Transportation, 705 Read Street, Room 12, Fort Eustis, VA 26304–6507.

Individual should furnish name, Social Security Number, address and enough pertinent details that will facilitate locating the information. Request must be signed.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From the individual, military and civilian personnel records and reports, civilian maritime records, U.S. Coast Guard, commanders and vessel masters, and other appropriate sources able to furnish relevant information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**A0351–1a TRADOC**

**SYSTEM NAME:**

Automated Instructional Management System-Redesign (AIMS–R) (February 2, 1998, 63 FR 5365).

**CHANGES:**

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**SYSTEM LOCATION:**

Delete entry and replace with 'Headquarters, Training and Doctrine Command (TRADOC); TRADOC Service Schools; and Army Training Centers. Addresses for the above may be obtained from the Commander U.S. Army Training Center, 2787 Madison Avenue, Fort Eustis, VA 23604–5166.'

* * * * *

**STORAGE:**

Replace 'Microfiche' with 'CD-ROM'.

**SAFEGUARDS:**

Delete entry and replace with 'Access to system is restricted to authorized personnel only with sign-on and password authorization.'

**RETENTION AND DISPOSAL:**

Delete entry and replace with 'Records are maintained for 40 years then destroyed. However, records on extension courses are maintained for 3 years in current file area, transferred to the records holding area for 2 years then finally retired to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100.'

* * * * *

**A0351–1a TRADOC**

**SYSTEM NAME:**

Automated Instructional Management System-Redesign (AIMS–R).

**SYSTEM LOCATION:**

Headquarters, Training and Doctrine Command (TRADOC); TRADOC Service Schools; and Army Training Centers. Addresses for the above may be obtained from the Commander U.S. Army Training Center, 2787 Madison Avenue, Fort Eustis, VA 23604–5166.

Categories of individuals covered by the system: Military members of the Army, Navy, Marine Corps, and Air Force, and civilians employed by the U.S. Government, and approved foreign military personnel enrolled in a resident course at a U.S. Army service school.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Course data to include scheduling, testing, academic, graduation, personnel and attrition data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 3013, Secretary of the Army; Army Regulation 351–1, Individual Military Education and Training; and E.O. 9397 (SSN).

**PURPOSE(S):**

To automate those processes associated with the scheduling, management, testing, and tracking of resident student training. This TRADOC standard management system is composed of several subsystems which perform functions for personnel, student load management, academic records management, test creation, scoring and grading, student critique, resource scheduling and utilization, and query.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**STORAGE:**

CD–ROM, computer discs, and paper printouts.

**RETRIEVABILITY:**

Retrieved by Social Security Number and course/class number.

**SAFEGUARDS:**

Access to system is restricted to authorized personnel only with sign-on and password authorization.

**RETENTION AND DISPOSAL:**

Records are maintained for 40 years then destroyed. However, records on extension courses are maintained for 3

years in current file area, transferred to the records holding area for 2 years then finally retired to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, U.S. Army Training Support Center, Privacy Act Officer, 667 Monroe Avenue, Fort Eustis, VA 26604.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, 2787 Madison Avenue, Fort Eustis, VA 23604–5166.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, 2787 Madison Avenue, Fort Eustis, VA 23604–5166.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for accessing records, contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Information is received from the individual, DoD staff, Personnel and Training systems, and faculty.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None

**A0600–85f DAPE**

**SYSTEM NAME:**

ADAPCP Clinical Certification Program Application File (January 12, 1993, 58 FR 3938).

**CHANGES:**

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**SYSTEM LOCATION:**

Delete entry and replace with 'U.S. Army Medical Command, Army Substance Abuse Program, Clinical Certification 2050 Worth Road, Suite 10, Fort Sam Houston, TX 78234–6010.'

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with 'Department of the Army Civilian Psychologists, Social Workers, Drug and Alcohol Program Specialists, Social Services Representatives/Assistance, Psychology Technicians, and enlisted military counselors (Behavioral Science Specialists) employed or assigned to the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) Community Counseling Centers or Residential Treatment Facilities who provide counseling services to ADAPCP clients.'

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with 'Copies of candidate Application Portfolio with education and employment history and related documents that include Social Security Numbers, are required for each certification candidate. A signed copy of the Sobriety Statement is included in the application portfolio. Copies of course certificates and/or official college transcripts are also required in the candidate's file. Certification examination results and correspondence pertaining to the application status, certification renewal and Board decisions are also maintained in the candidate's file. In addition to a roster of all certified personnel; examination failures; previously certified personnel; and other program status information.'

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–85, Alcohol and Drug Abuse Prevention and Control Program; and E.O. 9397 (SSN).'

**PURPOSE(S):**

Delete entry and replace with 'To receive, evaluate, and maintain, re-certification applications for Alcohol and Drug Abuse Prevention and Control Program Clinical Certification Staff; process information routinely used to verify and ensure accuracy of education, Continuing Education Unites (CEUs), employment or assignment records; ensure incumbents are qualified to provide quality care to Alcohol and Drug Abuse Prevention and Control Program clients; and provide statistical information for program analysis.'

* * * * *

**RETENTION AND DISPOSAL:**

Delete entry and replace with 'Records will be maintained during individual's tenure and 5 years beyond the date of departure from the program then destroyed. Individuals who transfer to another ADAPCP organization records transfer also.'

* * * * *

**A0600–85f DAPE**

**SYSTEM NAME:**

ADAPCP Clinical Certification Program Application File.

**SYSTEM LOCATION:**

U.S. Army Medical Command, Army Substance Abuse Program, Clinical Certification 2050 Worth Road, Suite 10, Fort Sam Houston, TX 78234–6010.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Department of the Army Civilian Psychologists, Social Workers, Drug and Alcohol Program Specialists, Social Services Representatives/Assistance, Psychology Technicians, and enlisted military counselors (Behavioral Science Specialists) employed or assigned to the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) Community Counseling Centers or Residential Treatment Facilities who provide counseling services to ADAPCP clients.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of candidate Application Portfolio with education and employment history and related documents that include Social Security Numbers, are required for each certification candidate. A signed copy of the Sobriety Statement is included in the application portfolio. Copies of course certificates and/or official college transcripts are also required in the candidate's file. Certification examination results and correspondence pertaining to the application status, certification renewal and Board decisions are also maintained in the candidate's file. In addition to a roster of all certified personnel; examination failures; previously certified personnel; and other program status information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–85, Alcohol and Drug Abuse Prevention and Control Program; and E.O. 9397 (SSN).

**PURPOSE(S):**

To receive, evaluate, and maintain, re-certification applications for Alcohol and Drug Abuse Prevention and Control Program Clinical Certification Staff; process information routinely used to verify and ensure accuracy of education, Continuing Education Units (CEUs), employment or assignment records; ensure incumbents are qualified to provide quality care to Alcohol and Drug Abuse Prevention and Control

Program clients; and provide statistical information for program analysis.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To qualified personnel conducting scientific research, management, or financial audits or program evaluations. All personal identifiers are removed from data.

In response to a court order based on the showing of good cause in which the need for disclosure and the public's interest is necessary to support clinical competence.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of system of records notices also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:**

**STORAGE:**

Electronic storage medium and file folders in secured file cabinets.

**RETRIEVABILITY:**

Retrieved by the surname, applicant file number, and social security number.

**SAFEGUARDS:**

All information is maintained in secured areas accessible only to designated individuals having official need therefor in the performance of official duties.

**RETENTION AND DISPOSAL:**

Records will be maintained during individual's tenure and 5 years beyond the date of departure from the program then destroyed. Individuals who transfer to another ADAPCP organization records transfer also.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, U.S. Army Medical Command, Army Substance Abuse Program Clinical Certification, 2050 Worth Road, Suite 10, Fort Sam Houston, Texas 78234–6010.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, U.S. Army Medical Command, Army Substance Abuse Program Clinical Certification, 2050 Worth Road, Suite 10, Fort Sam Houston, Texas 78234–6010.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Commander, U.S. Army Medical Command, Army Substance Abuse Program Clinical Certification, 2050 Worth Road, Suite 10, Fort Sam Houston, Texas 78234–6010.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From the individuals employed by or assigned to the Army Alcohol and Drug Abuse Prevention and Control Program who submit requested information to apply for ADAPCP Clinical Certification as a condition of continuing employment or otherwise.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**A0608–25 CFSC**

**SYSTEM NAME:**

Chief of Staff, Army Retiree Council Files (July 27, 1993, 58 FR 40115).

**CHANGES:**

**SYSTEM IDENTIFIER:**

Delete entry and replace with 'A0600–8–7 DAPE''.

* * * * *

**SYSTEM LOCATION:**

Delete Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500 and replace.

* * * * *

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1588 and 3966; Army Regulation 600–8–7, Retirement Service Program; and E.O. 9397 (SSN).'

* * * * *

**RETENTION AND DISPOSAL:**

Delete entry and replace with 'Paper records relevant to the retiree volunteer waivers and claims are maintained for 6 years then destroyed. Statements of employment are maintained until the death of the individual then destroyed. Retirement service control cards, pre-retirement counseling and related documents are maintained for 1 year after the departure of individual from the installation or retirement then destroyed. Maintain for 1 year then destroy individual retirement cases, includes information related to processing of and providing assistance to personnel planning to retire.'

* * * * *

**A0600–8–7 DAPE**

**SYSTEM NAME:**

Chief of Staff, Army Retiree Council Files.

**SYSTEM LOCATION:**

Chief, Office of the Deputy Chief of Staff for Personnel, Army Retirement Services, 200 Stovall Street, Alexandria, VA 22332–0470. Segments of this system exist at Headquarters, U.S. Army Forces Command, Fort McPherson, GA; U.S. Army Training and Doctrine Command, Fort Monroe, VA; Headquarters, Military District of Washington; and installations operating retiree councils. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Retired Army personnel who have been nominated to serve and those who have been nominated and appointed to serve on the Chief of Staff, Army Retiree Council.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Retiree's name, grade, retirement class/date/code, Social Security Number, branch of service, date of birth, component, years of service, percentage of disability, sex, and home address; biographical sketch of retirees seeking appointment to the Chief of Staff, Army Retiree Council, comprising much of the above information and supplemented by description of involvement in military and civic affairs since retirement, statement of willingness to serve pursuant to Army Regulation 600–8–7, Retirement Services Program, correspondence between Army and applicant regarding acceptance/non-selection, active duty training orders; and similar relevant documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1588 and 3966; Army, Army Regulation 600–8–7, Retirement Service Program; and E.O. 9397 (SSN).

**PURPOSE(S):**

To provide the Active Army with insight into problems and needs of the retirees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

By individual's surname.

**SAFEGUARDS:**

Records are maintained in secure area accessible only to designated individuals in the performance of their duties.

**RETENTION AND DISPOSAL:**

Paper records relevant to the retiree volunteer waivers and claims are maintained for 6 years then destroyed. Statements of employment are maintained until the death of the individual then destroyed. Retirement service control cards, pre-retirement counseling and related documents are maintained for 1 year after the departure of individual from the installation or retirement then destroyed. Maintain for 1 year then destroy individual retirement cases, includes information related to processing of and providing assistance to personnel planning to retire.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office Deputy Chief of Staff for Personnel, Army Retirement Services, 200 Stovall Street, Alexandria, VA 22332–0470.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Chief, Office Deputy Chief of Staff for Personnel, Army Retirement Services, 200 Stovall Street, Alexandria, VA 22332–0470.

Individuals should provide the full name, current address and telephone number, and any details that would help locate the record.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this record system should address written inquires to the Chief, Office Deputy Chief of Staff for Personnel, Army Retirement Services, 200 Stovall Street, Alexandria, VA 22332–0470.

Individuals should provide the full name, current address and telephone number, and any details that would help locate the record.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From the individual; Army records and reports.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 00–26412 Filed 10–13–00; 8:45 am]

**BILLING CODE 5001–01–M**

## DEPARTMENT OF EDUCATION

**[CFDA No: 84.184N]**

### Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities National Programs—Federal Activities—Alcohol and Other Drug Prevention Models on College Campuses Grant Competition; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

*Purpose of Program:* The Alcohol and Other Drug Prevention Models on College Campuses Grant Competition provides awards to maintain, improve, further evaluate, and disseminate models of alcohol and other drug prevention at institutions of higher education.

*Eligible Applicants:* Institutions of higher education (IHEs). To be eligible, an IHE must not have received an award under this competition (under either CFDA 84.116X or 84.184N) during the previous two fiscal years.

*Applications Available:* October 16, 2000.

*Deadline for Transmittal of Applications:* December 13, 2000.

*Deadline for Intergovernmental Review:* February 13, 2001.

*Estimated Available Funds:* $600,000. The estimated amount of funds available under this competition is based on the Administration's budget request for this program for FY 2001. The actual level of funding, if any, is contingent upon final Congressional action.

*Estimated Range of Awards:* $60,000–$100,000.

*Estimated Average Size of Awards:* $85,000.

*Estimated Number of Awards:* 7.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99; and (b) the notice of final priority, eligible applicants, and selection criteria, as published in the **Federal Register** on April 6, 2000 (65 FR 18204–18205).

*For Applications and Further Information Contact:* Kimberly Light, U.S. Department of Education, Safe and Drug-Free Schools Program, 400 Maryland Avenue, SW, Room 3E222, Washington, DC 20202–6123. Telephone: (202) 260–2647. Facsimile: (202) 260–7767. Email: kimberly_light@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at (800) 877–8339.

Individuals with disabilities may obtain a copy of this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under *For Applications and Further Information Contact.* Individuals with disabilities may also obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

*INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS*

**Note:** Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

**Pilot Project for Electronic Submission of Applications**

The U.S. Department of Education is expanding its pilot project of electronic submission of applications to include certain formula grant programs, as well as additional discretionary grant

competitions. The Alcohol and Other Drug Prevention Models on College Campuses Grant Competition (CFDA #84.184N) is one of the programs included in the pilot project. If you are an applicant under this program, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Application for Federal Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Fax a signed copy of the Application for Federal Assistance (ED 424) after following these steps:

1. Print ED 424 from the -e-APPLICATION system.

2. Make sure that the institution's Authorizing Representative signs this form.

3. Before faxing this form, submit your electronic application via the -e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

4. Place the PR/Award number in the upper right haNd corner of ED 424.

5. Fax ED 424 to the Application Control Center within three working days of submitting your electronic application. We will indicate a fax number in e-APPLICATION at the time of your submission.

- We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the Alcohol and Other Drug Prevention Models on College Campuses Grant Competition at:

http://e-grants.ed.gov

We have included additional information about the e-APPLICATION pilot project (see *Parity Guidelines between Paper and Electronic Applications*) in the application package.

(A) *If You Send Your Application by Mail:*

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.184N, Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(B) *If You Deliver Your Application by Hand:*

You or your courier must hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.184N, Room 3633, Regional Office Building 3, 7th and D Streets, SW, Washington, DC.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

**Notes:** (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(2) If you send your application by mail or deliver it by hand or by a courier service, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Education Assistance (ED 424; revised November 12, 1999) the CFDA number—and suffice letter—of the competition under which you are submitting your application.

(4) If you submit your application through the Internet via the e-grants Web site, you will receive an automatic acknowledgment when we receive your application.

**Electronic Access to This Document**

You may view this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF, you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at:

http://www.access.gpo.gov/nara/index.htm

**Program Authority:** 20 U.S.C. 7131.

Dated: October 12, 2000.

**Michael Cohen,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 00–26592 Filed 10–13–00; 8:45 am]

**BILLING CODE 4000–01–M**

## DEPARTMENT OF EDUCATION

### Arbitration Panel Decision Under the Randolph-Sheppard Act

**AGENCY:** Department of Education.

**ACTION:** Notice of arbitration panel decision under the Randolph-Sheppard Act.

**SUMMARY:** Notice is hereby given that on January 10, 2000, an arbitration panel rendered a decision in the matter of *Donald Schone and Ray Fitzpatrick* v. *Illinois Office of Rehabilitation Services, Department of Human Services (Docket No. R-S/97–10).* This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d–1(b) upon receipt of a complaint filed by petitioners, Donald Schone and Ray Fitzpatrick.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington DC 20202–2738. Telephone: (202) 205–9317. If you use a telecommunications device for the deaf (TDD) you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternate

format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**Electronic Access to This Document**

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

**SUPPLEMENTARY INFORMATION:** Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)) (the Act), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

**Background**

This dispute concerns the alleged improper denial of the vendors' request to be transferred to another facility by the Illinois Office of Rehabilitation Services, Department of Human Services, the State licensing agency (SLA).

A summary of the facts is as follows: In 1990, complainants Mr. Donald Schone and Mr. Ray Fitzpatrick signed separate operating agreements with the SLA to manage vending facilities #405 and #406 at the Old Post Office Building, 433 West Van Buren Street, Chicago, Illinois. In approximately 1992, the SLA was informed by the United States Postal Service that this location was to be closed and a New Post Office was to be constructed across the street at 433 West Harrison. Complainants contended that they should not be required to bid on other locations, but rather that the SLA should transfer them to the New Post Office at 433 West Harrison Street to operate the two vending facilities available at that location.

The complainants requested and received a State fair hearing concerning their complaint regarding the SLA's transfer and promotion policies. The Hearing Officer ruled that the SLA was not required to transfer Mr. Schone and Mr. Fitzpatrick to the New Post Office vending facilities without the bidding process. On April 22, 1997, the SLA adopted the Hearing Officer's ruling as final agency action. It was this decision that the complainants sought to have reviewed by a Federal arbitration panel. An arbitration hearing on this matter was held on June 17, 1999.

**Arbitration Panel Decision**

The central issue before the arbitration panel was whether the SLA was required by the Act (20 U.S.C. 107 *et seq.*), the implementing regulations (34 CFR part 395), and applicable State rules and regulations to transfer Mr. Donald Schone and Mr. Ray Fitzpatrick to the vending facilities in the New Post Office at 433 West Harrison Street without bidding or other procedures after the closing of the Old Post Office at 433 West Van Buren Street.

The majority of the panel found that the complainants' rights and entitlement flowed from the terms of their vendor operating agreements, which were very specific and limited. Those agreements provided rights to the operation of vending facilities located at the Old Post Office, 433 West Van Buren Street. The panel further determined that, for reasons unrelated to the actions of the SLA, the United States Postal Service closed this Federal property. Therefore, the majority of the panel ruled that the operating agreements signed by the complainants to operate vending facilities at the Old Post Office, 433 West Van Buren Street, did not give them transfer rights to the New Post Office vending facilities at 433 West Harrison.

Based upon the evidence presented, the majority of the panel rejected complainants' reliance upon the fact that a new permit had not been obtained by the SLA for the New Post Office location. The panel reasoned that the vendor operating agreements signed by the complainants in 1990 were not tied to a specific permit that would somehow give Mr. Schone and Mr. Fitzpatrick transfer rights to the New Post Office. Instead, the panel concluded that the 1990 agreements were tied to a specific location, the Old Post Office at 433 West Van Buren, which no longer existed.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: October 6, 2000.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 00–26413 Filed 10–13–00; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Hanford; Notice of Open Meeting

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub.L. No. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register.**

**DATES:** Thursday, November 2, 2000, 9 a.m.–5 p.m., Friday, November 3, 2000, 8:30 a.m.–4 p.m.

**ADDRESSES:** Double Tree Inn, 2525 North 20th Avenue, Pasco, WA (509) 547–0701.

**FOR FURTHER INFORMATION CONTACT:** Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7–75), Richland, WA, 99352; Phone: (509) 373–5647; Fax: (509) 376–1563.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board*: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda*

Thursday, November 2, 2000

1. Tri-Party Agreement (TPA): Regulating for Success
   a. Discussion of the TPA in the context of the following programs: Spent Fuel Tanks, Waste Management and Environmental Restoration
   b. For each program, there will be a discussion related to: 1) FY 2000 TPA Accomplishments; 2) Identification of important milestones in the next five years; and 3) Identification of potential schedule impacts
   c. Discussion of recent modifications to the Tanks Interim Stabilization Consent Decree
   d. Proposed Changes to M–45; Single Shell Tank Waste Retrieval Actions; Associated Leak Detection; Monitoring and Mitigation; and

Single-Shell Tank Farm Closure Activities
2. Informational Discussion on the DOE-Richland Vision: Done in a Decade
3. Introduction of Draft Advice from Dollars and Sense Committee on Contracting Criteria
4. Re-introduction of FY 2001 Performance Measures Advice (#111)
5. Initiate discussion of Hanford Advisory Board Chair Selection

Friday, November 3, 2000

1. Hanford Advisory Board Sounding Board on Department of Energy-Richland Vision
2. Possible adoption of Draft Advice from Dollars and Sense Committee on Contracting Criteria
3. Formal adoption of FY2001 Performance Measures Advice (#111)
4. Continued Discussion on the selection of Hanford Advisory Board Chair
5. Board Discussion on Headquarters Structure and Guidance of Site-Specific Advisory Board

*Updates*

Denver Stewardship Workshop
Washington State Department of Ecology Tank Waste Workshop
Fourth National Department of Energy Radioactive Waste Tank Closure Workshop

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling her at (509) 373–5647.

Issued at Washington, DC on October 11, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 00–26456 Filed 10–13–00; 8:45 am]

BILLING CODE 6450–01–U

## DEPARTMENT OF ENERGY

### Office of Fossil Energy; National Coal Council Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the National Coal Council Advisory Committee. Federal Advisory Committee Act (Public Law 92–463,86 Stat. 770) requires notice of these meetings be announced in the **Federal Register**.

**DATES:** Thursday, November 9, 2000, 9 a.m. to 12 N.

**ADDRESSES:** Crowne Plaza Hotel, 14th & K Streets, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy, Washington, DC 20585. Phone: 202/586–3867.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Committee:* To provide advice, information, recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

*Tentative Agenda*

- Call to order Mr. Steven F. Leer, Chairman.
- Remarks by Secretary of Energy, Bill Richardson (invited).
- Remarks by Mr. Robert S. Kripowicz, Acting Assistant Secretary for Fossil Energy.
- Administrative business.
- Presentation by Dr. Peter Jaffe, Princeton University, on Carbon Mitigation Initiatives.
- Presentation by Mr. Stuart Dalton, Electric Power Research Institute (EPRI), on EPRI's Global Coal Initiative.
- Presentation by Ms. Ann Cecchetti on Politics—Results of November 7 Election and Expectations for the Future.
- Other business.
- Adjournment.

*Public Participation:* The meeting is open to the public. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Margie D. Biggerstaff at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

*Transcripts:* The transcript will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on October 11, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee, Management Officer.*

[FR Doc. 00–26455 Filed 10–13–00; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Energy Information Administration

### American Statistical Association Committee on Energy Statistics

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the American Statistical Association Committee on Energy Statistics, a utilized Federal Advisory Committee. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

*Date and Time:*

Thursday, November 2, 2000, 8:30 am–4:45 pm; Friday, November 3, 2000, 8:30 am–12:00 noon.

*Place:* U. S. Department of Energy, Forrestal Building, 1000 Independence Ave., S.W., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Mr. William I. Weinig, EI–70, Committee Liaison, Energy Information Administration, U.S. Department of Energy, Washington, DC 20585, Telephone: (202) 426–1101. Alternately, Mr. Weinig may be contacted by email at william.weinig@eia.doe.gov or by FAX at (202) 426–1083.

*Purpose of Committee:* To advise the Department of Energy, Energy Information Administration (EIA), on EIA technical statistical issues and to enable the EIA to benefit from the

Committee's knowledge concerning other energy-related statistical matters.

*Tentative Agenda*

Thursday, November 2, 2000

A. Opening Remarks by the Chair, Room 8E–089
B. Major Topics
1. Opening Remarks by EIA's Acting Administrator, Room 8E–089
2. A Briefing: EIA's New Approach to Long-Term International Energy Forecasting, 8E–089
3. Some Challenges in Long-Term International Energy Modeling, Room GH–019
4. Implementing a New Sampling Technique for Monthly Electric Power Data Collections , GH–027
5. Survey Design for Residential and Commercial Consumption Surveys, GH–035
6. Summary of the Previous Three Break-Out Sessions by EIA Presenters, 8E–089
7. New Ways to Process, Store and Make EIA Data Accessible, 8E–089
8. Estimating Procedures to Reduce Data Reporting Lags, 8E–089
9. Interactive Session: Cognitive Testing of Potential EIA Graphic Standards Redesign, 8E–089

Friday, November 3, 2000

C. Major Topics
1. Monte Carlo Analysis of Uncertainty in $CO_2$ Emissions, Room 8E–089
2. Optimization and Visualization of the North American Eastern Interconnect Power Market, Room 8E–089
3. The Feasibility Study for Surveying Industrial Natural Gas Consumers, Room 8E–089
4. A Briefing: Winter Energy Assessment for the U.S., 8E–089
5. Public Comment, 8E–089
D. Closing Remarks by the Chair, 8E–089

*Public Participation:* The meeting is open to the public. The Chair of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the committee either before or after the meeting. If there are any questions, please contact Mr. William I. Weinig, EIA Committee Liaison, at the address or telephone number listed above.

*Minutes:* Available for public review and copying at the Public Reading Room, (Room 1E–190), 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–3142, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Issued at Washington, DC, on October 11, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 00–26457 Filed 10–13–00; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EL00–109–001]**

## Alternate Power Source, Inc., Complainant v. ISO New England, Inc., Respondent; Notice of Amendment to Complaint

October 10, 2000.

Take notice that on October 4, 2000, Alternate Power Source, Inc. (APS), tendered for filing an Amended Complaint under Section 206 and 306 of the Federal Power Act in which APS petitions the Commission for an order directing ISO New England, Inc. (ISO–NE) to suspend the April, 2000 ICAP auction ''clearing price''; cease and desist from requiring APS to pay into escrow $700,000 for the month of April, 2000; refund all late fees and interest charges regarding the disputed April ICAP deficiency charge; cease and desist from ''settling'' the ICAP prices for the months of May, June and July, 2000, and from requiring any payments into escrow until a thorough investigation of all conduct and actions is completed; and if, after an investigation, there is a finding of anomalous conduct in the so-called ICAP auction ''market'' for the months April through July, 2000, direct ISO–NE to mitigate ICAP prices for those months.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before October 16, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before October 16, 2000.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–26443 Filed 10–13–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP00–40–002]**

## Florida Gas Transmission Company; Notice of Application

October 10, 2000.

Take notice that on September 29, 2000, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP00–40–002 an amendment to its application in Docket Nos. CP00–40–000 and 001, pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's (Commission) Regulations, to: (1) Re-route approximately six miles of the Bayside Lateral, in Hillsborough County, FL; (2) eliminate approximately 24 miles of the previously proposed mainline Loops D and E in Suwannee, Columbia, Bradford, Clay, and Putnam Counties, FL, and, instead, increase the horsepower installed at Compressor Station No. 17, in Marion County, FL; (3) make minor modifications to the beginning of West Leg Loop J, in Gilchrist County, FL, and the ending of West Leg Loop K, in Levy County, FL; and (4) slightly decrease the horsepower to be installed at Compressor Stations 15A, 16, 26, and 27, in Taylor, Bradford, Citrus, and Hillsborough Counties, FL, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

FGT continues to request that the Commission find that the costs of the proposed Phase V Expansion can be rolled-in to establish rates for service under its incrementally priced Rate Schedule FTS–2. FGT states that the maximum rates applicable to Rate Schedule FTS–2 are expected to be lower as a result of such rolling-in of costs and thus, will not require subsidies from existing shippers.

FGT states that the proposed revisions to facilities will result in no changes to the proposed service, but are made in order to reduce the environmental

impact and capital cost of the Phase V Expansion project. For the total Phase V Expansion as amended, FGT proposes to: (1) Acquire an undivided interest in Koch Gateway Pipeline Company's (Koch Gateway) Mobile Bay Lateral in Mobile County, Alabama that will give FGT capacity of 300,000 MMBtu per day; (2) construct approximately 167.1 miles of various diameter pipeline, additional compression totaling 132,615 horsepower, three delivery points, one new supply measurement station, and various other miscellaneous facilities. The proposed Phase V Expansion will add an incremental capacity of approximately 305,819 MMBtu per day, on an annual daily average basis (net of turn-back). FGT estimates the total cost to be $462 million, including an estimated $10 million for the proposed acquisition of an interest in the Mobile Bay Lateral.

FGT requests that the Commission issue a preliminary determination on non-environmental issues by November 2000, and a final determination on call certificate issues on or before April 15, 2001.

Any questions regarding the application should be directed to Mr. Stephen T. Veatch, Director of Certificates and Regulatory Reporting, Suite 3997, 1400 Smith Street, Houston, Texas 77002 or call (713) 853–6549.

Any person desiring to participate in the hearing process or to make any protests with reference to said application should on or before October 31, 2000, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order.

However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties, or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for FGT to appear or be represented at the hearing.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–26444 Filed 10–13–00; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Application for Amendment of License, and Soliciting Comments, Motions To Intervene, and Protests

October 10, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 2169–017.

c. *Date Filed:* July 12, 2000.

d. *Applicant:* Alcoa Power Generating Inc., (APGI), Tapoco Division.

e. *Name of Project:* Tapoco Hydroelectric Project.

f. *Location:* The Project is located on the Cheoah and Little Tennessee Rivers, in Blount and Monroe Counties, Tennessee, and Graham and Swain Counties, North Carolina. The project utilizes approximately 370 acres Nantahala National Forest lands. The project consists of four developments: Chilhowee, Cheoah, Santeetlah, and Calderwood.

g. *File Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant's Contact:* B. Julian Polk, Alcoa Power Generating Inc., Tapoco Division, 300 North Hall Road, Alcoa, TN 37701–2516, Tel: (865) 977–3321.

i. *FERC Contact:* Any questions on this notice should be addressed to Ms. Doan Pham at (202) 219–2851 or at e-mail address *doan.pham@ferc.fed.us.*

j. *Deadline for filing comments, motions to intervene, or protests:* November 13, 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.

Please include the Project Number (2169–017) on any comments, protests, or motions filed.

k. *Description of Amendment:* APGI proposes to remove certain transmission lines, identified as the Calderwood Line No. 1 (28 miles long), No. 2 (32 miles long) and No. 3 (22 miles long), and related electrical and non-electrical equipment necessary for the operation of these lines. APGI asserts that due to increased in connectivity between the Tapoco project developments and an interconnection facilities of the Tennessee Valley Authority and Duke Energy Corporation, these transmission facilities function as part of the integrated regional transmission system.

l. *Locations of the Application:* A copy of the application is available for

inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC, 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

**Comments, Protests, or Motions to Intervene**

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

**Filing and Service of Responsive Documents**

Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

**Agency Comments**

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–26445 Filed 10–13–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Settlement Agreement and Soliciting Comments

October 10, 2000.

Take notice that the following Settlement Agreement has been filed with the Commission and is available for public inspection:

a. *Type:* Settlement Agreement on New License Application.

b. *Project No.:* 1962–000.

*Project Name:* Rock Creek-Cresta.

*Applicant:* Pacific Gas and Electric Company.

c. *Date Settlement Agreement Filed:* September 29, 2000.

d. *Location:* On the North Fork Feather River, in Butte and Plumas countries, California. About 228 acres of the project area occupy lands of the United States, primarily within the Lassen and Plumas National Forests.

e. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

f. *Applicant's Contact:* Tom Jereb, Pacific Gas and Electric Company, Mail Code N11C, P.O. Box 770000, San Francisco, CA 94177; (415) 973–9320.

g. *FERC Contact:* Dianne Rodman (202) 219–2830, Email: dianne.rodman@ferc.fed.us

h. *Deadline Dates:* Comments due November 30, 2000, or 30 days after the filing of the supporting documentation, whichever comes later; reply comments due December 14, 2000, or 45 days after the filing of the supporting documentation, whichever comes later.

i. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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 intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

j. *Description of Filing:* Pacific Gas and Electric Company (PG&E) filed the Settlement Agreement on behalf of itself and the U.S. Department of Agriculture Forest Service, U.S. Fish and Wildlife Service, California Department of Fish and Game, California State Water Resources Control Board, Natural Heritage Institute, Friends of the River, Plumas County, California Outdoors, California Trout, Chico Paddleheads, American Whitewater, and Shasta Paddlers. The purpose of the Settlement Agreement is to resolve among the signatories all issues associated with issuance of a new license for the project regarding sediment management, water quality, instream flows, fish habitat, and recreation. PG&E requests that the Commission accept and incorporate into any new license for the project the protection, mitigation, and enhancement measures stated in Appendix A of the Settlement Agreement. Comments and reply comments on the Settlement Agreement and supporting documentation are due on the dates listed above.

k. Copies of the Settlement Agreement are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance) or at the address listed in item f above.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–26486 Filed 10–13–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

## Western Area Power Administration

## Sundance Energy Project

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of public scoping meeting on the Sundance Energy Project environmental impact statement (EIS).

**SUMMARY:** The Western Area Power Administration (Western) is holding a public scoping meeting public on the proposed Sundance Energy Project, Pinal County, Arizona. The scoping process includes notifying the general public and Federal, State, local, and tribal agencies of the proposed action. The purpose of the scoping meeting is

to identify public and agency concerns and alternatives to be considered in the EIS.

One informal public scoping meeting has been scheduled for October 18, 2000, starting at 7 p.m. at Coolidge Unified School District Auditorium. This meeting has been advertised in local newspapers.

**DATES:** Comments on the scope of the EIS for the proposed transmission interconnection and electric generating facility must be received by October 31, 2000, to be considered in the EIS.

**ADDRESSES:** Coolidge Unified School District Auditorium, 800 West Northern Avenue, Coolidge, AZ 85228. Written comments may be hand-delivered, mailed, e-mailed, or faxed to Mr. John Holt, NEPA Compliance Officer, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, telephone (602) 352–2592, fax (602) 352–2780 or (602) 352–2956, e-mail holt@wapa.gov. All documentation developed or retained by Western during the course of this public process will be available for inspection and copying at this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Holt, NEPA Compliance Officer, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, telephone (602) 352–2592, fax (602) 352–2956, e-mail holt@;wapa.gov.

Mr. John Bridges, NEPA Document Manager, Corporate Services Office, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7255, fax (720) 962–7263, e-mail bridges@wapa.gov.

For general information on the U.S. Department of Energy's National Environmental Policy Act (NEPA) review procedures or status of a NEPA review contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

**SUPPLEMENTARY INFORMATION:** Western intends to prepare an EIS regarding the proposal by PPL Global to construct an electric generating facility on private property and to interconnect this facility with an existing Western transmission line and Western's grid in the vicinity of Coolidge, Arizona. Two 4.5-mile long transmission lines would connect the proposed power generating facility with a point of interconnection on Western's Liberty-Coolidge 230 kilovolt (kV) transmission line west of Coolidge. In addition, a 1.5 mile, 230-kV transmission line would connect the powerplant with Western's Signal Substation. An existing 115-kV transmission line from Signal Substation would be upgraded to 230-kV and other work inside Signal Substation would be required.

PPL Global proposes to construct the Sundance Energy Project on private lands in Pinal County, approximately 5 miles southwest of Coolidge, Arizona. The Project would be a nonutility merchant plant that would sell power during peak demand periods to wholesale-only contract or spot market customers. All economic costs of the project will be born by PPL Global.

The Project would consist of a nominal 600-megawatt natural gas-fired simple-cycle peaking facility and on-site supporting infrastructure including: an administration building, warehouse storage, water treatment facilities, inlet air cooling system to optimize inlet air combustion, gas conditioning equipment, and new on-site access roads. The Project would be designed to operate primarily during on-peak hours. The Project's water consumption would be about 600 acre/feet per year. The water source would be excess Central Arizona Project water delivered through an existing irrigation canal at the site, a new groundwater well, or a combination of both. The generating facility and infrastructure would occupy less than 40 acres of a 280-acre parcel of rural property controlled by PPL Global. Additional proposed on-site facilities would include an interconnection with an existing natural gas transmission pipeline that runs through the Project property and the construction of 14 miles of natural gas pipeline to connect with another existing natural gas transmission pipeline southwest of the proposed powerplant.

The Project would entail construction of new 230-kV transmission lines and the upgrade of Western's existing Signal-Coolidge 115–kV transmission line to 230-kV to interconnect with Western's existing Liberty-Coolidge 230-kV transmission line.

Because of the potential for incorporating new generation into Western's system, and the proposed interconnections with the existing system, Western has determined it must prepare an EIS in accordance with the U.S. Department of Energy's (DOE) NEPA Implementing Procedures found at 10 CFR 1021, Appendix D6 to Subpart D. Although State and local agencies are responsible for the siting and permitting of the proposed electric generating facility, the EIS will include the analysis of effects from construction and operation of the generating facility as part of the proposed action.

The EIS will be prepared in accordance with the requirement of NEPA and DOE's NEPA Implementing Procedures in conjunction with the Council on Environmental Quality regulations. Full public participation and disclosure are planned for the entire EIS process. Western anticipates the EIS process will take about 15 months. It will include public information/scoping meetings; coordination and involvement with appropriate Federal, State, local, and tribal governments; public review and hearing on the published draft EIS; a published final EIS; and a Record of Decision (ROD). Publication of the ROD is anticipated in the fall of 2001.

Dated: September 29, 2000.

**Michael S. Hacskaylo,**

*Administrator.*

[FR Doc. 00–26458 Filed 10–13–00; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[OPP–66280; FRL–6747–5]**

## Notice of Receipt of Requests To Voluntarily Cancel CertainPesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) ofthe Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended,EPA is issuing a notice of receipt of requests by registrants tovoluntarily cancel certain pesticide registrations.

**DATES:** Unless a request is withdrawn by, April 16, 2001, unless indicated otherwise, orders will be issued canceling all of these registrations.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.Office location for commercial courier delivery, telephonenumber and e-mail address: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761;e-mail: hollins.james@epa.gov.

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this apply to me?*

This action is directed to the public in general. Although thisaction may be

of particular interest to persons who produce or usepesticides, the Agency has not attempted to describe all thespecific entities that may be affected by this action. If you haveany questions regarding the information in this notice, consult theperson listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get additional information or copies of support documents?*

1. *Electronically*. You may obtainelectronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet Home Page athttp://www.epa.gov. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person*. Contact James A.Hollins at 1921 Jefferson Davis Highway, Crystal Mall 2, Rm. 224,Arlington, VA, telephone number (703) 305–5761. Available from7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legalholidays.

## II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applicationsfrom registrants to cancel some 47 pesticide products registeredunder section 3 or 24(c) of FIFRA. These registrations are listedin sequence by registration number (or company number and 24(c)number) in the following Table 1:

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

| Registration No. | Product Name | Chemical Name |
|---|---|---|
| 000004–00156 | Bonide Weed Seedling Killer | *S*-Ethyl dipropylthiocarbamate |
| 000070–00190 | Kill-Ko Fruit Tree Spray | Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) |
| | | *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate |
| | | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 000241–00315 | Pursuit Plus Herbicide | *N*-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine |
| | | Ammonium salt of (+/−)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5- |
| 000264 WA–95–0019 | Betamix Herbicide | Methyl m-hydroxycarbanilate m-methylcarbanilate |
| | | Ethyl m-hydroxycarbanilate carbanilate |
| 000572–00185 | Rockland General Purpose Dust | Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) |
| | | *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate |
| | | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 000655–00577 | Prentox Residual Insect Spray #2 | *N*-Octyl bicycloheptene dicarboximide |
| | | *O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate |
| | | (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% |
| | | Pyrethrins |
| 000655–00739 | Prentox Pyrifos 0.5 Water Base Insecticide | *O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate |
| 000655–00743 | Prentox Pyrifos 1E | *O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate |
| 000769–00603 | R & M Dog & Cat Repellent Spray | Methyl nonyl ketone |
| 000769–00901 | Science Multi-Purpose Spray | Methoxychlor (2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane) |
| | | *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate |
| | | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 000802–00235 | Miller's Captan 5D | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 002935 WI–88–0009 | Red Top Diazinon 14 G | *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate |
| 003125 ND–93–0006 | Sencor Solupak 75% Dry Flowable Herbicide | 1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)- |
| 003125 TX–81–0045 | Def 6 Emulsifiable Defoliant | *S,S,S*-Tributyl phosphorotrithioate |
| 003125 WA–97–0004 | Sencor Solupak 75% Dry Flowable Herbicide | 1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)- |
| 003876–00061 | Slimicide C–30 | Bis(trichloromethyl) sulfone |
| | | Methylene bis(thiocyanate) |
| 005481–00317 | Methoxychlor-2 | Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) |
| 005481–00320 | Hornfly Dust | Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) |
| 005481–00326 | Methoxychlor 50 WP | Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) |
| 005887–00064 | Black Leaf Dog & Cat Repellent | Methyl nonyl ketone |
| 006557–00017 | Coronado Exterior Preservative Wood Stain | *N*-((Trichloromethyl)thio)phthalimide |
| | | Bis(tributyltin) oxide |

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

| Registration No. | Product Name | Chemical Name |
|---|---|---|
| 007401–00059 | Ferti-Lome Special Pecan and Other Nut Tree Spray | *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate |
| 007401–00066 | Ferti-Lome Diazinon Lawn & Garden Insect Spray | *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate |
| 010163 AZ–92–0010 | Gowan Dimethoate 4 | *O,O*-Dimethyl *S*-((methylcarbamoyl)methyl) phosphorodithioate |
| 010182 ID–96–0014 | Diquat Herbicide | 6,7-Dihydrodipyrido(1,2-a:2',1'-c)pyrazinediium dibromide |
| 010182 OR–96–0034 | Diquat Herbicide | 6,7-Dihydrodipyrido(1,2-a:2',1'-c)pyrazinediium dibromide |
| 010806–00021 | Contact Hospi Spray Disinfectant | Isopropanol |
| | | Alkyl* dimethyl benzyl ammonium chloride *(60%$C_{14}$, 30%$C_{16}$, 5%$C_{18}$, 5%$C_{12}$) |
| | | Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%$C_{12}$, 32%$C_{14}$) |
| 011556–00034 | Tiguvon Brand of Fenthion Swine Insecticide Pour-On | *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate |
| 011556–00036 | Tiguvon (Fenthion) Technical Grade 100 | *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate |
| 011556–00037 | Spotton (Fenthion) Cattle Insecticide 20% Ready-To-Use | *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate |
| 011556–00048 | Lysoff Pour-On for Lice and Horn Flies | *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate |
| 011556–00105 | Cutter Blue Insecticide Cattle Ear Tag | *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate |
| | | (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% |
| 034704–00208 | Clean Crop Betasan 7—G | *S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide |
| 034704–00209 | Clean Crop Betasan 12.5G | *S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide |
| 034704–00211 | Clean Crop Betasan 4—E | *S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide |
| 034704–00216 | Betasan 36 Weed & Feed | *S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide |
| 045017–00013 | Betz Slime-Trol RX—32 | Methylene bis(thiocyanate) |
| 045017–00043 | Dearcide 709 | Methylene bis(thiocyanate) |
| 059144–00031 | Pennington Penn-Kil Granular Nonselective Weed and Gras | Sodium metaborate ($NaB_{O2}$) |
| | | 5-Bromo-3-sec-butyl-6-methyluracil |
| | | Sodium chlorate |
| 066330–00003 | Captan 80 Seed Protectant for Seed Disease Control | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00009 | Clean Crop Captan WSP Seed Protectant Fungicide | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00011 | Captan 7.5 Dust | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00017 | Captan 5 Dust Fungicide | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00018 | Captan 10 Dust Fungicide | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00020 | Captan Moly Soybean Seed Protectant | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| 066330–00022 | Captan Vitavax 20–20 Seed Protectant | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |
| | | 5,6-Dihydro-2-methyl-1,4-oxathiin-3-carboxanalide |
| 066330 CA–99–0011 | Captan 50—Wp | cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide |

NOTE: Registrants requested a 30–day comment period for thefollowing EPA Registration Numbers: 000655–00577, 000655–00739,000655–00743, 007401–00059, 000–7401–00066, 011556–00034, 011556– 00036, 011556–00037, 011556–00048, 011556–00105.

Unless a request is withdrawn by the registrant within180 days (30 days when requested by registrant) of publication ofthis notice, orders will be issued canceling all of theseregistrations.Users of these pesticides or anyone else desiring the retention ofa registration should contact the applicable registrant during thiscomment period.

The following Table 2 includes the names and addresses ofrecord for all registrants of the products in Table 1, in sequenceby EPA company number:

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

| EPA Company No. | Company Name and Address |
|---|---|
| 000004 | Bonide Products Inc., 2 Wurz Ave., Yorkville, NY 13495. |
| 000070 | Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702. |
| 000241 | BASF Corp., Box 13528, Research Triangle Park, NC 27709. |
| 000264 | Aventis Cropscience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. |
| 000572 | Rockland Corp., 686 Passaic Ave., Box 809, West Caldwell, NJ 07007. |
| 000655 | Prentiss Inc., C.B. 2000, Floral Park, NY 11001. |
| 000769 | Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W., Columbia St., Bend, OR 97702. |
| 000802 | The Garden Grow Co., 6500 Hanna Rd., Box 100, Independence, OR 97351. |
| 002935 | Wilbur Ellis Co., 191 W. Shaw Ave, #107, Fresno, CA 93704. |
| 003125 | Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120. |
| 003876 | Betzdearborn (Attn: Kevin Manning), Division of Hercules Inc., 4636 Somerton Rd., Trevose, PA 19053. |
| 005481 | AMVAC Chemical Corp., Attn: Jon C. Wood, 4695 Macarthur Ct., Suite 1250, Newport Beach, CA 92660. |
| 005887 | Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W., Columbia St., Bend, OR 97702. |
| 006557 | Coronado Paint Co., P. O. Box 308, Edgewater, FL 32132. |
| 007401 | Brazos Associates, Inc., Agent For: Voluntary Purchasing Group In, c/o Voluntary Purchasing Groups, Inc., Box 460, Bonham, TX 75418. |
| 010163 | Gowan Co., Box 5569, Yuma, AZ 85366. |
| 010182 | Zeneca Ag Products, Inc., 1800 Concord Pike, Wilmington, DE 19850. |
| 010806 | Contact Industries, Div of Safeguard Chemical Corp., 411 Wales Ave, Bronx, NY 10454. |
| 011556 | Bayer Corp., Agriculture Division, Animal Health, Box 390, Shawnee Mission, KS 66201. |
| 034704 | Jane Cogswell, Agent For: Platte Chemical Co Inc., Box 667, Greeley, CO 80632. |
| 045017 | Hercules Incorporated (Attn: Kevin Manning), Pulp & Paper Division., 4636 Somerton Rd., Trevose, PA 19053. |
| 059144 | Gro Tec Inc., Box 290, Madison, GA 30650. |
| 066330 | Tomen Agro Inc., 100 First Street, Suite 1610, San Francisco, CA 94105. |

**III. What is the Agency's Authority for Taking this Action?**

Section 6(f)(1) of FIFRA provides that a registrant of apesticide product may at any time request that any of itspesticide registrations be amended to delete one or more uses.The Act further provides that, before acting on the request, EPAmust publish a notice of receipt of any such request in the**Federal Register**. Thereafter, the Administrator may approve such a request.

**IV. Procedures for Withdrawal of Request**

Registrants who choose to withdraw a request forcancellation must submit such withdrawal in writing to James A.Hollins, at the address given above, postmarked before April 16, 2001, unless indicated otherwise. This written withdrawal of therequest for cancellation will apply only to the applicable6(f)(1) request listed in this notice. If the product(s) havebeen subject to a previous cancellation action, the effectivedate of cancellation and all other provisions of any earliercancellation action are controlling. The withdrawal request mustalso include a commitment to pay any reregistration fees due, andto fulfill any applicable unsatisfied data requirements.

**V. Provisions for Disposition of Existing Stocks**

The effective date of cancellation will be the date of thecancellation order. The orders effecting these requestedcancellations will generally permit a registrant to sell ordistribute existing stocks for 1 year after the date thecancellation request was received by the Agency. This policy isin accordance with the Agency's statement of policy as prescribedin **Federal Register** (56 FR 29362) June 26, 1991; (FRL 3846–4).Exception to this general rule will be made if a product poses arisk concern, or is in noncompliance with reregistrationrequirements, or is subject to a data call-in. In all cases,product-specific disposition dates will be given in thecancellation orders.

Existing stocks are those stocks of registered pesticide productswhich are currently in the United States and which have beenpackaged, labeled, and released for shipment prior to theeffective date of the cancellation action. Unless the provisionsof an earlier order apply, existing stocks already in the handsof dealers or users can be distributed, sold or used legallyuntil they are exhausted, provided that such further sale and usecomply with the EPA-approved label and labeling of the affectedproduct(s). Exceptions to these general rules will be made inspecific cases when more stringent restrictions on sale,distribution, or use of the products or their ingredients havealready been imposed, as in Special Review actions, or where theAgency has identified significant potential risk concerns associated with a particular chemical.

**List of Subjects**

Environmental protection, Pesticides and pests, Product registrations.

Dated: October 2, 2000.

**Richard D. Schmitt,**

*Associate Director, Information Resourcesand Services Division, Office of Pesticide Programs.*

[FR Doc 00–26510 Filed 10–13–00; 8:45 a.m.]

**BILLING CODE 6560–50–S**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6885–2]**

### Proposed Cercla Agreement and Administrative Order by Consent for Clean Up And Costs

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

**ACTION:** Proposed CERCLA Agreement and Administrative Order by Consent.

**SUMMARY:** EPA is proposing to execute an Agreement and Administrative Order by Consent (AOC) under sections 106(a) and 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The AOC requires Potentially Responsible Parties (PRPs) to conduct a clean up of the Ramona Park Battery Casing Area Superfund Site and reimburse the EPA Hazardous Substances Superfund for all EPA costs of overseeing the clean up (not to exceed $400,000). As part of this settlement, EPA will agree not to pursue from these PRPs approximately $286,836 in past response costs incurred prior to May 14, 1998. It is this portion of the settlement that EPA seeks public comment. In exchange for completing the work required and paying the oversight costs, EPA will provide the PRPs with a covenant not to sue and contribution protection for all costs associated with the Site. EPA is today proposing to accept this agreement because it forwards the Agency's public policy of protecting human health and the environment and recovers a fair and reasonable amount of costs incurred and to be incurred by EPA.

**DATES:** Comments on the past response cost component of this proposed settlement must be received on or before November 15, 2000.

**ADDRESSES:** Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Mr. Stuart Hill at (312) 886–0689 before visiting the Region 5 Office).

Mr. Stuart Hill, Community Involvement Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604 (312) 886–0689.

Comments on this proposed settlement should be addressed to:

Mr. Stuart Hill, Community Involvement Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 886–0689. (Please submit an original and three copies, if possible).

**FOR FURTHER INFORMATION CONTACT:** Mr. Stuart Hill, Office of Public Affairs, at (312) 886–0689.

**SUPPLEMENTARY INFORMATION:** The Site is an approximately five and one-half acre area located in a residential-recreational area at 6255 Auburn Road in Utica, Macomb County, Michigan. The Site is situated in the flood plain of the Clinton River and contains a significant quantity of lead-acid battery casings. The PRPs that have signed this AOC include the current property owner and parties that are alleged to have arranged for the disposal of lead batteries through a lead reclaiming operation which disposed of the contaminated casings at the Site. These PRPs are Ameritech Corporation (Michigan Bell Telephone), Auburn Supply Company, DaimlerChrysler Corporation, Detroit Edison Company, Exide Corporation, Ford Motor Corporation, General Motors Corporation, and NL Industries, Inc. A federal government agency, the Defense Logistics Agency, is also signing this AOC, and is referred to in the AOC as the Settling Federal Agency.

The proposed AOC requires the Respondents to excavate, treat and dispose off-site in appropriate landfills all soil and other debris on-site containing lead in concentrations of equal to or greater than 400 parts per million (ppm). Respondents will also conduct post removal testing for lead on-site to demonstrate that the removal action achieved the clean-up goal. Respondents will reimburse EPA for all costs of overseeing the removal action (since July 9, 1999) up to a cap of $400,000. The Settling Federal Agency will pay $50,000 to the Respondents for use on the removal action and $50,000 to the Hazardous Substances Superfund for future oversight costs. As part of the settlement, EPA will not pursue its past response costs (incurred prior to May 14, 1998) of $286,836.25 from the Respondents or the Settling Federal Agency.

**William E. Muno,**

*Director, Superfund Division, Environmental Protection Agency.*

[FR Doc. 00–26507 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–U**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6885–9; MM–HQ–2000–0006]**

### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding AirTouch Communications, Inc.

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

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with AirTouch Communications, Inc. to resolve violations of the Clean Water Act (''CWA''), and its implementing regulations. AirTouch failed to prepare Spill Prevention Control and Countermeasure (''SPCC'') plans for ten facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

**DATES:** Comments are due on or before November 15, 2000.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC–2000–009, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to *docket.oeca@epa.gov.* Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202–564–2614. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248–A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–3271; fax: (202) 564–9001; e-mail: cavalier.beth@epa.gov.

**SUPPLEMENTARY INFORMATION:** *Electronic Copies:* Electronic copies of this document are available from the EPA Home Page under the link ''Laws and Regulations'' at the **Federal Register**—Environmental Documents entry (http://www.epa.gov/fedrgstr).

**I. Background**

AirTouch Communications, Inc., a telecommunications company incorporated in the State of Delaware and located at One California Street, San Francisco, California 94111 failed to prepare SPCC plans for ten facilities. AirTouch Communications, Inc. disclosed, pursuant to the EPA ''Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations'' (''Audit Policy''), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for ten facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR part 112. EPA determined that AirTouch met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty ($47,625.00) and proposed a settlement penalty amount of fifty-two thousand, six hundred and thirty-six dollars ($52,636.00). This is the amount of the economic benefit gained by AirTouch, attributable to their delayed compliance with the SPCC regulations. AirTouch Communications, Inc. has agreed to pay this amount in civil penalties. EPA and AirTouch negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on September 28, 2000 (*In Re: AirTouch Communications, Inc.,* Docket No. MM–HQ–2000–0006). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. section 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321 (b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 (b)(3), 33 U.S.C. 1321 (b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311 (j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to $137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is November 15, 2000. All comments will be transferred to the Environmental Appeals Board (''EAB'') of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

**List of Subjects**

Environmental protection.

Dated: October 3, 2000.

**David A. Nielsen,**

*Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.*

[FR Doc. 00–26505 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6884–9]**

## Virginia State Prohibition on Discharges of Vessel Sewage; Final Affirmative Determination

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

**ACTION:** Notice.

**SUMMARY:** Notification is hereby given that the Regional Administrator, Environmental Protection Agency (EPA) Region III has affirmatively determined, pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of Smith Mountain Lake, Bedford, Franklin and Pittsylvania Counties, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Edward Ambrogio, U.S. Environmental Protection Agency, Region III, Office of Ecological Assessment and Management, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814–2758. Fax: (215) 814–2782. Email: ambrogio.edward@epa.gov.

**SUPPLEMENTARY INFORMATION:** This petition was made by the Office of the Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VADEQ). Upon receipt of this affirmative determination, Virginia will completely prohibit the discharge of sewage, whether treated or not, from any vessel in Smith Mountain Lake in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a). Notice of the Receipt of Petition and Tentative Determination was published in the **Federal Register** on August 22, 2000 (65 FR 50988, Aug. 22, 2000). Comments on the tentative determination were accepted during the comment period which closed on September 21, 2000. No comments were received. The remainder of this Notice summarizes the location of the no discharge zone (NDZ), the available pumpout facilities and related information.

Smith Mountain Lake, named after the mountain located at its southeastern edge, is an inland reservoir located in the Piedmont physiographic province of west central Virginia. The lake is situated in the Roanoke River Basin and fed by two main tributaries, the Roanoke River and the Blackwater River, as well as other minor tributaries. It was formed in 1965 after the completion of the Smith Mountain Hydroelectric Dam by Appalachian Power Company and reached full pond in 1966. The lake is approximately 20,000 acres in area, forms 500 miles of shoreline, and is bordered by the three counties of Bedford, Franklin and Pittsylvania. It flows into another large reservoir, Leesville Lake. The two lakes form a pumped storage facility for hydroelectric power generation during peak demand periods. Bedford County has been using the lake as a drinking water source since March 31, 1999. The water treatment plant is now withdrawing an annual average of approximately 20,000 gallons per day. The water intake for this facility is located on the north side of the Roanoke River arm of the lake, approximately two miles east of the Hales Ford Bridge, directly across the lake from Becky's Creek. The NDZ includes Smith Mountain Lake, from Smith Mountain Dam (Gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm, and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.

Information submitted by the Commonwealth of Virginia states that there are 17 waterfront facilities that operate pumpout facilities in the Smith Mountain Lake NDZ. Twelve of these 17 also provide dump stations, and there

are 15 additional dump stations located at 14 other marinas for a total of 27 dump stations. There is one proposed pumpout and a mobile pumpout operated by Ferrum College. Also, funding is being sought by the Virginia Department of Health to provide a mobile ''floating'' pumpout facility to operate on the lake. Details of these facilities' location, availability and hours of operation are as follows:

Virginia Dare Marina is located on State Route 853 in Bedford County. The marina currently operates one stationary pumpout facility accessible to all boaters. The pumpout facility is also a reception facility for portable toilet sanitary wastes. The marina has received approval of Clean Vessel Act funding for a pumpout facility upgrade. The marina's sewage disposal hours of operation are 10 am–4 pm, April through October.

Campers Paradise Marina is located off State Route 122, one mile north of Hales Ford Bridge that connects Bedford County and Franklin County. The marina currently operates one stationary pumpout facility accessible to all boaters. A drive by dump station on-site acts as a receptacle for sanitary waste from portable toilets. The marina's sewage disposal hours of operation are 7 am–7 pm, 11 months per year.

Lake Haven Marina is located off State Route 626 in southeast Bedford County. The marina currently operates one stationary pumpout facility located in the middle of a dock allowing equal access to all boaters. The dump station is located on land next to the septic tank and drainfield. The marina's sewage disposal hours of operation are 8 am–4 pm, April through October.

Mitchell Point Marina is located at the end of State Route 734 in southeast Bedford County. The marina currently operates a mobile pumpout unit attached to a trailer mechanism accessible to all boaters. The dump station is located next to the septic tank and drainfield. The marina's sewage disposal hours of operation are 7 am–4 pm, May through October.

Saunders Parkway Marina is located off State Route 626 in southeast Bedford County. The marina currently operates one stationary pumpout facility located on a fixed pier allowing equal access to all boaters. The dump station is located on land next to the boat repair facility. The marina's sewage disposal hours of operation are 9 am–5 pm, June through September.

Smith Mountain Lake Yacht Club is located off State Route 823 in Bedford County. The yacht club has recently completed construction of a new, state-of the-art pumpout system accessible to all boaters. The marina's sewage disposal hours of operation are 9 am–5 pm, 12 months per year.

Waterwheel Marina is located off State Route 821 in Bedford County. The marina operates a mobile unit attached to a trailer mechanism accessible to all boaters. The marina's sewage disposal hours of operation are 9 am–3 pm, 5 months per year.

Webster Marine Center is located off State Route 122 in Bedford County. The marina operates one stationary pumpout facility located on a floating pier allowing equal access to all boaters. The dump station is located next to the septic tank. The marina has received approval of Clean Vessel Act funding for a pumpout facility upgrade. The marina's sewage disposal hours of operation are 8 am–3 pm, 8 months per year.

Smith Mountain Lake State Park facility is owned by the State of Virginia and operated by the Department of Conservation and Recreation. The Department applied for and was awarded Clean Vessel Act funds for the installation of a sanitary waste pumpout unit and dump station. The facility is expected to be functional in 2001. A drive by dump station on-site currently acts as a receptacle for sanitary waste from portable toilets.

Bay Roc Marina is located off State Route 634 in Franklin County. The marina operates one stationary pumpout facility located on land near the mooring pier accessible to all boaters. The dump station is located behind the marina restroom facilities. The marina is open all year.

Boats at Smith Mountain Lake, Inc. is located off State Route 122 in Franklin County. The marina operates one stationary pumpout facility located on a mooring pier accessible to all boaters. The dump station is located between the pumpout facility and marina store. The marina's sewage disposal hours of operation are 8 am–4 pm, 7 months per year.

Bridgewater Plaza Marina is located off State Route 122 in Franklin County. The marina operates one stationary pumpout facility located on the fuel dock accessible to all boaters. The marina's sewage disposal hours of operation are 7 am–11 pm, March through November.

Crazy Horse Marina is located off State Route 616 in Franklin County. The marina operates one stationary pumpout facility located on the fuel dock accessible to all boaters. The marina's sewage disposal hours of operation are 8 am–8 pm, April through October.

Pelican Point Yacht Club located off State Route 957 in Union Hall in Franklin County. The marina operates a mobile pumpout unit attached to a trailer mechanism accessible to all boaters. A recreation vehicle dump station on-site acts as a receiving facility for sanitary waste from portable toilets. The marina's sewage disposal hours of operation are 9 am–4 pm, 10 months per year.

Shoreline Marina is located off State Route 949 in Franklin County. The marina operates a stationary pumpout unit located on the fuel dock accessible to all boaters. The dump station is located next to the marina store. This marina has utilized Clean Vessel Act funding to upgrade its sanitary waste handling capacity. The marina's sewage disposal hours of operation are 9 am–5 pm, year round.

Lakeside Marina is located off State Route 626 in Pittsylvania County. The marina operates a stationary pumpout unit located on the fuel dock accessible to all boaters. The dump station is located on land near the septic tank and drainfield. The marina's sewage disposal hours of operation are 8 am–4 pm, 6 months per year.

Lumpkin Marina is located off State Route 626 in Pittsylvania County. The marina completed construction of a new pumpout system accessible to all boaters in the 1999 season using Clean Vessel Act funding. It provides a dump station facility for portable toilets at the septic tank behind the boathouse. The marina's sewage disposal hours of operation are 8 am–7 pm, May through October.

Smith Mountain Dock & Lodge is located off State Route 626 in Pittsylvania County. The marina operates a stationary pumpout unit located on the fuel dock accessible to all boaters. The marina uses existing sanitary facilities as a dump station. These facilities are located on a fixed pier next to the boating facility. The marina's sewage disposal hours of operation are 8 am–9 pm, April through October.

The Virginia Department of Health Marina Regulations address treatment of collected vessel sewage from pumpouts and dump stations (found at 12 VAC 5–570–180 C.5 and 12 VAC 5–570–190 C, respectively). No public sewer systems are available to service the above described marina facilities. All wastes from these marinas are treated by on-site septic systems and the treatment of collected sewage is in compliance with federal, state and local regulations.

According to the State's petition, there are a total of 18,840 vessels registered in Virginia where the principal area of usage is in one of the three counties surrounding Smith Mountain Lake. This assumes that (1) when boats are used in one of the three counties they are used on Smith Mountain Lake and that, (2) the boats may be stored anywhere in Virginia but are principally used on Smith Mountain Lake, so a good number of regular transient vessels are included in the figure. Most of the recreational vessel population is limited to the season from April to October. Transient boats from other states and Virginia registered boats that are principally used elsewhere, but may at times be brought to Smith Mountain Lake, are not included in this number. An assumption can be made that the majority of such boats would be trailerable. This is supported by Health Department marina inspection slip counts which indicate only 53 out of 2,417 slips or moorings at commercial marinas are designated as transient vessel slips. Low demand for transient slips probably indicates boats are trailered and ramp launched. Most of the trailerable boats would not be of a size expected to have a holding tank. All 18,840 vessels would not occupy the lake at the same time. The information suggests that as far as simultaneous occupancy of the lake this number is high, or more likely, it is very high for the smaller, easily trailered boats, and somewhat more accurate for the larger, site-committed boats. The vessel population based on length is 4,705 vessels less than 16 feet in length, 13,309 vessels between 16 feet and 26 feet in length, 749 vessels between 26 feet and 40 feet in length, and 77 vessels greater than 40 feet in length. Based on number and size of boats, and using various methods to estimate the number of holding tanks, it is estimated that six pumpouts and seven dump stations are needed for Smith Mountain Lake. As described above, there are currently 17 operational pumpout facilities and 27 operational dump stations in Smith Mountain Lake.

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Smith Mountain Lake, Bedford, Franklin and Pittsylvania Counties, Virginia. This final determination will result in a Virginia State prohibition of any sewage discharges from vessels in Smith Mountain Lake.

Dated: September 29, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 00–26508 Filed 10–13–00; 8:45 am]

**BILLING CODE 6560–50–U**

## EXPORT-IMPORT BANK

### Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Export-Import Bank)

**SUMMARY:** The Advisory Committee was established by P.L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

*Time and Place:* Thursday, November 9, 2000, at 9:30 a.m. to 12:30 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

*Agenda:* This meeting will include a follow-up discussion of the Institute of International Economics study titled ''The Future of the U.S. Ex-Im Bank'', issues raised in this study, and other matters.

*Public Participation:* The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to November 3, 2000, Nichole Westin, Room 1257, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3542 or TDD (202) 565–3377.

*For Further Information Contact:* For further information, contact Nichole Westin, Room 1257, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565–3542.

**John M. Niehuss,**

*General Counsel.*

[FR Doc. 00–26490 Filed 10–13–00; 8:45 am]

**BILLING CODE 6690–01–M**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 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 10:30 a.m. on Tuesday, October 17, 2000, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, Unites States Code, to consider matters relating to the Corporation's corporate and supervisory activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: October 12, 2000.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 00–26667 Filed 10–12–00; 8:45 am]

**BILLING CODE 6714–01–M**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1344–DR]**

### Florida; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1344–DR), dated October 3, 2000, and related determinations.

**EFFECTIVE DATE:** October 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated October 3, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from Tropical Storm Helene beginning on September 21, 2000, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the

designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The State Emergency Management Agency (SEMA) will manage the Public Assistance operation, including project eligibility reviews, process control, and resource allocation. FEMA will retain obligation authority, the final approval of environmental and historic preservation reviews, and will assist SEMA to the extent that such assistance is necessary and is specifically requested by SEMA.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Charles M. Butler of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

Bay, Calhoun, Escambia, Franklin, Gulf, Jefferson, Leon, Okaloosa, and Walkulla Counties for Public Assistance.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**James L. Witt,**

*Director.*

[FR Doc. 00–26533 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1344–DR]**

### Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Florida (FEMA–1344–DR), dated October 3, 2000, and related determinations.

**EFFECTIVE DATE:** October 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective October 4, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 00–26534 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1345–DR]**

### Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Florida, (FEMA–1345–DR), dated October 4, 2000, and related determinations.

**EFFECTIVE DATE:** October 6, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Florida is hereby amended to include the Public Assistance program to the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 4, 2000:

Miami-Dade and Broward Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

**Larry Zensinger,**

*Division Director, Human Services Division.*

[FR Doc. 00–26535 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1292–DR]**

### North Carolina; Amendment No. 6 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1292–DR), dated September 16, 1999, and related determinations.

**EFFECTIVE DATE:** September 29, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated September 29, 2000, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in North Carolina resulting from Hurricane Floyd beginning on September 15, 1999, and continuing through November 2, 1999, is of sufficient severity and magnitude that special conditions are warranted regarding the cost-sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the Stafford Act).

Therefore, I amend my previous declaration to authorize Federal funds for Public Assistance at 90 percent of total eligible costs.

This adjustment to State and local cost sharing applies only to Public Assistance costs eligible for such adjustment under the law. The law specifically prohibits a similar

adjustment for funds provided to the State for the Individual and Family Grant program, mobile home group site development under Section 408, Temporary Housing, and Hazard Mitigation Assistance. These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**James L. Witt,**

*Director.*

[FR Doc. 00–26531 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1343–DR]**

### Ohio; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Ohio, (FEMA–1343–DR), dated September 26, 2000, and related determinations.

**EFFECTIVE DATE:** October 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Ohio is hereby amended to include Public Assistance for the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 26, 2000:

Greene County for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

**James L. Witt,**

*Director.*

[FR Doc. 00–26532 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Notice of Adjustment of Disaster Grant Amounts

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** FEMA gives notice that we are increasing the statewide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2000.

**EFFECTIVE DATE:** October 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** 44 CFR 206.48 prescribes that we (FEMA) must adjust the statewide per capita impact indicator under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

We give notice that we are increasing the statewide per capita impact indicator to $1.04 for all disasters declared on or after October 1, 2000.

We base the adjustments on an increase in the Consumer Price Index for All Urban Consumers of 3.4 percent for the 12-month period ended in August 2000. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 15, 2000.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dated: October 6, 2000.

**James L. Witt,**

*Director.*

[FR Doc. 00–26536 Filed 10–13–00; 8:45 am]

**BILLING CODE 6718–02–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Findings of Scientific Misconduct

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) and the Assistant Secretary for Health have taken final action in the following case:

*Randall P. French, Ph.D., Fox Chase Cancer Center:* Based on the report of an investigation conducted by the Fox Chase Cancer Center (FCCC) and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) finds that Dr. French, postdoctoral associate, FCCC, engaged in scientific misconduct by fabricating published research supported by National Cancer Institute (NCI), National Institutes of Health (NIH), grants T32 CA09035 and P30 CA06927.

Specifically, Dr. French fabricated research results published in Developmental Biology 217:62–76, 2000, by falsely claiming in the text and Table 1 that he had assayed mouse embryos transgenic for a modified DNA construct (cG5/lacZ-F) for a study on the expression of cGATA–5 transcription factor during heart development in mice. An erratum replacing the fabricated data was published by the authors in Developmental Biology 223:463, 2000.

Dr. French has accepted the PHS finding and has entered into a Voluntary Exclusion Agreement with PHS in which he has voluntarily agreed for a period of three (3) years, beginning on September 28, 2000:

(1) To exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee;

(2) That any institution that submits an application for PHS support for a research project on which Dr. French's participation is proposed or that uses Dr. French in any capacity on PHS supported research, or that submits a report of PHS-funded research in which Dr. French is involved, must concurrently submit a plan for supervision of his duties to the funding agency for approval. The supervisory plan must be designed to ensure the scientific integrity of Dr. French's research contribution. The institution must also submit a copy of the supervisory plan to ORI.

**FOR FURTHER INFORMATION CONTACT:** Director, Division of Investigative Oversight, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443–5330.

**Chris Pascal,**

*Director, Office of Research Integrity.*

[FR Doc. 00–26538 Filed 10–13–00; 8:45 am]

**BILLING CODE 4160–17–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

**[Document Identifier: HCFA–1728–94]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Revision of a currently approved collection.

*Title of Information Collection:* Home Health Agency Cost Report and Supporting Regulations in 42 CFR 413.20, 413.24, and 413.106.

*Form No.:* HCFA–1728–94 (OMB 0938–0022).

*Use:* Form HCFA–1728–94 is the form used by HHAs participating in the Medicare program. This form reports the health care costs used to determine the amount of reimbursable costs for services rendered to Medicare beneficiaries.

*Frequency:* Annually.

*Affected Public:* Businesses or other for-profit; not-for-profit institutions.

*Number of Respondents:* 8,950.

*Total Annual Responses:* 8,950.

*Total Annual Hours:* 1,599,700.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: October 6, 2000.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00–26418 Filed 10–13–00; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

**[Document Identifier: HCFA–437]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection.

*Title of Information Collection:* Psychiatric Unit Criteria Worksheet, Rehabilitation Unit Criteria Worksheet, and Rehabilitation Hospital Criteria Worksheet, and Supporting Regulations at 42 CFR 412.20–412.30.

*Form No.:* HCFA–437, 437A, and 437B (OMB # 0938–0358).

*Use:* The rehabilitation hospital/unit and psychiatric unit criteria worksheets are necessary to verify and reverify that these facilities/units comply and remain in compliance with the exclusion criteria for the Medicare prospective payment system.

*Frequency:* Annually.

*Affected Public:* Business or other for-profit, not-for-profit institutions, State, local, or tribal government.

*Number of Respondents:* 2,580.

*Total Annual Responses:* 2,580.

*Total Annual Hours:* 645.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: October 5, 2000.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00–26419 Filed 10–13–00; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

**[Document Identifier: HCFA–R–0094]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions;

(2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection.

*Title of Information Collection:* Sterilization Regulations and Consent Form.

*Form No.:* HCFA–R–0094 (OMB# 0938–0481).

*Use:* All Medicaid-eligible individuals seeking sterilization are required to provide informed consent, acknowledging that they understand the risks and benefits.

*Frequency:* On occasion.

*Affected Public:* Individuals or households; State, local or tribal gov't.

*Number of Respondents:* 135,923.

*Total Annual Responses:* 135,923.

*Total Annual Hours:* 169,903.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: October 5, 2000.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 00–26420 Filed 10–13–00; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Inspector General

### Program Exclusions: September 2000

**AGENCY:** Office of Inspector General, HHS.

**ACTION:** Notice of program exclusions.

During the month of September 2000, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

| Subject, city, state | Effective date |
|---|---|
| **PROGRAM-RELATED CONVICTIONS** | |
| ANDERSON, RICHARD JOHN TREMPEALEAU, WI | 10/19/2000 |
| ARANZAZU, YOLANDA QUINTANA MIAMI, FL | 10/19/2000 |
| ARENAS, ARNOLFO CARSON JR GLENDALE, CA | 10/19/2000 |
| BAIRES, DOUGLAS ARTURO SOUTH GATE, CA | 10/19/2000 |
| BERNAL, LUCILA KEY BISCAYNE, FL | 10/19/2000 |
| BERNARDO, CAROL JOYCE PROVIDENCE, RI | 10/19/2000 |
| BRAILOVSKAIA, POLINA WEST HOLLYWOOD, CA | 10/19/2000 |
| CARNEY, EDWARD A CAMP HILL, PA | 10/19/2000 |
| CHANG, CANDACE CHOWCHILLA, CA | 10/19/2000 |
| CONWAY, JOHN W LEXINGTON, KY | 10/19/2000 |
| CROWN MEDICAL SERVICES INC PROVIDENCE, RI | 10/19/2000 |
| ELLSWORTH, GILBERT COCONUT CREEK, FL | 10/19/2000 |
| GILBERT, JAMES ANDREW EL RENO, OK | 10/19/2000 |
| GODZHOYAN, SARKIS GLENDALE, CA | 10/19/2000 |
| GOLDSTAR HEALTHCARE INC TAMPA, FL | 05/19/2000 |
| GORODETSKY, GEORGE LOS ANGELES, CA | 10/19/2000 |
| GUPTA, RAMESH KUMAR TROY, MI | 10/19/2000 |
| HAUSER, GREGORY LEE ARROYO GRANDE, CA | 10/19/2000 |
| HEIBLUM, MIRIAM MIAMI, FL | 10/19/2000 |
| HERMES, HARRY HERMAN III FLORENCE, CO | 10/19/2000 |
| ILORI, CLEMENT OLUWOLE PROVIDENCE, RI | 10/19/2000 |
| JRL HEALTH ASSOCIATES, LTD WOOD RIDGE, NJ | 10/19/2000 |
| KORANTENG, EILEEN PEEKSKILL, NY | 10/19/2000 |
| LACEY, JOAN R WOOD RIDGE, NJ | 10/19/2000 |
| LAWSON, DONNIE W ASHLAND, KY | 10/19/2000 |
| LEHRMAN, NORMAN P DEVENS, MA | 10/19/2000 |
| MAJOR, JEFFERY ALLAN SACRAMENTO, CA | 10/19/2000 |
| MANZO, SUZANNE MARIE BRUNSWICK, ME | 10/19/2000 |
| MATRIX BIOKINETICS, INC LAS VEGAS, NV | 10/19/2000 |
| MCKEAN, J D JR EDMOND, OK | 10/19/2000 |
| MCLEE-BERGERON, MARIE LOUISE VISALIA, CA | 10/19/2000 |
| MICHAEL, SAMI ISAAC STEUBENVILLE, OH | 10/19/2000 |
| NGUYEN, PHUONG THI LAKE FOREST, CA | 10/19/2000 |
| NGUYEN, LY QUANG LOMPOC, CA | 10/19/2000 |
| NICHOLS, MARYELLEN COLUMBUS, OH | 10/19/2000 |
| O'CONNOR, ANN M BRONXVILLE, NY | 10/19/2000 |
| PACE, CECILIA JOHNECE GLADEWATER, TX | 10/19/2000 |
| RODRIGUEZ, ELENA MIAMI, FL | 10/19/2000 |
| SAFONOVA, NATALIYA BROOKLYN, NY | 10/19/2000 |
| SALERA, SHEILA M CRANSTON, RI | 10/19/2000 |
| SAMARITAN HEALTH SYSTEMS, INC LEXINGTON, KY | 10/19/2000 |
| SCHWARTZ, DUANE EDWARD LIBERTY, ME | 10/19/2000 |
| SCOTTI, WILLIAM J MARGATE, FL | 10/19/2000 |
| SLEETH, ELVIN TAMPA, FL | 05/10/2000 |
| SORGNARD, RICHARD N LAS VEGAS, NV | 10/19/2000 |
| SUMBLIN, DELISA ANTOINETTE SACRAMENTO, CA | 10/19/2000 |
| SY, EVANICA CHOWCHILIA, CA | 10/19/2000 |
| TABLEMAN, BETH C OLD TOWN, ME | 10/19/2000 |
| TER-ORGANESYAN, ABRAM RESEDA, CA | 10/19/2000 |
| THURSTON, MICHAEL ALLAN WHITE DEER, PA | 10/19/2000 |
| TOBIAS, SHERYL LAVERNE WEST COVINA, CA | 10/19/2000 |
| VICTOR, ALEXANDRIA NAGEEZI, NM | 10/19/2000 |
| WICK, CARMEN DUBLIN, CA | 10/19/2000 |
| ZARRINNAM, MAJID | 10/19/2000 |

| Subject, city, state | Effective date |
|---|---|
| LOS ANGELES, CA | |
| **FELONY CONVICTION FOR HEALTH CARE FRAUD** | |
| CLIFTON, MARVIN DEMENTREOUS ..... BATON ROUGE, LA | 10/19/2000 |
| MCGINNIS, KIMBERLY ANN ... AUBURN, CA | 10/19/2000 |
| SERIO, KARLEATHA D ..... PHOENIX, AZ | 10/19/2000 |
| **FELONY CONTROL SUBSTANCES CONVICTION** | |
| ANDERSON, GERALD MARVIN ..... LONG BEACH, CA | 10/19/2000 |
| COCKERHAM JASS, JACQUELINE ..... PEKIN, IL | 10/19/2000 |
| DOSKOCIL, THOMAS ANTON BEAUMONT, TX | 10/19/2000 |
| LOGAN, JOSEPH LEROY ..... WARREN, OH | 10/19/2000 |
| SMIRNOFF, GEORGE ..... MARION, OH | 10/19/2000 |
| **PATIENT ABUSE/NEGLECT CONVICTIONS** | |
| AGGETT, BRIAN THOMAS ..... YAKIMA, WA | 10/19/2000 |
| BEHRMAN, EDWARD ..... WAYNE, NJ | 10/19/2000 |
| BELL, DORETHA C ..... TALLULAH, LA | 10/19/2000 |
| CASTRO, RAMON ..... ARLETA, CA | 10/19/2000 |
| GREEN, JULES RAY ..... ALEXANDRIA, LA | 10/19/2000 |
| KELLY, SONYA R ..... SPRINGFIELD, OH | 10/19/2000 |
| MERCADEL, MORRIS HENRY III ..... LOS ANGELES, CA | 10/19/2000 |
| MOSES, LAURA MAY ..... CHARLESTON, NH | 10/19/2000 |
| MURRAY, BRUCE WAYNE ..... ENID, OK | 10/19/2000 |
| NALAM, CALIXTRO LATOGA SHELTON, WA | 10/19/2000 |
| OISAMAIYE, JAMES O ..... PROVIDENCE, RI | 10/19/2000 |
| PETERSON, ELISA DEAINE ... WASHOUGAL, WA | 10/19/2000 |
| PIKE, MICHAEL ANTHONY ..... HOUSTON, TX | 10/19/2000 |
| REID, CARL D ..... PENDLETON, OR | 10/19/2000 |
| SHEEHAN, EDWARD F ..... POULTNEY, VT | 10/19/2000 |
| SILVA, DANE DRAKE ..... KAILUA, HI | 10/19/2000 |
| SIMMONS, LINDA ..... JACKSON, MS | 10/19/2000 |
| TOMBLIN, DONALD G JR ..... KISTLER, WV | 10/19/2000 |
| WHISNANT, JOYCE A ..... CINCINNATI, OH | 10/19/2000 |
| TRAMMEL, DARLENE ..... LAS VEGAS, NV | 10/19/2000 |
| WISE, KENNETH EUGENE JR BELTON, TX | 10/19/2000 |
| **CONTROLLED SUBSTANCE CONVICTIONS** | |
| ZUCKER, ARNOLD HARRIS ... PELHAM, NY | 10/19/2000 |
| **LICENSE REVOCATION/SUSPENSION/ SURRENDERED** | |
| ADIONG, THELMA ROBLE ..... STOCKTON, CA | 10/19/2000 |
| ALDAY, ATHENA S ..... MARIANNA, FL | 10/19/2000 |
| ALI, HONOR CHRISTIAN PICKETT ..... CLARKSVILLE, IN | 10/19/2000 |
| ANDREWS, MOLLY C ..... CHICAGO, IL | 10/19/2000 |
| APPLEBY, CHRISTINA LYONS BETHEL, VT | 10/19/2000 |
| ASHTON, TRINA M ..... COLLINSVILLE, CT | 10/19/2000 |
| BAKER, MARK A ..... VENICE, IL | 10/19/2000 |
| BATTALINO, BARBARA ANN .. LOS OSO, CA | 10/19/2000 |
| BELT, STELLA LOUISE ..... GOLCONDA, IL | 10/19/2000 |
| BIRDWELL, LINDA KAY ..... BONHAM, TX | 10/19/2000 |
| BLAIR, TOM E ..... JENKINS, KY | 10/19/2000 |
| BLISSARD, LINDA DIANE ..... CHANDLER, AZ | 10/19/2000 |
| BRADTL, ANNETTE LEA ..... CAPO BEACH, CA | 10/19/2000 |
| BURNS, JANICE A ..... ENDFIELD, NH | 10/19/2000 |
| BURT, JOSEPH MARK ..... LANSING, MI | 10/19/2000 |
| BUSENBARK-GARDNER, LINDA B ..... WOODINVILLE, WA | 10/19/2000 |
| BYRAM, BARRY RAY ..... COSTA MESA, CA | 10/19/2000 |
| CAIROLI, JOSEFINA ..... W COVINA, CA | 10/19/2000 |
| CARTER, KATHLEEN ..... CHICAGO, IL | 10/19/2000 |
| CASH, ELEANOR IWALANI .... STOCKTON, CA | 10/19/2000 |
| CHAHIL, AMARJIT SINGH ..... TRACY, CA | 10/19/2000 |
| CHEATHAM, SHANTELL LASHAWN ..... AURORA, CO | 10/19/2000 |
| CHEIN, EDMUND ..... PALM SPRINGS, CA | 10/19/2000 |
| CIACCIA, MICHAEL J ..... LANCASTER, PA | 10/19/2000 |
| CICINELLI, RICHARD RAY ..... NEW ORLEANS, LA | 10/19/2000 |
| CLARK, BRUCE A ..... LOUISVILLE, KY | 10/19/2000 |
| CLYDE, KEVIN JAMES ..... SAN DIEGO, CA | 10/19/2000 |
| COLE, MARJORIE JOSEPH .... BLAINE, MN | 10/19/2000 |
| CONARY, JANICE L ..... DES MOINES, IA | 10/19/2000 |
| COPELAND, GERARD CLARENCE ..... BELLWOOD, IL | 10/19/2000 |
| COPENHAVER, JOHN MICHAEL ..... MARIETTA, GA | 10/19/2000 |
| COPP, JERRY A ..... FARMINGTON, ME | 10/19/2000 |
| COPPOLA, JANET R ..... N BENNINGTON, VT | 10/19/2000 |
| COTA, DANIEL JESUS ..... SANTA MONICA, CA | 10/19/2000 |
| COX, MARLANDA DAMARI OWENS ..... LOUISVILLE, KY | 10/19/2000 |
| DANIELS, ALVIN J ..... LONG BEACH, NY | 10/19/2000 |
| DEAETT, JILL M ..... HINSDALE, NH | 10/19/2000 |
| DEGREEF, CONNY ..... SAN JUAN CAPISTRANO, CA | 10/19/2000 |
| DELONG, RONALD ALLEN ..... NEW ALBANY, IN | 10/19/2000 |
| DENNIS, MICHAEL HOWARD MARTINDALE, TX | 10/19/2000 |
| DESANTO, VICTORIA ..... HAVERTOWN, PA | 10/19/2000 |
| DION, JAMI R ..... EXETER, NH | 10/19/2000 |
| DOBBS, MELISSA FAY ..... MUSTANG, OK | 10/19/2000 |
| EDGAR, CONNIE SUE ..... PASO ROBLES, CA | 10/19/2000 |
| EVITTS, MARSHA LYNN ..... AURORA, IL | 10/19/2000 |
| FAY, SUSAN EDITH ..... THREE OAKS, MI | 10/19/2000 |
| FERLAND, ARMAND PHILIPPE ..... EDEN, VT | 10/19/2000 |
| FORD, SHELBY J ..... BUENA VISTA, VA | 10/19/2000 |
| FOSTER, MARY KIZER ..... RALEIGH, NC | 10/19/2000 |
| FOSTER, ROBERT N ..... PRESTON, MD | 10/19/2000 |
| GREEDY, JACQUELINE MAGNER ..... CARSON CITY, NV | 10/19/2000 |
| GROGANS, EDWARD ERNEST ..... SANTA ROSA, CA | 10/19/2000 |
| GUSTAFSON, SARA MARIE ... ORLANDO, FL | 10/19/2000 |
| HAGEN, DAVID LAWRENCE .. LAFAYETTE, CA | 10/19/2000 |
| HAND, ROBERT ALDRIDGE ... AUGUSTA, GA | 10/19/2000 |
| HEAPS, ERIC KEN ..... ROHNERT PARK, CA | 10/19/2000 |
| HEMSLEY, HENRY W ..... NORWICH, NY | 10/19/2000 |
| HENNING, STEVEN MICHAEL GRETNA, LA | 10/19/2000 |
| HO, SHING CHAU ..... NESCONSET, NY | 10/19/2000 |
| HOFFSCHNEIDER, DOLORES CLEVELAND, TX | 10/19/2000 |
| HOLLAND, BRIAN DOUGLAS AVAWAM, KY | 10/19/2000 |
| HOUSEMAN, HEATHER LYNN CARROLLTON, IL | 10/19/2000 |
| HOUSTON, JULIE C ..... GALESBURG, IL | 10/19/2000 |
| HOWARD, REBECCA J ..... | 10/19/2000 |

| Subject, city, state | Effective date |
|---|---|
| SARDIS, TN | |
| IMONDI, MARY CHRISTINE .... WARWICK, RI | 10/19/2000 |
| JOHNSON, TERESA W ..... CANAL WINCHESTER, OH | 10/19/2000 |
| JOHNSON, CHARLES L ..... LOS ANGELES, CA | 10/19/2000 |
| JOYNER, JEFFREY E ..... MCDONALD, TN | 10/19/2000 |
| KEEN, MONTE S ..... DEMAREST, NJ | 10/19/2000 |
| KENNA, JOHN F ..... PALOS HILLS, IL | 10/19/2000 |
| KEYS, HERBERT LOUIS ..... AURORA, CO | 10/19/2000 |
| KINDLER, JAMES D ..... DES MOINES, IA | 10/19/2000 |
| KLIMAS, RICHARD ALAN ..... DECATUR, AL | 10/19/2000 |
| KNEZEVICH, STEPHEN D ..... CHATSWORTH, CA | 10/19/2000 |
| KOPPES, MOTY ..... NEWPORT BEACH, CA | 10/19/2000 |
| LINKSWILER, SANDRA CAROLE ..... SALEM, VA | 10/19/2000 |
| LOVELL, DEAN RALPH ..... BIDDEFORD, ME | 10/19/2000 |
| MALONE, COLLEEN MARIE ... AMSTERDAM, NY | 10/19/2000 |
| MARTIN, TIMOTHY P ..... NARRAGANSETT, RI | 10/19/2000 |
| MASTEJ, RYAN THOMAS ..... WEST HAVEN, CT | 10/19/2000 |
| MAUN, LORENZO PAYABYAB LAKE FOREST, CA | 10/19/2000 |
| MAZZEO, MICHAEL JOHN ..... PIERMONT, NY | 10/19/2000 |
| MCCARTHY, SUE ANNE ..... BUFFALO, NY | 10/19/2000 |
| MILLER, EDGAR ..... CLINTON, MS | 10/19/2000 |
| MILLER, SAMUEL J ..... ELWOOD, IL | 10/19/2000 |
| MONTGOMERY, TERRY GLENN ..... GUNNISSON, UT | 10/19/2000 |
| MOORHEAD, JAMES FRANKLIN ..... COLLEGE PARK, GA | 10/19/2000 |
| MORANO, CAROL RUTH ..... BRIDGEPORT, CT | 10/19/2000 |
| NAGLE, BONNIE VAN ALLEN OXON HILL, MD | 10/19/2000 |
| NAJI-TALAKAR, BAHMAN ..... PHOENIX, AZ | 10/19/2000 |
| NILSSON, JERRY D ..... STANTON, CA | 10/19/2000 |
| NOVICK, PHILIP B ..... FISHKILL, NY | 10/19/2000 |
| NYGREN, NANETTE LOUISE PHOENIX, AZ | 10/19/2000 |
| OLIVER, WILLIAM PETER ..... MANCHESTER, NH | 10/19/2000 |
| OWENS, KELLE PRICE ..... SPRINGFIELD, VA | 10/19/2000 |
| PEARSON, MICHAEL D ..... ANCHORAGE, AK | 10/19/2000 |
| PECKLER, JOHN E ..... FRESON, CA | 10/19/2000 |
| PERRY, KENNETH B ..... ST PETERSBURG, FL | 10/19/2000 |
| PESESKY, ELIZABETH ANN .. ELMIRA HEIGHTS, NY | 10/19/2000 |
| PORCHE, RENEE LOUISE ..... OAKLAND, CA | 10/19/2000 |
| POST, DAVID LAWRENCE ..... SAN RAMON, CA | 10/19/2000 |
| POWELL, LAURIE ..... LOS ANGELES, CA | 10/19/2000 |
| POWELL, GWENDOLYN FAYE JONESBORO, AK | 10/19/2000 |
| PRATER, LINDA ANDERSON WINCHESTER, KY | 10/19/2000 |
| PROCTOR, MICHELLE LEE .... FORNEY, TX | 10/19/2000 |
| PRYCE, LLOYD ALEXANDER DUNCANVILLE, TX | 10/19/2000 |
| PUNG, LARRY J ..... COOKEVILLE, TN | 10/19/2000 |
| REDDING, CAROL A ..... STONY BROOK, NY | 10/19/2000 |
| RODGERS, JEFFREY DRAKE DANVILLE, VA | 10/19/2000 |
| ROGERS, MATTHEW SEBASTIAN ..... NAVASOTA, TX | 10/19/2000 |
| ROMERO, IRAIDA ..... MIAMI, FL | 10/19/2000 |
| ROYSTON, LAURA ..... RICHMOND, CA | 10/19/2000 |
| RUSHING, ROSETTA M ..... HAMPTON, VA | 10/19/2000 |
| SAID, ELIAS ..... GRAYSON, GA | 10/19/2000 |
| SCHULTE, JEROME LEWIS ... ATASCADERO, CA | 10/19/2000 |
| SHAH, SURESHCHANDRA C PALM DESERT, CA | 10/19/2000 |
| SHETTY, NAGESH ..... COSTA MESA, CA | 10/19/2000 |
| SIROIS, BRENDA JANE ..... MILFORD, NH | 10/19/2000 |
| SKILLION, ANTHONY ..... NASHVILLE, TN | 10/19/2000 |
| SMITH, BRUCE W ..... SAN BERNARDINO, CA | 10/19/2000 |
| SMITH, BELINDA A ..... ROOSEVELT, NY | 10/19/2000 |
| ST LUCIA, STEVEN ANTHONY ..... SCHENECTADY, NY | 10/19/2000 |
| STODDART, JAMES EDWARD SAN DIEGO, CA | 10/19/2000 |
| TALVY, LOURDES DAMO ..... E ROCKAWAY, NY | 10/19/2000 |
| THOMASSEN, JOHN ARTHUR STOCKTON, CA | 10/19/2000 |
| TOMLIN, CYNTHIA EARLENE BAKERSFIELD, CA | 10/19/2000 |
| TORBERT, DARRELL WAYNE SOMERSET, KY | 10/19/2000 |
| VOLK, KAREN A ..... ROSLYN, PA | 10/19/2000 |
| VON HERZEN, BRUCE ALEXANDER ..... SAN JUAN, CAPISTRANO, CA | 10/19/2000 |
| WACTOR, JAMES DAREN ..... KESWICK, VA | 10/19/2000 |
| WARDLAW, JOE ROY ..... BOGART, GA | 10/19/2000 |
| WAYNE, BRYAN MATTHEW ... HOUSTON, TX | 10/19/2000 |
| WHITE, HOLLY BETH ..... LAGUNA BEACH, CA | 10/19/2000 |
| WICKERD, RONALD GAYLE .. MORENO VALLEY, CA | 10/19/2000 |
| WILLARD, AMBER S ..... BARRE, VT | 10/19/2000 |
| WINSTEAD, ARTHUR NICK III BAKERSFIELD, CA | 10/19/2000 |
| WISIAN, NORA LORETTA ..... DALLAS, TX | 10/19/2000 |
| WOODS, JANET ROSE ..... ALTON, NH | 10/19/2000 |
| WOODWARD, WILLOW MARGARET ..... NIAGARA FALLS, NY | 10/19/2000 |
| YING, LLOYD ..... CANTON, MI | 10/19/2000 |

**FEDERAL/STATE EXCLUSION/SUSPENSION**

| | |
|---|---|
| ADAJAR, MARIO ADA ..... CHICAGO, IL | 10/19/2000 |
| BARB CORP ..... DES PLAINES, IL | 10/19/2000 |
| CASTEN, CHRIS PETER ..... RIVER FOREST, IL | 10/19/2000 |
| CHAJET, ROBERTA ..... NORTHBROOK, IL | 10/19/2000 |
| CHAJET, BARRY ..... NORTHBROOK, IL | 10/19/2000 |
| DONNARUMMA, CHRISTINE ELIZABETH ..... FORKED RIVER, NJ | 10/19/2000 |
| FAMILY CARE PHARMACY .... PHILADELPHIA, PA | 10/19/2000 |
| JACOBSON, CRAIG STEVEN HILLSIDE, NJ | 10/19/2000 |
| PATEL, BABUBHAI PRAHLADBHAI ..... ADDISON, IL | 10/19/2000 |
| QUEEN'S MEDICAL SUPPLY HUNTINGTON PARK, CA | 10/19/2000 |
| SUN REHAB, INC ..... MULLICA HILL, NJ | 10/19/2000 |
| VAUGHAN'S PHARMACY, INC WOLCOTT, CT | 10/19/2000 |

**FRAUD/KICKBACKS**

| | |
|---|---|
| LEVIN, GERALD A ..... INDIANAPOLIS, IN | 05/01/2000 |
| TARAVELLA, LORETTA CAPP TAMPA, FL | 12/28/1999 |

**OWNED/CONTROLLED BY CONVICTED EXCLUDED**

| | |
|---|---|
| AMIABLE PHARMACY ..... BROOKLYN, NY | 10/19/2000 |
| CENTRE CHIROPRACTIC ASSOC ..... STATE COLLEGE, PA | 10/19/2000 |
| DANIELS DRUG HEALTHMART ..... MALTA, MT | 10/19/2000 |
| DENTURE SHOP ..... AUSTIN, TX | 10/19/2000 |
| GEMSTAR OXIMETRY INC. .... DENVER, CO | 10/19/2000 |
| GRAND COTEAU PRESCRIPTION ..... GRAN COTEAU, LA | 10/19/2000 |
| HEALTH PARTNERS, P C ..... EVANSVILLE, IN | 10/19/2000 |
| HOLISTIC HEALTH CENTER .. | 10/19/2000 |

| Subject, city, state | Effective date |
|---|---|
| TUSTIN, CA | |
| OBATA CHIROPRACTIC CLINIC, P C ..... COLLEGE PARK, GA | 10/19/2000 |
| PAUNOVIC & PAUNOVIC ..... NEWBURGH, NY | 10/19/2000 |
| PROMETEO COUNSELING CTR, INC ..... MIAMI, FL | 10/19/2000 |
| TURNER CHIROPRACTIC & FITNESS ..... SALLISAW, OK | 10/19/2000 |
| **DEFAULT ON HEAL LOAN** | |
| AL-AMIN, IHSAAN ..... RINGGOLD, GA | 10/19/2000 |
| BARATTA, GEORGE A JR ..... DANVILLE, CA | 10/19/2000 |
| BARGHOUTI, TARIQ A ..... PORTLAND, OR | 10/19/2000 |
| BECK, MARK L ..... WASHINGTON, DC | 8/21/2000 |
| BERGHERM, BRENT G ..... CARTERSVILLE, GA | 10/19/2000 |
| BERNARDONE, JEFFREY J ... MANSFIELD, MA | 10/19/2000 |
| BLISS, CHRISTOPHER E ..... ATTLEBORO, MA | 10/19/2000 |
| BOWER, DIAN L ..... NORMAN, OK | 10/19/2000 |
| BROUSSARD, CHARLOTTE R OKLAHOMA CITY, OK | 10/19/2000 |
| CHICCHETTI, CHRISTOPHER R ..... WEST PALM BEACH, FL | 10/19/2000 |
| CRAFTON, DENHAM B II ..... TUCSON, AZ | 10/19/2000 |
| DACOSTA, MICHAEL P ..... MIAMI, FL | 10/19/2000 |
| FOLLINI, CHRISTOPHER L ..... YORKTOWN HGTS, NY | 10/19/2000 |
| FONTENOT, TOM R ..... GROVES, TX | 10/19/2000 |
| GONZALEZ, STELLA R ..... TOLEDO, OH | 10/19/2000 |
| GUARNERA, JOSEPH E ..... ARLINGTON, TX | 10/19/2000 |
| HASS, KURT B ..... SIMI VALLEY, CA | 10/19/2000 |
| HIBBERT, HAROLD H ..... PALO ALTO, CA | 10/19/2000 |
| HINDS, THOMAS E ..... S SIOUX CITY, NE | 8/31/2000 |
| HOLDCROFT, MICHAEL P ..... ALLISON PARK, PA | 10/19/2000 |
| HUTCHES, MERILYN M ..... DETROIT LAKES, MN | 10/19/2000 |
| JOHNSON, RICHARD K ..... INGLEWOOD, CA | 10/19/2000 |
| JULIA, GIL M ..... DALLAS, TX | 10/19/2000 |
| KASCIUS, LAUREN ..... JULIAN, CA | 10/19/2000 |
| LAWRENCE, ROBERT DONALD ..... SAN FRANCISCO, CA | 10/19/2000 |
| LEONARDI, VICTOR L ..... PEORIA, AZ | 10/19/2000 |
| LONG, TIMOTHY J ..... PALMYRA, PA | 10/19/2000 |
| LUEKE, CARL H ..... KEARNEY, MO | 10/19/2000 |
| LYVAN, KIM ..... NEW YORK, NY | 10/19/2000 |
| MASRI, NASSER M ..... PATERSON, NJ | 10/19/2000 |
| MCCONNELL, DWAIN E ..... AURORA, CO | 10/19/2000 |
| MCCOY, SHAWN D ..... BELLEVUE, NE | 10/19/2000 |
| MCGEE, ARNIE D ..... GORE, OK | 10/19/2000 |
| MILLWARD, DENNIS E ..... SAN FRANCISCO, CA | 10/19/2000 |
| MONTALVO, EDWIN R ..... SAN GERMAN, PR | 10/19/2000 |
| MORITZ, GREGORY M ..... DOUGLASVILLE, GA | 10/19/2000 |
| NOWAK, OWEN B ..... LINCOLNWOOD, IL | 10/19/2000 |
| OLIVER, MARC L ..... NASHVILLE, TN | 10/19/2000 |
| PEREZ, REINALDO R ..... CAROLINA, PR | 10/19/2000 |
| PHUNG, SON H ..... CHICAGO, IL | 10/19/2000 |
| RITCHIE, WILLIAM N III ..... STRATFORD, NJ | 10/19/2000 |
| RIVERA-RIGAU, LESTER R .... CABO ROJO, PR | 10/19/2000 |
| ROBINSON, ADDIE HILDA ..... COLUMBIA, MD | 10/19/2000 |
| SARIEDDINE, AELIS L ..... RIO PIEDRAS, PR | 10/19/2000 |
| SCHOURUP, JULIE A ..... MCNEAL, AZ | 10/19/2000 |
| STAFFORD, JERRY LEE JR ... BOISE, ID | 10/19/2000 |
| STARK, KIMBERLY D ..... RIVERDALE, NJ | 10/19/2000 |
| SUMINSKI, MICHAEL T ..... BORING, OR | 10/19/2000 |
| TURNER, DORIAN R ..... TAHLEQUAH, OK | 10/19/2000 |
| TURNER, MARSHA R ..... SALLISAW, OK | 10/19/2000 |
| WEISSE, CARL E ..... PHILADELPHIA, PA | 10/19/2000 |
| WILHELM, STEPHEN J ..... CARNEGIE, PA | 10/19/2000 |
| YAHNIAN, LAWRENCE D ..... DENVER, CO | 10/19/2000 |
| YOUNG, HENRY L JR ..... GOODLETTSVILLE, TN | 10/19/2000 |
| **OWNERS OF EXCLUDED ENTITIES** | |
| THORNTON, GLADYS ..... COLORADO SPRINGS, CO | 10/19/2000 |

Dated: October 5, 2000.

**Calvin Anderson, Jr.,**

*Director, Health Care Administrative Sanctions, Office of Inspector General.*

[FR Doc. 00–26469 Filed 10–13–00; 8:45 am]

BILLING CODE 4150–04–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities Under Emergency Review by the Office of Management and Budget

The Substance Abuse and Mental Health Services Administration (SAMHSA) has submitted the following request (see below) for emergency OMB review under the Paperwork Reduction Act (44 U.S.C. Chapter 35). OMB approval has been requested by November 1, 2000. A copy of the information collection plans may be obtained by calling the SAMHSA Reports Clearance Officer on (301) 443–7978.

*Title:* 2001 National Household Survey on Drug Abuse Incentive Experiment.

*OMB Number:* 0930–0110 (Revision).

*Frequency:* Single time.

*Affected public:* Individuals or households.

SAMHSA's National Household Survey on Drug Abuse (NHSDA) is a survey of the civilian, noninstitutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

As part of the 2001 NHSDA, an incentive experiment is planned for the first two quarters of the year (January through June). The goal of the experiment is to determine whether response rates for the NHSDA can be increased without negatively affecting the quality of the data collected or significantly increasing the cost of the data collection. Despite utilization of all usual, non-monetary methods to maximize response rates, the overall national response rate for the 2000 NHSDA remains below the Office of Management and Budget standard of 80 percent and the response rates for the states vary greatly.

Improvements in the response rates are expected to generate more precise estimates and are expected to reduce bias and mean squared error for both the national and state level estimates. Because of the importance of achieving the maximum practical response rates across all states, and because we have already implemented all known

alternative methods to increase the response rates, it is critical that this incentive experiment be conducted as quickly as possible so that the findings can be considered in plans for the 2002 NHSDA (or sooner, if possible).

Households included in this experiment will be selected randomly from among the households already selected for the 2001 NHSDA. Once assigned to the experiment, households will be assigned to one of three treatment groups: a $40 incentive, a $20 incentive, or no incentive.

Respondents who take part in the incentive experiment will complete exactly the same questionnaire as that used for the main 2001 NHSDA. The sample size for the incentive experiment will be sufficient to assess the effectiveness of the incentive as described above. A sample of approximately 2,500 completed interviews is planned. No additional burden will be realized for this experiment beyond what was originally calculated for the main 2001 NHSDA data collection activities because the experiment will be conducted among households selected for the national survey.

Written comments and recommendations concerning the proposed information collection should be sent within two weeks of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: October 10, 2000.

**Patricia S. Bransford,**

*Acting Executive Officer, SAMHSA.*

[FR Doc. 00–26451 Filed 10–13–00; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Application for Endangered Species Permit

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

**ACTION:** Notice of receipt of application for endangered species permit.

**SUMMARY:** The following applicants have applied for permits 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.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''victoria_davis@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**DATES:** Written data or comments on these applications must be received, at the address given below, by November 15, 2000.

**ADDRESSES:** 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, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

**FOR FURTHER INFORMATION CONTACT:** Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

**SUPPLEMENTARY INFORMATION:**

*Applicant:* Dan L. Wilkinson, Geo-Marine, INC., Plano, Texas, TE032771–0.

The applicant requests authorization to harass (survey) Hawksbill sea turtle, *Eretmochelys imbricata,* Kemp's (Atlantic) Ridley Sea Turtle, *Lepidochelys kempii,* Leatherback Sea Turtle, *Dermochelys coriacea,* Virgin Islands boa, *Epicrates monensis granti,* Culebra Island giant anole, *Anolis roosevelti,* Roseate tern *Sterna dogallii,* and brown pelican, *Pelicanus occidentalis occidentalis* throughout the species range on U.S. Navy land at U.S. Naval Station Roosevelt Roads and on the Island of Vieques, Puerto Rico, for the purpose of the enhancement of the Survival of the species.

Dated: October 5, 2000.

**H. Dale Hall,**

*Acting Regional Director.*

[FR Doc. 00–26438 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for Cabin Timber Harvest Plan, Napa County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the California Baptist Foundation (CBF) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize the incidental take of one pair of northern spotted owls (*Strix occidentalis caurina*), federally listed as a threatened species, that may result due to habitat modification within the nest stand. The permit would be in effect for 5 years.

The Service announces the receipt of CBF's incidental take permit application and the availability of the proposed Cabin Habitat Conservation Plan (Plan), for public comment. The Plan fully describes the proposed project and the measures CBF will undertake to minimize and mitigate project impacts to the northern spotted owl. The Service has determined that the Cabin Timber Harvest Plan (THP)/Plan qualifies as a ''Low Effect'' Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). The Service has further determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1). The basis for this

determination is discussed in a Low-effect Screening form, which is also available for public review. This notice is provided pursuant to section 10(c) of the Act.

**DATES:** Written comments on the permit application and Plan should be received on or before November 15, 2000.

**ADDRESSES:** Comments regarding the permit application, low-effect screening form, or the Plan should be addressed to the Fish and Wildlife Service, Habitat Conservation Planning Team, 1829 S. Oregon Street, Yreka, CA 96097. Individuals wishing copies of the application, screening form, and Plan for review should immediately contact the above office. The Plan may be obtained from the following website: *www.ccfwo.r1.fws.gov/completedPlans.html.* Documents also will be available for public inspection, by appointment, during normal business hours at the above address. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Detrich, Fish and Wildlife Service, Yreka Fish and Wildlife Office, telephone (530) 842–4471.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act and Federal regulation prohibits the ''taking'' of a species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to ''incidentally take'' listed species, which is take that is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are promulgated in 50 CFR 17.32 and 50 CFR 17.22, respectively.

**Background**

The CBF has applied to the Service for a section 10(a)(1)(B) incidental take permit for northern spotted owls, on the Cabin Plan area in Napa County, California. The term of the permit would be 5 years. The Cabin Plan area consists of 15 acres of privately owned land located approximately one mile north of Mt. Veeder, and 5 miles west of the cities of Yountville and Napa in Napa County, California. A THP for the site has previously been approved by the State of California (THP 1–97–201–NAP). The area was partially harvested in 1997, and the CBF currently wish to complete timber harvesting on this property. Completion of the THP will entail a selected harvest of 25 trees from an area approximately 2 acres in size located within the nest stand of a pair of northern spotted owls. A nest stand is defined as the nest tree and the adjoining area up to 500 feet from the nest tree.

The Cabin Plan area is composed of pure hardwood stands, mixed conifer/hardwood stands, and conifer stands occurring mostly as clumps of Douglas-fir and redwood. Habitat in the surrounding area is highly fragmented as a result of conversion from foothill woodlands to vineyards and home sites.

Timber harvest will consist of single tree selection (25 trees within approximately 2 acres). The area will remain in a forested condition following the harvest. There will be no new roads built and existing landing and skid trails will be used. The goals of the Cabin Plan are to allow for the completion of the Cabin THP while protecting any reproductive effort of northern spotted owl pairs resident within the THP boundaries and avoiding adverse effects to aquatic resources for the five year duration of the permit.

As described in the Plan, the applicant proposes the following measures to minimize and mitgate the anticipated project impacts: (A) Retention of existing habitat as functional roosting habitat containing an average of 65 percent canopy closure post-harvest; (B) No trees to be removed are closer than 50 feet to the current nest tree. All trees to be removed shall be directionally felled away from the nest tree. The down logs shall be tractor skidded from existing skid trails to an existing landing outside the nest grove; (C) Operations to complete the Cabin THP shall not occur during the northern spotted owl breeding season (February 1 through July 31) unless it is conclusively demonstrated to the Service that active breeding is not occurring within 1,000 feet of the area of operations.

Monitoring of the known northern spotted owl nest site within the Plan area shall be conducted each spring beginning after March 1 during the permit period by a qualified wildlife biologist to assess continued owl residency and nesting status. If the owls are not detected in the current nest tree, the Cabin Plan area and lands surrounding the Plan area out to ¼ mile will be surveyed in accordance with the guidelines specified in the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USDI Fish and Wildlife Service 1992b). If the Service adjusts the dates of protocol application, the CBF will be entitled to use those dates. Should the Service revise the northern spotted owl survey protocol, the CBF may elect to adopt the new protocol, or continue to use the protocol currently in place.

The Service has determined that the Cabin Plan qualifies as a ''Low Effect'' Plan as defined by the Service's Habitat Conservation Planning Handbook. Low Effect Plans are those involving: (1) Minor or negligible effects on federally listed and candidate species and their habitats; and (2) minor or negligible effects on other environmental values or resources. The Cabin Plan qualifies as a Low Effect Plan for the following reasons:

1. Approval of the Plan will result in minor or negligible effects on the northern spotted owl. The Service does not anticipate that significant direct or cumulative effects to the owl will result from the proposed 2 acres of selection harvest. No other federally listed, proposed, or candidate species are known or expected to occur within or immediately adjacent to the proposed harvest, and the National Marine Fisheries Service has determined that, as a result of incorporation of aquatic protection measures, the project is not likely to adversely affect listed salmomids that may occur in the watershed below the project area.

2. The proposed harvest will not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan will not result in any cumulative or growth inducing impacts and, therefore, will not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of this Plan will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore determined that approval of the Cabin THP/Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1). No further National Environmental Policy Act documentation will therefore be prepared. This notice is provided

pursuant to section 10(c) of the Act. The Service will evaluate the permit application, Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the northern spotted owl. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: October 10, 2000.

**Elizabeth H. Stevens,**

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*

[FR Doc. 00–26537 Filed 10–13–00; 8:45 am]

**BILLING CODE 4130–55–P**

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

### Request for Public Comments on Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the requirement should be made directly to the Desk Officer for the Interior Department, Office of Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collection as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;

2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The utility, quality, and clarity of the information to be collected; and,

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

*Title:* Mine, Development, and Mineral Exploration Supplement. Current OMB approval number: 1028–0060.

*Abstract:* Respondents supply the U.S. Geological Survey with domestic production, exploration, and mine development data on nonfuel mineral commodities. This information will be published as an Annual Report for use by Government agencies, industry, and the general public.

*Bureau Form Numbers:* 9–4000–A.

*Frequency:* Annual.

*Description of Respondents:* Nonfuel Mineral and Uranium Producers, Development and Exploration Operations.

*Annual Responses:* 739.

*Annual Burden Hours:* 555.

*Bureau Clearance Officer:* John Cordyack, 703–648–7313.

**John H. DeYoung, Jr.,**

*Chief Scientist, Minerals Information Team.*

[FR Doc. 00–26402 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–Y7–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–010–1220–HA]**

### Notice of Closure of Certain Public Lands to the Use of Motorized Vehicles

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of closure of certain public lands to the use of motorized vehicles.

**SUMMARY:** Notice is hereby given that motorized vehicle use is allowed only on Crooked Creek Road and the parking lot of the 17-Mile Area. The remaining lands at the 17-Mile Area are closed to motorized vehicle use. The 17-Mile Area is located 12 miles north of Billings, Montana on Crooked Creek Road west of Montana Highway 87. This closure is necessary for public safety and resource protection on lands used for firearms target practice.

Designation and location of public lands:

Open to motorized vehicle use: Crooked Creek Road and the adjoining parking lot,

T. 3 N., R. 26 E., P.M.M.,
Sec. 9, E½SE¼SE¼;
Sec. 10, S½S½SW¼.

Closed to motorized vehicle use:

T. 3 N., R. 26 E., P.M.M.,
Sec 4, all;
Sec. 8, W½, SE¼;
Sec. 9, NE¼, W½, NE¼SE¼, W½SE¼, W½SE¼SE¼;
Sec 10. NW¼, N½SW¼, N½S½SW¼.

Exempted from this closure are Bureau of Land Management employees on official business, firefighting forces, law enforcement officers, or persons with a permit or written authorization allowing the otherwise prohibited act.

**Authority:** Authority for this action is outlined in sections 302, 303, and 310 of the Federal Land Policy and Management Act (43 USC 1716) and Title 43 Code of Federal Regulations, subpart 8341 (43 CFR 8341.2) and subpart 8364 (43 CFR 8364.1). Any person who fails to comply with this closure is subject to arrest and a fine of up to $1,000 or imprisonment not to exceed 12 months, or both.

**EFFECTIVE DATE:** This closure is effective year-around upon the date of publication.

**FOR FURTHER INFORMATION CONTACT:** Sandra S. Brooks, Field Manager, BLM, Billings Field Office, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107–6800 or call 406–896–5013.

Dated: October 6, 2000.

**Sandra S. Brooks,**

*Field Manager.*

[FR Doc. 00–26440 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–$$–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–010–1220–AA]**

### Notice of Closure of Certain Public Lands to the Discharge of Firearms, Pellet Guns, and Paint-Ball Guns

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of closure of certain public lands to the discharge of firearms, pellet guns, and paint-ball guns.

**SUMMARY:** Notice is hereby given that on all public lands in the South Hills Area, located two miles south of Billings, Montana; and 16.88 acres of land, located two miles southeast of Laurel, Montana, situated on the right bank of the Clarks Fork of the Yellowstone River, directly across the river from the Sundance Lodge Recreation Area, are closed to the discharge of firearms, pellet guns, and paint-ball guns. This closure is necessary for public safety

and resource protection of public and private lands.

Public lands closed to the discharge of firearms, pellet guns, and paint-ball guns:

T. 1 S., R. 26 E., P.M.M., South Hills Area,
Sec. 14, lot 3, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 21, NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 22, SW¼NE¼, NW¼, N½SW¼, N½SE¼;
Sec. 23, N½NE¼, NE¼NW¼;
Sec. 24, W½W½;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼.
T. 2 S., R. 24 E., P.M.M., adjoining the Sundance Lodge Recreation Area,
Sec. 23, lot 5aa;
secs. 23 and 24, lot 5b.

Exempted from this closure are law enforcement officers, or persons with written authorization allowing the otherwise prohibited act.

**Authority:** Authority for this action is outlined sections 302, 303, and 310 of the Federal Land Policy and Management Act (43 USC 1716) and Title 43 Code of Federal Regulations, Subpart 8364 (43 CFR 8364.1). Any person who fails to comply with this closure is subject to arrest and a fine up to $1,000 or imprisonment not to exceed 12 months, or both.

**EFFECTIVE DATE:** This closure is effective year-round upon the date of publication.

**FOR FURTHER INFORMATION CONTACT:** Sandra S. Brooks, Field Manager, BLM, Billings Field Office, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107–6800, or call (406) 896–5013.

Dated: October 6, 2000.

**Sandra S. Brooks,**

*Field Manager.*

[FR Doc. 00–26441 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–$$–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–020–1010–AA]**

### Notice of Meeting

**AGENCY:** Bureau of Land Management (BLM), Montana, Billings and Miles City Field Offices, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Eastern Montana Resource Advisory Council will have a meeting on November 16 at the Hampton Inn Conference Room, 5110 Southgate Drive, Billings, Montana starting at 8 a.m. Primary agenda topics include updates on coalbed methane development, Pompeys Pillar, Weatherman Draw, continued discussion on access, and an update on the fire season.

The meeting is open to the public and the public comment period is set for 11 a.m. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Krause, Public Affairs Specialist, Miles City Field Office, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 233–2831.

**SUPPLEMENTARY INFORMATION:** The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: October 4, 2000.

**Aden L. Seidlitz,**

*Associate Field Manager.*

[FR Doc. 00–26424 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–$$–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–070–01–2810–PD]**

### Designation Order: MT–070–0001; Emergency Off-Road Vehicle Closure Designation, Butte Field Office, Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Emergency off-road closure to all motorized vehicles.

**SUMMARY:** Final notice is hereby given that effective immediately all public BLM lands burned in the Bucksnort Fire (Spokane Hills) and the Boulder Hill Complex Fire (High Ore/Wickes and Muskrat Creek areas) are temporarily closed to all off-road motorized vehicle uses year-long. The use of existing roads will be allowed to continue. Lands affected are in:

**Principal Meridian, Montana**

T. 6 N., R. 4 W.
Sec. 1, 5–8, and 18
T. 6 N., R. 5 W.
Sec. 1–3, and 10–15
T. 7 N., R 4 W.
Sec. 16, 20–22, 27–29, and 31–33
T. 9 N., R. 1 E.
Sec. 18 and 19
T. 9 N., R. 1 W.
Sec. 1, 3, 11 and 12
T. 10 N., R. 1 W.
Sec. 21, 26–28, 34 and 35

The Spokane Hills are located about 15 miles East of Helena and immediately West of Canyon Ferry Lake. The High Ore/Wicks area is about 20 miles south of Helena and 3 miles North of Boulder on the West side of I–15. A small portion of the Muskrat Creek area in Section 1, currently open under the Elkhorns Travel Management Plan, is located about 5 miles NNE of Boulder and East of I–15.

The purpose of this post-burn, emergency area closure is to protect soils and vegetation. This closure will also help to reduce the spread of noxious weeds and public safety hazards within the affected areas. BLM will be conducting post-burn rehabilitation treatments this fall and next year. The bureau's use of motorized equipment in these areas will be limited to that which is essential for project completion. Specific use exceptions to these closures will be considered on a case by case basis subject to reasonable needs and resource impacts. This decision is consistent with the Headwaters Resource Management Plan and is authorized under 43 CFR 8342. These post-burn closures will remain in effect until rescinded or modified by the authorized official.

**FOR FURTHER INFORMATION CONTACT:** Dave Pacioretty, Assistant Manager, Butte Field Office, P.O. Box 3388, Butte, Montana 59702, 406–494–5059.

Dated: October 3, 2000.

**Richard M. Hotaling,**

*Field Manager.*

[FR Doc. 00–26428 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–DN–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–920–1310–01; WYW142079]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

October 5, 2000.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW142079 for lands in Johnson County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW142079 effective July 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Theresa M. Stevens,**

*Acting Chief, Leasable Minerals Section.*

[FR Doc. 00–26422 Filed 10–13–00; 8:45 am]

**BILLING CODE 4316–22–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–920–1310–01; WYW142080]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

October 5, 2000.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), an 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW 142080 for lands in Campbell and Johnson Counties, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW142080 effective July 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Theresa M. Stevens,**

*Acting Chief, Leasable Minerals Section.*

[FR Doc. 00–26423 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–22–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–920–1310–01; WYW142081]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW142081 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $158 to reimburse the Department of the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW142081 effective July 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Theresa M. Stevens,**

*Acting Chief, Leasable Minerals Section.*

[FR Doc. 00–26433 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–22–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AZA 30749]**

### Public Land Order No. 7467; Withdrawal of National Forest System Lands for San Francisco Peaks/Mount Elden Recreation Area; Arizona

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws 74,380.50 acres of National Forest System lands from location and entry under the United States mining laws for 20 years to protect the San Francisco Peaks/Mount Elden Recreation Area. An additional 320 acres of non-Federal lands within the San Francisco Peaks/Mount Elden Recreation Area would become subject to the withdrawal if acquired by the United States.

**EFFECTIVE DATE:** October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Cliff Yardley, BLM Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2203; 602–417–9437.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994)), to protect the San Francisco Peaks/Mount Elden Recreation Area:

**Gila and Salt River Meridian**

*Coconino National Forest*

T. 21 N., R. 7 E.,
- Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 2, lots 1 to 8, inclusive, S½NW¼, S½SE¼, and SW¼, excluding HES 86.

T. 21 N., R. 8 E.,
- Sec. 6, lots 1 to 7, inclusive, SW¼NE¼, NE¼NE¼SE¼NE¼,W½E½SE¼NE¼, W½SE¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼SW¼, N½SW¼SE¼SW¼, NW¼SE¼, N½NE¼SE¼, SW¼NE¼SE¼, N½SE¼NE¼SE¼, SW¼SE¼NE¼SE¼, NW¼SE¼SE¼NE¼SE¼, and W½SW¼SE¼SE¼NE¼SE¼.

T. 22 N., R. 6 E.,
- Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 4, lots 1 to 4, inclusive, S½NE¼, SW¼NW¼, and S½;
- Secs. 9 to 11, inclusive;
- Sec. 12, E½ and SW¼;
- Sec. 13, N½;
- Secs. 14 and 15;
- Sec. 16, E½.

T. 22 N., R. 7 E.,
- Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 4;
- Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
- Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;
- Secs. 8 to 17, inclusive;
- Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;
- Secs. 20 to 23, inclusive;
- Sec. 24, lots 1 to 16, inclusive;
- Sec. 25, lots 1 to 16, inclusive;
- Sec. 26, lots 1 to 16, inclusive;
- Sec. 27, NW¼ and S½;
- Secs. 28 and 29;
- Sec. 32, N½;

Sec. 33, N½, N½S½, SW¼SE¼, and W½W½W½SE¼SE¼;
Sec. 34, N½, N½SW¼, E½SW¼SW¼, and NW¼SE¼;
Sec. 35, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 36.
T. 22 N., R. 8 E.,
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, W½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 8, N½, SW¼, and W½SE¼;
Sec. 17, S½N½NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 20, N½NE¼NE¼, N½S½NE¼NE¼, SW¼SW¼NE¼NE¼, W½NE¼, S½SE¼NE¼, NW¼, and S½;
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, and W½SW¼SE¼SE¼;
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 32, N½, N½S½, SW¼SW¼, W½SE¼SW¼, N½N½NE¼SE¼SW¼, N½N½NW¼SW¼SE¼, E½SW¼SE¼, and SE¼SE¼.
T. 23 N., R. 6 E.,
Sec. 8, lots 1, 2, 7, and 8;
Sec. 9, lots 1 to 8, inclusive, and N½;
Sec. 10, NE¼, NE¼NE¼NW¼, NE¼NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼NW¼NW¼, S½NW¼NW¼NW¼, SW¼NW¼NW¼, S½NW¼, and S½;
Sec. 11, E½, NW¼, W½SW¼, N½NE¼SW¼, SW¼NE¼SW¼, N½SE¼NE¼SW¼, SW¼SE¼NE¼SW¼, E½SE¼SE¼NE¼SW¼, W½NE¼SE¼SW¼, W½SE¼SW¼, E½E½NE¼SE¼SW¼, and E½E½SE¼SE¼SW¼;
Sec. 12;
Sec. 13, lots 1 to 4, inclusive, N½NE¼NE¼, SE¼SE¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, S½NE¼SW¼NE¼, NW¼SW¼NE¼, S½S½NE¼, NE¼SE¼NE¼, S½NW¼SE¼NE¼, and W½;
Sec. 14, S½N½S½N½N½, S½S½N½N½, S½N½, E½SW¼, NW¼SW¼, and SE¼;
Sec. 15, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 16;
Sec. 17, lots 1 to 8, inclusive, and S½;
Secs. 20 and 21;
Sec. 22, W½NE¼, SE¼NE¼, N½SW¼, N½SW¼SW¼, N½N½SE¼SW¼, SE¼NE¼SE¼SW¼, E½SE¼SE¼SW¼, and SE¼;
Sec. 23, NE¼, E½NW¼, SW¼NW¼, N½SW¼, N½NE¼SW¼SW¼, SE¼NE¼SW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, N½SE¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Sec. 24, lots 1 to 8, inclusive, and W½;
Sec. 25, lots 1 to 8, inclusive, and W½;
Sec. 26, E½E½NE¼, NW¼NE¼NE¼, N½SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, S½N½NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, SW¼SE¼NE¼, S½SW¼, and SE¼;
Sec. 27, N½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, N½NE¼SE¼NE¼NE¼, NW¼NE¼, E½W½SW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, W½NE¼SE¼NE¼, S½NE¼NE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼SE¼NE¼, S½SW¼NW¼NW¼, SW¼SE¼NW¼NW¼, W½NE¼SW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, W½W½SW¼, SE¼SW¼SW¼, S½SE¼SW¼, N½N½SE¼, N½SW¼NE¼SE¼, SE¼NE¼SE¼, N½S½NW¼SE¼, SW¼SW¼SE¼, W½SE¼SW¼SE¼, E½SE¼SE¼, and reconveyed portion of NW¼ (AZA 28296);
Secs. 28, 29, 32, and 33;
Sec. 34, SW¼NW¼NE¼, NW¼, and SE¼;
Sec. 35, N½NE¼, E½W½SE¼NE¼, E½SE¼NE¼, N½N½NW¼, SW¼NW¼NW¼, W½SW¼NW¼, N½S½, N½SW¼SW¼, S½SE¼, reconveyed portion of NW¼ known as Parcels 1, 2, and 4 of Snow Bowl Estates (AZA 26537), and SE¼SW¼ excluding patented land;
Sec. 36.
T. 23 N., R. 7 E.,
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;
Secs. 8 to 11, inclusive;
Sec. 12, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 13, lots 1 to 4, inclusive, W½E½, NW¼, N½SW¼, SW¼SW¼, and N½SE¼SW¼, less and except MS 4652;
Secs. 14 and 15;
Sec. 16, lots 1 to 8, inclusive, and N½;
Sec. 17;
Sec. 18, lots 3, 4, and 5, E½, N½NE¼NW¼, SE¼NE¼NW¼, N½NE¼NW¼NW¼, E½SE¼NW¼, S½SW¼SE¼NW¼, and E½SW¼;
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
Secs. 20 and 21;
Sec. 22, lots 1 to 12, inclusive, and NE¼;
Sec. 23;
Sec. 24, lots 1 to 4, inclusive, N½NW¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, E½W½SW¼NW¼NE¼, E½W½W½SW¼NW¼NE¼, E½SW¼NE¼, E½NW¼SW¼NE¼, E½W½NW¼SW¼NE¼, E½W½W½NW¼SW¼NE¼, SW¼SW¼NE¼, W½W½W½SW¼NE¼NW¼, W½NW¼, W½W½W½NW¼SE¼NW¼, S½SE¼NW¼, SW¼, and W½SE¼;
Sec. 25, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 26;
Sec. 27, lots 1 to 4, inclusive, W½E½, and W½;
Secs. 28 and 29;
Sec. 30, lots 1 to 12, inclusive, and E½W½;
Sec. 31, lots 1 to 10, inclusive, E½NE¼, and E½W½;
Sec. 32, lots 1 to 4, inclusive, N½, and N½S½;
Sec. 33, lots 1 to 4, inclusive, N½, and N½S½;
Sec. 34, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 35, lots 3 to 7, inclusive, N½, N½SW¼, and NE¼SE¼, excluding 50′ R/W for railroad pipeline;
Sec. 36, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.
T. 23 N., R. 8 E.,
Sec. 7, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 17, SW¼;
Sec. 18, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 20, W½;
Sec. 29, N½, SW¼, E½NE¼SE¼, E½NW¼NE¼SE¼, W½E½NW¼SE¼, W½W½SE¼, W½NE¼SW¼SE¼, and N½NE¼SE¼SE¼;
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 32, W½NW¼NE¼, W½SE¼NW¼NE¼, S½NE¼, W½, and SE¼.

The areas described aggregate 74,380.50 acres in Coconino County.

2. The following non-Federal lands are located within the San Francisco Peaks/Mount Elden Recreation Area. In the event these lands return to Federal ownership, they would be subject to the terms and conditions of this withdrawal as described in Paragraph 1:

**Gila and Salt River Meridian**

T. 22 N., R. 6 E.,
Sec. 12, NW¼.
T. 22 N., R. 7 E.,
Sec. 27, NE¼.

The areas described aggregate 320 acres in Coconino County.

3. The withdrawal made by this order does not alter the applicability of those land laws governing the use of the National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: October 3, 2000.

**Sylvia V. Baca,**

*Assistant Secretary of the Interior.*

[FR Doc. 00–26435 Filed 10–13–00; 8:45 am]

**BILLING CODE 3410–11–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–935–1430–ET; COC–017768]**

### Notice of Proposed Extension of Withdrawal; Opportunity for Public Meeting; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management proposes to extend Public Land Order No. 5979 for a 20-year period. This order withdrew public lands from operation of the public land laws, including location and entry under the U.S. mining laws, to protect two administrative sites. The lands have been and remain open to mineral leasing. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

**DATES:** Comments and requests for a public meeting must be received by January 16, 2001.

**ADDRESSES:** Comments and meeting requests should be sent to the Colorado State Director, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

**FOR FURTHER INFORMATION CONTACT:** Doris E. Chelius at 303–239–3706.

**SUPPLEMENTARY INFORMATION:** The Uncompaphgre Field Office and the Little Snake Field Office have requested that Public Land Order No. 5979 be extended for a 20-year period. This withdrawal was made to protect constructed improvements and equipment storage at two Bureau of Land Management administrative sites. This withdrawal will expire September 2, 2001.

The withdrawal comprises two sites. One is approximately 0.688 acres of public land near the town of Norwood in Section 27, T. 45 N., R. 13 W., New Mexico Principal Meridian, San Miguel County, Colorado. The second site is 1 acre of public land in the town of Craig in section 35, T. 7 N., R 91 W., Sixth Principal Meridian, Moffat County, Colorado. A complete description of the lands can be provided by the Colorado State Office at the address shown above.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed extension, or to request a public meeting may present their views in writing to the Colorado State Director at the address shown above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with this proposed extension. Any interested persons who desire a public meeting for the purpose of being heard on this proposed action should submit a written request to the Colorado State Director within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days prior to the scheduled date of the meeting.

This extension will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

**Jenny L. Saunders,**

*Realty Officer.*

[FR Doc. 00–26432 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–930–1430–ET; COC–63081]**

### Public Land Order No. 7466; Withdrawal of Public Lands and Minerals for the Upper Colorado River Special Recreation Management Area; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws 12,237 acres of public lands from surface entry and mining and 1,020 acres of reserved Federal mineral interest from mining for 20 years to protect scenic and recreation values in the Upper Colorado River Special Recreation Management Area. In addition, 7,020 acres of non-Federal lands, if acquired by the United States, would also be withdrawn by this order. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** October 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws to protect scenic, wildlife, and recreation values in the Upper Colorado River Special Recreation Management Area:

**Sixth Principal Meridian**

T. 1 N., R. 79 W.,
- Sec. 8, S½SW¼;
- Sec. 17, NW¼ and N½SW¼;
- Sec. 18, lot 3.

T. 1 N., R. 80 W.,
- Sec. 13, lots 1 to 4, inclusive;
- Sec. 14, SW¼SE¼ and a reconveyed parcel of land in the S½SW¼;
- Sec. 15, lots 9 and 11, S½S½, and a reconveyed parcel of land in the N½SW¼;
- Sec. 16, a reconveyed parcel of land in the S½S½;
- Sec. 19, NE¼SE¼ and a reconveyed parcel in the N½NE¼;
- Sec. 20, lots 2 and 3, S½N½, and NE¼SW¼;
- Sec. 21, N½NE¼, S½NW¼, and a reconveyed parcel of land in the N½N½NW¼;
- Sec. 22, lots 1 to 4, inclusive.

T. 1 N., R. 81 W.,
- Sec. 13, SW¼SW¼;
- Sec. 23, SE¼NW¼, NE¼SW¼, and NE¼SE¼;
- Sec. 24, S½N½ and N½SE¼;
- Sec. 27, N½, SW¼, and NW¼SE¼;
- Sec. 28, SE¼ and SE¼SW¼;
- Sec. 32, E½ and SW¼;
- Sec. 33, N½NE¼, SW¼NE¼, and W½.

T. 1 S., R. 81 W.,
- Sec. 5, lots 8 and 9;
- Sec. 6, lots 6, 7, and lots 9 to 18, inclusive;
- Sec. 7, lots 5 to 19, inclusive;
- Sec. 18, lots 1 and 2, and E½NW¼.

T. 1 S., R. 82 W.,
- Sec. 12, lots 1 to 5, inclusive, SW¼NE¼, E½SW¼, SW¼SW¼, and W½SE¼;
- Sec. 13, lots 1 to 9, inclusive, W½SW¼ and that portion of Tract 53 lying westerly of the centerline of the Colorado River;
- Sec. 14, SE¼SW¼, E½SE¼, and SW¼SE¼;
- Sec. 22, SE¼;
- Sec. 23, NE¼, E½NW¼, N½S½, and S½SW¼;
- Sec. 24, lots 1, 2, and 3, NW¼NW¼, and S½NW¼;
- Sec. 27, W½NW¼, SW¼SW¼, and reconveyed parcels in the W½NE¼ and the E½NW¼;
- Sec. 28, lots 4 to 6, inclusive, NE¼NE¼, S½NE¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
- Sec. 32, lots 1, 3, 4, 5, and 8, SW¼SE¼, those portions of unpatented Mineral Survey No.13963 lying within the E½ of sec. 32, and that portion of Tract 82 within the E½;

Sec. 33, lots 1, 3, 4, 5, and 6, lots 8 to 11, inclusive, NE¼, E½NW¼, SW¼NW¼, and the Bona Dea Placer;
Sec. 34, lot 1 and NW¼NW¼.
T. 2 S., R. 82 W.,
Sec. 4, lots 12, 14, 15, 17, 18, and 19, lots 26 to 30, inclusive, S½NW¼, NW¼SW¼, and Bona Dea Placer;
Sec. 5, lots 5, 6, and 11, lots 14 to 23, inclusive, lots 25 and 26, S½NE¼, and N½SE¼;
Sec. 6, lots 20, 30, 31, 32, 37, and 38, S½NE¼, E½SW¼, SE¼NW¼, and SE¼;
Sec. 7, lots 5 to 7, inclusive, lots 11 to 21, inclusive, NE¼NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 18, lots 5 to 12, inclusive, and lots 14 to 17, inclusive.
T. 2 S., R. 83 W.,
Sec. 12, lot 4;
Sec. 13, lots 1 to 4, inclusive, W½E½, and E½SW¼;
Sec. 23, E½NE¼, S½SW¼, SW¼SE¼, NE¼SE¼, N½SE¼SE¼, and N½S½SE¼SE¼;
Sec. 24, lot 1, W½E½ and W½;
Sec. 25, NW¼;
Sec. 26, NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, and NW¼.

The areas described aggregate approximately 12,237 acres in Grand and Eagle Counties.

2. Subject to valid existing rights, the reserved Federal mineral interest in the following described lands is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, to protect scenic, wildlife, and recreation values in the Upper Colorado River Special Recreation Management Area:

**Sixth Principal Meridian**

T. 1 N., R. 80 W.,
Sec. 20, NW¼NW¼.
T. 1 N., R., 81 W.,
Sec. 28, N½SW¼ and SW¼SW¼;
Sec. 29, SE¼SE¼.
T. 1 S., R. 82 W.,
Sec. 14, SW¼SW¼;
Sec. 22, N½NE¼, SW¼NE¼, and SW¼;
Sec. 23. NW¼NW¼;
Sec. 26, lot 1 and SW¼NW¼;
Sec. 27, lots 1 and 2, and N½SE¼;
Sec. 33, that portion of Tract 70 lying within the NW¼NW¼.
T. 2 S., R. 82 W.,
Sec. 4, lot 22;
Sec. 7, that portion of Tract 41 lying in sec. 7.

The areas described aggregate approximately 1,020 acres in Grand and Eagle Counties.

3. The following described non-Federal lands, if acquired by the United States, will be subject to the terms and conditions of this withdrawal:

**Sixth Principal Meridian**

T. 1 N., R. 79 W.,
Sec. 7, lot 4, SE¼SW¼, and S½SE¼;
Sec. 18, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 1 N., R. 80 W.,
Sec. 12, S½S½;
Sec. 13, N½ and SW¼;
Sec. 14, N½, N½S½, N½S½SW¼, and SE¼SE¼;
Sec. 15, lots 8 and 10, S½NE¼, N½SE¼, N½NW¼SW¼, and S½NE¼SW¼;
Sec. 16, N½S½, exclusive of a reconveyed parcel of land;
Sec. 17, S½;
Sec. 18, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1 to 3, inclusive, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 20, N½N½, SE¼SW¼, and W½SW¼;
Sec. 21, N½NW¼.
T. 1 N., R. 81 W.,
Sec. 13, S½NE¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14, SE¼ and E½SW¼;
Sec. 22, NE¼NE¼, S½NE¼, S½SW¼, and SE¼;
Sec. 23, NE¼, N½NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 24, N½N½;
Sec. 26, NW¼;
Sec. 28, N½SW¼ and SW¼SW¼;
Sec. 29, SE¼SE¼.
T. 1 S., R. 81 W.,
Sec. 6, lots 4 and 5;
Sec. 7, lot l.
T. 1 S., R. 82 W.,
Sec. 12, NW¼SW¼ and that portion of Tract 37 in the NE¼;
Sec. 13, that portion of Tract 53 lying easterly of the centerline of the Colorado River, and all of Tract 54;
Sec. 14, SW¼SW¼ and NW¼SE¼;
Sec. 22, NE¼ and SW¼;
Sec. 23, W½NW¼;
Sec. 24, Tract 76 lying in the E½NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, lots 1 and 2, E½NE¼, N½SW¼, SE¼SW¼, N½SE¼, and those portions of W½NE¼ and E½NW¼ exclusive of reconveyed land;
Sec. 28, NE¼SE¼ and Tract 81 lying in the SW¼SE¼;
Sec. 32, Mineral Survey Nos. 13963, 18347A, and 18671;
Sec. 33, Mineral Survey Nos. 18801, 18671, 18347A and B, and that portion of Tract 70 lying within the NW¼NW¼.
T. 2 S., R. 82 W.,
Sec. 4, lot 22;
Sec. 5, that portion of Tract 39 lying within the S½SW¼NW¼ and NW¼SW¼;
Sec. 7, Tract 38 and that portion of Tract 41 in sec. 7.
T. 2 S., R. 83 W.,
Sec. 23, S½S½SE¼SE¼;
Sec. 26, NE¼NE¼ and NE¼NW¼NE¼.

The areas described aggregate approximately 7,020 acres in Grand and Eagle Counties.

4. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

5. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: October 3, 2000.

**Sylvia V. Baca,**

*Assistant Secretary of the Interior.*

[FR Doc. 00–26434 Filed 10–13–00; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–924–1430–ET; MTM 40641 et. al.]**

### Public Land Order No. 7465; Revocation of 13 Executive Orders; Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes 13 Executive orders in their entirety as they affect approximately 4,649,902 acres of public and National Forest System lands withdrawn for coal and phosphate classification purposes. The lands are no longer needed for the purpose for which they were withdrawn. This action will open the public lands to surface entry and nonmetalliferous mining subject to other segregations of record. The lands located within the National Forests will be opened to such forms of disposition as may by law be made of National Forest System lands and nonmetalliferous mining subject to other segregations of record. All of the lands have been and remain open to metalliferous mining and mineral leasing.

**EFFECTIVE DATE:** November 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–896–5052. Copies of the Executive orders listed in Paragraph 1 are available from this location.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The following Executive orders, which withdrew public and National Forest System lands for coal and

phosphate classification purposes, are hereby revoked in their entirety:

(a) July 9, 1910, Coal Reserve Montana No. 1 (MTM 40641);

(b) July 29, 1910, Coal Reserve Montana No. 3 (MTM 41512);

(c) November 25, 1910, Coal Reserve Montana No. 6 (MTM 41124);

(d) January 12, 1911, Phosphate Reserve No. 7 (MTM 41533);

(e) December 21, 1911, Coal Reserve Montana No. 8 (MTM 41180);

(f) April 29, 1912, Phosphate Reserve No. 10, Montana No. 2 (MTM 41814);

(g) June 10, 1912, Phosphate Reserve No. 12, Montana No. 3 (MTM 41561);

(h) July 14, 1913, Phosphate Reserve No. 20, Montana No. 4 (MTM 41564);

(i) June 6, 1914, Phosphate Reserve No. 21, Montana No. 5 (MTM 41815);

(j) October 9, 1917, Phosphate Reserve No. 30, Montana No. 7 (MTM 41179);

(k) October 20, 1917, Phosphate Reserve No. 29, Montana No. 6 (MTM 41887);

(l) December 22, 1919, Coal Reserve Montana No. 14 (MTM 41679);

(m) June 6, 1929, Coal Reserve No. 1, Montana No. 1 (MTM 40935).

The areas within the above orders aggregate approximately 4,649,902 acres in Beaverhead, Big Horn, Blaine, Carbon, Carter, Cascade, Chouteau, Custer, Dawson, Deer Lodge, Fergus, Flathead, Gallatin, Garfield, Granite, Jefferson, Lewis and Clark, Madison, Missoula, Park, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Rosebud, Silver Bow, Stillwater, Sweet Grass, Teton, and Treasure Counties, Montana.

2. At 9 a.m. on November 15, 2000, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law, the public lands withdrawn by the Executive orders listed in Paragraph 1 shall be opened to the operation of the public land laws generally and the National Forest System lands withdrawn by the Executive orders listed in Paragraph 1 shall be opened to such forms of disposition as may by law be made of National Forest System lands. All valid applications received at or prior to 9 a.m. on November 15, 2000, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on November 15, 2000, the lands withdrawn by the Executive orders listed in Paragraph 1 shall be opened to location and entry under the United States mining laws for nonmetalliferous minerals, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of the lands that were withdrawn pursuant to the Executive orders listed in Paragraph 1 under the general mining laws for nonmetalliferous mining prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: September 15, 2000.

**Sylvia V. Baca,**

*Assistant Secretary of the Interior.*

[FR Doc. 00–26427 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–DN–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–950–1420–00–P]**

### Filing of Plats of Survey; Nebraska

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

The plats of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 a.m., September 28, 2000.

The plat representing the dependent resurvey of portions of the North boundary of the Winnebago Indian Reservation, through Range 8 East, the First Guide Meridian East, through Township 27 North, between Ranges 8 and 9 East, the South boundary, the subdivisional lines and the subdivision of Sections 33 and 36, and the survey of the subdivision of Sections 33 and 36, T. 27 N., R. 8 E., Sixth Principal Meridian, Nebraska, Group No. 148, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of Sections 10 and 11, and the survey of Sections 10 and 11, T. 25 N., R. 9 E., Sixth Principal Meridian, Nebraska, Group No. 148, was accepted September 22, 2000.

Dated: September 28, 2000.

**John P. Lee,**

*Chief Cadastral Survey Group.*

[FR Doc. 00–26431 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–22–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[OR–957–00–1420–BJ: GPO–0385]**

### Filing of Plats of Survey: Oregon/ Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

**Willamette Meridian**

**Oregon**

T. 18 S., R. 1 E., accepted September 5, 2000.
T. 2 N., R. 35 E., accepted September 5, 2000

**Washington**

T. 8 N., R. 11 E., accepted September 5, 2000
T. 16 N., R. 5 W., accepted September 5, 2000
T. 16 N., R. 4 W., accepted September 5, 2000
T. 15 N., R. 4 W., accepted September 5, 2000
Tps. 23 & 24 N., Rs. 10 & 10½ W., accepted September 22, 2000
T. 32 N., R. 15 W., accepted September 22, 2000
T. 23 N., R. 12 W., accepted September 22, 2000
T. 23 N., R. 11 W., accepted September 22, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of

reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: September 29, 2000.

**Sherrie L. Reid,**

*Branch of Realty and Records Services.*

[FR Doc. 00–26470 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–33–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–950–1420–00–P]**

### Filing of Plats of Survey; Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

The plats of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10 a.m., September 28, 2000.

The plat representing the dependent resurvey of a portion of the Thirteenth Standard Parallel North, through Range 75 West, the East and North boundaries and the subdivisional lines, T. 53 N., R. 75 W., Sixth Principal Meridian, Wyoming, Group No. 595, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the Thirteenth Standard Parallel North, through Range 74 West, a portion of the East boundary, the North boundary, and the subdivisional lines, T. 53 N., R. 74 W., Sixth Principal Meridian, Wyoming, Group No. 595, was accepted September 22, 2000.

The plat representing the corrective dependent resurvey of a portion of the subdivisional lines, T. 33 N., R. 118 W., Sixth Principal Meridian, Wyoming, Group No. 632, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the North boundary and the subdivisional lines, T. 49 N., R. 74 W., Sixth Principal Meridian, Wyoming, Group No. 634, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the West boundary, a portion of the subdivisional lines, and the subdivision of Section 30, T. 15 N., R. 107 W., Sixth Principal Meridian, Wyoming, Group No. 659, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of Section 28, T. 19 N., R. 105 W., Sixth Principal Meridian, Wyoming, Group No. 665, was accepted September 22, 2000.

The plat representing the dependent resurvey of a portion of the subdivisional lines, T. 23 N., R. 86 W., Sixth Principal Meridian, Wyoming, Group No. 668, was accepted September 22, 2000.

The plat representing the subdivision of Section 35, T. 25 N., R. 85 W., Sixth Principal Meridian, Wyoming, Group No. 669, was accepted September 22, 2000.

Dated: September 28, 2000.

**John P. Lee,**

*Chief Cadastral Survey Group.*

[FR Doc. 00–26429 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–22–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### 30 Day Federal Register Notice of Submission of Network to Freedom Application Package to Office of Management and Budget; Opportunity for Public Comment

**AGENCY:** Department of the Interior; National Park Service; and National Underground Railroad Network to Freedom Program.

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

**ABSTRACT:** Public Law 105–203 authorizes the National Underground Railroad Network to Freedom Program (NURNFP) to develop and administer the Network to Freedom, a nationwide collection of governmental and nongovernmental properties facilities, and programs associated with the historic Underground Railroad movement. The NURNFP is developing an application process through which associated elements can be included in the Network to Freedom. The information collection will (a) verify associations to the Underground Railroad, (b) measure minimum levels of standards for inclusion in the Network, and (c) identify general element activities.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR parts 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on the proposed information collection request (ICR). Comments are invited on: (1) The need for the information including whether the information has practical utility, (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The purpose of the proposed ICR is to evaluate sites, facilities, and programs that are applying for inclusion in the Underground Railroad Network to Freedom. The information will be used by the National Park Service to determine if sites, facilities, and programs seeking inclusion in the Network to Freedom meet the minimum elements criteria.

There were no public comments received as a result of publishing in the **Federal Register** a 60 day notice of intention to request clearance of information collection for this survey.

**DATES:** Public comments will be accepted on or before November 15, 2000.

**SEND COMMENTS TO:** The Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, D.C. 20530. Please also send comments to Diane Miller, National Coordinator, Underground Railroad Network to Freedom Program, National Park Service, Midwest Regional Office, 1709 Jackson St., Omaha, Nebraska 68102.

Public comments, including names and addresses of respondents, may be made available for public review. Individual respondents may request that their address be withheld from the public comment record. This will be honored to the extent allowable by law. There also may be circumstances in which a respondent's identity would be withheld from the public comment record, as allowable by law. If you wish to withhold your name and/or address, you must stat this prominently at the beginning of your comment. Anonymous comments will not be considered. Comments from organizations or businesses, and from individuals or businesses may be made available for public inspection in their entirety.

Copies of the proposed ICR requirements can be obtained from Diane Miller, National Coordinator, Underground Railroad Network to Freedom Program, National Park Service, Midwest Regional Office, 1709 Jackson St., Omaha, Nebraska 68102.

The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive comments 30 days from the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGE SUBMITTED FOR OMB REVIEW, CONTACT:** Diane Miller, phone: 402–221–3749, or Aaron Mahr, 505–988–6736.

**SUPPLEMENTARY INFORMATION:**

*Title:* Underground Railroad Network to Freedom Application.

*Form Number:* Not applicable.

*OMB Number:* To be assigned.

*Expiration Date:* To be assigned.

*Type of Request:* Request for new clearance.

*Description of Need:* The National Underground Railroad Network to Freedom Program is identifying guidelines and criteria for associated elements to enter the Network to Freedom. The Application documents sites, facilities, and programs, and demonstrates that they meet the criteria established for inclusion. The documentation will be incorporated into a database that will be available to the general public for information purposes.

The proposed information to be collected regarding these sites, facilities, or programs is not available from existing records, sources, or observations.

*Automated Data Collection:* Respondents must verify associations and characteristics through descriptive texts that are the result of historical research. Evaluations are based on subjective analysis of the information provided. At the present time there is no automated way to gather this information.

*Description of Respondents:* The affected public is state, tribal, and local governments, federal agencies, businesses, non-profit organizations, and individuals, throughout the United States. Applications to the Network to Freedom are voluntary.

*Estimated Average Number of Respondents:* 100.

*Estimated Average Number of Responses:* Each respondent will respond only one time, so the numbers of responses will be the same as the number of respondents.

*Estimated Average Burden Hours per Response:* 10 hours.

*Frequency of Response:* One time per respondent.

*Estimated Annual Reporting Burden:* 1000 hours.

Leonard E. Stowe, Information Collections Clearance Officer, WASO Administrative Program Center, National Park Service.

Dated: September 29, 2000.

**Betsy Chittenden,**

*Acting Manager, Administrative Program Center, WASO, NPS.*

[FR Doc. 00–26442 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–70–M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 7, 2000. Pursuant to § 60.13 of 36 CFR part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by October 31, 2000.

**Marilyn Harper,**

*Acting Keeper of the National Register.*

**Florida**

*Holmes County*

Keith Cabin, 1320 FL 179, Pittman, 00001281

*Manatee County*

Souder, Paul M., House, (Whitfield Estates Subdivision MPS), 242 Greenwood Ave., Sarasota, 00001282

**Georgia**

*Lamar County*

Johnstonville—Goggins Historic District, Johnstonville Road W of I 75, Johnstonville, 00001283

**Hawaii**

*Maui County*

Bank of Hawaii—Haiku Branch, 771 Haiku Rd., Haiku, 00001284

**Maryland**

*Caroline County*

West Denton Warehouse—Wharf, 10215 River Landing Rd., West Denton, 00001285

**Massachusetts**

*Worcester County*

Corner Lunch, (Diners of Massachusetts MPS), 133 Lamartine St., Worcester, 00001286

**New Hampshire**

*Merrimack County*

Hay Estate, NH 103A, 2.2 mi. N of jct. of NH 103 and NH 103A, Newbury, 00001288

**New Mexico**

*Mora County*

Tipton—Black Willor Ranch Historic District, 3 mi. E of Watrous, Watrous, 00001287

**New York**

*Steuben County*

Germania Wine Cellars, 8299 Pleasant Valley Rd., Hammondsport, 00001289

Town Line Church and Cemetery, Cty Rte. 119, Cameron Mills, 00001317

*Tioga County*

Waits Methodist Episcopal Church and Cemetery, Waite Rd., Owego, 00001290

**North Carolina**

*Mecklenburg County*

McCoy, Albert, Farm (Rural Mecklenburg County MPS), 10401 McCoy Rd., Huntersville, 00001291

*Surry County*

Downtown Elkin Historic District, Roughly bounded by Market St., Hugh Chatham Bridge, Standard St., and Front St., Elkin, 00001292

**Ohio**

*Cuyahoga County*

Courtland, The, 5403 Detroit Ave., Cleveland, 00001296

*Hamilton County*

Miller, Thomas, House, 11294 US 50, Elizabethtown, 00001294

Wilson, Samuel and Sally, House, 1502 Aster Place, Cincinnati, 00001295

**Oregon**

*Multnomah County*

Alphabet Historic District, Roughly bounded by NW Lovejoy St., NW Marshall St., NW 17th Ave., W. Burnside St., and NW 24th Ave., Portland, 00001293

Vincent, Howard G., and Patrick J. Bannon House, (Eliot Neighborhood MPS), 27 NE Thompson St., Portland, 00001297

**Utah**

*Salt Lake County*

Crescent Elementary School (Sandy City MPS), 11020 S. State St., Sandy, 00001303

Cushing, Arthur and Ellen, House, (Sandy City MPS), 123 E. Pioneer, Sandy, 00001304

Dowding, Hannah Nash, House, (Sandy City MPS), 8830 S 60 E, Sandy, 00001305

Dowding—Rasmussen House, (Sandy City MPS), 98 E. Main St., Sandy, 00001306

Ford Motor Company Service Building, (Sandy City MPS), 280 S 400 W, Salt Lake City, 00001302

Jensen, Amos and Ida, House, (Sandy City MPS), 387 E 8800 S, Sandy, 00001307

Jensen—Clark House, (Sandy City MPS), 32 E. Main St., Sandy, 00001298

Jensen—Jensen House, (Sandy City MPS), 55 E. Pioneer Ave., Sandy, 00001299

Marriott, Anne P., House, (Sandy City MPS), 8543 S 100 E, Sandy, 00001300

Parmley, Mary Ellen, House, (Sandy City MPS), 5580 S 220 E, Sandy, 00001301

Sandy LDS Stake Recreation Hall (Sandy City MPS), 295 E 8800 S Sandy, 00001316

**West Virginia**

*Berkeley County*

Boggs, William, Farm, WV 7, Hedgesville, 00001310

*Cabell County Foster Memorial Home, 700 Madison Ave., Huntington, 00001311*

*Hancock County*

First National Bank—Graham Building, 100 N. Chester St., New Cumberland, 00001312

*Jefferson County*

Charles Town, Old, Historic District, Norfolk & Western RR, Charles Town line, Hessey Pl., North St., US 340, S. Charles St., Water St., and W. Washington St, Charles Town, 00001308

**Kanawha County**

St. Albans Main Street Historic District, Roughly bounded by Main St. bet. Second St. and B St., St. Albans, 00001315

*Morgan County*

Berkeley Springs Train Depot, 504 N. Washington St., Berkeley Springs, 00001313

*Nicholas County*

Nicholas County Bank, 800 Main St., Summerville, 00001314

*Raleigh County*

Beckley Feed and Hardware Company, 405 Prince St., Beckley, 00001309

A request for a MOVE has been made for the following resource:

**Virginia**

*Halifax County*

VA 622 W side, 1.5 mi. N of jct with VA 659 Elmo vicinity, 93000824

[FR Doc. 00–26511 Filed 10–13–00; 8:45 am]

BILLING CODE 4310–70–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Reclamation

## Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of proposed contractual actions that are new, modified, discontinued, or completed since the last publication of this notice on July 21, 2000. The January 21, 2000, notice should be used as a reference point to identify changes. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

**ADDRESSES:** The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

**FOR FURTHER INFORMATION CONTACT:** Sandra L. Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in *52 FR 11954,* Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in *47 FR 7763,* Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2000. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

**Acronym Definitions Used Herein**

(BON) Basis of Negotiation
(BCP) Boulder Canyon Project
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(CRSP) Colorado River Storage Project
(D&MC) Drainage and Minor Construction
(FR) Federal Register

(IDD) Irrigation and Drainage District
(ID) Irrigation District
(M&I) Municipal and Industrial
(NEPA) National Environmental Policy Act
(O&M) Operation and Maintenance
(P-SMBP) Pick-Sloan Missouri Basin Program
(PPR) Present Perfected Right
(RRA) Reclamation Reform Act
(R&B) Rehabilitation and Betterment
(SOD) Safety of Dams
(SRPA) Small Reclamation Projects Act
(WCUA) Water Conservation and Utilization Act
(WD) Water District

*Pacific Northwest Region:* Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5346.

New contract actions:

17. Farmer's Ditch Association and Buck and Jones Ditch Association, Rogue River Basin Project, Oregon: Long-term irrigation water service contract for provision of up to 4,475 acre-feet of stored water from Applegate Reservoir (a COE project) in exchange for the assignment of Little Applegate River natural flow rights to Reclamation for instream flow use.

18. Ochoco ID, Crooked River Project, Oregon: Contract for the deferment of the District's annual installment due December 31, 2000, and 2001, under the Ochoco Dam, SOD repayment contract.

Modified contract action:

9. North Unit ID, Deschutes Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Wickiup Dam under the SOD program.

Discontinued contract action:

15. Milner ID, Minidoka-Palisades Projects, Idaho: Amendment of storage contracts to reduce the District's spaceholding in Palisades Reservoir by up to 5,162 acre-feet, thereby allowing use of this space by Reclamation for flow augmentation.

*Mid-Pacific Region:* Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New contract actions:

42. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the operation, maintenance, and replacement and certain financial and administrative activities related to the Madera Canal and associated works.

43. Truckee-Carson ID, Newlands Project, Nevada: Amendment to O&M contract No. 7–07–20-X0348 to include mutually agreed upon Consumer Price Index (CPI) for the current year and incorporation of a new CPI as determined by the Contracting Officer applicable to Fallon, Nevada (or the nearest urban area in the event that such index is not determined for Fallon, Nevada).

Modified contract action:

23. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts with various entities for conveyance of non-project water in the Delta-Mendota Canal and Warren Act contracts (up to 25 years) for conveyance of non-project water in the Friant Division facilities.

Discontinued contract action:

25. Sierra Pacific Power Company, Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native-American Tribal interest, who may have negotiated rights under Public Law 101–618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the proposed Truckee River Operating Agreement.

*Lower Colorado Region:* Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

New contract actions:

65. Arizona State Land Department, CAP, Arizona: Proposed assignment of 1,000 acre-feet of ASLD's CAP M&I water entitlement to the City of Peoria.

66. City of Chandler, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Chandler's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian Community.

67. City of Mesa, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Mesa's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian Community.

Completed contract action:

36. Arizona Public Service Company and Imperial ID, BCP, Arizona and California: Delivery contract for up to 1,500 acre-feet of unused Arizona entitlement and/or surplus water.

*Upper Colorado Region:* Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

New contract action:

1. Individual irrigators, M&I, and miscellaneous water users, Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(g) James F. Squirrell, Aspinall Unit, CRSP, Colorado: Ten-year contract for 23 acre-feet of M&I water to support the augmentation plan. Mr. Squirrell has filed a Finding of Fact and Ruling of Referee with the Division 4 Water Court of the State of Colorado, case No. 97–CW–223, dated July 7, 1999. The augmentation plan requires Mr. Squirrell to augment out-of-priority depletions caused by the operation of the Arrowhead Subdivision's potable water supply system.

*Great Plains Region:* Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

New contract actions:

42. Fryingpan-Arkansas Project, Colorado: Pueblo Board of Water Works, long-term conveyance contract. (Inadvertently listed under modified contract actions in the July 21, 2000, notice.)

43. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested a deferment of its 2001 construction payment.

Modified contract actions:

5. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for storage capacity in Pactola Reservoir.

7. Northern Cheyenne Indian Reservation, Yellowtail Unit, Lower Bighorn Division, P–SMBP, Montana: The Northern Cheyenne Reserved Water Rights Settlement Act of 1992 allocates to the Tribe 30,000 acre-feet of water per year stored at Bighorn Reservoir, Montana. In accordance with section 9 of the Act, Reclamation and the Tribe must negotiate an agreement for the water. The Tribe is to pay the United States both capital and O&M costs for water the Tribe uses or sells from this storage for M&I purposes. Reclamation and the Tribe are continuing to negotiate the terms of the Agreement. The agreement has been sent to the Tribe for signature. A date for execution has not been scheduled.

9. Angostura ID, Angostura Unit, P–SMBP, South Dakota: Another interim 3-year contract was executed on June 9, 2000, to provide for a continuing water supply and allow adequate time for completion of the Environmental Impact Statement for long-term contract renewal. A BON for a long-term contract

renewal has been sent to the Denver Office for review/approval by the Commissioner's Office.

14. P–SMBP, Kansas: Anticipate initiating negotiations for renewal of long-term water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas which were extended for a period of 4 years in accordance with Public Law 104–326 enacted October 19, 1996. Water service contracts will be renewed prior to expiration.

Completed contract actions:

11. P–SMBP, Kansas and Nebraska: Long-term water supply renewal contracts with Kansas-Bostwick, Bostwick ID in Nebraska, Frenchman Valley, Frenchman-Cambridge, and Almena IDs were executed on July 25, 2000. The renewed long-term water service contracts will take effect January 1, 2001.

34. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District requested deferment of its 2000 construction payment. The deferment has been approved by the Secretary of the Interior. A public notice for this action was printed in the San Angelo Times. The 60-day comment period ended July 3, 2000. The deferment of the 2000 construction payment was signed on July 11, 2000.

Dated: October 6, 2000.

**Wayne O. Deason,**

*Associate Director,, Office of Policy.*

[FR Doc. 00–26452 Filed 10–13–00; 8:45 am]

**BILLING CODE 4310–MN–P**

## DEPARTMENT OF JUSTICE

### Parole Commission

### Sunshine Act Meeting

*Public Announcement*

Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 522b].

*Agency Holding Meeting:* Department of Justice, United States Parole Commission.

*Time and Date:* 9:30 a.m., Tuesday, October 17, 2000.

*Place:* 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

*Status:* Open.

*Matters to be Considered:* The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.

2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.

3. Discussion of the proposed Interim Rules for District of Columbia Supervised Release.

*Agency Contact:* Sam Robertson, Case Operations, United States parole Commission, (301) 492–5962.

Dated: October 10, 2000.

**Michael A. Stover,**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 00–26564 Filed 10–12–00; 11:04 am]

**BILLING CODE 4410–31–M**

## DEPARTMENT OF JUSTICE

### Parole Commission

### Sunshine Act Meeting

*Public Announcement*

Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b].

*Agency Holding Meeting:* Department of Justice, United States Parole Commission.

*Date and Time:* 12 p.m., Tuesday, October 17, 2000.

*Place:* U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

*Status:* Closed—Meeting.

*Matters Considered:* The following matter will be considered during the closed portion of the Commission's Business Meeting:

Appeals to the Commission involving approximately three cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

*Agency Contact:* Sam Robertson, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: October 10, 2000.

**Michael A. Stover,**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 00–26565 Filed 10–12–00; 11:05 am]

**BILLING CODE 4410–31–M**

## DEPARTMENT OF JUSTICE

### Office for Victims of Crime

**[OJP(OVC)–1300]**

### Children's Justice Act Partnerships for Indian Communities

**AGENCY:** Office of Justice Programs, Office for Victims of Crime, Justice.

**ACTION:** Notice of availability of funds.

**SUMMARY:** The Office for Victims of Crime (OVC) is publishing this notice to announce a $500,000 discretionary grant program for federally recognized Indian tribal governments and tribal organizations designed to improve the handling of severe child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child while improving the investigation and prosecution of these cases.

**DATES:** Applications must be received by 5:00 p.m. ET on Thursday, November 30, 2000.

**ADDRESSES:** All application packages should be sent to the Office for Victims of Crime, Federal Crime Victims Division, 810 Seventh Street, NW., Washington, DC 20531. If sending applications by express mail, the zip code should be 20001.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the solicitation or for information about application procedures, please call Cathy Sanders at (202) 616–3578 or e-mail at <cathy@ojp.usdoj.gov>.

**SUPPLEMENTARY INFORMATION:**

#### Statutory Authority

This action is authorized by the Victims of Crime Act of 1984 (VOCA), as amended, 42 U.S.C. 10601 *et seq.* The Act established a Crime Victims Fund in the Department of the Treasury made up of monies received from federal criminal fines; special penalty assessments; forfeited appearance bonds, bail bonds and collateral security; and literary profits due convicted federal defendants. Under the provisions of 42 U.S.C. 10601 (d)(2), the first $20,000,000 deposited in the Fund in a particular year shall be available for grants as provided in 42 U.S.C. 10603(a). Under 42 U.S.C. 10601 (g)(1) the Attorney General, acting through the Director of OVC, is authorized to use 15 percent of these funds for the purposes of assisting Indian tribes in developing, establishing, and operating programs designed to improve the handling, investigation, and prosecution of child abuse cases, especially child sexual abuse cases. OVC has labeled this program as the Children's Justice Act Partnerships for Indian Communities Discretionary Grant Program (CJA).

#### Background

The Children's Justice and Assistance Act was passed in 1986 to provide funds to states to establish programs to effectively handle child abuse cases. In 1988, the Anti-Drug Abuse Act amended

the Victims of Crime Act of 1984, authorizing the use of a portion of the State CJA funds to assist Indian Tribes in developing, establishing and operating programs to improve the handling, investigation, and prosecution of child abuse cases, particularly child sexual abuse cases.

Since 1989, OVC has provided CJA funding to approximately 45 tribes. The tribal programs have made a number of systemic improvements in the handling of child abuse cases. They have established, expanded, and trained multidisciplinary and child protection teams; revised tribal codes and procedures to address child sexual abuse; provided child advocacy services for children involved in court proceedings; created protocols for reporting, investigating, and prosecuting cases of child sexual abuse; developed working agreements that minimize the number of child interviews; enhanced case management and treatment services; offered specialized training for prosecutors, judges, investigators and other professionals who handle child sexual abuse cases; created special child-centered interview rooms; and hired specialized staff to handle child victim cases.

**Goal**

The goal of the program is to improve tribal criminal justice systems for handling cases of severe physical abuse and/or child sexual abuse in Indian communities.

**Purpose**

The purpose of the program is to assist Indian communities in developing, establishing, and operating partnership programs to improve the investigation, prosecution, and overall handling of cases of child sexual abuse and severe physical abuse, in a manner that increases support for and lessens trauma to child victims.

**Program Strategy**

This solicitation invites applicants to conceptualize, develop, and implement a CJA partnership program which will improve the investigation and prosecution of child abuse cases, particularly child sexual abuse cases. However, the partnership program is not intended to fund separate programs within tribal governments. Rather, it is intended to improve the capacity of existing tribal systems to handle severe child abuse cases by developing specialized services and procedures to address the needs of American Indian child victims. The program focuses on developing strategies to handle cases of child sexual abuse from the initial disclosure, through the investigation and prosecution, to the resolution of the case in an effective and timely manner.

The organizational structure and staffing pattern described in the application must be implemented as soon as possible after award of grant funds. Applicants are, therefore, encouraged to discuss the proposed partnership with their Tribal Chairman, Tribal Council, and other tribal agencies prior to submission of the application, and to solicit their support and approval of the partnership for the life of the program.

A Tribal Resolution must be included with the application, which approves commitments and activities for the first year of the grant. For years two and three, the activities or implementation plan should be outlined in sufficient detail to show that the proposed program will contribute to the development of a strong partnership.

The strategy for establishing a fully functioning partnership program consists of three stages of project implementation over a three year grant period. An in-kind or hard match is required each year. (See ''Award Amount'' for an explanation of the in-kind match requirements.) The three stages of implementation are:

1. *Stage I—Assessment and Partnership Development.* During Stage I, the grantee is expected to assess its current tribal system and its resources for implementing a partnership program and determine what additional resources and system changes are needed to deal effectively with child abuse cases. The assessment should examine the current procedures for responding to child abuse, procedures for interviewing child victims, the delivery of services to victims and their non-offending family members, training for social service, criminal justice, and medical and mental health personnel, and community awareness efforts. The grantee should hire and train key staff to handle and process cases through the tribal system. Training for multidisciplinary teams, prosecutors, law enforcement personnel, judges, advocates, medical, mental health and social service professionals may be required. There may also be a need to revise existing procedures for handling child abuse cases, interviewing child victims, providing court advocacy, and providing treatment services.

The products of this stage include the following: (a) Job descriptions and resumes for key staff hired or contracted under the grant; (b) a report of the findings and recommendations from the assessment, which describes the additional changes and resources needed to implement an efficient project; (c) activity reports that summarize major activities and accomplishments of the grant to be submitted to OVC semi-annually during this stage; and (d) a service delivery plan and agendas for the training of personnel involved in handling serious child abuse cases, if appropriate at this stage.

2. *Stage II—Implementation of Partnership Program and Development of Training and Resource Materials.* In implementing the project, the grantee should revise existing materials or develop new ones, such as interagency protocols, reporting procedures, partnership agreements with federal, state, and/or other tribal agencies, and tribal codes that address child sexual abuse (including definitions, sentencing guidelines, and maximum penalties for offenders). Other materials might include descriptions of training curricula and practices that assist and support children who must participate in tribal judicial proceedings. These materials can be used by the grantee and may be of value to other tribes seeking culturally appropriate materials to assist them in following similar practices on behalf of child victims.

The grantee may find it useful to obtain materials from other tribal agencies, organizations, and current CJA programs that will help them improve their response to child sexual abuse cases. The grantee should integrate these practices into its current system and develop its capacity to provide training and technical assistance to other tribes.

The products of this stage would include the following: (a) A compilation of the materials gathered by the grantee from within the tribe and from other sources; (b) training curricula; (c) a brochure and/or resource directory, which advertises the availability of the tribe's resources, services, and training opportunities that can be distributed to the tribal community; and (d) progress reports that summarize major activities and accomplishments of the grant. The progress reports must be submitted to OVC semi-annually during this stage of program activities.

3. *Stage III—Delivery of Services.* During the third stage, the partnership program is expected to be fully functional and capable of providing effective services to sexually abused child victims. The program can serve as a model for: (a) Illustrating effective approaches to handling serious child abuse cases; (b) coordinating with various tribal, state and federal agencies; (c) meeting the needs of American Indian child abuse victims and their

families; and (d) communicating with tribal councils and other bodies in responding effectively to child abuse. Materials such as diagrams, flow charts, and descriptions of program models can be shared with other tribes to demonstrate how to make similar changes on behalf of abused child victims. The materials and descriptions should include information on developing proper interviewing procedures, providing court advocacy, and making other improvements that adapt investigative and judicial procedures to address the needs and abilities of abused child victims.

The products of this stage could include the following: (a) illustrative materials on program implementation and training; (b) reports describing the training provided by the tribe; (c) recommendations for and descriptions of training workshops that might be offered in OVC-sponsored conferences for assisting abused child victims in Indian communities; (d) semi-annual progress reports that summarize major activities and accomplishments of the grant; and (e) a final narrative report.

From time to time, partnership program staff may be asked to participate in OVC-sponsored conferences and training sessions to demonstrate model practices, provide program materials and handouts, serve as trainers, or participate on discussion groups and panels. Consequently, applicants should include travel expenses for two key staff to attend at a minimum one OVC-sponsored national conference and one post-awards planning conference.

OVC recognizes that jurisdictional authority over child sexual abuse cases varies greatly among tribes. Hence, we seek innovative projects based on the unique jurisdictional characteristics of a particular tribal criminal justice and service delivery system. OVC expects tribes that receive these grants to be actively involved in determining the manner in which these cases are administratively and judicially processed at the tribal, state and federal levels. Tribes should coordinate child sexual abuse case referrals with the appropriate state and federal authorities for prosectuion and follow-up with tribal prosecution when appropriate.

In addition, OVC encourages the use of multidisciplinary teams (known in many Indian communities as Child Protection Teams) to respond to cases of child sexual abuse. This could also include specialized prosecutorial units for the investigation, referral, and prosecution of child abuse cases. Mulitdisciplinary teams which are developed or expanded as a result of this grant must include representatives from the tribal, state and federal agencies that provide services to the tribe. These multidisciplinary teams should assist in clarifying roles and responsibilities of all authorities involved in these cases, including social and medical services, law enforcement officials, and prosecutors. Project funds shall not be used to replace or serve as a substitute for funds already used for existing multidisciplinary teams or child protective agencies, (known as supplanting).

**Eligibility Requirements**

Eligible applicants are federally recognized Indian tribes and tribal organizations. Grant awards will be limited to tribal organizations as defined in the Indian Self-Determination and Education Assistance Act, P.L. 93–638, 25 U.S.C., Section 450(b). Under this provision, the definition of ''tribal organization'' is the recognized governing body of any Indian tribe, to include any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. Applications must be signed by the leader or chief executive of the tribe. In cases where the Tribal Council serves as the governing body, the application must be signed by the Chairman or other recognized leader of the Council.

**Selection Criteria**

Applications that are determined to be in compliance with this announcement will be reviewed by panels of experts in criminal justice procedures, social services, victim assistance, and related disciplines. Panels will be composed of staff from federal, state, tribal, or local agencies; colleges; national organizations; and other nongovernmental agencies. Applications will be reviewed and evaluated competitively against the following criteria:

1. *The Problem to be Addressed* (15 points) This criterion addresses how well the applicant described the need for such a program, including the problems experienced and the issues related to severe child physical abuse and sexual abuse in the community. The application must include a description of the agencies involved (tribal, local, state and federal) and where possible, statistics on the number of cases reported, investigated and substantiated, referred for services, and prosecuted in tribal or federal court.

2. *Partnership Strategy/Design* (35 points) This criterion measures how well the project design supports the purpose and goals of the partnership. The applicant's strategy or design must clearly address the identified problem, and provide a clear description of how the project will achieve the stated goals and objectives (15 points). The applicant must demonstrate that the proposed partnership program has been discussed with and approved by the Chairman and Tribal Council, including a Tribal Resolution and allocation of the in-kind match (15 points). If an applicant proposes using employees or other professionals, (*i.e.,* forensic interviewer, law enforcement officer, IHS doctor), who will be detailed or loaned to the partnership as in-kind match, letters of support or other documentation must be included to support the detail. All in-kind match must be described in the project narrative and budget narrative. A Tribal Resolution is a strong indicator of Tribal Council approval and will be used by OVC as an assurance of tribal support for the partnership.

The project strategy must include a description of project stages, tasks, activities, timelines, and a clear description of interim deliverables and final products (5 points).

3. *Organizational Capability* (20 points): This criterion will demonstrate the applicant's capability for developing and packaging a comprehensive program that addresses the investigation, prosecution, case handling and treatment of child physical and sexual abuse. The organizational capability will be assessed on the basis of: (a) the applicant's described management structure and partnership management plan (10 points); and (b) the applicant's discussion and documentation of key staff members' qualifications to perform the assigned tasks and responsibilities (10 points). In instances where the applicant has previously received CJA funds, the progress made under the previous grant must be discussed.

4. *Budget* (15 points): Points will be assigned based on the applicant's demonstration that sufficient staff and time have been allocated to the project to accomplish the proposed tasks and that the budgeted costs are reasonable, cost-effective, and accurately reflect how grant funds will be used. All in-kind or hard match must be described in the budget narrative.

5. *Plan for Measuring Progress and Outcome* (15 points): This criterion will evaluate the applicant's plan for

assessing the impact of the project in improving the investigation, prosecution and overall handling of child sexual abuse cases. Applicants should describe the criteria and units of measurement which will be used to assess the partnership's effectiveness, such as number of abused victims served, number of individuals trained, positive changes that the child protection team has made as a result of having been trained, any new capacity or improved response to child victims that was developed as a result of the training or the partnership program, the number and type of products disseminated, user satisfaction data, and the number of community awareness programs presented. Requests for materials and for repeat training are also strong indicators of success.

**Application Submission**

Applicants should submit an original and two (2) copies of the proposal to the Office for Victims of Crime, Federal Crime Victims Division, 810 Seventh Street, N.W., Washington, D.C. 20531; phone: (202) 616–3578. All submissions must include:

1. A completed and signed Application for Federal Assistance, Standard Form 424, (SF–424 Rev. 4/88), including the Certified Assurances.

2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Work Place Requirements).

3. A proposed budget outlining all costs for personnel, fringe benefits, travel, equipment, supplies, other (*e.g.,* telephone, postage) and the in-kind match. See the section on Dollar Amounts for an explanation of In-kind Match. Funds should also be budgeted for travel to at least two OVC sponsored cluster meetings or conferences. For planning purposes, travel should be estimated for one trip to Washington, D.C. for 3 days and one trip to San Diego, CA or the National Indian Nations Conference for 5 days. Federal per diem rates will be used.

4. An abstract of the full proposal, not to exceed one page.

5. A program narrative of *not more than 20 double-spaced typed pages.* The narrative should include the following information:

(a) A clear, concise statement of the problems experienced by the tribe in handling, investigating and prosecuting cases of serious child abuse.

(b) A description of how child abuse and child sexual abuse cases are currently handled, by law enforcement, social services, etc. and the Child Protection Team (CPT), if it is operational. This description should depict the system currently in place and include the role of all tribal, federal and state agencies in investigating, referring, treating and prosecuting serious child abuse cases.

(c) The data and statistics required by the selection criteria.

(d) A clear statement of the project objectives, including a listing of the major events, activities, products and a timetable for completion.

(e) A clear explanation of how this project will result in systemic improvement in the investigation and prosecution of child sexual abuse cases while limiting trauma to child victims.

(f) The proposed management and staffing plan.

(g) The method of evaluating the proposed program.

6. Attachments to the narrative should include:

(a) Letters of support from agencies at the Federal, state and local levels that are also involved in handling, investigating and/or prosecuting child abuse cases.

(b) A brief history of all grants the tribe has received over the past 2 years related to: domestic violence, child abuse, family violence, sexual assault, law enforcement and/or victimization.

(c) Copies of resumes for the proposed professional staff which summarize education and professional experience.

*Special Instructions:* In order to facilitate handling, please do not bind the applications at the spine, use spiral binders, or tabs. Please number the pages.

Application forms may be obtained by writing or telephoning: Federal Crime Victims Division, OVC, 810 Seventh Street, NW, Washington, D.C. 20531; phone: (202) 616–3578.

**Award Amounts**

Grants will be awarded at $60,000 for the first year with continuation funding in the second and third year, contingent upon the grantee's performance, the success of the project, and the availability of federal funds.

OVC has allocated up to $500,000 for this initiative in FY2001, and anticipates supporting up to 10 grant awards. Funding support will be provided for up to three years with an ''in-kind'' match requirement each year. The purpose of the ''in-kind'' match is to obtain tribal investment into the partnership from the beginning of the grant award, thereby enhancing the tribe's ability to institutionalize the program after OVC funding ends. The in-kind match must be in the form of staff time, facilities, office space and utilities, employee details/loans, and agency partnerships. Hard match is allowable in lieu of in-kind match. Volunteer time cannot be used as match.

The first year award will be limited to $60,000 per grantee and will require a 10% in-kind match. The second year of funding will be $75,000 with a 15% in-kind match, and the third year of funding will be $75,000 with a 25% in-kind match.

**Award Period**

The grants will be for 12 months, with potential continuations for two additional years.

Dated: October 11, 2000.

**Carolyn Hightower,**

*Deputy Director, Office for Victims of Crime.*

[FR Doc. 00–26467 Filed 10–13–00; 8:45 am]

BILLING CODE 4410–18–P

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

### Agency Information Collection Activities; Announcement of OMB Approval; Corrected Notice Published in Full

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Pension and Welfare Benefits Administration (PWBA) is announcing that a collection of information has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) for the Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers (Form EFAST–1). This notice announces the OMB approval number and expiration date.

**FOR FURTHER INFORMATION CONTACT:** Address requests for copies of the information collection request (ICR) to Gerald B. Lindrew, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On March 9, 2000, PWBA published a notice in the **Federal Register** (65 FR 12577) announcing its intent to request renewal of approval under the PRA for the Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers (Form EFAST–1). On September 25, 2000, OMB renewed its approval of the

ICR under OMB control number 1210–0117. The approval will expire on March 31, 2002.

PWBA previously published a notice in the **Federal Register** (65 FR 58822, October 2, 2000) announcing the control number and expiration date for OMB approval of EFAST–1. However, the expiration date indicated in that notice was incorrect. A subsequent Correction published on October 6, 2000 (65 FR 59877) also included an inadvertent error with respect to the expiration date.[1]

In order to clarify that the actual expiration date of OMB's approval of the Form EFAST–1 is March 31, 2002, PWBA is publishing this corrected notice in full.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated: October 10, 2000.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.*

[FR Doc. 00–26491 Filed 10–13–00; 8:45 am]

BILLING CODE 4510–29–M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel Advisory Committee; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, DC 20506, in Room 714, from 9 a.m. to 5 p.m., on Thursday, November 9, 2000.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after January 1, 2001.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Laura S. Nelson, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or call 202/606–8322.

**Laura S. Nelson,**

*Advisory Committee Management Officer.*

[FR Doc. 00–26517 Filed 10–13–00; 8:45 am]

BILLING CODE 7036–01–M

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–461]**

### In the Matter of AmerGen Energy Company, LLC (Clinton Power Station); Order Approving Application Regarding Proposed Corporate Restructuring

**I.**

AmerGen Energy Company (AmerGen, the licensee) is the holder of Facility Operating License No. NPF–62, which authorizes AmerGen to possess, use, and operate Clinton Power Station (the facility). The facility is located at the licensee's site in DeWitt County, Illinois. British Energy, Inc., and PECO Energy Company (PECO) each own 50 percent of AmerGen.

**II.**

By application dated July 19, 2000, AmerGen requested approval of the indirect transfer of the facility operating license to Exelon Corporation, to the extent such would occur upon PECO becoming a subsidiary of Exelon Corporation, a new corporation to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company, and PECO. Supplemental information was provided by a submittal dated September 15, 2000.

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an AmerGen application dated February 28, 2000, in which AmerGen requested approval of the indirect transfer of the Clinton license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with the merger between Unicom and PECO referred to above, and will also become a subsidiary of Exelon Corporation. British Energy, Inc., is not involved in the merger, and its interest in AmerGen will remain unchanged. The February 28, 2000, application is still under review.

According to the July 19, 2000, application, the transfer of PECO's 50 percent interest in AmerGen to EGC may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would become and continue to be the direct parent of PECO pending the receipt of necessary approvals to allow PECO's generating assets, including its interest in AmerGen, to be transferred to EGC; PECO would continue to hold its 50 percent interest in AmerGen, which will continue to be the sole owner and operator of Clinton.

Approval of the indirect transfer of the facility operating license that would occur under the immediately preceding circumstances was requested by AmerGen pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53035 ). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the July 19, 2000, application by AmerGen, the September 15, 2000, supplement, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO while PECO continues to hold its ownership interest in AmerGen, will not affect the qualifications of AmerGen as holder of the license described above, and that the indirect transfer of the license, to the extend effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the condition set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

[1] Incorrect dates printed in these notices were March 3, 2002 and March 31, 2000, respectively.

**III.**

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfer related to the proposed corporate restructuring is approved, subject to the following condition:

(1) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated July 19, 2000, supplemental submittal dated September 15, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26475 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–219]**

## In the Matter of AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

AmerGen Energy Company, LLC (AmerGen, the licensee) is the holder of Facility Operating License No. DPR–16, which authorizes AmerGen to possess, use, and operate Oyster Creek Nuclear Generating Station (Oyster Creek or the facility). The facility is located at the licensee's site in Ocean County, New Jersey. British Energy, Inc., and PECO Energy Company (PECO) each own 50 percent of AmerGen.

**II**

By application dated July 19, 2000, AmerGen requested approval of the indirect transfer of the facility operating license to Exelon Corporation, to the extent such would occur upon PECO becoming a subsidiary of Exelon Corporation, a new corporation to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company, and PECO. Supplemental information was provided by a submittal dated September 15, 2000.

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an AmerGen application dated February 28, 2000, in which AmerGen requested approval of the indirect transfer of the Oyster Creek license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with the merger between Unicom and PECO referred to above, and will also become a subsidiary of Exelon Corporation. British Energy, Inc., is not involved in the merger, and its interest in AmerGen will remain unchanged. The February 28, 2000, application is still under review.

According to the July 19, 2000, application, the transfer of PECO's 50 percent interest in AmerGen to EGC may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would become and continue to be the direct parent of PECO pending the receipt of necessary approvals to allow PECO's generating assets, including its interest in AmerGen, to be transferred to EGC; PECO would continue to hold its 50 percent interest in AmerGen, which will continue to be the sole owner and operator of Oyster Creek.

Approval of the indirect transfer of the facility operating license that would occur under the immediately preceding circumstances was requested by AmerGen pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53034). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the July 19, 2000, application by AmerGen, the September 15, 2000, supplement, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO while PECO continues to hold its ownership interest in AmerGen, will not affect the qualifications of AmerGen as holder of the license described above, and that the indirect transfer of the license, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the condition set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfer related to the proposed corporate restructuring is approved, subject to the following condition:

(1) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated July 19, 2000, supplemental submittal dated September 15, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov)*.

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26480 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–289]**

### In the Matter of AmerGen Energy Company, LLC (Three Mile Island Nuclear Station, Unit 1); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

AmerGen Energy Company, LLC (AmerGen, the licensee) is the holder of Facility Operating License No. DPR–50, which authorizes AmerGen to possess, use, and operate Three Mile Island Nuclear Station, Unit 1 (TMI–1 or the facility). The facility is located at the licensee's site in Dauphin County, Pennsylvania. British Energy, Inc., and PECO Energy Company (PECO) each own 50 percent of AmerGen.

**II**

By application dated July 19, 2000, AmerGen requested approval of the indirect transfer of the facility operating license to Exelon Corporation, to the extent such would occur upon PECO becoming a subsidiary of Exelon Corporation, a new corporation to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company, and PECO. Supplemental information was provided by a submittal dated September 15, 2000.

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an AmerGen application dated February 28, 2000, in which AmerGen requested approval of the indirect transfer of the TMI–1 license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with the merger between Unicom and PECO referred to above, and will also become a subsidiary of Exelon Corporation. British Energy, Inc., is not involved in the merger and its interest in AmerGen will remain unchanged. The February 28, 2000, application is still under review.

According to the July 19, 2000, application, the transfer of PECO's 50 percent interest in AmerGen to EGC may be delayed beyond the closing of the merger of Unicom and PECO. During this interim period, Exelon Corporation would become and continue to be the direct parent of PECO pending the receipt of necessary approvals to allow PECO's generating assets, including its interest in AmerGen, to be transferred to EGC; PECO would continue to hold its 50 percent interest in AmerGen, which will continue to be the sole owner and operator of TMI–1.

Approval of the indirect transfer of the facility operating license that would occur under the immediately preceding circumstances was requested by AmerGen pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53036). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the July 19, 2000, application by AmerGen, the September 15, 2000, supplement, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO while PECO continues to hold its ownership interest in AmerGen, will not affect the qualifications of AmerGen as holder of the license described above, and that the indirect transfer of the license, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the condition set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is Hereby Ordered* that the application regarding the indirect license transfer related to the proposed corporate restructuring is approved, subject to the following condition:

(1) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated July 19, 2000, the supplemental submittal dated September 15, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regualtory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26481 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**Docket Nos. 50–295, 50–304**

### In the Matter of Commonwealth Edison Company (Zion Nuclear Power Station, Units 1 and 2); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. DPR–39 and DPR–48 for the Zion Nuclear Power Station, Units 1 and 2 (the facility). The facility was shut down permanently in February 1997. ComEd certified the permanent shutdown on February 13, 1998, and certified that all fuel had been removed from the reactor vessels on March 9, 1998. In accordance with 10 CFR 50.82(a)(2), the facility operating licenses no longer authorize ComEd to operate the reactors or to load fuel in the reactor vessels. The facility is located at the licensee's site in Lake County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The

merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the Zion licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's Zion assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold the Zion facility pending the receipt of necessary approvals to allow the facility to be transferred to EGC. Specifically, ComEd would continue to be the sole owner of, and be authorized to maintain Zion, Units 1 and 2.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53041). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate merger, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation*

[FR Doc. 00–26474 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### In the Matter of Commonwealth Edison Company (Byron Station, Units 1 and 2) Order Approving Application Regarding Proposed Corporate Restructuring

Docket Nos. STN 50–454, STN 50–455

**I**

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. NPF–37 and NPF–66, which authorize the possession, use, and operation of the Byron Station, Units 1 and 2 (the facility). The facility is located at the licensee's site in Ogle County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by letters dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the Byron licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's Byron assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold the Byron and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, ComEd would continue to be the sole owner and operator of Byron, Units 1 and 2.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53043). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26476 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–10, 50–237, 50–249]**

## In the Matter of Commonwealth Edison Company (Dresden Nuclear Power Station, Units 1, 2, and 3); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License No. DPR–2, which authorizes possession and maintenance but not operation of Dresden Nuclear Power Station, Unit 1, and Facility Operating Licenses Nos. DPR–19 and DPR–25, which authorize the possession, use, and operation of the Dresden Nuclear Power Station, Units 2 and 3. The facility (Dresden, Units 1, 2, and 3) is located at the licensee's site in Grundy County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the Dresden licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's Dresden assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold the Dresden and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, ComEd would continue to be the sole owner of, and be authorized to maintain Dresden, Unit 1, and would continue to be the sole owner and operator of Dresden, Units 2 and 3.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53038). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is

approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended. This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26477 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–373, 50–374]**

### In the Matter of Commonwealth Edison Company (LaSalle County Station, Units 1 and 2); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. NPF–11 and NPF–18, which authorize the possession, use, and operation of the LaSalle County Station, Units 1 and 2 (the facility). The facility is located at the licensee's site in LaSalle County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the LaSalle licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's LaSalle assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold the LaSalle and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, ComEd would continue to be the sole owner and operator of LaSalle, Units 1 and 2.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53039). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26478 Filed 10–13–00; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–254, 50–265]**

### In the Matter of Commonwealth Edison Company (Quad Cities Nuclear Power Station, Units 1 and 2); Order Approving Application Regarding Proposed Corporate Restructuring

**I**

Commonwealth Edison Company (ComEd, the licensee) owns 75 percent of the Quad Cities Nuclear Power Station, Units 1 and 2 ( the facility) and is the licensed operator of both stations. MidAmerican Energy Company (MidAmerican) owns the remaining interest. Facility Operating Licenses Nos. DPR–29 and DPR–30 authorize ComEd, acting for itself and as agent for MidAmerican to possess, use, and operate the facility. The facility is located at ComEd's site in Rock Island County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the Quad Cities licenses, to the extent now held by ComEd, to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's Quad Cities assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold its interest in the Quad Cities and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, ComEd would continue to hold a partial ownership interest in Quad Cities, Units 1 and 2, and would continue to be the sole operator of Quad Cities, Units 1 and 2. The application does not involve any change with respect to the non-operating ownership interest held by MidAmerican.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53040). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov).*

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26479 Filed 10–13–00; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. STN 50–456, STN 50–457]**

### In the Matter of Commonwealth Edison Company (Braidwood Station, Units 1 and 2) Order Approving Application Regarding Proposed Corporate Restructuring

**I**

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. NPF–72 and NPF–77, which authorize the

possession, use, and operation of the Braidwood Station, Units 1 and 2 (the facility). The facility is located at the licensee's site in Will County, Illinois.

**II**

By application dated July 7, 2000, ComEd requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by ComEd to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of ComEd, and PECO Energy Company (PECO). Supplemental information was provided by letters dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, ComEd will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U.S. Nuclear Regulatory Commission approved the transfer of the Braidwood licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and ComEd. The August 3, 2000, order effectively allows ComEd's Braidwood assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of ComEd as ComEd continues to hold the Braidwood and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, ComEd would continue to be the sole owner and operator of Braidwood, Units 1 and 2.

By a separate application dated July 7, 2000, PECO requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for ComEd. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by ComEd pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53042). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by ComEd, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of ComEd will not affect the qualifications of ComEd as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above, are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) ComEd shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from ComEd to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of ComEd's consolidated net utility plant, as recorded on ComEd's books of account, provided, however, this condition shall apply only for so long as ComEd holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov).*

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26485 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–266 and 50–301]**

### In the Matter of Nuclear Management Company, LLC (Point Beach Nuclear Plant, Units 1 and 2); Exemption

**I**

The Nuclear Management Company, LLC (the licensee) is the holder of Facility Operating License Nos. DPR–24 and DPR–27, which authorize operation of the Point Beach Nuclear Plant (PBNP), Units 1 and 2. The licenses provide, among other things, that PBNP is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors (Units 1 and 2) located on the licensee's Point Beach site in Two Rivers, Wisconsin. This exemption refers to both units.

**II**

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.60, and 10 CFR Part 50, require that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states that ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers Code (ASME Code), Section XI, Appendix G, limits.

By letter dated July 14, 2000, the licensee submitted a request for exemption from the requirements of 10 CFR 50.60 and Appendix G to Part 50, to allow the use of ASME Code, Section XI, Code Case N–641, for PBNP, Units 1 and 2. Code Case N–641 combines former Code Cases N–514, N–588, and N–640, and provides guidelines for the

appropriate use of the three former Code Cases in combination.

Code Case N–641, similar to former Code Case N–588, permits the postulation of a circumferentially oriented flaw (in lieu of an axially oriented flaw) for the evaluation of the circumferential welds in RPV P–T limit curves. Also, Code Case N–641, similar to former Code Case N–640, permits the use of an alternate reference fracture toughness ($K_{ia}$ fracture toughness curve instead of $K_{la}$ fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the pressure stresses on a circumferentially oriented flaw are lower than the pressure stresses on an axially oriented flaw by a factor of 2, postulating a circumferentially oriented flaw for the evaluation of the circumferential welds (as permitted by Code Case N–641) in establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G. Further, since the $K_{IC}$ fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A–2200–1, provides greater allowable fracture toughness than the corresponding $K_{la}$ fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G–2210–1, using the $K_{IC}$ fracture toughness (as permitted by Code Case N–641) in establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G. Considering both, an exemption to apply Code Case N–641 would be required by 10 CFR 50.60.

*Postulation of Circumferential Flaws in Circumferential Welds (formerly Code Case N–588)*

The licensee proposed to revise the P–T limits in the pressure-temperature limits report (PTLR) for PBNP, Units 1 and 2, using the postulation of a circumferentially oriented reference flaw as the limiting flaw in an RPV circumferential weld in lieu of an axially oriented flaw required by the 1995 edition (1996 addenda) of ASME Code, Section XI, Appendix G.

Postulating the Appendix G reference flaw (an axially oriented flaw) in a circumferential weld is physically unrealistic and overly conservative because the length of the flaw is 1.5 times the vessel's thickness, which is much longer than the width of the reactor vessel girth weld. Industry experience with the repair of weld indications found during preservice inspections, and data taken from destructive examinations of actual vessel welds, confirms that all detected flaws are small, laminar in nature, and do not transverse the weld bead orientation. Therefore, any potential defects introduced during the fabrication process that are not detected during subsequent nondestructive examinations would only be expected to be oriented in the direction of weld fabrication. For circumferential welds, this indicates a postulated defect with a circumferential orientation.

An analysis provided to the ASME Code's Working Group on Operating Plant Criteria (WGOPC) (in which the former Code Case N–588 was developed) indicated that if an axial flaw is postulated on a circumferential weld, then based on the stress magnification factors ($M_m$) given in the Code Case for the inside diameter circumferential (0.443) and axial (0.926) flaw orientations, it is equivalent to applying a safety factor of 4.18 on the pressure loading under normal operating conditions. Appendix G requires a safety factor of 2 on the contribution of the pressure load in the case of an axially oriented flaw in an axial weld, shell plate, or forging. By postulating a circumferentially oriented flaw on a circumferential weld and using the appropriate stress magnification factor, the margin of 2 is maintained for the contribution of the pressure load to the integrity calculation of the circumferential weld. Consequently, the staff determined that the postulation of an axially oriented flaw on a circumferential RPV weld is a level of conservatism that is not required to establish P–T limits to protect the RCS pressure boundary from failure during hydrostatic testing, heatup, and cooldown.

The staff also noted that former Code Case N–588 includes a revised methodology for determining the thermal stress intensity, $K_{IT}$, which was later incorporated into Section XI of the 1995 edition (1996 addenda) of the ASME Code. The licensee used this methodology to calculate $K_{IT}$.

In summary, the ASME Code, Section XI, Appendix G, procedure was developed for axially oriented flaws, which is physically unrealistic and overly conservative for postulating flaws of this orientation to exist in circumferential welds. Hence, the NRC staff agrees that relaxation of the requirements of ASME Code, Section XI, Appendix G, by postulating a circumferentially oriented flaw for the evaluation of the circumferential welds (as permitted by Code Case N–641) is acceptable and would maintain, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

*Using the $K_{IC}$ Fracture Toughness Curve (formerly Case N–640)*

The licensee proposed to revise the P–T limits in the PTLR for PBNP, Units 1 and 2, using the $K_{IC}$ fracture toughness curve in lieu of the $K_{la}$ fracture toughness curve as the lower bound for fracture toughness.

Use of the $K_{IC}$ curve in determining the lower bound fracture toughness in the development of the P–T operating limits curve is more technically correct than the $K_{la}$ curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The $K_{IC}$ curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the initial conservatism of the $K_{la}$ curve since 1974, when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the $K_{la}$ curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P–T curves based on the $K_{IC}$ curve will enhance overall plant safety by opening the P–T operating window with the greatest safety benefit in the region of low temperature operations.

In summary, the ASME Code, Section XI, Appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff agrees that this increased knowledge permits relaxation of the requirements of ASME Code, Section XI, Appendix G, by applying the $K_{IC}$ fracture toughness (as permitted by Code Case N–641) while maintaining, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

**III**

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and

(2) when special circumstances are present. The staff accepts the licensee's determination that an exemption from 10 CFR 50.60 and Appendix G to Part 50 would be required to approve the use of Code Case N–641. The staff examined the licensee's rationale to support the exemption request and agrees that the use of Code Case N–641 would meet the underlying intent of these regulations. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of (1) 10 CFR Part 50, Appendix G, (2) Appendix G of the ASME Code, and (3) Regulatory Guide 1.99, Revision 2, the staff concludes that application of Code Case N–641, as described above, would provide an adequate margin of safety against brittle failure of the RPV. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations. Therefore, the staff concludes that requesting exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N–641 may be used to revise the P–T limits in the current and the proposed TSs for PBNP, Units 1 and 2.

**IV**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.60(a), and 10 CFR Part 50, Appendix G, for PBNP, Units 1 and 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (65 FR 59472).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 6th day of October 2000.

For the Nuclear Regulatory Commission.

**Suzanne C. Black,**

*Deputy Director Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26472 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–352, 50–353]**

## In the Matter of PECO Eenergy Company (Limerick Generating Station, Units 1 and 2) Order Approving Application Regarding Proposed Corporate Restructuring

**I**

PECO Energy Company (PECO, the licensee) is the holder of Facility Operating Licenses Nos. NPF–39 and NPF–85, which authorize the possession, use, and operation of the Limerick Generating Station (Limerick), Units 1 and 2 (the facility). The facility is located at the licensee's site in Montgomery County, Pennsylvania.

**II**

By application dated July 7, 2000, PECO requested approval of the proposed indirect transfer of the facility operating licenses to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company and PECO. Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the direct transfer of the Limerick licenses to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and Commonwealth Edison Company. The August 3, 2000, order effectively allows PECO's Limerick assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of PECO as PECO continues to hold the Limerick and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, PECO would continue to be the sole owner and operator of Limerick, Units 1 and 2.

By a separate application dated July 7, 2000, Commonwealth Edison Company requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for PECO. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by PECO pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53045). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by PECO, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO will not affect the qualifications of PECO as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It Is Hereby Ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) PECO shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from PECO to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of PECO's consolidated net utility plant, as recorded on PECO's books of account, provided, however, this condition shall apply only for so long as PECO holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *(http://www.nrc.gov).*

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26482 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–171, 50–277, 50–278]**

## In the Matter of PECO Energy Company (Peach Bottom Atomic Power Station, Units 1, 2 and 3) Order Approving Application Regarding Proposed Corporate Restructuring

**I**

PECO Energy Company (PECO, the licensee) is the holder of Facility Operating License No. DPR–12, which authorizes possession and maintenance, but not operation of Peach Bottom Atomic Power Station, Unit 1, and is a co-holder of Facility Operating Licenses Nos. DPR–44, and DPR–56, which authorize the possession, use, and operation of the Peach Bottom Atomic Power Station, Units 2 and 3. PECO is the licensed operator of Units 2 and 3. All three units (the facility) are located at the licensee's site in York County, Pennsylvania.

**II**

By application dated July 7, 2000, PECO requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by PECO to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company and PECO. Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the direct transfer of the Peach Bottom licenses, to the extent held by PECO, to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and Commonwealth Edison Company. The August 3, 2000, order effectively allows PECO's Peach Bottom assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of PECO as PECO continues to hold the Peach Bottom and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, PECO would continue to be the sole owner of Peach Bottom, Unit 1, and would continue to hold a partial ownership interest in Peach Bottom, Units 2 and 3. PECO would continue to be authorized to maintain Peach Bottom, Unit 1, and would continue to be the sole operator of Peach Bottom, Units 2 and 3. The application does not involve any change with respect to the other co-holders of the licenses for Peach Bottom, Units 2 and 3, PSEG Nuclear LLC, Delmarva Power and Light Company, and Atlantic City Electric Company, which hold ownership interests in these units.

By a separate application dated July 7, 2000, Commonwealth Edison Company requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for PECO. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by PECO pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53044). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by PECO, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO will not affect the qualifications of PECO as holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC §§ 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) PECO shall provide the Director of the Office of Nuclear Reactor Regulation and the Director of the Office of Nuclear Material Safety and Safeguards a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from PECO to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of PECO's consolidated net utility plant, as recorded on PECO's books of account, provided, however, this condition shall apply only for so long as PECO holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site

(*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26483 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–272, 50–311]**

### In the Matter of PECO Energy Company (Salem Nuclear Generating Station, Units 1 and 2) Order Approving Application Regarding Proposed Corporate Restructuring

**I**

PECO Energy Company (PECO) owns 42.59 percent of Salem Nuclear Generating Station, Units 1 and 2 (the facility) and in connection therewith is a co-holder of Facility Operating Licenses Nos. DPR–70 and DPR–75, which authorize possession, use, and operation of the facility. PSEG Nuclear LLC, another co-owner of the facility, is the licensed operator. The facility is located in Salem County, New Jersey.

**II**

By application dated July 7, 2000, PECO requested approval of the proposed indirect transfer of the facility operating licenses to the extent now held by PECO to Exelon Corporation, to be formed in connection with the proposed merger of Unicom Corporation (Unicom), the parent of Commonwealth Edison Company and PECO. Supplemental information was provided by submittals dated July 13 and September 1, 2000. Hereinafter, the July 7, 2000, application and supplemental information will be referred to collectively as the ''application.''

Under the proposed merger, PECO will become a direct or indirect subsidiary of Exelon Corporation. The merger was previously the subject of an order dated August 3, 2000, by which the U. S. Nuclear Regulatory Commission approved the transfer of the Salem licenses, to the extent held by PECO, to Exelon Generation Company, LLC (EGC). EGC will be formed in connection with the merger as an indirect subsidiary of Exelon Corporation to acquire the generating assets of PECO and Commonwealth Edison Company. The August 3, 2000, order effectively allows PECO's Salem assets to be transferred to EGC. According to the application here, the transfer of these assets may be delayed beyond the closing of the merger. During this interim period, Exelon Corporation would be the direct parent of PECO as PECO continues to hold the Salem and other generating assets pending the receipt of necessary approvals to allow the generating assets to be transferred to EGC. Specifically, PECO would continue to hold a partial ownership interest in Salem, Units 1 and 2. PSEG Nuclear LLC would continue to be the sole operator of Salem, Units 1 and 2. The application does not involve any change with respect to the remaining ownership interests in the facility held by PSEG Nuclear LLC, Delmarva Power and Light Company, and Atlantic City Electric Company.

By a separate application dated July 7, 2000, Commonwealth Edison Company requested approval of the indirect transfer of the facility operating licenses that it holds to Exelon Corporation, which would occur under circumstances similar to the above for PECO. That application is being addressed separately.

Approval of the indirect transfer of the facility operating licenses was requested by PECO pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on August 31, 2000 (65 FR 53046). The Commission received no comments or requests for hearing pursuant to such notice.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application by PECO, and other information before the Commission, the NRC staff has determined that the proposed corporate restructuring under which Exelon Corporation will become the parent of PECO will not affect the qualifications of PECO as a co-holder of the licenses described above, and that the indirect transfer of the licenses, to the extent effected by the proposed corporate restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below.

The findings set forth above are supported by a safety evaluation dated October 5, 2000.

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding the indirect license transfers related to the proposed corporate restructuring is approved, subject to the following conditions:

(1) PECO shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from PECO to its proposed parent, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of PECO's consolidated net utility plant, as recorded on PECO's books of account, provided, however, this condition shall apply only for so long as PECO holds a license issued pursuant to 10 CFR Part 50.

(2) Should the proposed merger and restructuring not be completed by October 5, 2001, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated July 7, 2000, and supplemental submittals dated July 13 and September 1, 2000, and the safety evaluation dated October 5, 2000, which are available for public inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation*

[FR Doc. 00–26484 Filed 10–13–00; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[50–461]**

### AmerGen Energy Company, LLC; Clinton Power Station Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the NRC) is considering issuance of a license amendment to and exemptions from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Section 50.60(a) for Facility Operating License No. NPF–62, issued to AmerGen Energy Company, LLC (the licensee), for

operation of the Clinton Power Station (CPS), located in DeWitt County, Illinois.

**Environmental Assessment**

*Identification of the Proposed Action*

10 CFR Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

The licensee requested in its submittal that the staff exempt CPS from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Cases N–588 and N–640. Code Case N–588 permits the postulation of a circumferentially-oriented flaw (in lieu of an axially-oriented flaw) for the evaluation of the circumferential welds in RPV P–T limit curves. Code Case N–640 permits the use of an alternate reference fracture toughness ($K_{IC}$ fracture toughness curve instead of $K_{Ia}$ fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the pressure stresses on a circumferentially-oriented flaw are lower than the pressure stresses on an axially-oriented flaw by a factor of 2, using Code Case N–588 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and therefore, an exemption to apply the Code Case would be required by 10 CFR 50.60. Likewise, since the $K_{IC}$ fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the $K_{IC}$ fracture toughness curve) provides greater allowable fracture toughness than the corresponding $K_{Ia}$ fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the $K_{Ia}$ fracture toughness curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60. It should be noted that, although Code Case N–640 was incorporated into the ASME Code recently, an exemption is still needed because the proposed P–T limits (excluding Code Cases N–588 and N–640) are based on the 1989 edition of the ASME Code.

The new P/T limits calculated by the methodologies that are subject to the exemptions, are requested to be incorporated into the CPS Technical Specifications by the associated proposed license amendment.

The proposed action is in accordance with the licensee's application for exemption and amendment dated August 25, 2000, as supplemented September 21, 2000.

*The Need for the Proposed Action*

The revised P/T limits are desired to allow required reactor vessel hydrostatic and leak tests to be performed at a significantly lower temperature. These tests are to be performed during the upcoming refueling outage scheduled to commence in October, 2000. The lower temperature for the tests can reduce refueling outage critical path time by reducing or eliminating the heatup time to achieve required test conditions.

*Environmental Impacts of the Proposed Action*

The Commission has evaluated the proposed action and concludes that the exemptions and associated license amendment described above would provide an adequate margin of safety against brittle failure of the CPS reactor vessel. The lower temperature, is also safer for test inspectors due to lower ambient drywell temperature and could result in lower radiological dose due to increased inspection effectiveness at the lower temperature.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant 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. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources:*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Clinton Power Station.

*Agencies and Persons Consulted:*

In accordance with its stated policy, on September 28, 2000, the staff consulted with the Illinois State official, Frank Niziolek, of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

**Finding of No Significant Impact**

On the basis of 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 letters dated August 25 and September 21, 2000. Documents 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, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 10th day of October 2000.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins,**

*Senior Project Manager, Section 2 Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–26473 Filed 10–13–00; 8:45 am]

BILLING CODE 7590–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–43419; File No. SR–Amex–00–46]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Adopting Commentary to Section 713 That Defines ''Public Offering'' for Purposes of Shareholder Approval Rules

October 6, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 16, 2000, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.[4]

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to adopt Commentary .01 to Section 713, to define the term ''public offering'' for purposes of the Exchange's shareholder approval rules. Below is the text of the proposed rule change, which is entirely new.

* * * * *

**Amex Rules, Sec. 713. Other Transactions, Commentary .01**

Section 713 provides that shareholder approval is required for ''a transaction involving the sale or issuance by the company of common stock (or securities convertible into or exercisable for common stock) equal to 20 percent or more of presently outstanding stock for less than the greater of book or market value of the stock.'' Under this rule, shareholder approval is not required for a ''public offering.''

Issuers are encouraged to consult with Exchange staff in order to determine if a particular offering is a ''public offering'' for purposes of the shareholder approval rules. Generally, a firm commitment underwritten securities offering registered with the Securities and Exchange Commission will be considered a public offering for these purposes. Likewise, any other securities offering which is registered with the Securities and Exchange Commission and which is publicly disclosed and distributed in the same general manner and extent as a firm commitment underwritten securities offering will be considered a public offering for purposes of the shareholder approval rules. However, Exchange staff will not treat an offering as a ''public offering'' for purposes of the shareholder approval rules merely because they are registered with the Commission prior to the closing of the transaction.

When determining whether an offering is a ''public offering'' for purposes of these rules, Exchange staff will consider all relevant factors, including but not limited to:

(i) The type of offering (including whether the offering is conducted by an underwriter on a firm commitment basis, or an underwriter or placement agent on a best-efforts basis, or whether the offering is self-directed by the issuer);

(ii) The manner in which the offering is marketed (including the number of investors offered securities, how those investors were chosen, and the breadth of the marketing effort);

(iii) The extent of the offering's distribution (including the number and identify of the investors who participate in the offering and whether any prior relationship existed between the issuer and those investors);

(iv) The offering price (including the extent of any discount to the market price of the securities offered); and

(v) The extent to which the issuer controls the offering and its distribution.

* * * * *

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Section 713 of the Amex Company Guide requires shareholder approval for stock issuances of 20 percent or more of an issuer's total shares outstanding, offered at less than the greater of book or market value. The applicable rules further provide, however, that shareholder approval is not required for a ''public offering,'' although that term is not defined in the rules. The Exchange proposes to adopt Commentary .01 to Section 713, to clarify the definition of ''public offering'' for issuers and interested parties. According to the Amex, a number of issuers have recently inquired as to whether certain large, below-market offerings were ''public offerings'' because the transactions were registered with the Commission prior to closing the transactions.[5] The Exchange notes that historically, for purposes of assessing the applicability of the shareholder approval rules, it has interpreted ''public offering'' as a broadly distributed, registered offering based on a firm commitment underwriting. Conversely, the Exchange does not consider a transaction to be a ''public offering'' for these purposes when the transaction is of limited distribution and/or is not based on a firm commitment underwriting, even if the offering was registered. Because the offerings described above had limited distributions and, in some cases, offerees that were pre-determined by the issuer, the Exchange believes that these transactions were not ''public offerings'' for purposes of the shareholder approval rules.

The Amex expects that proposed Commentary .01 will ensure issuer understanding of how Amex determines whether a transaction is a ''public offering'' for purposes of the shareholder approval rules. The proposed Commentary identifies a number of factors that will be considered in establishing the existence of a ''public offering.'' Such factors include the type of offering; the marketing of the offering; the extent of the offering's distribution; the offering price; and the extent to which the issuer controls the offering and its distribution. Decisions as to whether a transaction is a ''public offering'' for purposes of these rules will be based on the facts and circumstances surrounding each particular transaction.

2. Statutory Basis

The Exchange believes that the proposed Commentary to Section 713 is designed to educate issuers and other interested parties as to how the Exchange defines a ''public offering'' and ensure that issuers recognize which transactions require shareholder approval under the Exchange's rules. For this reason, the Exchange represents that the proposed rule change is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(5)[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Amex does not believe that the proposed rule change will impose any burden on competition that is not necessary

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Amex filed its proposed rule change on August 16, 2000. On September 29, 2000, the Amex filed Amendment No. 1 that entirely replaced the original rule filing. *See* Letter from Michael J. Ryan, Senior Vice President, Chief of Staff and Senior Legal Officer, Amex, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (September 29, 2000) (''Amendment No. 1''). In Amendment No. 1, the Amex also designated SR–Amex–00–46 as a proposed rule change under Section 19(b)(2) of the Act. 15 U.S.C. 78s(b)(2).

[4] The National Association of Securities Dealers, Inc., through its wholly owned subsidiary The Nasdaq Stock Market Inc., has filed a similar proposed rule change (SR–NASD–00–50). *See* Securities Exchange Act Release No. 43420 (October 6, 2000).

[5] It is the Exchange's understanding that the Commission believes that this activity is not appropriate under Section 5 of the Securities Act of 1933. *See* 15 U.S.C. 77e

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–Amex–00–46 and should be submitted by November 6, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00–26465 Filed 10–13–00; 8:45 am]

**BILLING CODE 8010–01–M**

[8] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–43421; File No. SR–PHLX–00–05]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1–4 by the Philadelphia Stock Exchange, Inc. Relating to Decimal Pricing

October 6, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 10, 2000, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the PHLX. On August 7, 2000, the Exchange filed an amendment to the proposed rule change, which amendment completely replaced and superseded the original filing.[3] Subsequently, the PHLX filed three additional amendments to the proposed rule change.[4] The PHLX filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[5] and Rule 19b–4(f)(6) thereunder,[6] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* August 4, 2000 letter from Jurij Trypupenko, Esq. (''Trypupenko''), PHLX, to Alton S. Harvey (''Harvey''), Division of Market Regulation (''Division''), SEC, and attachment (''Amendment No. 1''). Amendment No. 1 converts the original filing to a non-controversial proposal pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder, which renders the proposal effective upon filing with the Commission. The Commission accepts the original proposal as notice of the PHLX's intention to file the proposed rule change as a non-controversial proposal. *See* 15 U.S.C. 78s(b)(3)(A) and 17 CFR 240.19b–4(f)(6)(iii).

[4] *See* August 31, 2000 letter from Trypupenko, PHLX, to Harvey, Division, SEC and attachment (''Amendment No. 2''). In Amendment No. 2, the PHLX deleted references to decimal ''trading'' and added language to refer to ''quoting'' and ''pricing'' in decimals. Amendment No. 2 also included proposed language to reflect an amendment to the Intermarket Trading System Plan regarding decimal pricing. *See also* September 7, 2000 letter from Trypupenko, PHLX, to Harvey, Division, SEC (''Amendment No. 3''). In Amendment No. 3, the Exchange deleted section (c) of proposed Rule 1034. *See also* October 6, 2000 letter from Trypupenko, PHLX, to Harvey, Division, SEC (''Amendment No. 4''). In Amendment No. 4, the PHLX made minor, technical corrections to certain proposed rule language.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The PHLX proposes to amend its rules to provide for the implementation of decimal pricing, in accordance with the joint submission to the Commission by the PHLX and other interested parties dated July 24, 2000, entitled ''Decimals Implementation Plan for the Equities and Options Markets'' (''Decimal Plan'').

Proposed new PHLX Rule 134 establishes that, during the decimalization phase-in period established by the Decimals Plan, securities will be priced in fractions and in decimals, and that the Exchange may issue decimalization guidelines to its members, member organizations, participants, and participant organizations regarding, among other things, what equities and options on equities will be quoted in decimals and when, the timing of partial or full conversion to decimal pricing, and open order conversion and dividend processing.

In addition, the PHLX proposes to amend the following Options Advices: A–9, All-or-None Option Orders; A–11, Responsibility to Make Ten-Up Markets; B–11, Crossing, Facilitation and Solicited Orders; and F–6, Option Quote Parameters. The Exchange believes that the proposed amendments to these provisions are non-controversial in nature, and are necessary for the Exchange to convert from fraction to decimal pricing in accordance with the Decimals Plan.

Finally, the PHLX proposes to amend Rule 2001 to conform to the rule to amendments made to the Intermarket Trading System Plan.

The text of the proposed rule change, as amended, is available at the PHLX and at the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the PHLX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The PHLX has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The PHLX proposes to amend certain Exchange Rules and Options Advices to comply with the implementation of decimal pricing pursuant to the Commission's June 8, 2000 Order.[7] The PHLX believes these changes are needed to implement decimal pricing on August 28, 2000, and thereafter in phases in accordance with the Decimals Plan.

The proposed amendments to certain Rules and Options Advices would clarify existing language that refers only to pricing in fractions. The PHLX proposes to add language that is applicable to both fractional and decimal pricing. Other PHLX Rules and Options Advices contain examples in fractions. The Exchange proposes to add decimal equivalents.

The proposed rule changes incorporate the quoting increment requirements of the Decimals Plan. Thus, the proposed amendment to PHLX Rule 125 establishes the $.01 Minimum Price Variation (''MPV'') for equities pricing in decimals. The proposed amendment to PHLX Rule 1034 establishes the $3.00 or higher and the $.05 MPV for options quoting at under $3.00, while PHLX Rule 1014 establishes quote spread parameters in fractions and decimals. Proposed PHLX Rule 134 allows the Exchange to issue guidelines to members as needed throughout the decimalization phase-in period.

2. Statutory Basis

The PHLX believes that the proposal is consistent with Section 6 of the Act[8] in general, and with the provisions of Section 6(b)(5) of the Act[9] in particular, in that it is designed to promote just and equitable principals of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The PHLX has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal, as amended, to become immediately operative upon filing, because such designation is consistent with the protection of investors and the public interest.[12] Acceleration of the operative date will ensure that the PHLX is able to operate in accordance with the terms and conditions of the Decimals Plan. For these reasons, the Commission finds good cause to designate that the proposal, as amended, become operative immediately upon filing.[13]

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to file number SR–PHLX–00–05 and should be submitted by November 6, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00–26464 Filed 10–13–00; 8:45 am]

**BILLING CODE 8010–01–M**

[7] Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] The Decimals Plan contemplates that the options exchanges may wish to consider a pilot program for one-cent minimum price variations for quoting in a limited number of options (''Penny Pilot'') at some point in the implementing process. The Commission expects that, before implementing a Penny Pilot, the options exchanges will carefully coordinate on such issues as the selection and number of options to be included in the pilot to ensure the continued orderly operation of the markets and clearing organizations. In particular, the Commission expects that the options exchanges will consult with the Commission regarding the impact on market-wide capacity. Before implementing a Penny Pilot, each options exchange should also submit appropriate rule filings to the Commission under Section 19(b) of the Exchange Act.

The Decimals Plan provides for minimum price variations for equities and options of no less than one cent. The Commission's June 8th Order requires the Participants to submit joint or individual studies two months after Full Implementation (as defined in the Decimals Plan) regarding the impact of decimal pricing on systems capacity, liquidity, and trading behavior, including an analysis of whether there should be a uniform minimum quoting increment. If a Participant wishes to move to quoting in an increment of less than one cent, the Participant should include in its study a full analysis of the potential impact of such trading on the Participant's market and the markets as a whole. Within thirty days after submitting the study, and absent Commission act, the Participants individually must submit for notice, comment, and Commission action, proposed rule changes under Section 19(b) of the Act to establish their individual choice of minimum increments by which equities or options are quoted on their respective markets.

[13] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). For purposes of calculating the 60-day abrogation period, the Commission considers the period to begin as of the date of filing of the most recent substantive amendment, September 7, 2000.

[14] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 3443]**

### Culturally Significant Objects Imported for Exhibition; Determinations: ''The Majesty of Spain Exhibition: Royal Collections From the Museo del Prado & Patrimonio Nacional''

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''The Majesty of Spain Exhibition: Royal Collections from the Museo del Prado & Patrimonio Nacional'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the exhibit objects at the Mississippi Arts Pavilion, Jackson, Mississippi, from March 1, 2001, through September 3, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: October 8, 2000.

**William B. Bader,**

*Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 00–26497 Filed 10–13–00; 8:45 am]

**BILLING CODE 4710–08–U**

## DEPARTMENT OF STATE

**[Public Notice No. 3433]**

### Shipping Coordinating Committee; Notice of Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 10 a.m. on Wednesday, November 8, 2000, in Room 6319 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The purpose of this meeting is to report the results of the Eighty-Second Session of the International Maritime Organization (IMO) Legal Committee (LEG 82) and the results of the meeting of the Joint International Maritime Organization/International Labor Organization Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers (IMO/ILO Ad Hoc Expert Working Group).

At LEG 82, the Legal Committee will continue work on a draft protocol to the Athens Convention Relating to the Carriage of Passengers and Their Luggage by Sea, and on the draft Wreck Removal Convention. The Committee will also consider a proposal to increase the limits of compensation under the 1992 protocols to the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. The Legal Committee will then turn its attention to the implementation of the International Convention on Liability and Compensation for Damage in Connection With the Carriage of Hazardous and Noxious Substances by Sea, and time will also be allotted to address any other issues on the Legal Committee's work program on which there are questions or comments.

The IMO/ILO Ad Hoc Expert Working Group continue to examine the issue of financial security for seafarers and their dependents with regard to compensation in cases of personal injury, death and abandonment. During this meeting, the group will review and analyze information received in response to a questionnaire sent to member states.

Members of the public are invited to attend the SHC meeting up to the seating capacity of the room. For further information, or to submit views in advance of the meeting, please contact Captain Joesph F. Ahern or Lieutenant Daniel J. Goettle, U.S. Coast Guard, Office of Maritime and International Law (G–LMI), 2100 Second Street, SW., Washington, DC 20593–0001; telephone (202) 267–1527; fax (202) 267–4496.

Dated: October 10, 2000.

**Stephen M. Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00–26493 Filed 10–13–00; 8:45 am]

**BILLING CODE 4710–07–P**

## DEPARTMENT OF STATE

**Public Notice No. 3434]**

### Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 1 p.m. on Friday, November 3, in Room 24115, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. The purpose of the meeting is to finalize preparations for the 49th Session of the Technical Cooperation Committee (TCC 49) and 85th Session of Council of the International Maritime Organization (IMO).

The TCC 49 meeting will be held at IMO Headquarters from 15–16 November 2000. The Technical Cooperation Committee will discuss the Integrated Technical Co-operation Program (ITCP) for 2002–2003. The committee will also discuss the Partnerships for Progress and the status of technical assistance activities provided by member States. Elections will be held for Chairman and Vice-Chairman for 2001.

The 85th Session of the Council is scheduled for 13–17 November 2000, at the IMO Headquarters in London. Items of interest include Committees reports; the Report on the International Conference on the Revision of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971; Work Program and Budget for 2001; and a review of the Organization's financial framework in accordance with Assembly resolution A.877(21).

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Director, International Affairs, U. S. Coast Guard Headquarters, Commandant (G–CI), Room 2114, 2100 Second Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2280.

Dated: October 10, 2000.

**Stephen M. Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00–26494 Filed 10–13–00; 8:45 am]

**BILLING CODE 4710–07–U**

## DEPARTMENT OF STATE

**[Publice Notice No. 3435]**

### Shipping Coordinating Committee, Subcommittee on Ship Design and Equipment; Meeting Notice

The Shipping Coordinating Committee will conduct an open meeting at 9:30 am on Thursday, November 16, 2000, in Room 6319, at U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. The purpose of the meeting is to prepare for the forty-fourth session of the Subcommittee on Ship Design and Equipment of the International Maritime Organization (IMO) which is scheduled for March 5–9, 2001, at IMO Headquarters in London, England.

Among other things, items of particular interest are: revision of resolutions MEPC.60(33) and A.586(14) regarding pollution prevention equipment; asbestos-related problems on board ships; casualty analysis; development of guidelines for ships operating in ice-covered waters; low-powered radio homing devices for liferafts on ro-ro passenger ships; use of desalinators on liferafts and lifeboats; improved thermal protection; amendments to resolution A.744(18) regarding guidelines on the enhanced program of inspections during surveys of bulk carriers and oil tankers; revision of the Interim Standards for ship maneuverability; and guidelines under Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL).

IMO works to develop international agreements, guidelines, and standards for the marine industry. In most cases, these form the basis for class society rules and national standards/regulations. Such an open meeting supports the U.S. Representative to the IMO Subcommittee in developing the U.S. position on those issues raised at the IMO Subcommittee meetings. This open meeting serves as an excellent forum for the public to express their ideas and participate in the international rulemaking process. All members of the public are encouraged to attend or send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing within the IMO.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Wayne Lundy, U.S. Coast Guard Headquarters, Commandant (G–MSE–3), 2100 2nd Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2206.

Dated: October 10, 2000.

**Stephen Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00–26495 Filed 10–13–00; 8:45 am]

**BILLING CODE 4710–07–U**

## DEPARTMENT OF STATE

**[Public Notice No. 3436]**

### Shipping Coordinating Committee; Maritime Safety Committee; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Tuesday, November 21, 2000, in Room 2415, at U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. The purpose of this meeting will be to finalize preparations for the 73rd Session of the Maritime Safety Committee, and associated bodies of the International Maritime Organization (IMO), which is scheduled for November 27—December 6, 2000, at IMO Headquarters in London. At this meeting, papers received and the draft U.S. positions will be discussed.

Among other things, the items of particular interest are:

- Large passenger ship safety.
- Adoption of amendments to the International Convention for Safety of Life at Sea.
- Bulk carrier safety.
- Mandatory application of the International Maritime Dangerous Goods (IMDG) Code.
- Piracy and armed robbery against ships.
- Reports of five subcommittees-Flag State implementation; Bulk liquids and gases; Safety of navigation; ship design and equipment; and stability, loadlines and fishing vessels.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Joseph J. Angelo, Commandant (G–MS), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Room 1218, Washington, DC 20593–0001 or by calling (202) 267–2970.

Dated: October 10, 2000.

**Stephen Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00–26496 Filed 10–13–00; 8:45 am]

**BILLING CODE 4710–07–U**

## TENNESSEE VALLEY AUTHORITY

### Meeting of the Regional Resource Stewardship Council

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of meeting.

**SUMMARY:** The Regional Resource Stewardship Council (Regional Council) will hold a meeting to consider various matters. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2 (FACA).

The meeting agenda includes the following/briefings:

1. GAO's report on alternative river management operations.
2. Impact of environmental stewardship decision on distributor customers.
3. Public comments.
4. Impact of instream flows upon navigation.
5. Impact of land management practices on water quality.

It is the Regional Council's practice to provide an opportunity for members of the public to make oral public comments at its meetings. Public comment session is scheduled from 11 a.m.—noon EDT. Members of the public who wish to make oral public comments may do so during the Public comments portion of the agenda. Up to one hour will be allotted for the public comments with participation available on a first-come, first-served basis. Speakers addressing the Council are requested to limit their remarks to no more than 5 minutes. Persons wishing to speak register at the door and are then called on by the Council Chair during the public comment period. Hand-out materials should be limited to one printed page.

Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902.

**DATES:** The meeting will be held on Wednesday, November 1, 2000, from 8:30 a.m. to 5:00 p.m. EDT.

**ADDRESSES:** The meeting will be held in Knoxville, Tennessee, at the Tennessee Valley Authority, West Tower, First Floor, Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

**FOR FURTHER INFORMATION CONTACT:** Sandra L. Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902, (865) 632–2333.

Dated: October 2, 2000.

**Kathryn J. Jackson**

*Executive Vice President, River System Operations & Environment Tennessee Valley Authority.*

[FR Doc. 00–26436 Filed 10–13–00; 8:45 am]

BILLING CODE 8120–08–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. FAA–2000–8080]**

### Draft Advisory Circular (AC) No. 120–29A, Criteria for Approval of Non-Precision, Category I and Category II Weather Minima for Takeoff, Approach, and Landing

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

**ACTION:** Notice of availability of a draft advisory circular.

**SUMMARY:** This notice announces the availability of a draft AC which provides an acceptable means, but not the only means, of obtaining and maintaining approval of operations in Non-Precision, Category I and II Weather Minima, including installation and approval of associated aircraft systems. It includes additional or revised Category I and II criteria for use in conjunction with heads-up displays, use of required navigation performance, satellite navigation sensors, and 'engine inoperative' Category II criteria. This draft AC would replace AC 120–29, dated September 25, 1970, and represents the first steps of harmonization efforts of the Federal Aviation Administration, the European Joint Aviation Authority, and other regulatory authorities.

**DATES:** Comments on the draft AC must be received on or before October 31, 2000.

**ADDRESSES:** Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–8080 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing comments to this AC in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

**FOR FURTHER INFORMATION CONTACT:** Richard Temple, Flight Technologies and Procedures Division (AFS–400), Room 1132, Federal Aviation Administration, 600 Independence Ave., SW., Washington, DC 20591; telephone: (202) 267–5824.

**Availability of the Advisory Circular**

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (http://dms.dot.gov/search).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get an electronic copy using the Internet through FAA's web page at http://www.faa/gov/AVR/afs/afs410/afs410.htm.

**Background**

An initial draft of this AC was received from the Aviation Rulemaking Advisory committee (ARAC) in August 1998 and a notice of availability was published in the **Federal Register** in October 1998. The notice of availability stated that the FAA was reviewing the ARAC recommendation and that it may make revisions to the document before it is issued. The notice also stated that if the FAA decides to make any substantive changes in the draft AC, the revised document would be made available again for comment before final issuance. Subsequently, an internal FAA coordination process began in January 2000 and was completed in September 2000. This draft revision incorporates changes resulting from that review, as well as the ARAC recommendations and are the first steps toward international all weather operations criteria harmonization taken by the FAA, JAA and several other regulatory authorities. Comments received in response to this notice will be considered before a final AC is issued. This draft AC should be reviewed in conjunction with the regulatory requirements of 14 CFR parts 121, 125, and 135, as applicable. This draft AC would not change, add, or delete any regulatory requirement or authorize any deviation from parts 121, 125, or 135.

Issued in Washington, DC on October 6, 2000.

**L. Nicholas Lacey,**

*Director, Flight Standards.*

[FR Doc. 00–26514 Filed 10–13–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application 00–05–C–00–DBQ To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Dubuque Regional Airport, Dubuque, IA

**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 Dubuque Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before November 15, 2000.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 901 Locust, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Kenneth J. Kraemer, A.A.E., Airport Manager, Dubuque Regional Airport, at the following address: 11000 Airport Road, Dubuque, IA 52003.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Dubuque Airport Commission, Dubuque Regional Airport, under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Lorna Sandridge, PFC Program Manager, FAA, Central Region, 901 Locust, Kansas City, MO 64106, (816) 329–2641. 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 the Dubuque Regional 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. Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 30, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Dubuque Airport Commission, Dubuque, Iowa, was substantially complete within the requirements of section 158.25 of part 158. the FAA will approve or disapprove the application, in whole or in part, no later than December 30, 2000.

The following is a brief overview of the application.

*Level of the proposed PFC:* $4.50.

*Proposed charge effective date:* April, 2001.

*Proposed charge expiration date:* June, 2003.

*Total estimated PFC revenue:* $631,592.

*Brief description of proposed project(s):* Runway 18/36 extension paving and lighting, construct parallel taxiway and commence instrumentation of Runway 18/36; rehabilitate Runway 18/36, including grading of the northerly runway safety area and partial installation of the instrument landing system (ILS), phase 1; install ILS and medium-intensity approach lighting system with runway alignment indicator lights (MALSR) for Runway 36; install an airfield operations area wildlife fence.

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 the Dubuque Regional Airport.

Issued in Kansas City, Missouri, on September 29, 2000.

**George A. Hendon,**

*Manager, Airports Division, Central Region.*

[FR Doc. 00–26527 Filed 10–13–00; 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 Savannah International Airport, Savannah, Georgia

**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 the Savannah International 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 November 15, 2000.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Patrick S. Graham, Executive Director of the Savannah Airport Commission at the following address: Savannah Airport Commission, 400 Airways Avenue, Savannah, Georgia 31408.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Savannah Airport Commission under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Daniel Gaetan, Program Manager, Atlanta Airports District Office, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7146. 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 the Savannah International 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 October 3, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Savannah Airport Commission 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 January 3, 2001.

The following is a brief overview of the application.

*PFC Application No.:* PFC No. 00–04–C–00–SAV.

*Level of the proposed PFC:* $4.50.

*Proposed charge effective date:* January 1, 2010.

*Proposed charge expiration date:* December 31, 2010.

*Total estimated net PFC revenue:* $4,223,048.

*Brief description of proposed project(s):*

Sweeper
Loading Bridges
Airfield Lighting Control
Taxiway Extension
Construct Connector Taxiway
Access Road to Southwest Quadrant
Install Additional Gates in Concourse
Install Escalator
Install Elevator
Extend Terminal Apron
PFC Administration

*Class or classes of air carriers that the public agency has requested not be required to collect PFCs:* Air taxi/Commercial operators (ATCO) filing 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 the Savannah Airport Commission.

Issued in College Park, Georgia, on October 5, 2000.

**Rans D. Black,**

*Acting Manager, Atlanta Airports District Office, Southern Region.*

[FR Doc. 00–26516 Filed 10–13–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Public Notice for Waiver of Aeronautical Land-Use Assurance, Rhinelander-Oneida County Airport, Rhinelander, WI

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

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is giving notice

that a portion of the airport property containing 52.95 acres located in the south-southwest corner of the airport is not needed for aeronautical use as currently identified on the Airport Layout Plan.

The majority of the acreage comprising this parcel was originally acquired through Grant No. FAAP–9–47–027–C603 in 1965 to protect the approach to Runway 5/23. The remainder of the acreage within this parcel was acquired by the airport sponsor and State of Wisconsin at that same time. The parcel is presently wooded and undeveloped. Runway 5/23 was officially and permanently closed on April 8, 1998. The land comprising this parcel is, therefore, no longer needed for aeronautical purposes. The airport wishes to transfer ownership of the land to facilitate future industrial development in the vicinity of the airport. Income from the sale will be used to improve the airport. There are no impacts to the airport by allowing the airport to dispose of the property.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before November 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4359/FAX Number (612) 713–4364. Documents reflecting this FAA action may be reviewed at this same location or at the Rhinelander-Oneida County Airport, Rhinelander, WI.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA intends to authorize the disposal of the subject airport property at Rhinelander-Oneida County Airport, Rhinelander, WI. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Minneapolis, MN, on September 26, 2000.

**Robert Huber,**

*Acting Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 00–26515 Filed 10–13–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 33934]**

### The Canadian American Railroad Company—Acquisition and Operation Exemption—Green Mountain Railroad Corporation

The Canadian American Railroad Company (CDAC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate Green Mountain Railroad Company's (GMRC) exclusive freight railroad operations easement (easement) over approximately 40.3 route miles of rail line (line) owned by the State of Vermont (State).[1] The line extends from White River Jct., VT, to Wells River, VT, between milepost 123.2 and milepost 163.5.

Because CDAC's projected annual revenues will exceed $5 million, CDAC has certified to the Board on September 18, 2000 that the required notice of the transaction was posted at the workplace of the employees on the affected line on September 15, 2000. *See* 49 CFR 1150.42(e). According to CDAC's certification, the employees on the affected line are not represented by a labor organization and therefore no notice to labor organizations was required. CDAC stated in its verified notice that the transaction was scheduled to be consummated ten days after the effective date of the approval of the conveyance of the easement by the Board.[2]

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33934, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John Broadley, Esq., John H. Broadley & Associates, 1054 31st Street, NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Dated: October 10, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 00–26500 Filed 10–13–00; 8:45 am]

**BILLING CODE 4915–00–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Privacy Act of 1974: Computer Matching Program

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 552a(e)(12) of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of the Internal Revenue Service Taxpayer Address Request (TAR) Computer Matching Program. The matching activities are conducted in accordance with pertinent provisions of section 6103 of the Internal Revenue Code of 1986.

**EFFECTIVE DATE:** This notice will be effective November 15, 2000.

**ADDRESSES:** Inquiries may be mailed to the Director, Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Ave., NW. Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** M.R. Taylor, Project Manager, Office of Governmental Liaison, Internal Revenue Service, 202–622–5145.

**SUPPLEMENTARY INFORMATION:** The computer matching programs provide Federal, State, and local agencies with

[1] The Board had previously approved GMRC's acquisition of the easement in *Green Mountain Railroad Corporation—Acquisition and Operation Exemption—Certain Rights of Boston and Maine Corporation*, STB Finance Docket No. 33829 (STB served Dec. 20, 1999). According to the verified notice in STB Finance Docket No. 33934, the State, pursuant to the easement and an operating agreement between the State and GMRC, has the power to cause GMRC to convey the easement to CDAC.

[2] Due to timing of CDAC's certification to the Board, effectiveness of the exemption under normal circumstances would have been delayed until November 17, 2000 (60 days after CDAC's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e)). In a decision in this proceeding served on October 10, 2000, however, the Board granted the request by CDAD for waiver of the remainder of the 60-day period, as measured from the certification date to the Board, to allow the exemption to become effective on October 10, 2000.

tax information from IRS records to assist them in administering the programs and activities described below. The purpose of these programs is to prevent or reduce fraud and abuse in certain Federally assisted benefit programs and facilitate the settlement of government claims while protecting the privacy interest of the subjects of the match.

The matches are conducted on an on-going basis in accordance with the terms of the Computer Matching Agreement in effect with each participant as approved by the Data Integrity Boards of the Federal agencies, and for the period of time specified in such agreement. Members of the public desiring specific information concerning an on-going matching activity may request a copy of the agreement at the address provided above.

**Matches Conducted Pursuant to IRC 6103(m)(2)**

(A) In general, except as provided in subparagraph (B), the Service may, upon written request, disclose the mailing address of a taxpayer for use by officers, employees, or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with sections 3711, 3717, and 3718 of title 31.

(B) In the case of an agent of a Federal agency which is a consumer reporting agency (within the meaning of section 603(f) of the Fair Credit Reporting Act, (15 U.S.C. 1681a(f)), the mailing address of a taxpayer may be disclosed to such agent under subparagraph (A) only for the purpose of allowing such agent to prepare a commercial credit report on the taxpayer for use by such Federal agency in accordance with sections 3711, 3717, and 3718 of title 31.

The IRS information provided is extracted weekly from the Individual Master File (IMF) (Treasury IRS 24.030).

Federal agencies expected to participate in (m)(2) matches and their Privacy Act systems of records are:

1. Department of Housing and Urban Development Albany Financial Operations Center, Accounting Records (HUD/DEPT–2);

2. U.S. Department of Justice, Debt Collection and Management System (JUSTICE/JMD–006);

3. Department of Veterans Affairs, Accounts Receivable Records—VA (88VA244);

4. Social Security Administration Master Beneficiary Record (HHS/SSA/OSR 09–60–0090); and the Supplemental Security Income Record and Special Veterans Benefits (SSA/OSR 60–0103); and

5. U.S. Department of Education Student Financial Assistance Collection Files (18–11–07).

**Matches Conducted Pursuant to IRC 6103(m)(4)**

In general, upon written request from the Secretary of Education, the Service may disclose the mailing address of any taxpayer who owes an overpayment of a grant awarded to such taxpayer under subpart 1 of part A of title IV of the Higher Education Act of 1965, or who has defaulted on a loan made under part B, D, or E of title IV of the Higher Education Act of 1965, or made pursuant to section 3(a)(1) of the Migration and Refugee Assistance Act of 1962 to a student at an institution of higher education.

This section further provides for the redisclosure by the Secretary of Education of a taxpayer's mailing address to any lender, or any State or nonprofit guarantee agency, participating under part (B) or (D) of title IV of the Higher Education Act of 1965, or any educational institution with which the Secretary of Education has an agreement under subpart 1 of part A, or part D, or E, of title IV of such Act. Redisclosure is made by the Secretary of Education for use only by officers, employees, or agents of such lender, guarantee agency, or institution whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such program for purposes of collecting such overpayment or loan.

The IRS information provided is extracted from the IMF (Treasury IRS 24.030). The U.S. Department of Education matches the title IV Program File [18–40–0024] with the IMF.

**Matches Conducted Pursuant to IRC 6103(m)(5)**

Upon written request from the Secretary of Health and Human Services (HHS), the Service may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loans. At this time there is no agreement to disclose information pursuant to IRC 6103(m)(5).

**Beginning and Completion Dates**

The matches are conducted on an ongoing basis in accordance with the terms of the computer matching agreement in effect with each participant as approved by the Data Integrity Boards of both agencies. The term of these agreements is expected to cover the 18-month period, September 1, 2000 through February 28, 2002. Ninety days prior to expiration of the agreement, the parties to the agreement may request a 12-month extension in accordance with 5 U.S.C. 552a(o). The extension would cover the period March 1, 2002 through February 28, 2003.

Dated: September 29, 2000.

**W. Earl Wright, Jr.,**

*Chief Management and Administrative Programs Officer.*

[FR Doc. 00–25569 Filed 10–13–00; 8:45 am]

**BILLING CODE 4830–01–P**

## UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

### Notice of Intent To Prepare an Environmental Impact Statement for Constructing a Warm-Water Sportfish and Native Aquatic Species Hatchery in Millard County, Utah

**AGENCY:** The Utah Reclamation Mitigation and Conservation Commission.

**ACTION:** Notice of intent to conduct scoping and prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Utah Reclamation Mitigation and Conservation Commission with cooperating agencies: Utah Division of Wildlife Resources, U.S. Department of the Interior, Office of the Secretary, U. S. Bureau of Land Management (BLM), and U. S. Fish and Wildlife Service will prepare an EIS on a proposal to construct a warm-water sportfish and native aquatic species hatchery near Gandy Warm Springs in Millard County, Utah. The site is located on federal land managed by the BLM. The BLM intends to use this Notice of Intent and EIS for their Record of Decision for any required land transaction.

Species to be propagated include the channel catfish, June sucker, least chub, leatherside chub, roundtail chub, boreal toad, and spotted frog.

Facilities to be constructed include: water systems—control structures, supply/drain lines, effluent treatment; rearing facilities—earthen, concrete and plastic ponds, raceways or tanks; buildings—hatchery/lab/office, shop, service/storage, residences, visitors' facilities.

The Central Utah Project Completion Act of 1992 (Act) authorized funding to improve existing hatchery facilities or construct new ones to increase

production of warm water and cold water fish for the areas affected by the Colorado River Storage Project (CRSP) in Utah. In compliance with the Act, a Fish Hatchery Production Plan (Plan) and Environmental Assessment (EA) on the Plan were completed in 1995. The Plan was revised in 1998 based on updated information. The Plan identifies long-term warm water sport-fish and native aquatic species stocking needs for meeting management objectives in CRSP-affected area waters, and recommends construction of a warm water hatchery. The Mitigation Commission accepted the revised Plan, and issued a Finding of No Significant Impact on implementation of the Plan.

Three possible alternatives have been identified: 1. No Action—build no facility; 2. Use an existing hatchery facility; and 3. Construct a new facility at the Gandy Warm Springs site (proposed action).

The No Action Alternative would be no new construction, but the use of a small, existing warm-water culture effort. The Existing Hatchery System Alternative would be an evaluation of a facility or facilities within the existing hatchery system for possible improvements for warm-water culture.

The Proposed Action Alternative would be the new facility construction at the Gandy Warm Springs site, Millard County, Utah. It would include a land transaction by the BLM under the Recreation and Public Purposes Act (68 Statute 173; 43 USC 869 *et seq.*).

**DATES:** 1. Submit scoping comments on or before November 10, 2000.

2. An open house will be held October 30, 2000, 6 to 9 p.m., local time.

**ADDRESSES:** 1. Address all comments to Maureen Wilson, Project Coordinator, Utah Reclamation Mitigation and Conservation Commission, 102 West 500 South, #315, Salt Lake City, Utah 84101. Submit electronic comments to *mwilson@uc.usbr.gov.*

2. The open house location is the Community Center in Baker, Nevada 89311

**FOR FURTHER INFORMATION CONTACT:** Maureen Wilson, 801–524–3146.

**SUPPLEMENTARY INFORMATION:** An initial scoping was completed in May, 2000. Over 160 scoping notices were mailed or posted. A public meeting was held in Trout Creek, in Millard Co. on May 25, 2000. Responses from 27 individuals and agencies were received.

Issues identified to date include: escapement of exotic species, site-specific construction impacts, protection of existing water rights, quality of hatchery effluent discharge, impact on historical and recreational use of the area.

Comments should address environmental issues to be considered, feasible alternatives to examine, possible mitigation, and information relevant to the Proposed Action. A public meeting will be held in Baker, Nevada during this scoping period.

It is important that comments be received by the close of the formal scoping period so they can be considered in a meaningful manner in the draft EIS.

Tentative Project Schedule: Begin comment period: May 2000; Scoping and Issue Identification Period Ends: November 2000; Draft EIS: October 2001; Final EIS and Record of Decision: January 2002.

Dated: October 3, 2000.

**Michael C. Weland,**

*Executive Director.*

[FR Doc. 00–26471 Filed 10–13–00; 8:45 am]

BILLING CODE 4310–05–U

# Corrections

**Federal Register**

Vol. 65, No. 200

Monday, October 16, 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 COMMERCE

### International Trade Administration

**[A–583–827]**

### Static Random Access Memory Semiconductors from Taiwan: Notice of Court Decision and Suspension of Liquidation

*Correction*

In notice document 00–24954 on page 58263 in the issue of Thursday, September 28, 2000, the **EFFECTIVE DATE:** is corrected to read ''September 28, 2000.''

[FR Doc. C0–24954 Filed 10–13–00; 8:45 am]

**BILLING CODE 1505–01–D**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 2000–NE–38–AD; Amendment 39–11913; AD 2000–20–02]**

### Airworthiness Directives; General Electric Company CF6-50 Series Turbofan Engines

*Correction*

In rule document 00–24901, beginning on page 58645, in the issue of Monday, October 2, 2000, make the following correction:

**§39.13 [Corrected]**

1.On page 58646, in the second column, under the heading **Initial Inspection of Stage 2 LPT Nozzle Lock Assemblies**, in paragraph (a), the fourth line, ''information'' should read ''Information''.

2. On page 58646, in the third column, under the heading **Repetitive Inspection of Stage 2 LPT Nozzle Lock Assemblies**, in paragraph (c), the fourth line, ''information'' should read '' Information''.

3. On page 58646, in the third column, in paragraph (d), the second line, ''place'' should read ''replace''.

[FR Doc. C0–24901 Filed 10–13–00; 8:45 am]

**BILLING CODE 1505–01–D**

Federal Register

**Monday,**
**October 16, 2000**

## Part II

# Department of the Interior

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Bay Checkerspot Butterfly (*Euphydryas editha bayensis*); Proposed Rule**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018–AH61**

## Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)

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

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the bay checkerspot butterfly (*Euphydryas editha bayensis*) (bay checkerspot). A total of approximately 10,597 hectares (26,182 acres) of land falls within the boundaries of the proposed critical habitat designation. Proposed critical habitat is located in San Mateo and Santa Clara Counties, California. If this proposal is made final, section 7 of the Act requires Federal agencies to insure that any activity they fund, authorize, or carry out does not result in the destruction or adverse modification of critical habitat. Section 4 of the Act requires us to consider economic and other impacts of specifying any particular area as critical habitat. We solicit data and comments from the public on all aspects of this proposal, including data on the economic and other impacts of the designation. We may revise this proposal to incorporate or address new information received during the comment period.

**DATES:** We will accept comments until December 15, 2000. We will hold a public hearing in Newark, California, on October 30, 2000, from 1:00 p.m. to 3:00 p.m. and from 6:00 p.m. to 8:00 p.m.

**ADDRESSES:** *Comment Submission:* If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods.

(1) You may mail written comments to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825.

(2) You may send comments by electronic mail (e-mail) to fw1baycheckerspot@fws.gov. See the Public Comments Solicited section below for file format and other information about electronic filing.

(3) You may hand-deliver comments to our Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825.

*Public Hearing:* We will hold the Newark hearing at the Hilton Newark/Fremont, 39900 Balentine Drive, Newark, California.

*Document Availability:* Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the address listed under (3) above.

**FOR FURTHER INFORMATION CONTACT:** David Wright or Ken Sanchez at telephone 916/414–6600.

**SUPPLEMENTARY INFORMATION:**

### Background

The bay checkerspot is a medium-sized butterfly with a wingspan of about 5 centimeters (2 inches). The forewings have black bands along all the veins on the upper wing surface, contrasting sharply with bright red, yellow, and white spots. The bay checkerspot differs from LuEsther's checkerspot (*Euphydryas editha luestherae*) (a later-flying, *Pedicularis*-feeding subspecies of Inner Coast Range chaparral in central California) by being darker, and by lacking a relatively uninterrupted red band demarcating the outer wing third. The black banding on the forewings of the bay checkerspot gives a more checkered appearance than in other subspecies, such as the smaller Quino checkerspot (*Euphydryas editha quino*) of southern California, or the montane subspecies (for example, the Mono checkerspot, *Euphydryas editha monoensis*) (Service 1998).

Recent publications have advocated renaming the bay checkerspot, *Euphydryas editha bayensis,* as *Euphydryas editha editha* for reasons of historical precedence (Mattoni *et al.* 1997; Emmel *et al.* 1998). Mattoni and co-authors (1997) have also suggested that *Euphydryas editha editha* ranges from the San Francisco Bay area south to Santa Barbara County in California, and includes both the populations commonly known as the bay checkerspot and several populations south of Santa Clara County whose subspecific status has been uncertain. If this expanded subspecific assignment is accepted by the scientific community, it would represent a range extension for the bay checkerspot. Until such time as we make any new or revised determination on the taxonomy, and in this proposed rule, we treat the threatened bay checkerspot as occurring in San Francisco Bay area counties, notably the Counties of San Mateo and Santa Clara.

The bay checkerspot formerly occurred around San Francisco Bay, from Twin Peaks and San Bruno Mountain (west of the Bay) and Contra Costa County (east of the Bay) south through Santa Clara County. Before the introduction of invasive Eurasian grasses and other weeds in the 1700s, its distribution may have been wider (Service 1998). In the decades preceding listing, the decline of the bay checkerspot was primarily attributed to loss of habitat and fragmentation of habitat due to increasing urbanization. Drought and other extremes of weather have also been implicated in bay checkerspot population declines (Service 1998). Recent research has tentatively identified excess nitrogen deposition from polluted air as a threat to bay checkerspot habitats, due to its fertilizing effect enhancing the growth of invasive nonnative plants even in serpentine soil areas (Weiss 1999).

The known range of the bay checkerspot is now reduced to Santa Clara and San Mateo Counties, and the butterfly is patchily distributed in these locales. Studies of the bay checkerspot have described its distribution as an example of a metapopulation (see literature cited in Service 1998). A metapopulation is a group of spatially separated populations that can occasionally exchange dispersing individuals. The populations in a metapopulation are usually thought of as undergoing interdependent extinction and colonization, where individual populations may go extinct, but later recolonize from another population. Bay checkerspot populations may also exhibit ''pseudo-extinction,'' where the species is not found, but nonetheless continues to inhabit a site and reappears in a subsequent year. Larvae that diapause (spend a period of dormancy as larvae (caterpillars)), under rocks and deep in soil cracks for more than 1 year may be responsible for pseudo-extinctions, since dormant larvae are essentially undetectable in surveys. Because of pseudo-extinction and metapopulation dynamics, even sites that in some years apparently lack the bay checkerspot can be important to the survival and recovery of the species.

Bay checkerspot butterfly populations vary greatly from year to year. Many or most individuals of the species live only a single year, and with high fecundity (fertility), high mortality, and sensitivity to weather and perhaps other ecological conditions, large population swings are

common for the bay checkerspot. Fluctuations of more than 100-fold have been observed. These fluctuations are not always in synchrony among populations at different sites.

Habitat of the bay checkerspot exists on shallow, serpentine-derived or similarly droughty or infertile soils, which support the butterfly's larval food plants as well as nectar sources for adults. Serpentine soils are high in magnesium and low in calcium, and are a strong indicator of habitat value for the butterfly. The primary larval host plant of the bay checkerspot is *Plantago erecta* (dwarf plantain), an annual, native plantain. The butterfly usually is found associated with *Plantago erecta* in grasslands on serpentine soils, such as soils in the Montara series. In Santa Clara County, the Inks and Climara soil series are related soils and often have inclusions of Montara (U.S. Soil Conservation Service 1974). Henneke and other serpentine soils also occur within the range of the butterfly. Populations of the bay checkerspot formerly occurred on San Bruno Mountain and other locations with soils that are not serpentine. We believe this indicates that, with otherwise suitable habitat conditions, the bay checkerspot is capable of living in nonserpentine soil areas.

In many years, bay checkerspot larvae may use a secondary host plant species, for instance, when dwarf plantain dries up while prediapause larvae are still feeding. *Castilleja (Orthocarpus) densiflora* (purple owl's-clover) and *Castilleja exserta* (*Orthocarpus purpurascens*) (exserted paintbrush) are known secondary host plants that often remain edible later in the season than dwarf plantain. Bay checkerspot adults also visit flowers for nectar. Nectar plants commonly visited include *Lomatium* spp. (desert parsley), *Lasthenia californica (= chrysostoma)* (California goldfields), *Layia platyglossa* (tidy-tips), *Muilla maritima,* and others. Moderate grazing is normally compatible with habitat for the bay checkerspot, since grazing can reduce the density and height of nonnative plants that compete with the native plants supporting the butterfly.

Adult bay checkerspots are capable of dispersing over long distances. Movements of more than 5.6 kilometers (km) (3.5 miles (mi)) have been documented (Harrison 1989; Service 1998). In all dispersal observations and experiments, long-distance movements are hard to detect, and thus their frequency and importance are difficult to quantify. Long-distance dispersal, especially by fertilized females carrying eggs, is likely to be important to the natural reestablishment of bay checkerspot populations that have disappeared. Qualitative observations suggest that bay checkerspots move readily over suitable grassland habitat, but are more reluctant to cross scrub, woodland, or other unsuitable habitat. Roads, especially those traveled more heavily and at higher speeds, present a risk of death or injury to dispersing bay checkerspots. Where corridors that facilitate dispersal exist, they may support the persistence of bay checkerspot populations.

The bay checkerspot's life cycle is closely tied to host plant biology. Host plants germinate anytime from early October to late December, and senesce (dry up and die) from early April to mid May. Most of the active parts of the bay checkerspot life cycle also occur during this period. Adults emerge from pupae (a transitional stage between caterpillar and adult butterfly) in early spring, and feed on nectar, mate, and lay eggs during a flight season that typically lasts for 4 to 6 weeks in the period between late February to early May. The eggs hatch and the tiny larvae feed for about 2 to 3 weeks before entering diapause (a temporary cessation of development) in mid to late spring. The postdiapause larvae emerge after winter rains stimulate germination of *Plantago,* and feed and bask until they are large enough to pupate and emerge as adults (Service 1998).

**Previous Federal Action**

On October 21, 1980, we were petitioned by Dr. Bruce O. Wilcox, Dennis D. Murphy, and Dr. Paul R. Ehrlich to list the bay checkerspot as an endangered species. We published a Notice of Status Review on February 13, 1981 (46 FR 12214). Following our status review, we found that listing the bay checkerspot was warranted but precluded by other pending listing actions (49 FR 2485). We proposed the bay checkerspot for listing as endangered with critical habitat on September 11, 1984 (49 FR 35665), and listed the species as threatened on September 18, 1987 (52 FR 35366). At the time of listing, because of difficulty in resolving the value of specific habitats to the species and assessing the activities being conducted in those areas, we concluded that critical habitat was not determinable. We published a Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area (Recovery Plan) in September 1998 that includes the bay checkerspot (Service 1998), as required under section 4(f) of the Endangered Species Act of 1973, as amended (Act) (16 U.S. C. 1531 *et seq.*).

On June 30, 1999, the Center for Biological Diversity filed a complaint against us challenging our critical habitat findings for seven species, including the bay checkerspot. On August 30, 2000, the United States District Court for the Northern District of California (*Southwest Center for Biological Diversity* v. *Bruce Babbitt, et al.,* CIV 99–3202 SC) ruled on several of the species involved, including the bay checkerspot. The court ordered us to propose critical habitat within 60 days of the ruling and to finalize the designation within 120 days of the proposed designation.

**Critical Habitat**

Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management consideration or protection, and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures that are necessary to bring an endangered species or a threatened species to the point at which listing under the Act is no longer necessary.

Section 4(b)(2) of the Act requires that we base critical habitat proposals upon the best scientific and commercial data available, after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude areas from critical habitat designation when the benefits of exclusion outweigh the benefits of including the areas within critical habitat, provided the exclusion will not result in the extinction of the species (section 4(b)(2) of the Act).

Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features essential for the conservation of that species. Designation of critical habitat alerts the public as well as land-managing agencies to the importance of these areas.

Critical habitat also identifies areas that may require special management considerations or protection, and may provide protection to areas where significant threats to the species have been identified. Critical habitat receives protection from destruction or adverse

modification through required consultation under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 7 also requires conferences on Federal actions that are likely to result in the adverse modification or destruction of proposed critical habitat. Aside from the protection that may be provided under section 7, the Act does not provide other forms of protection to lands designated as critical habitat.

Section 7(a)(2) of the Act requires Federal agencies to consult with us to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of critical habitat. In 50 CFR 402.02, ''jeopardize the continued existence'' (of a species) is defined as engaging in an activity likely to result in an appreciable reduction in the likelihood of survival and recovery of a listed species. ''Destruction or adverse modification'' (of critical habitat) is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for the survival and recovery of the listed species for which critical habitat was designated. Thus, the definitions of ''jeopardy'' to the species and ''adverse modification'' of critical habitat are nearly identical.

Critical habitat identifies specific areas that have features that are essential to the conservation of a listed species and that may require special management considerations or protection. The proposed critical habitat areas are considered essential to the conservation of the bay checkerspot butterfly as described in the Recovery Plan (Service 1998). However, designating critical habitat does not, in itself, lead to recovery of a listed species. Designation does not create a management plan, establish numerical population goals, or prescribe specific management actions (inside or outside of critical habitat). Specific management recommendations for areas designated as critical habitat are most appropriately addressed in recovery, conservation, and management plans, and through section 7 consultations and section 10 permits.

**Methods**

In determining areas that are essential to conserve the bay checkerspot, we used the best scientific information available to us. This information included habitat suitability and site-specific species information. We have emphasized areas of current and historical bay checkerspot occurrences, especially larger sites in proximity to known occurrences. To maintain genetic and demographic interchange that will help maintain the viability of a regional metapopulation, we included corridor areas that allow movement between populations. Dispersal is a crucial function for a species with metapopulation dynamics like the bay checkerspot.

We used data on known and historic locations and maps of serpentine soils to identify potentially important areas. Then, through the use of 1990s digital orthophotos available through the Bay Area Digital GeoResource (BADGER) website (http://badger.parl.com), and limited ground checking, we estimated the current extent of suitable breeding habitat. We included in critical habitat both suitable habitat and areas that link suitable breeding habitat, since these links facilitate movement of individuals between habitat areas, and are important for dispersal and gene flow and thus to the conservation of the species.

Our 1984 proposal to list the bay checkerspot butterfly with critical habitat (49 FR 35665) proposed five critical habitat zones. Four of the five are included in this proposal, with modifications based on improved knowledge of the biology and habitat of the species. Since the original proposal, the fifth zone (Woodside Zone) has been mostly converted to housing, so we are no longer proposing it for designation as critical habitat. Since 1984, a great deal of literature on the bay checkerspot butterfly, both published and unpublished, has added to our understanding of the species (see literature cited in Service 1998; Weiss 1999; Weiss and Launer 2000). Based on this expanded information, we have been able to identify habitats and populations that were poorly documented before the mid-1980s, and assess their significance. Besides the four previously identified critical habitat zones, this critical habitat proposal identifies 11 additional habitat units essential to the conservation of the bay checkerspot, for a total of 15 critical habitat units.

**Primary Constituent Elements**

In accordance with section 3(5)(A)(I) of the Act and regulations at 50 CFR 424.12(b), in determining which areas to propose as critical habitat, we must consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species. These include, but are not limited to space for individual and population growth and for normal behavior; food, water, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing of offspring; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

The primary constituent elements of critical habitat for the bay checkerspot are those habitat components that are essential for the primary biological needs of foraging, sheltering, breeding, maturation, and dispersal. The areas we propose to designate as critical habitat provide some or all of the known primary constituent elements for the species, which include: areas of open grassland; stands of *Plantago erecta, Castilleja exserta,* or *Castilleja densiflora;* spring flowers providing nectar; pollinators of the bay checkerspot's food and nectar plants; soils derived from serpentinic rock; stable holes or cracks in the soil and surface rocks or rock outcrops; wetlands providing moisture during times of spring drought; and space for dispersal between habitable areas. In addition, topography with varied slopes and aspects is a primary constituent element to be conserved when it is present in combination with one or more of the primary constituent elements above.

Appropriate grassland vegetation provides cover for larvae, pupae and adults, egg-laying stimuli and sites for females, and adequate open ground for larvae to be able to crawl efficiently in search of foraging, basking, diapause, or pupation sites (Service 1998). Stands of food plants, including nectar plants, are important in the butterfly's life cycle. The bay checkerspot's primary larval food plant is *Plantago erecta,* an annual, native plantain. The larvae also often use a secondary food plant species, usually either *Castilleja (Orthocarpus) densiflora* (purple owl's-clover) or *Castilleja exserta (Orthocarpus purpurascens)* (exserted paintbrush). These secondary food plants tend to remain edible later in the season than the plantain. Bay checkerspot adults benefit from visiting flowers for nectar. Nectar plants commonly visited include *Lomatium* spp. (desertparsley), *Lasthenia californica (= chrysostoma)* (California goldfields), *Layia platyglossa* (tidy-tips), *Muilla maritima,* and others.

Adequate native pollinators to sustain populations of *Castilleja* and nectar species, including but not limited to such groups as bumblebees and solitary bees, are important to the value of critical habitat because these plants are dependent on pollinators to reproduce and perpetuate their populations in the area. *Plantago erecta* is thought to be self-pollinating.

The butterfly usually is found associated with grasslands on serpentine soils, such as the Montara soil series. In Santa Clara County, the Inks and Climara soil series are related soils and often have inclusions of Montara (U.S. Soil Conservation Service 1974). Henneke and other serpentine soils also occur within the range of the butterfly. Serpentine soils often support other primary constituent elements, but they are not limited to serpentine soils. Soil structure with stable holes or cracks and surface rocks or rock outcrops provide cover and shelter for bay checkerspot larvae seeking diapause sites and basking sites.

Bay checkerspot adults have been observed to fly considerable distances during drought conditions to draw water or solutes from moist soils around wetlands (''puddling,'' Launer *et al.* 1993). Triggering of the puddling behavior by drought conditions suggests it is a directed, adaptive behavior, and that the butterflies are seeking out moist areas during times of water or heat stress to obtain essential nutrients or water.

Adult bay checkerspots are capable of dispersing over long distances. Movements of more than 5.6 kilometers (km) (3.5 miles (mi)) have been documented (see Service 1998), and longer movements are possible. Adult dispersal, especially by fertilized females carrying eggs, is vital to the maintenance of natural bay checkerspot metapopulation structure, which requires reestablishment or replenishment of populations that are at or near local extinction. Roads, especially those traveled more heavily and at higher speeds, present a risk of death or injury to dispersing bay checkerspots. Where open spaces exist that facilitate dispersal, they may support the persistence of bay checkerspot populations and metapopulations. Some habitats or land uses are thought to be more suitable for dispersal than others; for example, grassland may be more readily crossed than woodland or landscaped areas. But documented long-distance movements demonstrate that the butterfly is sometimes capable of crossing a variety of substrates (Service 1998).

Topographic diversity provides opportunities for early season warmth as well as cool north- and east-facing slopes that are a refuge for the species during droughts. Bay checkerspot larvae develop more rapidly when they can bask in sunlight that penetrates short-statured grassland vegetation. Adults also use warm exposures for basking, and find early season nectar plants on warm south- and west-facing slopes.

**Criteria Used To Identify Critical Habitat**

In an effort to map areas that have the features essential to the conservation of the species, we used data on known bay checkerspot locations and conservation planning areas that were identified in the final recovery plan (Service 1998) as essential for the recovery of the species.

We also considered the existing status of lands in designating areas as critical habitat. The bay checkerspot is known to occur on State, county, and private lands. The range of critical habitat extends in the south from the San Martin area, in Santa Clara County, north to San Bruno Mountain in San Mateo County. We could not depend on Federal lands for critical habitat designation because we are not currently aware of any Federal lands within the range of the bay checkerspot that can be inhabited by the butterfly. We are not aware of any Tribal lands in or near our proposed critical habitat units for the bay checkerspot. However, should we learn of any Tribal lands in the vicinity of the critical habitat designation subsequent to this proposal, we will coordinate with the Tribes before making a final determination as to whether any Tribal lands should be included as critical habitat for the bay checkerspot.

Section 10(a) of the Act authorizes us to issue permits to take listed species incidental to otherwise lawful activities. An incidental take permit application must be supported by a habitat conservation plan (HCP) that identifies conservation measures that the permittee agrees to implement for the species to minimize and mitigate the impacts of the requested incidental take. One small, short-term HCP covers the bay checkerspot in about 10 acres of critical habitat through November 2001. This HCP permits temporary project-related impacts from electric transmission line work. To date, project construction anticipated to affect the bay checkerspot is substantially complete (see the Relationship to Habitat Conservation Plans section below for additional information on the relationship between HCPs and critical habitat designation).

In defining critical habitat boundaries, we made an effort to avoid developed areas, such as towns and other similar lands, that are unlikely to contribute to bay checkerspot conservation. However, the minimum mapping unit that we used did not allow us to exclude all developed areas, such as towns, or housing developments, or other lands unlikely to contain the primary constituent elements essential for conservation of the bay checkerspot. Existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, and other urban landscaped areas will not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat.

**Proposed Critical Habitat Designation**

The approximate area encompassing proposed critical habitat by land ownership is shown in Table 1. Lands proposed are under private and State and local ownership. The species is not known to occur or to have historically occurred on Federal lands. Lands proposed as critical habitat have been divided into 15 Critical Habitat Units. Critical habitat proposed for the bay checkerspot includes 10,597 hectares (ha) (26,182 acres (ac)), with 806 ha (1,992 ac) in San Mateo County and 9,791 ha (24,190 ac) in Santa Clara County. Because the bay checkerspot is nearly confined to island-like patches of habitat, its critical habitat is easily categorized into separate areas or units (see maps). We present brief descriptions of each unit, and our reasons for proposing it as critical habitat, below.

Conserving the butterfly includes the need to reestablish historic populations of the species to areas within several of the units, in order to secure the butterfly in representative sites in its former range, and in a range of habitat and climate conditions. Returning the butterfly to good representatives of its former diversity of sites and habitat and climate conditions is necessary to reduce the long-term risk of range-wide extinction of the species (Service 1998).

TABLE 1.—APPROXIMATE CRITICAL HABITAT IN HECTARES (HA) AND ACRES (AC) BY COUNTY AND LAND OWNERSHIP

[Area estimates reflect critical habitat unit boundaries; however, not all the areas within those broad boundaries, such as cities, towns, or other developments, contain habitat features considered essential to the survival of the bay checkerspot butterfly]

| County | Federal | Local/State | Private | Total |
|---|---|---|---|---|
| San Mateo | 0 | 519 ha (1,283 ac) | 287 ha (709 ac) | 806 ha (1,992 ac) |
| Santa Clara | 0 | 1,704 ha (4,210 ac) | 8,087 ha (19,980 ac) | 9,791 ha (24,190 ac) |
| Total | 0 | 2,223 ha (5,493 ac) | 8,374 ha (20,689 ac) | 10,597 ha (26,182 ac) |

*Unit 1. Edgewood Park/Triangle Unit*

Occurring in San Mateo County, this unit comprises 217 ha (535 ac) in T.5 S., R.4 W. (Mount Diablo meridian/base line). Included is most of Edgewood Natural Preserve, a county park southeast of the junction of Edgewood Road and I–280, and watershed lands of the San Francisco Water Department within the triangle formed by I–280, Edgewood Road, and Canada Road, as well as a small additional area of serpentine soil on the west side of Canada Road. Much of this area also falls within the San Francisco State Fish and Game Refuge. The area supports the Edgewood population of the butterfly discussed in the species' recovery plan, which is the main population of the San Mateo metapopulation of the bay checkerspot (Service 1998). Without the Edgewood population the San Mateo metapopulation would almost certainly go extinct, resulting in the loss of one of only two metapopulations of the bay checkerspot and a significant range reduction for the species. This population is also the northernmost remaining population of the species. The unit contains considerable areas of good habitat, although additional management attention may be needed for the butterfly to thrive here.

*Unit 2. Jasper Ridge Unit*

Occurring within San Mateo County, the unit covers 287 ha (709 ac) in Stanford University's Jasper Ridge Biological Preserve, in T.6 S., R.3 W. (Mount Diablo meridian/base line). There are decades of data and dozens of published scientific papers about the Jasper Ridge population of the bay checkerspot. The population has declined severely in recent years, and may now be extirpated. However, we are confident that a stable population of the species can be restored to Jasper Ridge. The Jasper Ridge population is essential as a supporting element of the San Mateo metapopulation, and a backup to the Edgewood and prospective San Bruno Mountain populations.

*Unit 3. San Bruno Mountain Unit*

This unit also occurs in San Mateo County, with approximately 303 ha (749 ac) in T.3 S., R.5 W. (Mount Diablo meridian/base line), above the 152 m (500 ft) elevation contour and east of the western Pacific Gas and Electric transmission corridor on San Bruno Mountain. This unit is mostly within San Bruno Mountain State and County Park, and is inside the boundaries of the San Bruno Mountain Area Habitat Conservation Plan area. The bay checkerspot formerly inhabited this area, but is believed to have been extirpated around 1986 by a combination of factors, including over-collection and a fire that burned its habitat. However, this unit has supported a substantial bay checkerspot population in the past, and it is reasonable to expect that the butterfly can be reestablished here.

San Bruno Mountain represents the most northerly part of the species' former range on the San Francisco peninsula with reasonably good conditions to support the butterfly. The San Bruno Mountain unit is essential as a supporting element of the San Mateo metapopulation and a backup to the Edgewood and Jasper Ridge populations.

*Unit 4. Bear Ranch Unit*

The Bear Ranch unit, totaling 250 ha (618 ac), lies west of Coyote Lake (Coyote Reservoir) in the eastern hills of the Santa Clara Valley, in southern Santa Clara County (T.9 S., R.4 E. and T.10 S., R.4 E., Mount Diablo meridian/base line). The unit is named for a ranching property that partly occurs in the unit. The ranch and lands, including and surrounding the unit, are now owned and managed by the Santa Clara County Parks and Recreation Department. This location represents one of the most recent population discoveries of the bay checkerspot and has been documented for several years as a persistent population. The population is also one of the most southerly occurrences of the butterfly. It lies about 10 km (6 mi) southeast of the Kirby core population area described in the recovery plan, with some intervening habitable areas and adequate dispersal corridors. Over 40 ha (100 ac) of mapped serpentine soils in several large to small patches occur within the unit. In addition to the significance of its position establishing the outer perimeter of the range of the species, the recovery plan makes the protection of large, good quality habitat areas near core populations, such as this, a high priority (Service 1998).

*Unit 5. San Martin Unit*

This unit includes 237 ha (586 ac) west of San Martin, in the western foothills of the Santa Clara Valley in southern Santa Clara County (T.9 S., R.3 E). Included in the designated critical habitat are extensive areas of serpentine soils and intervening areas that may support habitat or be needed for dispersal. Regular occupation of the unit by the bay checkerspot has been documented, although no recent quantitative surveys are available of this population. The unit lies entirely on private lands in unincorporated Santa Clara County, about 6.4 km (4 mi) west-southwest of the Bear Ranch unit and 11 km (7 mi) south of the Kirby core area. This is the second population at the southern periphery of the range. The recovery plan makes the protection of large, good quality habitat areas near core populations, such as this, a high priority (Service 1998). We are not aware of any public lands in the unit.

*Unit 6. Communications Hill Unit*

Communications Hill, and adjacent hilltops in south-central San Jose, are formed by outcroppings of serpentine rock, with grasslands capable of supporting the bay checkerspot. This unit occurs in Santa Clara County and covers 179 ha (443 ac) of mostly undeveloped land. It also crosses a major road and railroad tracks, and includes a quarry that we believe, after appropriate reclamation, could be restored to bay checkerspot habitat. The butterfly has been documented on Communications Hill in the past, but no

recent comprehensive surveys for the species have been conducted in the area. Whether the unit is currently occupied is not known. The recovery plan calls for conservation of larger habitat areas currently or historically occupied by the bay checkerspot. This location also represents the northwestern-most remnant of the Santa Clara County metapopulation. The unit is surrounded by Curtner Avenue, Almaden Expressway, Hillsdale Avenue, and Monterey Road (T.7 S., R.1 E., Mount Diablo meridian/base line).

Much of this unit lies on private lands within unincorporated lands, with a smaller area in the City of San Jose. Portions of a Santa Clara County communications facility and a San Jose water company facility may fall within the unit. Only currently undeveloped areas supporting the primary constituent elements of habitat for the butterfly would be subject to regulatory oversight of any Federal actions.

*Unit 7. Kalana Hills Unit*

The Kalana Hills unit in Santa Clara County comprises 240 ha (592 ac) on the southwest side of the Santa Clara Valley between Laguna Avenue and San Bruno Avenue (T.9 S., R.2 E, Mount Diablo meridian/base line). Four serpentine outcrops form hills or hillsides in this area. At least one population of the bay checkerspot has been documented on one or all of these outcrops in recent surveys. This unit also includes intervening areas that connect the outcrops. The Coyote Ridge unit lies about 3.2 km (2 mi) to the northeast, the Santa Teresa unit about 2 km (1.2 mi) to the northwest, the San Vicente-Calero unit about 3.2 km (2 mi) to the west, and the Morgan Hill unit about 3.2 km (2 mi) to the southeast. Because of its proximity to several other, large population centers for the butterfly, we expect the Kalana Hills unit to be regularly occupied by the species. If, as is possible given the bay checkerspot's large population swings, the butterfly's population in the unit were to die out, it is likely to be quickly reestablished by bay checkerspots immigrating from adjacent sites. We are not aware of any public lands in the unit. A portion of the largest and northernmost serpentine outcrop is within the limits of the City of San Jose; the remainder of the unit is on private lands in unincorporated Santa Clara County.

*Unit 8. Kirby Unit*

The Kirby critical habitat unit includes 2,855 ha (7,053 ac) along the southern portion of ''Coyote Ridge'' in Santa Clara County (T.8 S., R.2 E., T.8 S., R.3 E., and T.9 S., R.3 E., Mount Diablo meridian/base line). It contains the Kirby area for the bay checkerspot discussed in the species' Recovery Plan (Service 1998). The ridge, informally known as Coyote Ridge, runs northwest to southeast, parallel to and east of Highway 101 from Yerba Buena Road to Anderson Reservoir in Santa Clara County, and forms the eastern slope of the Santa Clara Valley (U.S. Geological Survey (USGS) 7.5 minute quadrangles San Jose East, Lick Observatory, Santa Teresa Hills, and Morgan Hill. The ridge is not named on these maps). Coyote Ridge also parallels the Silver Creek Fault and Silver Creek itself. Extensive serpentine soil areas, and four population areas for the bay checkerspot (Kirby, Metcalf, San Felipe, and Silver Creek Hills), lie on or adjacent to this ridge and fault system (Service 1998). Metcalf Canyon, Silver Creek, and nonserpentine soil areas create natural divisions among these four population areas. The Kirby unit is the southernmost of four critical habitat units corresponding to the four population areas along Coyote Ridge, and runs along this ridge east of Highway 101 and Coyote Creek from Metcalf Canyon south to Anderson Lake. The northern boundary of the Kirby unit abuts the Metcalf unit. The northwest tip of the Kirby unit also connects to the Tulare Hill Corridor unit.

The Kirby critical habitat unit regularly supports one of the largest populations of the bay checkerspot, and is considered one of the centers of the species' Santa Clara County metapopulation. The recovery plan considers protection of the area of the highest priority for conservation of the species. The unit contains several hundred acres of diverse serpentine grassland habitat as well as nectaring areas, seasonal wetlands, and dispersal areas. The unit includes lands within the limits of the City of San Jose, private lands in unincorporated Santa Clara County, and small areas in the City of Morgan Hill. Public lands in this unit include the Santa Clara County Field Sports Park and portions of Santa Clara County Motorcycle Park, Anderson Lake County Park, Coyote Creek Park, and lands of the Santa Clara Valley Water District. A 101 ha (250 ac) reserve, leased by Waste Management Inc. on behalf of the Kirby Conservation Trust to further conservation of the bay checkerspot, also falls within the unit. The Kirby Conservation Trust has funded extensive research on the bay checkerspot for more than a decade at the lease site, greatly improving our understanding of the ecology, population dynamics, and conservation needs of the species (see literature cited in Service 1998).

*Unit 9. Morgan Hill Unit*

The Morgan Hill unit in Santa Clara County includes 374 ha (925 ac) northwest of the City of Morgan Hill in Santa Clara County (T.9 S., R.2 E., T.9 S., R.3 E., Mount Diablo meridian/base line) . It lies less than 3.2 km (2 mi) southwest of the Coyote Ridge unit and about 3.2 km (2 mi) southeast of the Kalana Hills unit. This is the area described as ''north of Llagas Avenue'' in our 1998 recovery plan. The unit is partly within the limits of the City of Morgan Hill and partly on private lands in unincorporated Santa Clara County. Murphy Springs Park, a small city park, is within the unit. The Morgan Hill unit has large areas of serpentine soils and grassland with a variety of slope exposures, suitable for the bay checkerspot. The unit has been documented to be occupied by the butterfly in the past, as well as in more recent surveys in the past 2 to 3 years. Because of its large habitat area and proximity to core populations of the bay checkerspot, the recovery plan considers protection of this area essential to the conservation of the species (Service 1998).

*Unit 10. Metcalf Unit*

This unit includes 1,616 ha (3,994 ac) in Santa Clara County, east of Highway 101, south of Silver Creek Valley Road, north of Metcalf Canyon, and west of Silver Creek (T.8 S., R.2 E., Mount Diablo meridian/base line). The unit contains the Metcalf population area for the bay checkerspot, one of the four largest habitat areas and three largest current population centers for the butterfly (Service 1998). Hundreds of acres of serpentine soils and thousands of bay checkerspots occur within the unit. This area is considered one of the centers of the species' Santa Clara County metapopulation. The recovery plan considers protection of the area of the highest priority for conservation of the butterfly. This unit adjoins the Kirby unit to the south, San Felipe unit to the east, Silver Creek Hills unit to the north, and Tulare Hill Corridor unit to the west, and provides crucial habitat connectivity for butterfly dispersal among these areas. The Metcalf unit lies in the City of San Jose and on private lands in unincorporated Santa Clara County. Portions of Santa Clara County Motorcycle Park, Coyote Creek Park, and lands of Santa Clara Valley Water District fall within the unit.

*Unit 11. San Felipe Unit*

This unit includes 404 ha (998 ac) in Santa Clara County, southwest of San Felipe Road and north of Metcalf Road (T.8 S., R.2 E., Mount Diablo meridian/base line), primarily on private lands in unincorporated county lands, but also within San Jose city limits. The unit contains the San Felipe population area for the bay checkerspot, one of the four largest habitat areas and three largest current population centers for the butterfly (Service 1998). This area is considered one of the centers of the species' Santa Clara County metapopulation. The recovery plan considers protection of the area of the highest priority for conservation of the butterfly. Several hundred acres of serpentine soils occur within the unit with nectaring and dispersal areas. We are not aware of any public lands in the unit.

*Unit 12. Silver Creek Unit*

The Silver Creek unit comprises 700 ha (1,730 ac), primarily within the limits of the City of San Jose, but with some area on private lands in unincorporated Santa Clara County (T.7 S., R.1 E., T.7 S., R.2 E., T.8 S., R.2 E., Mount Diablo meridian/base line). This unit is surrounded by Highway 101 and Coyote Creek on the west, Yerba Buena Road on the north, Silver Creek on the east and northeast, and Silver Creek Valley Road on the south. The unit includes the Silver Creek Hills population area for the bay checkerspot (Service 1998). It includes nearly 400 ha (1,000 ac) of contiguous serpentine soils, as well as other scattered serpentine outcrops, as well as habitat less suitable for breeding but needed for nectar-feeding or dispersal. Small areas of public lands in this unit include portions of Coyote Creek Park and Silver Creek Linear Park. A 52 ha (128 ac) private bay checkerspot preserve dedicated by Shea Homes, the Silver Creek Valley Country Club Butterfly Habitat Reserve, lies within this unit. Also included is the proposed Ranch on Silver Creek development, a 28 ha (70 ac) preserve proposed by William Lyon Homes (former Presley Homes), and the proposed Ryland Homes Silver Ridge development and private open space. Several electric transmission lines and two major natural gas lines cross the unit. Not all of the area within the unit is capable of supporting the butterfly or its primary constituent elements, and such areas would not be subject to section 7 consultation. However, we have included these areas in the critical habitat designation in the interests of having a clear boundary that is readily located on the ground, or because of mapping uncertainties.

In the last several years, a small population of the bay checkerspot has been documented in the Silver Creek unit, and the area has a long history of much larger populations. Portions of the unit known to have been inhabited by the butterfly in the past have not been surveyed recently, or are currently in degraded condition, or both. We believe that the Silver Creek Hills population is likely to increase, and that much of the degraded area could be restored to useful breeding habitat. The Silver Creek unit has extensive, diverse, and high-quality habitat, and represents the northernmost unit of the Santa Clara County metapopulation. The Silver Creek unit provides a population reservoir critical to the survival of the Santa Clara County metapopulation of bay checkerspots—the larger and more viable of the two remaining metapopulations (Service 1998).

*Unit 13. San Vicente-Calero Unit*

The San Vicente-Calero unit contains 759 ha (1,875 ac) within and to the west of Calero County Park, Santa Clara County (T.8 S., R.1 E., T.8 S., R.2 E., T.9 S., R.1 E., and T.9 S., R.2 E., Mount Diablo meridian/base line). This area supports a known population of the bay checkerspot in a large area of good-quality habitat; other areas within the unit that are apparently suitable for the butterfly have not been surveyed. The unit is also within butterfly dispersal distance of the Santa Teresa Hills unit (see below), which we consider to be capable of supporting a very large population of the butterfly, and the Kalana Hills unit (number 9, above), which are themselves accessible to and from other units. Therefore we believe the San Vicente-Calero population can contribute significantly to maintaining the Santa Clara County metapopulation of the bay checkerspot. For all these reasons the recovery plan considers protection of this area essential to the conservation of the species. The unit is south of McKean Road and east of the town of New Almaden, Almaden Road, and Alamitos Creek. It lies about 1.6 km (1 mi) south of the Santa Teresa unit and about 3.2 km (2 mi) west of the Kalana Hills unit. Portions of the unit outside the county park are within the limits of the City of San Jose.

*Unit 14. Santa Teresa Hills Unit*

The Santa Teresa Hills unit includes 1,821 ha (4,500 ac) in Santa Clara County (T.8 S., R.1 E. and T.8 S., R.2 E., Mount Diablo meridian/base line) with extensive areas of serpentine soils. Portions of the Santa Teresa Hills are known to support the butterfly now, and have supported the species in the past, but no current comprehensive survey of the butterfly in the area is available. We believe that the Santa Teresa Hills could support a significant population of bay checkerspots. In addition to adding a fifth substantial population to the Santa Clara County metapopulation, conservation and management of the Santa Teresa Hills population would support development of a strong population of the butterfly in a slightly cooler, moister area of the county, at a site that may experience less air pollution than the more eastern units. The Santa Teresa Hills critical habitat unit is intended to include most undeveloped habitat in the area, as well as intervening areas that are unsurveyed or less suitable but needed for dispersal among higher-quality areas. The unit lies north of Bailey Avenue, McKean Road, and Almaden Road, south of developed areas of the city of Santa Clara, and west of Santa Teresa Boulevard. The unit abuts the Tulare Hill Corridor unit.

*Unit 15. Tulare Hill Corridor Unit*

The Tulare Hill Corridor unit, 355 ha (876 ac) in Santa Clara County, connects the Coyote Ridge (Kirby and Metcalf, and through them, San Felipe and Silver Creek) and Santa Teresa units. Tulare Hill is a prominent serpentine hill that rises from the middle of the Santa Clara Valley in southern San Jose, west of the crossing of Metcalf Road and Highway 101 (T.8 S., R.2 E., Mount Diablo meridian/base line). Extensive habitat on the hill is currently occupied by the bay checkerspot, and is essential both as a population center and for dispersal across the valley. The Metcalf and Kirby populations of the bay checkerspot lie less than 1 kilometer (0.62 mi) to the northeast, separated by a major highway and a narrow band of other unfavorable habitat. The Santa Teresa Hills population area for the species lies about 2 km (1.2 mi) to the southwest, with dispersal habitat in between. We believe the long-term viability of the bay checkerspot depends on the presence of a corridor for dispersal of adults to and from the Santa Teresa Hills and Coyote Ridge (Service 1998). Tulare Hill is an ideal location for such a corridor because of the narrow extent of the valley and the development in this location, the presence of high elevations on the hill that may attract butterflies over busy roads and developed areas, and the presence of suitable habitat on Tulare Hill itself. Migrant butterflies from either Santa Teresa Hills or Coyote Ridge may settle on Tulare Hill, contributing individuals and genetic

diversity to the population there, and adults from Tulare Hill may migrate to the adjacent habitat areas.

Public lands within the designated unit include parts of Coyote Creek Park, Metcalf Park, and Santa Teresa County Park. Roughly half of Tulare Hill itself is within the limits of the City of San Jose, the remainder on private lands in unincorporated Santa Clara County. Several major electrical transmission lines cross the unit. Some areas within the unit are not inhabited by bay checkerspot individuals but can function as dispersal corridor.

**Effects of Critical Habitat Designation**

*Section 7 Consultation*

Section 7(a) of the Act requires that Federal agencies, including the Service, must ensure that actions they fund, authorize, or carry out do not destroy or adversely modify critical habitat to the extent that the action appreciably diminishes the value of the critical habitat for the survival and recovery of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Under section 7(a) of the Act, Federal agencies, including the Service, evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) and regulations at 50 CFR 402.10 requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory.

We may issue a formal conference report if requested by a Federal agency. Formal conference reports on proposed critical habitat contain a biological opinion that is prepared according to 50 CFR 402.14, as if critical habitat were designated. If such designation occurs, we may adopt the formal conference report as a biological opinion, if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

When a species is listed or critical habitat is designated, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with us. Through this consultation, we would advise the agencies whether the permitted actions would likely jeopardize the continued existence of the species or destroy or adversely modify critical habitat.

When we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conferencing with us on actions for which formal consultation has been completed, if those actions may affect designated critical habitat or adversely modify or destroy proposed critical habitat.

Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act, or a section 10(a)(1)(B) permit from the Service, or some other Federal action, including funding (*e.g.,* from the Federal Highway Administration (FHWA) or Federal Emergency Management Agency (FEMA)) will also be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat, and actions on non-Federal lands that are not federally funded, authorized, or permitted do not require section 7 consultation. Not all of the areas within some of the units are capable of supporting the butterfly or its primary constituent elements, and such areas would not be subject to section 7 consultation. However, in the interests of having a clear boundary that is readily located on the ground, or because of mapping uncertainties, we have included some areas that may not be critical habitat within some units described below.

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of the species' survival and recovery. Actions likely to ''destroy or adversely modify'' critical habitat are those that would appreciably reduce the value of critical habitat for the survival and recovery of the listed species.

Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to destroy or adversely modify critical habitat would almost always result in jeopardy to the species concerned, particularly when the area of the proposed action is occupied by the species concerned. Designation of critical habitat in areas occupied by the bay checkerspot is not likely to result in a significant regulatory burden above that already in place due to the presence of the listed species. For some previously reviewed actions in instances where critical habitat is subsequently designated. In those cases where activities occur on designated critical habitat where bay checkerspot are not found at the time of the action, an additional section 7 consultation with the Service not previously required may be necessary for actions funded, authorized, or carried out by Federal agencies.

Section 4(b)(8) of the Act requires us to briefly describe and evaluate in any proposed or final regulation that

designates critical habitat those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. When determining whether any of these activities may adversely modify critical habitat, we base our analysis on the effects of the action on the entire critical habitat area and not just on the portion where the activity will occur. Adverse effects on constituent elements or segments of critical habitat generally do not result in an adverse modification determination unless that loss, when added to the environmental baseline, is likely to appreciably diminish the capability of the critical habitat to satisfy essential requirements of the species. In other words, activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements (defined above) to an extent that the value of critical habitat for both the survival and recovery of the bay checkerspot is appreciably diminished.

Activities that, when carried out, funded, or authorized by a Federal agency, may affect critical habitat and require that a section 7 consultation be conducted include, but are not limited to:

(1) Ground disturbance, including but not limited to, grading, discing, ripping and tilling;

(2) Removing, destroying, or altering vegetation (*e.g.,* including altering grazing practices and seeding);

(3) Water contracts, transfers, diversion, impoundment, application, or conveyance, groundwater pumping, irrigation, or other activity that wets or inundates habitat, creates barriers or deterrents to dispersal, or results in habitat being converted to lower values for the butterfly (*e.g.,* conversion to urban development, vineyards, landscaping, etc.);

(4) Sale, exchange, or lease of critical habitat that is likely to result in the habitat being destroyed or degraded;

(5) Recreational activities that significantly deter the use of critical habitat by bay checkerspots or alter habitat through associated maintenance activities (*e.g.,* off-road vehicle parks, golf courses, trail construction or maintenance);

(6) Construction activities that destroy or degrade critical habitat (*e.g.,* urban and suburban development, building of recreational facilities such as off-road vehicle parks and golf courses, road building, drilling, mining, quarrying and associated reclamation activities); and

(7) Application of pesticides, herbicides, fertilizers, or other chemicals or biological agents.

Any of the above activities that appreciably diminish the value of critical habitat to the degree that they affect the survival and recovery of the bay checkerpot may be considered an adverse modification of critical habitat. We note that such activities may also jeopardize the continued existence of the species.

If you have questions regarding whether specific activities will constitute destruction or adverse modification of critical habitat resulting from a Federal action, contact the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES** section). Requests for copies of the regulations on listed wildlife, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Ave, Portland, OR 97232 (telephone 503/231–2063; facsimile 503/231–6243).

**Relationship to Habitat Conservation Plans**

Section 4(b)(2) of the Act allows us broad discretion to exclude from critical habitat designation areas where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We believe that in most instances the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them.

The benefits of including HCP lands in critical habitat are normally small. Activities in designated critical habitat that may affect critical habitat require consultation under section 7 of the Act. This is the major benefit of designating lands as critical habitat. Consultation would ensure that adequate protection is provided to avoid adverse modification of critical habitat. However, our experience indicates that where HCPs are in place, this benefit is small or non-existent. Currently approved and permitted HCPs are designed to ensure the long-term survival of covered species within the plan area. The lands that we would find essential for the conservation of the species, and thus fall under the first prong of the definition of critical habitat would, where we have approved HCPs and the species is a covered species under the HCP, normally be protected in reserves and other conservation lands. HCPs and their implementation agreements outline management measures and protections for conservation lands that are crafted to protect, restore, and enhance their value as habitat for covered species.

In addition, an HCP application must itself be consulted upon. While this consultation will not look specifically at the issue of adverse modification of critical habitat, it will look at the very similar concept of jeopardy to the listed species in the plan area. Since HCPs, particularly large regional HCPs, address land use within the plan boundaries, habitat issues within the plan boundaries have been thoroughly addressed in the HCP and the consultation on the HCP. Our experience is that under most circumstances consultations under the jeopardy standard will reach the same result as consultations under the adverse modification standard. Additional measures to protect the habitat from adverse modificationare not likely to be required.

Further, HCPs typically provide for greater conservation benefits to a covered species than section 7 consultations because HCPs assure the long term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242) and the HCP No Surprises regulation (63 FR 8859). Such assurances are typically not provided by section 7 consultations which, in contrast to HCPs, often do not commit the project proponent to long term special management or protections. Thus the lands covered by a consultation typically will not provide the extensive benefits of an HCP.

The development and implementation of HCPs provide other important conservation benefits, including the development of biological information to guide conservation efforts and assist in species recovery and the creation of innovative solutions to conserve species while allowing for development. The educational benefits of critical habitat, including informing the public of areas that are important for the long-term survival and conservation of the species, are essentially the same as those that would occur from the public notice and comment procedures required to establish an HCP, as well as the public participation that occurs in the development of many regional HCPs. For these reasons, then, we believe that designation of critical habitat has little benefit in areas covered by HCPs.

In contrast, the benefits of excluding HCPs from being designated as critical habitat are more significant. In response to other critical habitat proposals, we have received comments about the additional regulatory and economic burden of designating critical habitat. These include the need for additional consultation with the Service and the

need for additional surveys and information gathering to complete these consultations. HCP applicants have also stated that they are concerned that third parties may challenge HCPs on the basis that they result in adverse modification or destruction of critical habitat.

The benefits of excluding HCPs include relieving landowners, communities and counties of any additional minor regulatory review that might be imposed by critical habitat. This benefit is important given our past representations that once an HCP is negotiated and approved by us after public comment, activities consistent with the plan will satisfy the requirements of section 10(a)(1)(B) of the Act. Many HCPs, particularly large regional HCPs, take many years to develop and, upon completion, become regional conservation plans that are consistent with the recovery of covered species. Many of these regional plans benefit many species, both listed and unlisted. Imposing an additional regulatory review after HCP completion not only results in minor, if any, additional benefit to the species, it may jeopardize conservation efforts and partnerships in many areas and could be viewed as a disincentive to those developing HCPs. Excluding HCPs provides us with an opportunity to streamline regulatory compliance and confirms regulatory assurances for HCP participants.

Another benefit of excluding HCPs is that it would encourage the continued development of partnerships with HCP participants, including states, local governments, conservation organizations, and private landowners, that together can implement conservation actions we would be unable to accomplish alone. By excluding areas covered by HCPs from critical habitat designation, we preserve these partnerships, and, we believe, set the stage for more effective conservation actions in the future.

In general, then we believe the benefits of critical habitat designation to be small in areas covered by approved HCPs. We also believe that the benefits of excluding HCPs from designation are small, but significant. Because we believe that, the small benefits of inclusion weighed against the benefits of exclusion, including the benefits of relieving property owners of an additional layer of approvals and regulation, together with the encouragement of conservation partnerships would generally result in HCPs being excluded from critical habitat designation under Section 4(b)(2) of the Act.

Given this general analysis, we expect to analyze the specific benefits in each particular critical habitat designation because not all HCPs are alike with regard to species coverage and design. Within this designation we need to evaluate completed and legally operative HCPs in the range of the California gnatcatcher to determine whether the benefits of excluding these particular areas outweigh the benefits of including them.

The San Bruno Mountain Area HCP overlaps with the proposed critical habitat designation on San Bruno Mountain. The butterfly is believed to have been extirpated from the mountain since about 1986. The San Bruno Mountain Area HCP does not discuss the bay checkerspot in detail, and the Incidental Take Permit for this HCP currently does not include the bay checkerspot butterfly. Therefore, we have not excluded the area covered by this HCP from the proposed critical habitat designation. Any future Service involvement in activities on San Bruno Mountain, such as habitat restoration, may require section 7 consultation if there are likely to be effects on bay checkerspot critical habitat.

The Pacific Gas & Electric (PG & E) Metcalf-Edenvale/Metcalf-Mont Vista HCP covers only about 4 ha (10 ac) in the Santa Teresa Hill, San Vicente-Calero, and Tulare Hill Corridor proposed critical habitat units. Because the HCP expires in November 2001, and the permitted project is expected to be complete before any final critical habitat designation, we are not excluding lands covered under this short-term HCP from our critical habitat proposal. We reviewed the project with PG & E and determined that the remaining work under the HCP will not cause destruction or adverse modification of proposed critical habitat; therefore, no formal conference on the remaining work will be necessary.

In the event that future HCPs covering the bay checkerspot are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of the bay checkerspot by either directing development and habitat modification to nonessential areas or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the bay checkerspot. The process also enables us to conduct detailed evaluations of the importance of such lands to the long term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the bay checkerspot and appropriate management for those lands. Preliminary HCPs are being discussed for listed and non-listed species within the range of the bay checkerspot in areas proposed herein as critical habitat. These HCPs, coupled with appropriate adaptive management, should provide for the conservation of the species.

**Economic Analysis**

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of the exclusions outweigh the benefits of specifying the areas as critical habitat. We cannot exclude the areas from critical habitat when the exclusion will result in the extinction of the species. We will conduct an analysis of the economic impacts of designating these areas as critical habitat prior to making a final determination. When completed, we will announce the availability of this economic analysis with a notice in the **Federal Register**; if necessary, we will reopen the comment period at that time.

**Public Comments Solicited**

We intend that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of designation will outweigh any benefits of exclusion;

(2) Specific information on the amount and distribution of bay checkerspot butterflies and their habitat, and what habitat is essential to the conservation of the species and why;

(3) Land use practices and current or planned activities in the subject areas

and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, any impacts on small entities or families; and

(5) Economic and other values associated with designating critical habitat for the bay checkerspot such as those derived from nonconsumptive uses (*e.g.*, hiking, camping, birdwatching, enhanced watershed protection, improved air quality, increased soil retention, ''existence values,'' and reductions in administrative costs).

Our practice is to make comments available for public review during regular business hours, including names and home addresses of respondents. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**Peer Review**

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of this review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses. We will send these peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed designation of critical habitat.

We will consider all comments and information received during the 60-day comment period on this proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

**Public Hearings**

The Act provides for one or more public hearings on this proposal, if requested. Given the high likelihood of a request for a hearing and the need to publish a final determination within 120 days of this proposed rule, we scheduled a public hearing (see **DATES** and **ADDRESSES** sections).

Written comments submitted during the comment period receive equal consideration with those comments presented at a public hearing.

**Clarity of the Rule**

Executive Order 12866 requires each agency to write regulations/notices that are easy to understand. We invite your comments on how to make this proposed rule easier to understand including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the proposed rule easier to understand? Send any comments that concern how we could make this proposed rule easier to understand to the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES** section of this rule).

**Required Determinations**

*Regulatory Planning and Review*

In accordance with Executive Order 12866, this document is a significant rule and was reviewed by the Office of Management and Budget (OMB). We are preparing a draft analysis of this proposed action, which will be available for public comment, to determine the economic consequences of designating the specific areas as critical habitat. The availability of the draft economic analysis will be announced in the **Federal Register** and in local newspapers so that it is available for public review and comments.

(a) This rule will not have an annual economic effect of $100 million or more or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The bay checkerspot butterfly was listed as a threatened species in 1987. In fiscal years 1987 through 1999, we conducted 4 formal section 7 consultations with Federal agencies to ensure that their actions would not jeopardize the continued existence of the butterfly.

Under the Act, critical habitat may not be adversely modified by a Federal agency action; critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored, authorized, or permitted by a Federal agency (see Table 2 below). Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we conclude that any Federal action or authorized action that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as ''jeopardy'' under the Act in areas occupied by the bay checkerspot. Accordingly, the designation of currently occupied areas as critical habitat does not have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Designation of unoccupied areas as critical habitat may have impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons who receive Federal authorization or funding. We will evaluate any impact through our economic analysis (under section 4 of the Act; see Economic Analysis section of this rule). Non-Federal persons that do not have a Federal ''sponsorship'' of their actions are not restricted by the designation of critical habitat (however, they continue to be bound by the provisions of the Act concerning ''take'' of the species).

TABLE 2.—IMPACTS OF BAY CHECKERSPOT BUTTERFLY LISTING AND CRITICAL HABITAT DESIGNATION

| Categories of activities | Activities potentially affected by species listing only | Additional activities potentially affected by critical habitat designation[1] |
|---|---|---|
| Federal Activities Potentially Affected[2]. | Activities conducted by the Army Corps of Engineers, Bureau of Reclamation, Environmental Protection Agency, Federal Highway Administration. | Activities by these Federal Agencies in any unoccupied critical habitat areas. |
| Private or other non-Federal Activities Potentially Affected[3]. | Activities that require a Federal action (permit, authorization, or funding) and may remove or destroy bay checkerspot butterfly habitat by mechanical, chemical, or other means (*e.g.,* grading, discing, ripping, and tilling, water diversion, impoundment, groundwater pumping, irrigation, construction, road building, herbicide application, recreational use, etc.) or appreciably decrease habitat value or quality through indirect effects (*e.g.,* edge effects, invasion of exotic plants or animals, fragmentation of habitat). | Funding, authorization, or permitting actions by Federal Agencies in any unoccupied critical habitat areas. |

[1] This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.
[2] Activities initiated by a Federal agency.
[3] Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

(b) This rule will not create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the bay checkerspot since the listing in 1987. The prohibition against adverse modification of critical habitat is not expected to impose any additional restrictions to those that currently exist in areas of occupied habitat. We will evaluate any impact of designating unoccupied habitat areas through our economic analysis. Because of the potential for impacts on other Federal agency activities, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

(c) This proposed rule, if made final, will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of the species, and, as discussed above, we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any incremental effects in areas of occupied habitat.

(d) This rule will not raise novel legal or policy issues. The proposed rule follows the requirements for determining critical habitat contained in the Act.

*Regulatory Flexibility Act (5 U.S.C. 601 et seq.)*

In the economic analysis (required under section 4 of the Act), we will determine whether designation of critical habitat will have a significant effect on a substantial number of small entities. As discussed under Regulatory Planning and Review above, this rule is not expected to result in any restrictions in addition to those currently in existence for areas of occupied critical habitat. We will also evaluate whether critical habitat designation of unoccupied areas will significantly affect a substantial number of small entities. As indicated on Table 1 (see Proposed Critical Habitat Designation section), we designated property owned by State and local governments, and private property.

Within these areas, the types of Federal actions or authorized activities that we have identified as potential concerns are:

(1) Regulation of activities affecting waters of the United States by the Corps under section 404 of the Clean Water Act;

(2) Regulation of water flows, execution of water contracts, water delivery, transfer of Federal project water, damming, diversion, and channelization by the Bureau of Reclamation or the Corps;

(3) Pesticide and air quality regulation by the Environmental Protection Agency; and

(4) Funding and regulation of road construction by the FHWA.

Many of these activities sponsored by Federal agencies within the proposed critical habitat areas are carried out by small entities (as defined by the Regulatory Flexibility Act) through contract, grant, permit, or other Federal authorization. As discussed above, these actions are currently required to comply with the listing protections of the Act, and the designation of critical habitat is not anticipated to have any additional effects on these activities.

For actions on non-Federal property that do not have a Federal connection (such as funding or authorization), the current restrictions concerning take of the species remain in effect, and this rule will have no additional restrictions.

*Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))*

In the economic analysis, we will determine whether designation of critical habitat will cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. As discussed above, we anticipate that the designation of critical habitat will not have any additional effects on these activities in areas of critical habitat occupied by the species. Designation of unoccupied areas as critical habitat may have impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons who receive Federal authorization or funding. We will evaluate any impact through our economic analysis.

*Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)*

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 August 25, 2000 *et seq.*):

(a) We believe this rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. Small governments will be affected only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the

listing protections of the species, and no further restrictions are anticipated to result from critical habitat designation of occupied areas. In our economic analysis, we will evaluate whether designation of unoccupied areas has any significant effect on small governments.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

*Takings*

In accordance with Executive Order 12630, this rule does not have significant takings implications. A takings implication assessment is not required. As discussed above, the designation of critical habitat affects only Federal agency actions. The rule will not increase or decrease the current restrictions on private property concerning take of the bay checkerspot. Due to current public knowledge of the species' protection under the Act, the prohibition against take of the species both within and outside of the designated areas, and the fact that critical habitat provides no incremental restrictions in areas of occupied critical habitat, we do not anticipate that property values will be affected by the critical habitat designation. Additionally, critical habitat designation does not preclude development of habitat conservation plans and issuance of incidental take permits. Landowners in areas that are included in the designated critical habitat will continue to have opportunity to utilize their property in ways consistent with the survival of the bay checkerspot butterfly.

*Federalism*

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from and coordinated development of this critical habitat proposal with appropriate State resource agencies in California. The designation of critical habitat in areas currently occupied by the bay checkerspot imposes no additional restrictions to those currently in place and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

*Civil Justice Reform*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We propose to designate critical habitat in accordance with the provisions of the Act and plan a public hearing on the proposed designation during the comment period. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the bay checkerspot butterfly.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This rule does not contain any information collection requirements that requires Office of Management and Budget approval under the Paperwork Reduction Act.

*National Environmental Policy Act*

We determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

*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 understand that Federally recognized Tribes must be related to on a Government-to-Government basis.

We are not aware of any Tribal lands essential for the conservation of the bay checkerspot. Therefore, we are not proposing to designate critical habitat for the bay checkerspot butterfly on Tribal lands.

**References Cited**

Emmel, J. F., T. C. Emmel, and S. O. Mattoon. 1998. The types of California butterflies named by Jean Alphonse Boisduval: designation of lectotypes and a neotype, and fixation of type localities. Pages 3–76 *in:* Emmel, T.C. (ed.), Systematics of Western North American Butterflies. Mariposa Press, Gainesville, Florida.

Harrison, S. P. 1989. Long-distance dispersal and colonization in the bay checkerspot butterfly, *Euphydryas editha bayensis*. Ecology 70:1236–1243.

Launer, A. E., D. D. Murphy, C. L. Boggs, J. F. Baughman, S. B. Weiss, and P. R. Ehrlich. 1993. Puddling behavior by Bay checkerspot butterflies (*Euphydryas editha bayensis*). Journal of Research on the Lepidoptera 32:45–52.

Mattoni, R., G. F. Pratt, T. R. Longcore, J. F. Emmel, and J. N. George. Published 1997 for the year 1995. The endangered quino checkerspot butterfly, *Euphydryas editha quino* (Lepidoptera: Nymphalidae). Journal of Research on the Lepidoptera 34:99–118.

U.S. Soil Conservation Service. 1974. Soil Survey of Eastern Santa Clara Area. U.S. Department of Agriculture, Washington, DC.

U.S. Fish and Wildlife Service. 1998. Recovery plan for serpentine soil species of the San Francisco Bay area. U.S. Fish and Wildlife Service, Portland, Oregon. 330+ pp.

Weiss, S. B. 1999. Cars, cows, and checkerspot butterflies: nitrogen deposition and management of nutrient-poor grasslands for a threatened species. Conservation Biology 13:1476–1486.

Weiss, S. B., and A. E. Launer. 2000. Annual report to the trustees of the Kirby Canyon Conservation Agreement—Summary of activities conducted in 1999 and early spring 2000. Unpublished report, on file at Sacramento Fish and Wildlife Office.

**Authors**

The primary authors of this notice are the staff of the Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Proposed Regulation Promulgation**

For the reasons given in the preamble above, we propose to amend 50 CFR part 17 as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h) revise the entry for ''Butterfly, bay checkerspot,'' under ''INSECTS,'' to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

* * * * *

(h) * * *

| Species | | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|---|
| Common name | Scientific name | | | | | | |
| * | * | * | * | * | * | * | * |
| INSECTS | | | | | | | |
| * | * | * | * | * | * | * | * |
| Butterfly, bay checkerspot. | *Euphydryas editha bayensis*. | U.S.A. (CA) ..... | NA ..... | T | 288 | 17.95(i) | NA |
| * | * | * | * | * | * | * | * |

3. Amend § 17.95(i) by adding critical habitat for the bay checkerspot butterfly (*Euphydryas editha bayensis*) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

**§ 17.95 Critical habitat—fish and wildlife.**

* * * * *

(i) *Insects*

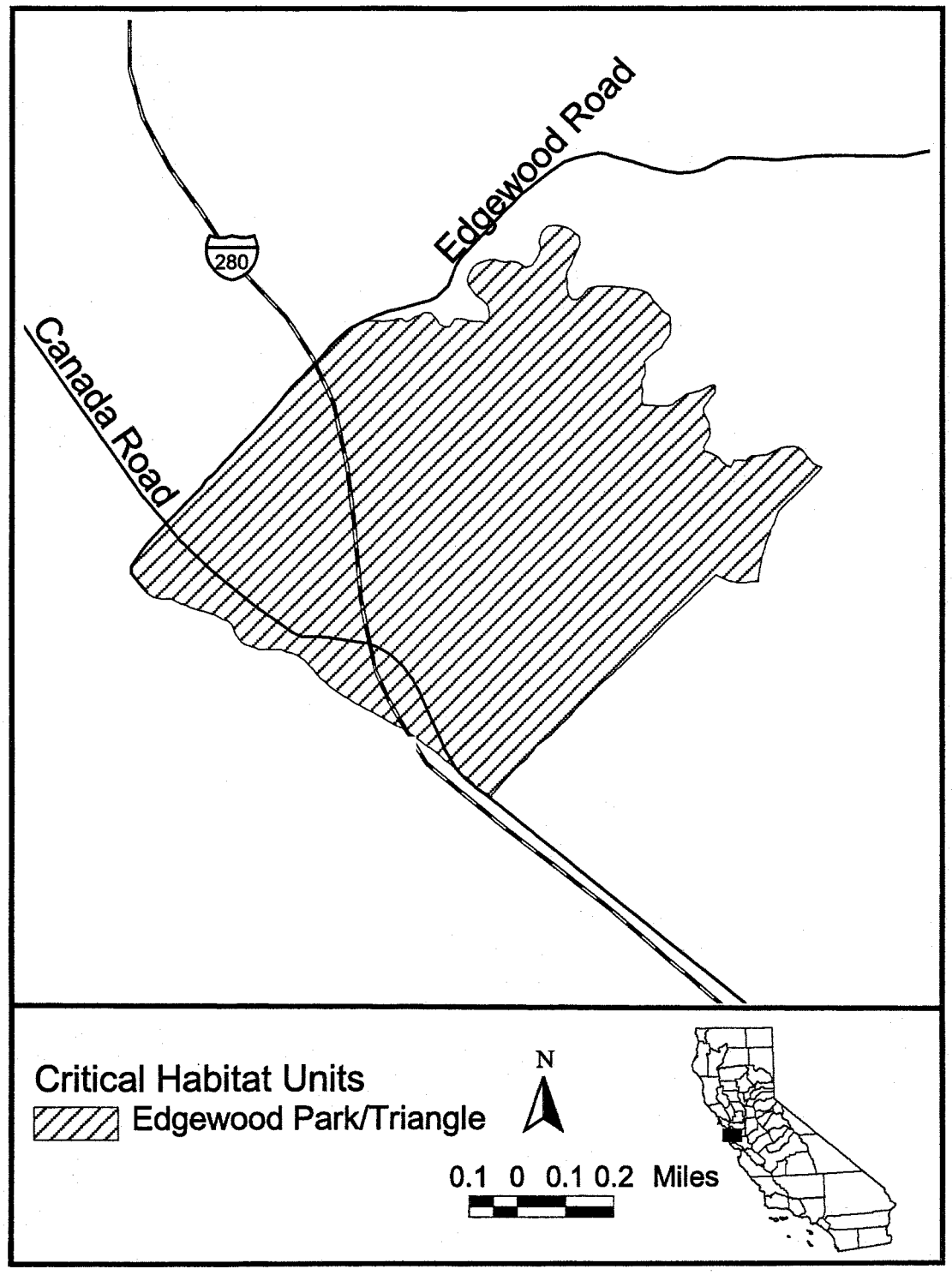
Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)

1. Critical habitat units are depicted for San Mateo and Santa Clara counties, California, on the maps below.

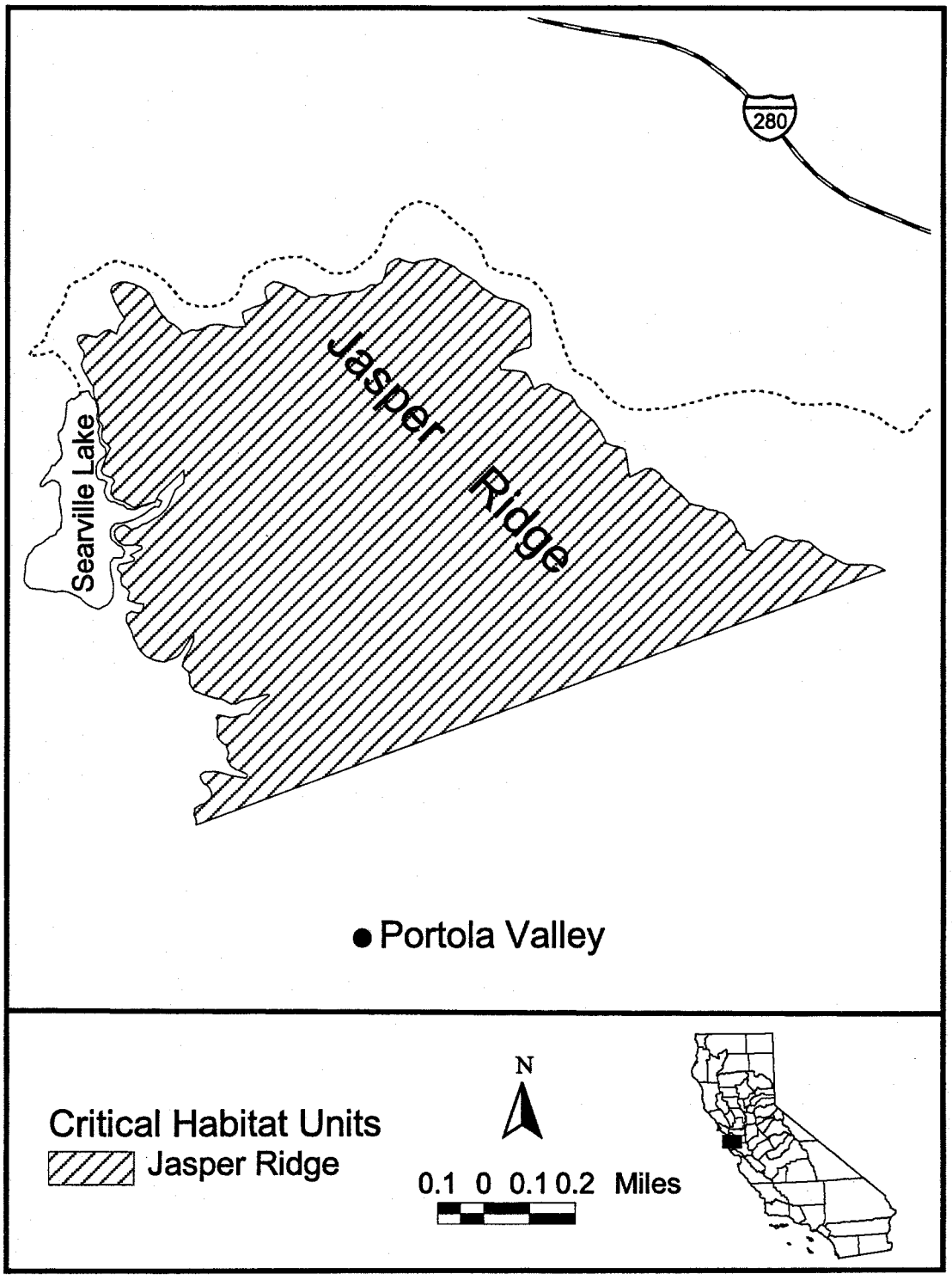
2. Within these areas, the primary constituent elements are those habitat components that are essential for the primary biological needs of foraging, sheltering, breeding, maturation and dispersal. The primary constituent elements are areas of open grassland; stands of *Plantago erecta, Castilleja exserta*, or *Castilleja densiflora*; spring flowers providing nectar; pollinators of the bay checkerspot's food and nectar plants; soils derived from serpentinic rock; stable holes or cracks in the soil and surface rocks or rock outcrops; wetlands providing moisture during times of spring drought; and space for dispersal between habitable areas. In addition, topography with varied slopes and aspects is a primary constituent element to be conserved when it is present in combination with one or more of the primary constituent elements above.

3. Within these areas, existing features and structures, such as buildings, roads, railroads, urban development, and other features not containing primary constituent elements, are not considered critical habitat.

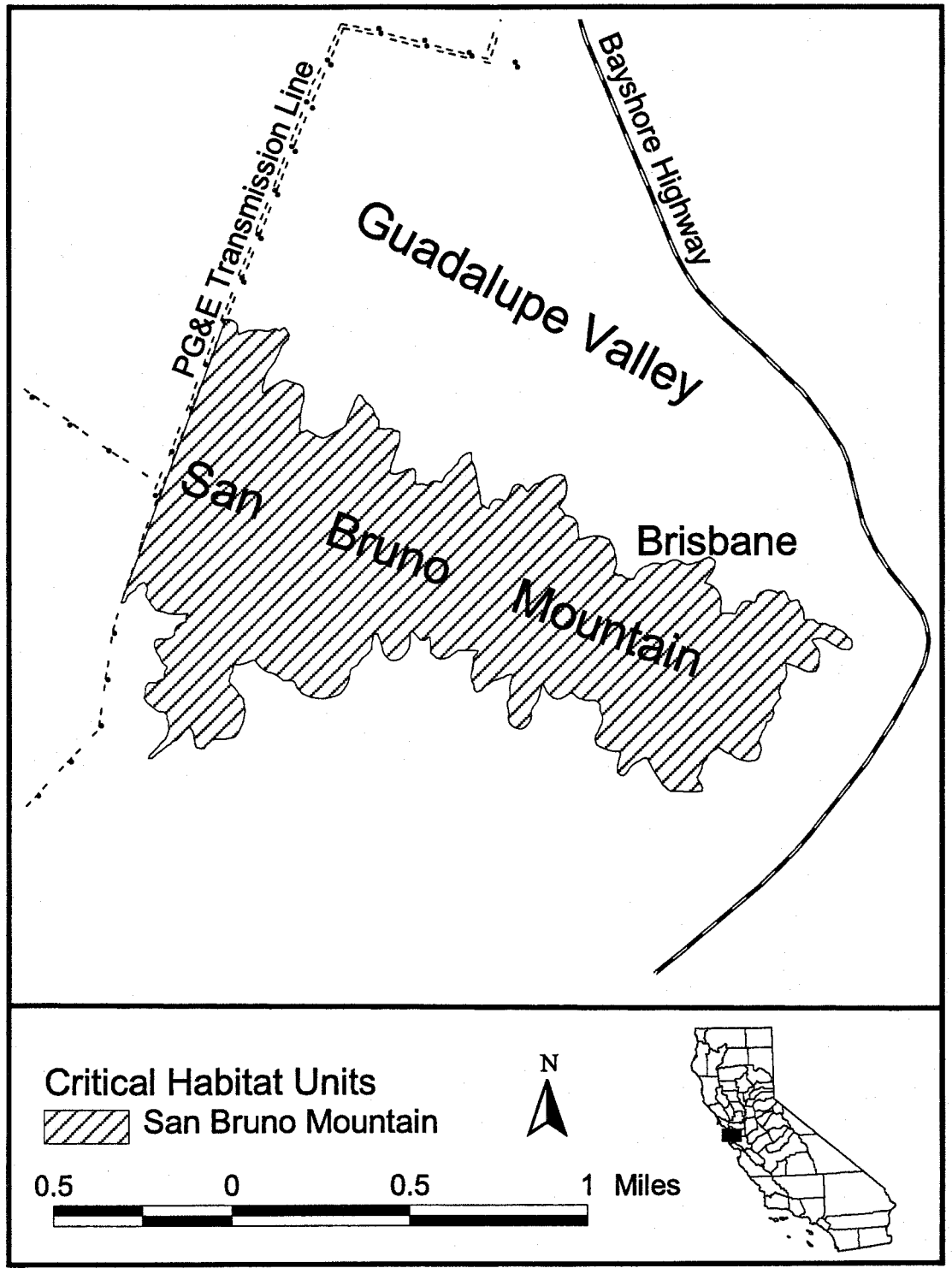
Unit 1 (Edgewood Park/Triangle Unit): San Mateo County, California. Bounded as follows: beginning at the intersection of Edgewood Road and Canada Road; southwesterly, south, and southeasterly along the light-duty extension of Edgewood Road southwest of Canada Road to its intersection with an unnamed intermittent drainage tributary to Upper Crystal Springs Reservoir as shown on the USGS Woodside 7.5 minute quadrangle (1961, photorevised 1968 and 1973); then southwesterly along this drainage to its intersection with I–280; then southeasterly along the eastern edge of pavement of I–280 to a point due southwest of the southernmost corner of Edgewood Natural Preserve (this just south of a substation shown on the Woodside quadrangle, where the State Fish and Game Refuge boundary meets Canada Road and an elevation of 161 m (528 ft) is marked); then due northeast to the southernmost corner of Edgewood Natural Preserve; then northeast along the southeast boundary of Edgewood Natural Preserve to the 159 m (520 ft) elevation contour as shown on the Woodside quadrangle; then northwesterly along this contour to its intersection with Edgewood Road; then southwesterly along the south edge of pavement of Edgewood Road to the starting point.



Unit 2 (Jasper Ridge Unit): San Mateo County, California. Bounded as follows: to the east, north, and west by the 110 m (360 ft) elevation contour around Jasper Ridge (USGS Palo Alto 7.5 minute quadrangle, 1991); and to the south by the current boundary of the Jasper Ridge Biological Reserve, which is largely coincident with the northern boundary of the town of Portola Valley.

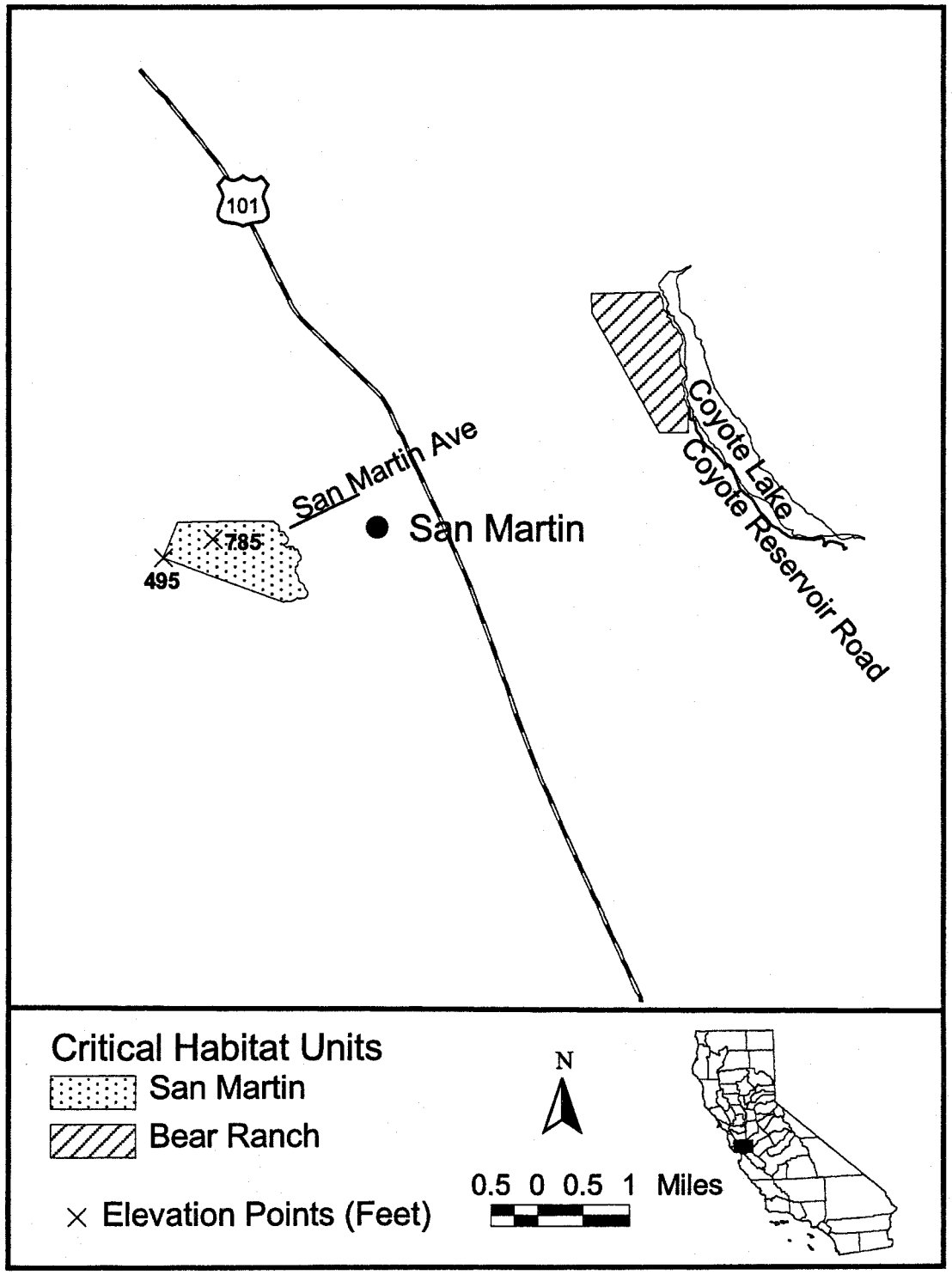


Unit 3 (San Bruno Mountain Unit): San Mateo County, California. All area on San Bruno Mountain above the 152 m (500 ft) elevation contour and east of the western Pacific Gas and Electric transmission corridor (this transmission corridor runs south to southwesterly from the west end of Guadalupe Valley to the South San Francisco/Colma City border) as shown on the USGS San Francisco South 7.5 minute quadrangle, 1956).

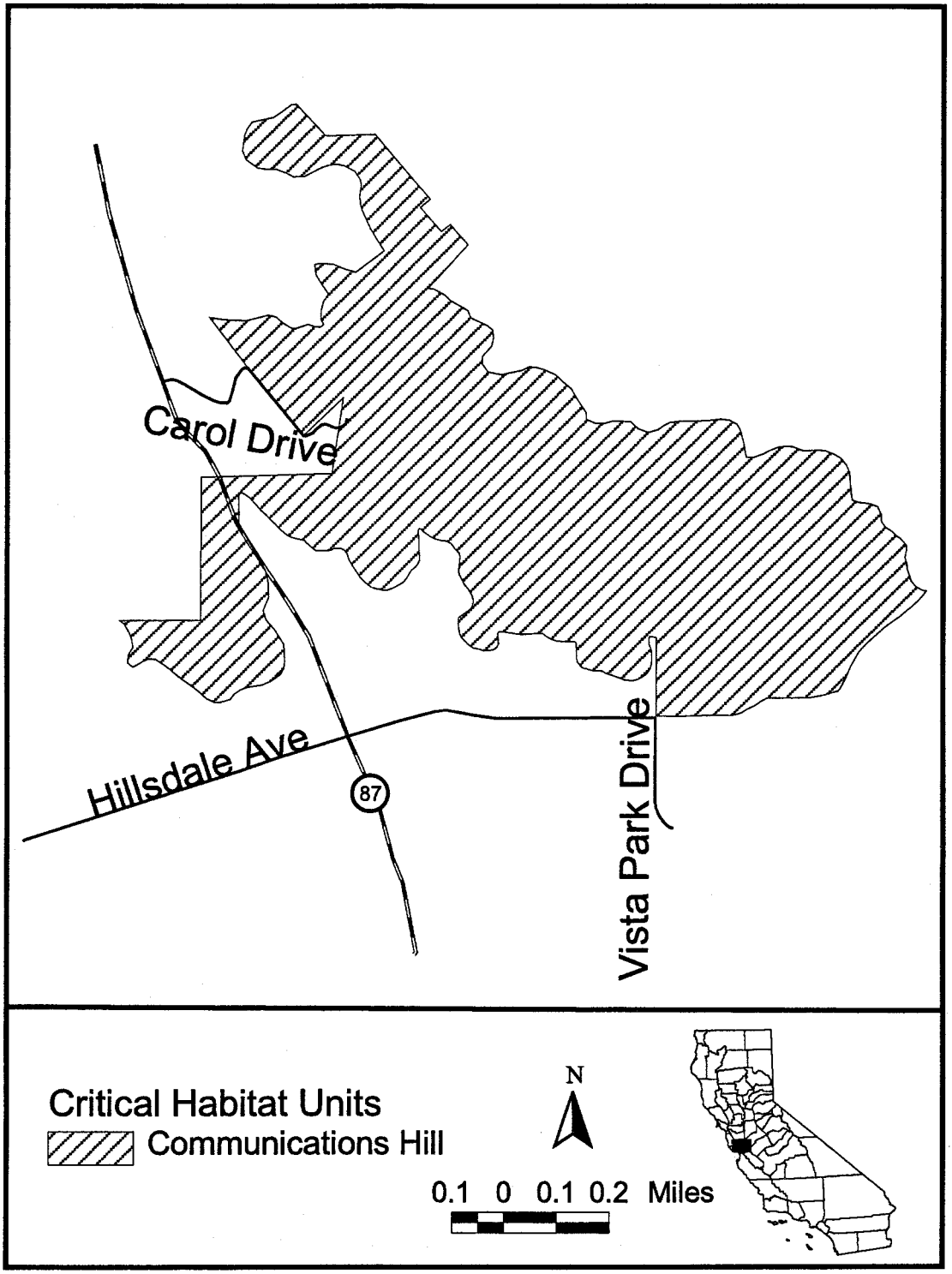


Unit 4 (Bear Ranch Unit): Santa Clara County, California. Those portions of section 32, T.9 S., R.4 E. and section 5, T.10 S., R.4 E., westerly of Coyote Reservoir Road—a light-duty road shown but not named on the USGS Gilroy 7.5 minute quadrangle (1955, photorevised 1968 and 1973).

Unit 5 (San Martin Unit): Santa Clara County, California. Bounded on the north by a line running due east-west through a point 305 m (1000 ft) due north of a hilltop marked 239 m (785 ft) in elevation on the USGS Mt. Madonna 7.5 minute quadrangle (1955, photorevised 1968). This hilltop is near latitude 37 degrees 4 minutes 42 seconds north, longitude 121 degrees 38 minutes 19 seconds west (Hayes Lane, not shown on the Mt. Madonna quadrangle, also runs in the vicinity of this hilltop). The north boundary runs as far east as its intersection with the 97 m (320 ft) elevation contour west of Coolidge Avenue as shown on the Mt. Madonna quadrangle. From this point the boundary runs southeasterly, southerly, and westerly following this contour, continuing onto the USGS Gilroy 7.5 minute quadrangle (1955, photorevised 1968 and 1973) and back to its intersection with longitude 121 degrees 37 minutes 30 seconds west (the junction between the two quadrangles). The unit is bounded on the south-southwest by a straight line running from this latter point for a distance of about 2,228 m (7,310 ft) slightly south of west-northwest (bearing 291.5 degrees) to a hilltop labeled 152 m (495 ft) in elevation on the Mt. Madonna quadrangle. The west boundary of the unit runs from this hilltop due north-northeast (bearing 22.5 degrees) to the north boundary.


101
San Martin Ave
San Martin
785
495
Coyote Lake
Coyote Reservoir Road
Critical Habitat Units
San Martin
Bear Ranch
× Elevation Points (Feet)
N
0.5 0 0.5 1 Miles

Unit 6 (Communications Hill Unit): Santa Clara County, California. Starting at a point on the 73 m (240 ft) elevation contour due south of the 133 m (435 ft) summit of Communications Hill, the Communications Hill unit is bounded to the south by the 73 m (240 ft) elevation contour as shown on the USGS San Jose East 7.5 minute quadrangle map (1961, photorevised 1980; the hill is not named on this map but the county communications center is shown), as far west as its intersection with Highway 87 (this highway is not shown on the San Jose East quadrangle); then south along Highway 87 (west edge of pavement) to the 55 m (180 ft) elevation contour (all contours in this description are as shown on the San Jose East quadrangle); then south, west, and north along this contour to a point due west of the southernmost point of the southern of the two water tanks on the top of the hill west of Highway 87; then due east for a distance of about 238 m (780 ft) to a point due south of the easternmost point of the eastern of the two water tanks; then due north for about 439 m (1,440 ft) to the intersection with the 85 m (280 ft) elevation contour; then slightly north of east on a straight line to the southern corner of the property of the county communications facility; then on a line to the northern corner of this property; then due southwest to Carol Drive (not named on the San Jose East quadrangle); then slightly north of northwest (bearing 322 degrees) to the 55 m (180 ft) elevation contour; then along this contour easterly and northeasterly until it reaches the second dirt road as shown on the San Jose East quadrangle; then due northeast across the Southern Pacific railroad tracks to the 55 m (180 ft) elevation contour; then northwesterly and northeasterly along this contour to the boundary of Oak Hill Memorial Park cemetery; then following the cemetery boundary southeasterly, skirting a hill summit marked 98 m (323 ft) on the San Jose East quadrangle, to the first 67 m (220 ft) elevation contour southeast of this summit; then due southwest to the 49 m (160 ft) elevation contour immediately west of the railroad tracks; then southeasterly along this contour as shown on the 1961 San Jose East quadrangle to its intersection with Hillsdale Avenue; then southwesterly along Hillsdale Avenue (north edge of pavement) to its intersection with Vista Park Drive (not shown on the San Jose East quadrangle); then due north to the 73 m (240 ft) elevation contour; then westerly along this contour to the starting point.


Carol Drive
Hillsdale Ave
87
Vista Park Drive
Critical Habitat Units
Communications Hill
N
0.1 0 0.1 0.2 Miles

Unit 7 (Kalana Hills Unit): Santa Clara County, California. Bounded as follows: beginning at the intersection of San Bruno Avenue and the 94 m (310 ft) elevation contour as shown on USGS Morgan Hill 7.5 minute topographic quadrangle (1955, photorevised 1968); by a line running due northwest to the 79 m (260 ft) elevation contour; then due west for 419 m (1,375 ft) (approximately to the second intersection with a canal); then due south for about 1 km (0.6 mi) to an unnamed intermittent stream shown on the Morgan Hill quadrangle; then by a straight line slightly east of southeast to the westernmost point on the intermittent stream draining San Bruno Canyon (this point is nearly on a line between hilltop elevations marked 227 m (744 ft) and 230 m (756 ft), to the east and the west, respectively, on the Morgan Hill quadrangle); then by a line running north of northeast back to the starting point on San Bruno Avenue.

Unit 8 (Kirby Unit): Santa Clara County, California. Beginning at the intersection of the intermittent creek draining Metcalf Canyon (Metcalfe Canyon on the USGS Morgan Hill 7.5 minute quadrangle, 1955, photorevised 1980) with Highway 101 (current alignment, not shown on Morgan Hill quadrangle), the unit is bounded on the east, southeast, and south by Highway 101 (east edge of pavement, current alignment, not shown on the Morgan Hill quadrangle), south to where it crosses Coyote Creek. From there the boundary runs southeasterly up along Coyote Creek to the Anderson Lake dam; then east-northeasterly up the face of the dam to Anderson Lake (Anderson Reservoir). The unit is bounded on the southeast by Anderson Lake. From the northernmost tip of Anderson Lake (at latitude 37 degrees 12 minutes 15 seconds north) the boundary runs slightly north of west for a distance of about 1,097 m (3,600 ft) to a hilltop marked 379 m (1,243 ft) in elevation on the Morgan Hill quadrangle; then slightly west of northwest for a distance of about 1,707 m (5,600 ft) to a hilltop marked 411 m (1,347 ft) in elevation on the Morgan Hill quadrangle; then slightly north of northwest for a distance of about 2,886 m (9,470 ft) to a hilltop marked 444 m (1,457 ft) in elevation on the Morgan Hill quadrangle; then on a line running from this hilltop south of west-southwest (bearing 237 degrees) to the intersection of the Metcalf Canyon drainage with the 354 m (1,160 ft) elevation contour as shown on the Morgan Hill quadrangle. The north boundary of the unit then continues westerly down the Metcalf Canyon drainage to the starting point.

Unit 9 (Morgan Hill Unit): Santa Clara County, California. Bounded as follows: beginning at the intersection of the 107 m (350 ft) elevation contour (USGS Morgan Hill 7.5 minute quadrangle, 1955, photorevised 1968) with Hale Road east of the intersection of Cochrane Road and Monterey Highway; running north-northwesterly along this contour to where it again meets Hale Avenue near the intersection of Hale Avenue with Tilton Avenue (these roads are not named on the Morgan Hill quadrangle); then on a line due southwest to the 122 m (400 ft) elevation contour; then west-southwesterly along this contour to its intersection with Willow Springs Road; then along Willow Springs Road southwesterly to the land survey line running approximately east-southeast from Laurel Hill (elevation marked 349 m (1,145 ft) on the Morgan Hill quadrangle); then east-southeasterly along this land survey line to its end at the R.2 E./R.3 E. dividing line (Mount Diablo meridian/base line); then continuing from this point along the same bearing as the land survey line to Llagas Road (called Llagas Avenue on the Morgan Hill quadrangle); then northeasterly along Llagas Road to its intersection with Castle Lake Drive (not shown on the Morgan Hill quadrangle); then east-northeasterly along a straight line connecting this intersection and the intersection of Christeph Drive and Llagas Vista Drive (not shown on the Morgan Hill quadrangle); then northeasterly parallel to Llagas Road to Hale Avenue; then north-northwesterly along Hale Avenue to the starting point.

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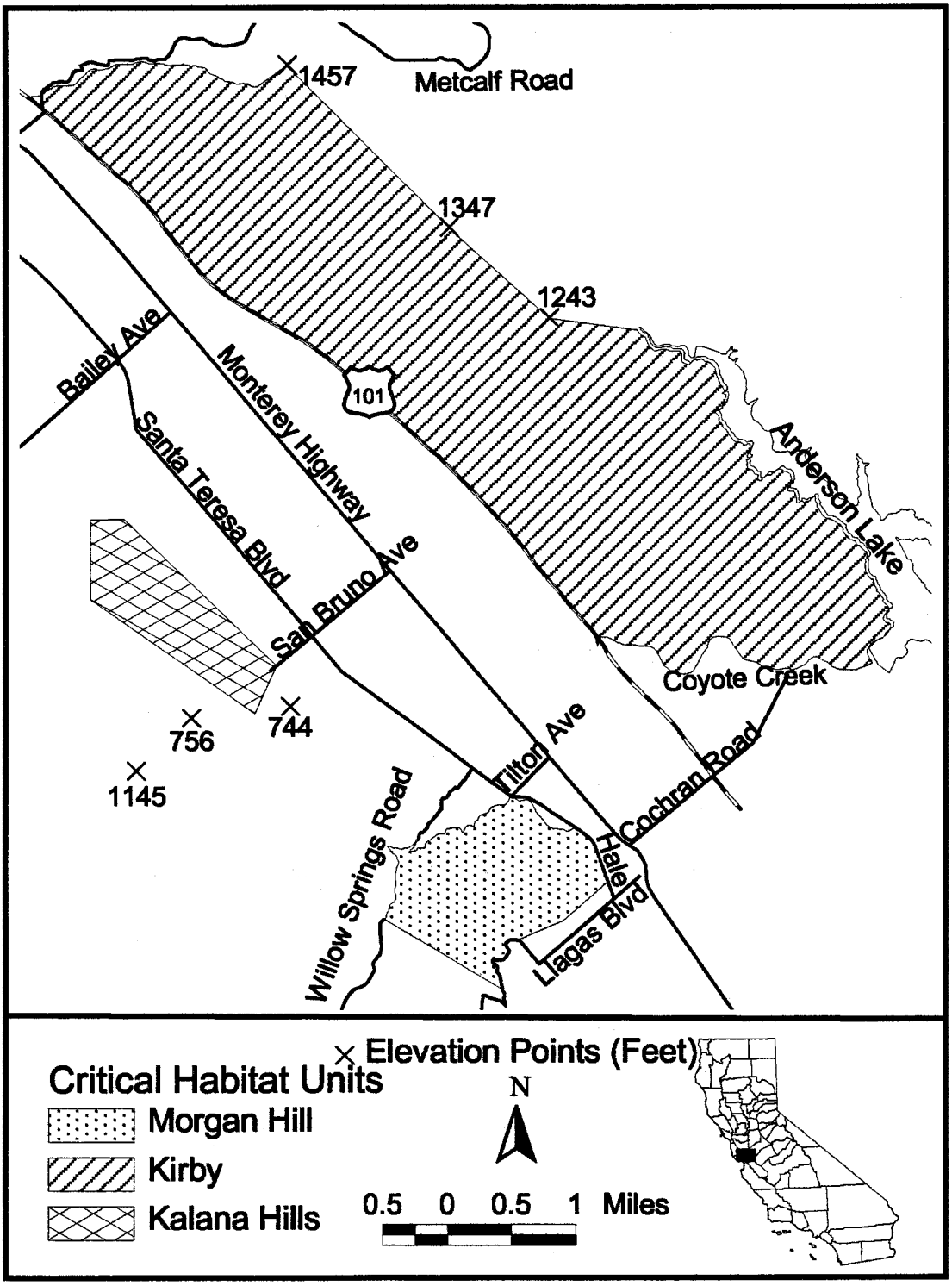
1457
Metcalf Road
1347
1243
Bailey Ave
Monterey Highway
101
Santa Teresa Blvd
San Bruno Ave
Anderson Lake
Coyote Creek
744
756
1145
Tilton Ave
Cochran Road
Willow Springs Road
Hale
Llagas Blvd
Elevation Points (Feet)
Critical Habitat Units
Morgan Hill
Kirby
Kalana Hills
N
0.5 0 0.5 1 Miles

Unit 10 (Metcalf Unit): Santa Clara County, California. This unit shares its southern border with the northern border of the Kirby unit, running from Highway 101 (current alignment, not shown on USGS Morgan Hill 7.5 minute quadrangle, 1955, photorevised 1980) up the Metcalf Canyon drainage and to the 444 m (1,457 ft) peak of the ridge as described for the Kirby unit. The Metcalf unit boundary then runs north-northeasterly from this hilltop for a distance of about 1,740 m (5,710 ft) to a hilltop marked 440 m (1,445 ft) in elevation on the Morgan Hill quadrangle (this segment crosses Metcalf Road (appears as Metcalfe Road on the Morgan Hill quadrangle) about 0.5 km (0.3 mi) easterly of the high point of this road over Coyote Ridge). The Metcalf unit boundary then continues, abutting the San Felipe unit, from this hilltop due west to Silver Creek; then northwesterly down Silver Creek to the first intersection with Silver Creek Road (sic) (T.8 S., R.2 E; USGS San Jose East 7.5 minute quadrangle, 1961, photorevised 1980) (see San Felipe unit description). From this crossing of Silver Creek Road over Silver Creek, the Metcalf unit boundary follows Silver Creek Road west-northwesterly to the 152 m (500 ft) elevation contour as shown on the San Jose East quadrangle (just north of a benchmark labeled 153 m (502 ft) on the quadrangle); then continues due southwest for about 445 m (1,460 ft) to a fence line marked on the San Jose East quadrangle; then slightly north of west following that fence line as shown for a distance of about 1,027 m (3,370 ft) to its second (westerly) intersection with the 226 m (740 ft) elevation contour as shown on the San Jose East quadrangle; then northwest in a straight line to the intersection of Silver Creek Valley Road (sic) (not shown on the San Jose East quadrangle) with the 195 m (640 ft) elevation contour as shown on the San Jose East quadrangle; then southwesterly along Silver Creek Valley Road to Coyote Creek; then southeasterly along Coyote Creek to its first undercrossing of Highway 101 (current alignment, not shown but would fall on USGS Santa Teresa Hills 7.5 minute quadrangle, 1953, photorevised 1980); then southerly along Highway 101 (current alignment, east edge of pavement, not shown on USGS 7.5 minute quadrangles) to the Metcalf Canyon drainage.

Unit 11 (San Felipe Unit): Santa Clara County, California. The east boundary of the San Felipe critical habitat unit begins at the 440 m (1,445 ft) hilltop identified in the northeast boundary of the Metcalf unit (this peak is labeled on the USGS Morgan Hill 7.5 minute quadrangle (1955, photorevised 1980), near latitude 37 degrees 15 minutes north, longitude 121 degrees 43 minutes west); and proceeds from that hilltop due north to San Felipe Road at an elevation of about 296 m (970 ft) (USGS Lick Observatory 7.5 minute quadrangle, 1955, photorevised 1968); then west-northwesterly along San Felipe Road (southwest edge of pavement) for a distance of about 2.7 km (1.7 mi) to Silver Creek Road (sic). The north boundary is formed by Silver Creek Road (south edge of pavement) from San Felipe Road to Silver Creek (the creek crossing is on the USGS San Jose East 7.5 minute quadrangle, 1961, photorevised 1980). The west boundary, which abuts the Metcalf unit, runs from Silver Creek Road southeasterly along Silver Creek (mostly on Lick Observatory quadrangle). The south boundary also abuts the Metcalf unit, and runs from Silver Creek (Morgan Hill quadrangle) due east to the starting point.

Unit 12 (Silver Creek Unit): Santa Clara County, California. Bounded as follows: on the west by Highway 101 (east edge of pavement, current alignment) from Yerba Buena Road in San Jose south to the crossing of Coyote Creek (Yerba Buena Road and the full current alignment of Highway 101 are not shown on the USGS San Jose East 7.5 minute quadrangle, 1961, photorevised 1980); then by Coyote Creek southeasterly from this crossing south to Silver Creek Valley Road (not shown on the San Jose East quadrangle); then by Silver Creek Valley Road from Coyote Creek northeasterly to its intersection with the 195 m (640 ft) elevation contour shown on the San Jose East quadrangle (this segment abuts the northwestern boundary of the Metcalf unit); then due northwest to the boundary of the Silver Creek Valley Country Club Butterfly Habitat Reserve at an elevation of about 226 m (740 ft); then generally northeast, north, and northwest along the boundary of the reserve to a fence line shown on the San Jose East quadrangle at an elevation of about 168 m (550 ft); then northeasterly following that fence line as shown to Silver Creek at an elevation of about 93 m (305 ft); then northwesterly and westerly following Silver Creek to Yerba Buena Road where Silver Creek passes under it approximately 216 m (710 ft) northeast of Highway 101; then along Yerba Buena Road (south edge of pavement) to Highway 101.

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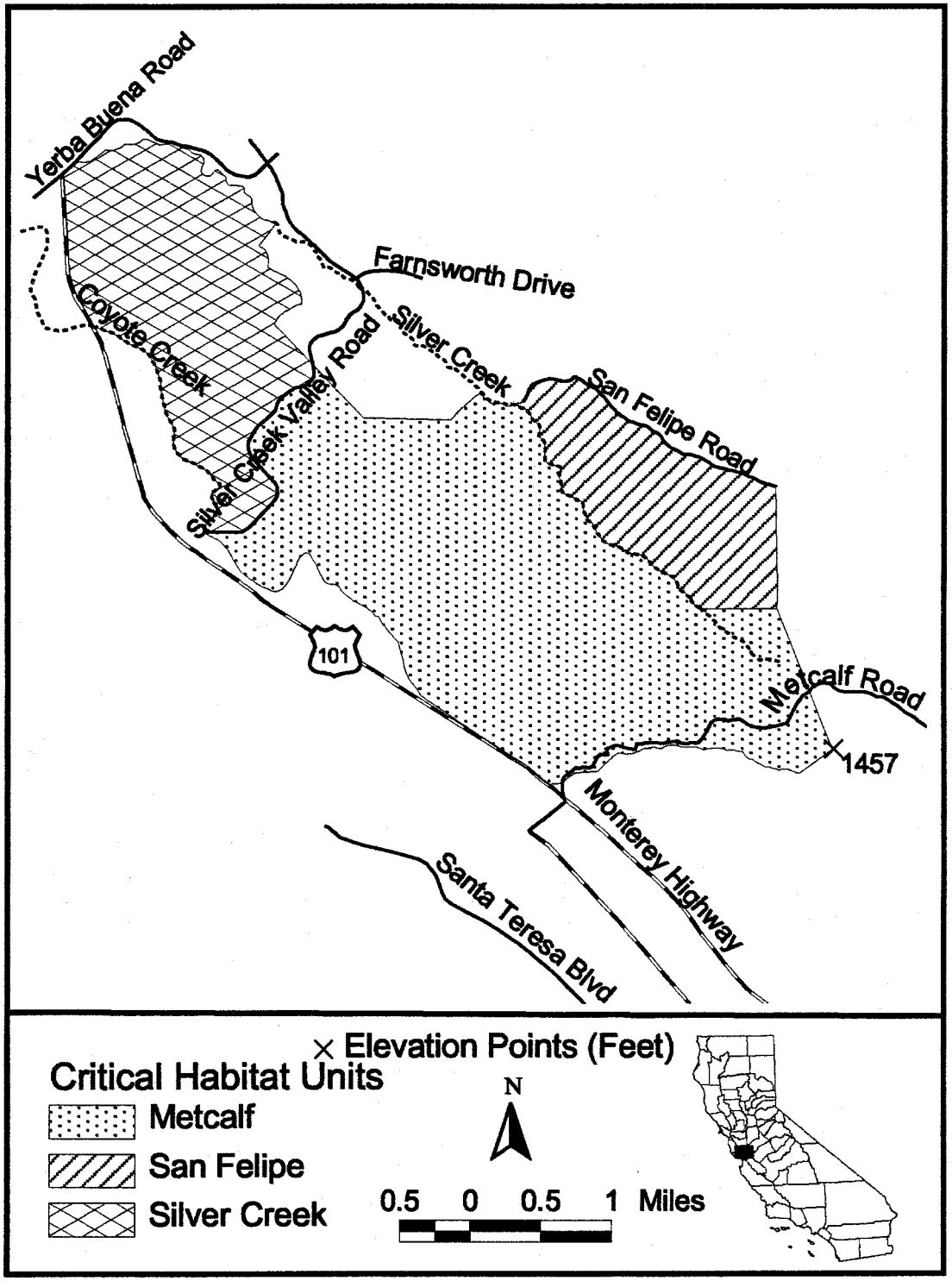
Yerba Buena Road
Farnsworth Drive
Coyote Creek
Silver Creek Valley Road
Silver Creek
San Felipe Road
101
Metcalf Road
1457
Monterey Highway
Santa Teresa Blvd
× Elevation Points (Feet)
Critical Habitat Units
Metcalf
San Felipe
Silver Creek
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Unit 13 (San Vicente-Calero Unit): Santa Clara County, California. Bounded on the north and northwest by Calero Reservoir, by the canal and siphon running westerly of the main reservoir dam (dam on the Arroyo Calero), and by the city boundary of the City of San Jose, which follows the canal at an elevation of roughly 152 m (500 ft), as far as its intersection with Chilanian Gulch. The boundary then runs generally southeast following Chilanian Gulch to its intersection with the R.1 E./R.2 E. (Mount Diablo meridian/base line) dividing line, then due south to the Calero County Park border. The park boundary forms the rest of the western, southern, and southeastern border of the unit. The eastern border of the unit is formed by a line running due north from the southern Calero County Park boundary through a hilltop elevation labeled 307 m (1,009 ft) on the USGS Santa Teresa Hills 7.5 minute quadrangle (1953, photorevised 1980) to Calero Reservoir. This hilltop is near latitude 37 degrees 10 minutes 15 seconds north, longitude 121 degrees 46 minutes 15 seconds west.

Unit 14 (Santa Teresa Hills Unit): Santa Clara County, California. The east and southeast boundary runs as follows, beginning at the westernmost corner of the Tulare Hill Corridor unit: due southeast and then northeast along the Tulare Hill Corridor unit boundary, to the 85 m (280 ft) elevation contour (USGS Santa Teresa Hills 7.5 minute quadrangle, 1953, photorevised 1980); then southeasterly, south, and southwesterly along this elevation contour (continues onto USGS Morgan Hill 7.5 minute quadrangle, 1955, photorevised 1980, and back) to its intersection with Bailey Avenue. The south, southwest, and western border of the unit then continues from this point, along a line running west-southwesterly (bearing 248 degrees) for a distance of about 325 m (1,065 ft) to a bench mark north of Bailey Avenue labeled 108 m (354 ft) in elevation on the Santa Teresa Hills quadrangle; then north of east (bearing 284 degrees) for a distance of about 3,030 m (9,940 ft) to the intersection of a land grant boundary with a transmission line shown on the 1980 photorevised Santa Teresa Hills quadrangle at an elevation of about 152 m (500 ft); then north-northwesterly along this land grant line to the intersection with Fortini Road; then generally west-southwest and west along Fortini Road to the intersection with San Vicente Avenue (these road names do not appear on the Santa Teresa quadrangle); then westerly along San Vicente Avenue to where it turns south south-west; then continuing westerly and northwesterly from this point along a land grant boundary shown on the Santa Teresa Hills quadrangle to its intersection with both Henwood Drive (road name does not appear on the Santa Teresa quadrangle) and an unnamed intermittent drainage (tributary to Arroyo Calero); then northeasterly and northerly up this drainage as marked on the Santa Teresa Hills quadrangle to the 183 m (600 ft) elevation contour; then due north-northeast for a distance of about 424 m (1,390 ft) to the first intersection with the 280 m (920 ft) elevation contour; then west-northwest for a distance of about 265 m (870 ft) to a hilltop over 280 m (920 ft) in elevation, then slightly north of west (bearing 276 degrees) for a distance of about 543 m (1,780 ft) to the end of a dirt road as marked on the 1980 photorevised Santa Teresa Hills quadrangle; then slightly south of west-northwest (bearing 290 degrees) for a distance of about 2,551 (8,370 ft) to a hilltop marked 173 m (568 ft) in elevation on the Santa Teresa Hills quadrangle; then due northeast to the 73 m (240 ft) elevation contour as shown on the Santa Teresa Hills quadrangle. The northern boundary of the unit is formed by the 73 m (240 ft) elevation contour as shown on the Santa Teresa Hills quadrangle.

Unit 15 (Tulare Hill Corridor Unit): Santa Clara County, California. Bounded on the northeast by the most northeasterly edge of pavement of Highway 101 (*i.e.,* the highway itself is included, and the unit abuts the Kirby and Metcalf units). Bounded on the northwest, west, and southwest by a line extending due southwest from the northeast boundary to the corner of Cheltenham Way and Coburn Court, then southwesterly along Cheltenham Way from Coburn Court to the intersection with Santa Teresa Boulevard, then southeasterly along Santa Teresa Boulevard to the 73 m (240 ft) elevation contour as shown on the USGS Santa Teresa Hills 7.5 minute quadrangle (1953, photorevised 1980), then southwesterly along this contour to the border of Santa Teresa County Park, then along a line due southeast to the southeast border of the unit. Bounded on the southeast by a line running due northeast-southwest through the southeastern-most point of the 85 m (280 ft) contour of Tulare Hill, as shown on the Morgan Hill quadrangle.

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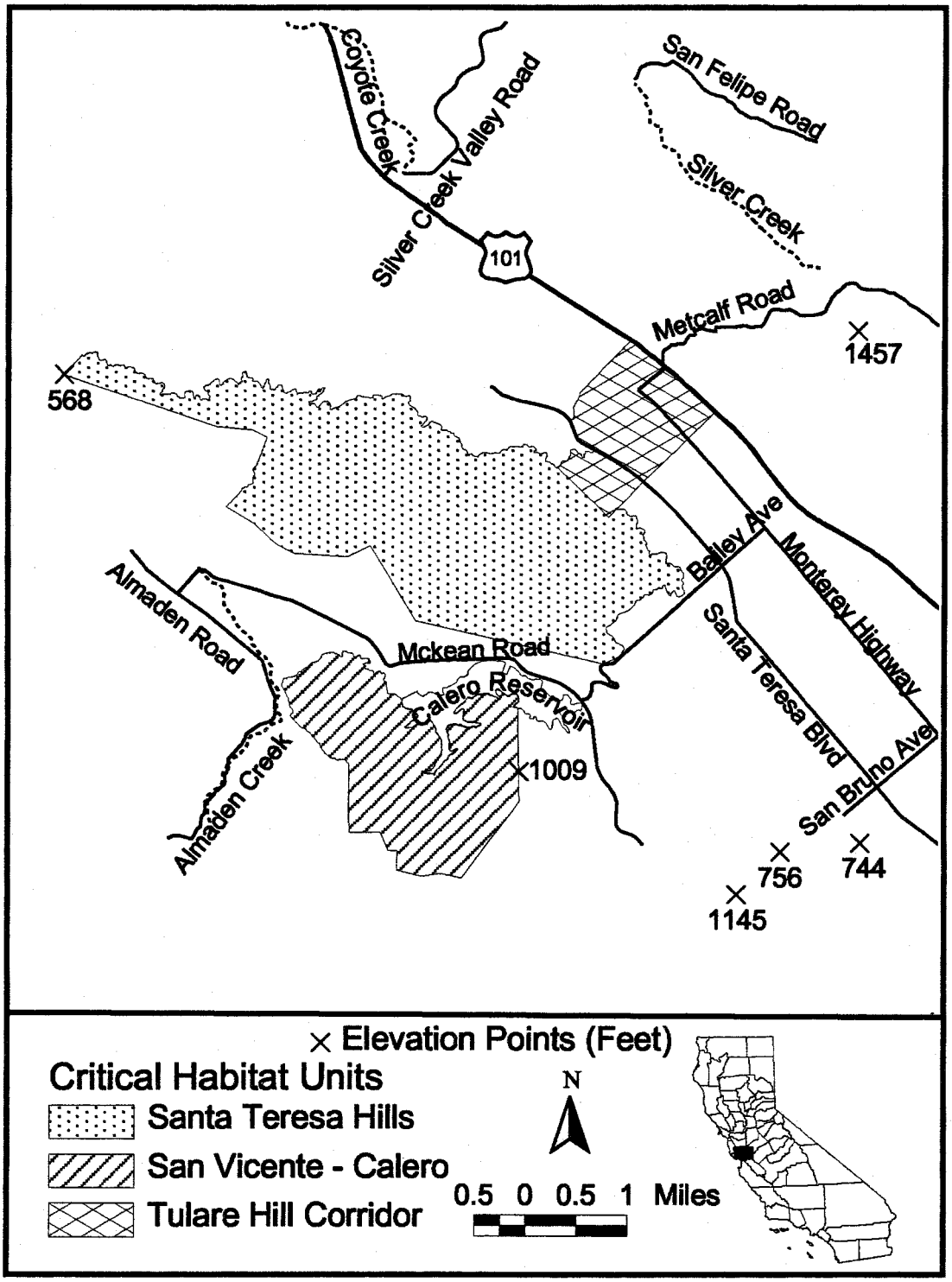


* * * * *

Dated: October 10, 2000.

**Kenneth L. Smith,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 00–26448 Filed 10–12–00; 8:45 am]

**BILLING CODE 4310–55–C**

Federal Register

Monday,
October 16, 2000

## Part III

# Department of Education

**Office of Elementary and Secondary Education; Safe and Drug-Free Schools and Communities National Programs; Grant Competition To Prevent High-Risk Drinking and Violent Behavior Among College Students; Models on College Campuses Grant Competition; Notices**

## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities National Programs—Federal Activities—Grant Competition To Prevent High-Risk Drinking and Violent Behavior Among College Students

**AGENCY:** Office of Elementary and Secondary Education, Department of Education

**ACTION:** Notice of Proposed Priorities and Proposed Selection Criteria for Fiscal Year (FY) 2001 and Subsequent Years.

**SUMMARY:** The Assistant Secretary for the Office of Elementary and Secondary Education proposes priorities and selection criteria under the Safe and Drug-Free Schools and Communities National Programs—Federal Activities—Grant Competition to Prevent High-Risk Drinking and Violent Behavior Among College Students. The Assistant Secretary may use these priorities and selection criteria for competitions in fiscal year (FY) 2001 and later years.

**DATES:** We must receive your comments on or before November 15, 2000.

**ADDRESSES:** Address all comments about these proposed priorities and proposed selection criteria to Richard Lucey, Jr., U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E252, Washington, DC 20202–6123. If you prefer to send your comments through the Internet, use the following address:

richard_lucey@ed.gov

You must include the phrase ''Grant Competition to Prevent High-yRisk Drinking and Violent Behavior Among College Students'' in the subject line of your electronic message.

**FOR FURTHER INFORMATION CONTACT:** Richard Lucey, Jr., (202) 205–5471. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at (800) 877–8339. Individuals with disabilities may obtain this document in an alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:**

#### Invitation To Comment

We invite you to submit comments regarding these proposed priorities and proposed selection criteria.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed priorities and proposed selection criteria. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed priorities and proposed selection criteria in Room 3E252, 400 Maryland Avenue, SW, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

#### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed priorities and proposed selection criteria. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service (FIRS) at (800) 877–8339.

#### General

In making awards under this grant program, the Assistant Secretary may take into consideration the geographic distribution of the projects in addition to the rank order of applicants.

Contingent upon the availability of funds, the Assistant Secretary may make additional awards in FY 2002 from the rank-ordered list of nonfunded applications from this competition.

#### Discussion of Priorities

We will announce the final priorities and selection criteria in a notice in the **Federal Register**. We will determine the final priorities and selection criteria after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

**Note:** This notice does not solicit applications. In any year in which the Assistant Secretary chooses to use these proposed priorities and proposed selection criteria, we invite applications through a notice in the **Federal Register**.

#### Definitions

''*High-risk drinking*'' is defined as those situations that may involve but not be limited to: binge drinking (commonly defined as five or more drinks on any one occasion); underage drinking; drinking and driving; drinking in conjunction with situations when one's condition is already impaired by another cause, such as depression or emotional stress; or combining alcohol and medications, such as tranquilizers, sedatives, and antihistamines.

''*Specific student populations*'' can include but not be limited to student athletes, members of fraternities and sororities, students attending two-year institutions of higher education, and first-year students.

*Priorities:* Under 34 CFR 75.105(c)(3) and the Safe and Drug-Free Schools and Communities Act of 1994, the Assistant Secretary proposes to give an absolute preference to applications that meet either of the following priorities, and would fund under this competition only those applications that meet either of the following absolute priorities:

*Absolute Priority #1—Develop or Enhance, Implement, and Evaluate Campus-and/or Community-Based Strategies to Prevent High-Risk Drinking Among College Students.* Under this proposed priority, applicants would be required to propose projects that:

(1) Identify a specific student population to be served by the grant and provide a justification for its selection;

(2) Provide evidence that a needs assessment has been conducted on campus to document prevalence rates related to high-risk drinking by the population selected;

(3) Set measurable goals and objectives for the proposed project and provide a description of how progress toward achieving goals will be measured annually;

(4) Design and implement prevention strategies, using student input and participation, that research has shown to be effective in preventing high-risk drinking by the target population;

(5) Use a qualified evaluator to design and implement an evaluation of the project using outcomes-based (summative) performance indicators related to behavioral change and process (formative) measures that assess and document the strategies used; and

(6) Demonstrate the ability to start the project within 60 days after receiving Federal funding in order to maximize the time available to show impact within the grant period.

*Absolute Priority #2—Develop or Enhance, Implement, and Evaluate Campus-and/or Community-Based Strategies to Prevent Violent Behavior Among College Students.* Under this proposed priority, applicants would be required to propose projects that:

(1) Identify a specific student population to be served by the grant and provide a justification for its selection;

(2) Provide evidence that a needs assessment has been conducted on campus to document prevalence rates related to violent behavior;

(3) Set measurable goals and objectives for the proposed project and provide a description of how progress toward achieving goals will be measured annually;

(4) Design and implement prevention strategies, using student input and participation, that research has shown to be effective in preventing violent behavior among college students;

(5) Use a qualified evaluator to design and implement an evaluation of the project using outcomes-based (summative) performance indicators related to behavioral change and process (formative) measures that assess and document the strategies used; and

(6) Demonstrate the ability to start the project within 60 days after receiving Federal funding in order to maximize the time available to show impact within the grant period.

*Selection Criteria:* The Assistant Secretary proposes to use the following selection criteria to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion or factor under that criterion is indicated in parentheses.

(1) Need for project (15 points)

In determining the need for the proposed project, the following factors are considered:

(a) The magnitude or severity of the problem to be addressed by the proposed project. (10 points)

(b) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

(2) Significance (20 points)

In determining the significance of the proposed project, the following factors are considered:

(a) The likelihood that the proposed project will result in system change or improvement. (5 points)

(b) The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study. (10 points)

(c) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (5 points)

(3) Quality of the project design (30 Points)

In determining the quality of the design of the proposed project, the following factors are considered:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

(c) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (10 points)

(d) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population. (5 points)

(4) Quality of project personnel (10 points)

In determining the quality of project personnel, the following factors are considered:

(a) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (3 points)

(b) The qualifications, including relevant training and experience, of key project personnel. (7 points)

(5) Quality of the project evaluation (25 points)

In determining the quality of the evaluation, the following factors are considered:

(a) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (10 points)

(b) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (10 points)

(c) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

**Intergovernmental Review**

This program is subject to Executive order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Applicable Program Regulations:* The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

**Program Authority:** 20 U.S.C. 7131.

**Electronic Access To This Document**

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

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*http://www.access.gpo.gov/nara/index.html*

(Catalog of Federal Domestic Assistance Number 84.184H Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities National Programs—Federal Activities—Grant Competition to Prevent High-Risk Drinking and Violent Behavior Among College Students)

Dated: October 12, 2000.

**Michael Cohen,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 00–26593 Filed 10–13–00; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Monday,
October 16, 2000

## Part IV

# The President

### Executive Order 13171—Hispanic Employment in the Federal Government

Federal Register
Vol. 65, No. 200
Monday, October 16, 2000

# Presidential Documents

**Title 3—**

**The President**

**Executive Order 13171 of October 12, 2000**

## Hispanic Employment in the Federal Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the representation of Hispanics in Federal employment, within merit system principles and consistent with the application of appropriate veterans' preference criteria, to achieve a Federal workforce drawn from all segments of society, it is hereby ordered as follows:

**Section 1.** *Policy.* It is the policy of the executive branch to recruit qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society. Pursuant to this policy, this Administration notes that Hispanics remain underrepresented in the Federal workforce: they make up only 6.4 percent of the Federal civilian workforce, roughly half of their total representation in the civilian labor force. This Executive Order, therefore, affirms ongoing policies and recommends additional policies to eliminate the underpresentation of Hispanics in the Federal workforce.

**Sec. 2.** *Responsibilities of Executive Departments and Agencies.* The head of each executive department and agency (agency) shall establish and maintain a program for the recruitment and career development of Hispanics in Federal employment. In its program, each agency shall:

(a) provide a plan for recruiting Hispanics that creates a fully diverse workforce for the agency in the 21st century;

(b) assess and eliminate any systemic barriers to the effective recruitment and consideration of Hispanics, including but not limited to:

(1) broadening the area of consideration to include applicants from all appropriate sources;

(2) ensuring that selection factors are appropriate and achieve the broadest consideration of applicants and do not impose barriers to selection based on nonmerit factors; and

(3) considering the appointment of Hispanic Federal executives to rating, selection, performance review, and executive resources panels and boards;

(c) improve outreach efforts to include organizations outside the Federal Government in order to increase the number of Hispanic candidates in the selection pool for the Senior Executive Service;

(d) promote participation of Hispanic employees in management, leadership, and career development programs;

(e) ensure that performance plans for senior executives, managers, and supervisors include specific language related to significant accomplishments on diversity recruitment and career development and that accountability is predicated on those plans;

(f) establish appropriate agency advisory councils that include Hispanic Employment Program Managers;

(g) implement the goals of the Government-wide Hispanic Employment Initiatives issued by the Office of Personnel Management (OPM) in September 1997 (Nine-Point Plan), and the Report to the President's Management Council on Hispanic Employment in the Federal Government of March 1999;

(h) ensure that managers and supervisors receive periodic training in diversity management in order to carry out their responsibilities to maintain a diverse workforce; and

(i) reflect a continuing priority for eliminating Hispanic underrepresentation in the Federal workforce and incorporate actions under this order as strategies for achieving workforce diversity goals in the agency's Government Performance and Results Act (GPRA) Annual Performance Plan.

**Sec. 3.** *Cooperation.* All efforts taken by heads of agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation among Federal, public, and private sector employers, and appropriate Hispanic organizations whenever such partnerships and cooperation are possible and would promote the Federal employment of qualified individuals. In developing the long-term comprehensive strategies required by section 2 of this order, agencies shall, as appropriate, consult with and seek information and advice from experts in the areas of special targeted recruitment and diversity in employment.

**Sec. 4.** *Responsibilities of the Office of Personnel Management.* The Office of Personnel Management is required by law and regulations to undertake a Government-wide minority recruitment effort. Pursuant to that on-going effort and in implementation of this order, the Director of OPM shall:

(a) provide Federal human resources management policy guidance to address Hispanic underrepresentation where it occurs;

(b) take the lead in promoting diversity to executive agencies for such actions as deemed appropriate to promote equal employment opportunity;

(c) within 180 days from the date of this order, prescribe such regulations as may be necessary to carry out the purposes of this order;

(d) within 60 days from the date of this order, establish an Interagency Task Force, chaired by the Director and composed of agency officials at the Deputy Secretary level, or the equivalent. This Task Force shall meet semi-annually to:

(1) review best practices in strategic human resources management planning, including alignment with agency GPRA plans;

(2) assess overall executive branch progress in complying with the requirements of this order;

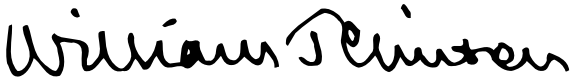
(3) provide advice on ways to increase Hispanic community involvement; and

(4) recommend any further actions, as appropriate, in eliminating the underrepresentation of Hispanics in the Federal workforce where it occurs; and

(e) issue an annual report with findings and recommendations to the President on the progress made by agencies on matters related to this order. The first annual report shall be issued no later than 1 year from the date of this order.

**Sec. 5.** *Judicial Review.* This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, enforceable in law or equity except as may be

identified in existing laws and regulations, by a party against the United States, its agencies, its officers or employees, or any other person.



THE WHITE HOUSE,
*October 12, 2000.*

[FR Doc. 00–26716
Filed 10–13–00; 11:14 am]
Billing code 3195–01–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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**Federal Crop Insurance Corporation**

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**National Oceanic and Atmospheric Administration**

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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.

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**H.R. 999/P.L. 106–284**

Beaches Environmental Assessment and Coastal Health Act of 2000 (Oct. 10, 2000; 114 Stat. 870)

**H.R. 2647/P.L. 106–285**

To amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes. (Oct. 10, 2000; 114 Stat. 878)

**H.R. 4444/P.L. 106–286**

To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China. (Oct. 10, 2000; 114 Stat. 880)

**H.R. 4700/P.L. 106–287**

To grant the consent of the Congress to the Kansas and

Missouri Metropolitan Culture District Compact. (Oct. 10, 2000; 114 Stat. 909)

**H.J. Res. 72/P.L. 106–288**

Granting the consent of the Congress to the Red River Boundary Compact. (Oct. 10, 2000; 114 Stat. 919)

**S. 1295/P.L. 106–289**

To designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office''. (Oct. 10, 2000; 114 Stat. 920)

**S. 1324/P.L. 106–290**

To expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes. (Oct. 10, 2000; 114 Stat. 921)

**H.R. 4578/P.L. 106–291**

Department of the Interior and Related Agencies Appropriations Act, 2001 (Oct. 11, 2000; 114 Stat. 922)

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| 43-end | (869-042-00099-4) | 36.00 | July 1, 2000 |
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| 500–899 | (869–038–00102–1) | 40.00 | [7] July 1, 1999 |
| 900–1899 | (869–042–00103–6) | 24.00 | July 1, 2000 |
| 1900–1910 (§§ 1900 to 1910.999) | (869–042–00104–4) | 46.00 | [6] July 1, 2000 |
| 1910 (§§ 1910.1000 to end) | (869–042–00105–2) | 28.00 | [6] July 1, 2000 |
| 1911–1925 | (869–042–00106–1) | 20.00 | July 1, 2000 |
| 1926 | (869–042–00107–9) | 30.00 | [6] July 1, 2000 |
| 1927–End | (869–038–00108–0) | 43.00 | July 1, 1999 |
| **30 Parts:** | | | |
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| 200–699 | (869–042–00110–9) | 33.00 | July 1, 2000 |
| 700–End | (869–042–00111–7) | 39.00 | July 1, 2000 |
| **31 Parts:** | | | |
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| 200–End | (869–042–00113–3) | 53.00 | July 1, 2000 |
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| 1–39, Vol. II | | 19.00 | [2] July 1, 1984 |
| 1–39, Vol. III | | 18.00 | [2] July 1, 1984 |
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| 191–399 | (869–038–00115–2) | 55.00 | July 1, 1999 |
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| 630–699 | (869–042–00117–6) | 25.00 | July 1, 2000 |
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| 800–End | (869–042–00119–2) | 32.00 | July 1, 2000 |
| **33 Parts:** | | | |
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| 125–199 | (869–038–00121–7) | 41.00 | July 1, 1999 |
| 200–End | (869–038–00122–5) | 33.00 | July 1, 1999 |
| **34 Parts:** | | | |
| 1–299 | (869–038–00123–3) | 28.00 | July 1, 1999 |
| 300–399 | (869–042–00124–9) | 28.00 | July 1, 2000 |
| 400–End | (869–038–00125–0) | 46.00 | July 1, 1999 |
| **35** | (869–042–00126–5) | 10.00 | July 1, 2000 |
| **36 Parts** | | | |
| 1–199 | (869–042–00127–3) | 24.00 | July 1, 2000 |
| 200–299 | (869–042–00128–1) | 24.00 | July 1, 2000 |
| 300–End | (869–038–00129–2) | 38.00 | July 1, 1999 |
| **37** | (869–038–00130–6) | 29.00 | July 1, 1999 |
| **38 Parts:** | | | |
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| 3–6 | | 14.00 | [3] July 1, 1984 |
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| 8 | | 4.50 | [3] July 1, 1984 |
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| 10–17 | | 9.50 | [3] July 1, 1984 |
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| 18, Vol. II, Parts 6–19 | | 13.00 | [3] July 1, 1984 |
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1998, through July 1, 1999. The CFR volume issued as of July 1, 1998, should be retained.