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

WASHINGTON, DC

WHEN: November 14, 2000, at 9:00 a.m.

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

RESERVATIONS: 202-523-4538



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Presidential Determination No. 2001–03 of October 28, 2000**The President****Determination to Waive Attachment Provisions Relating to Blocked Property of Terrorist-List States****Memorandum for the Secretary of State [and] the Secretary of the Treasury**

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 2002(f) of H.R. 3244, “Victims of Trafficking and Violence Protection Act of 2000,” (approved October 28, 2000), I hereby determine that subsection (f)(1) of section 1610 of title 28, United States Code, which provides that any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S. App. 5(b), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), and proclamations, orders, regulations, and licenses issued pursuant thereto, be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state claiming such property is not immune from the jurisdiction of courts of the United States or of the States under section 1605(a)(7) of title 28, United States Code, would impede the ability of the President to conduct foreign policy in the interest of national security and would, in particular, impede the effectiveness of such prohibitions and regulations upon financial transactions. Therefore, pursuant to section 2002(f) of H.R. 3244, the “Victim’s of Trafficking and Violence Protection Act of 2000,” I hereby waive subsection (f)(1) of section 1610 of title 28, United States Code, in the interest of national security. This waiver, together with the amendment of subsection (f)(2) of the Foreign Sovereign Immunities Act and the repeal of the subsection (b) of section 117 of the Treasury and General Government Appropriations Act, 1999, supersedes my prior waiver of the requirements of subsections (a) and (b) of said section 117, executed on October 21, 1998.

The Secretary of State is authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,
Washington, October 28, 2000.

Rules and Regulations

Federal Register

Vol. 65, No. 215

Monday, November 6, 2000

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-00-326]

Processed Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations governing inspection and certification for processed fruits, vegetables, and processed products made from them by increasing by approximately three to nine percent fees charged for the inspection services. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946. The fees charged to persons required to have inspections on imported commodities in accordance with the Agricultural Marketing Act of 1937 would also be affected.

EFFECTIVE DATE: November 19, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Rodeheaver, Branch Chief, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 0709 South Building, Washington, DC 20090-6456, telephone (202) 720-4693, or e-mail James.Rodeheaver@usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866 and has been reviewed by the Office of Management and Budget. Also, pursuant to the requirements of the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS)

has considered the economic impact of this action on small entities.

AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The Processed Products Branch (PPB) of the Fruit and Vegetable Programs, AMS, has and will continue to seek out cost savings opportunities and implement appropriate changes to reduce its costs. Such actions can provide alternatives to fee increases. The fee schedule was last revised on October 4, 1998 (63 FR 50745). However, even with such efforts, the existing fee schedule will not generate sufficient revenues to cover lot, year round, and less than year round inspection program costs and sustain an adequate reserve balance. PPB programs for lot, year round, and less than year round will have obligations in FY 2000 of approximately \$12.9 million, necessitating a reserve of \$4.3 million. The current reserve is \$2.6 million. Current revenue projections for FY 2000 without a fee increase are \$12.0 million while program costs increase to approximately \$13.1 million in FY 2001. These cost increases will result primarily from increases in salaries and benefits. Accounting for a significant portion of the total operating budget, salaries rose from 3.54 to 4.02 percent, effective January 1999, increasing the cost of operating these programs by \$295,000. A 4.8 percent pay increase effective January 1, 2000, increased program costs another \$385,000. The revenue projections, that include final fees, are \$13.5 million for FY 2001. The final fee increase of approximately 3 to 9 percent, should result in an estimated approximately \$1.0 million in FY 2001 and should enable PPB to cover its costs and re-establish adequate program reserves.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. This action would increase user fee revenue generated under the lot inspection program and the year round and less than year round inspection programs by approximately \$1,020,000 annually. This action is authorized under the AMA of 1946 [see 7 U.S.C. 1622(h)] which provides that the Secretary of Agriculture assess and collect "such fees as will be reasonable

and as nearly as may be to cover the costs of services rendered * * *".

There are more than 1,250 users of PPB's lot, and less than year round and year round inspection services (including applicants who must meet import requirements,¹ inspections which amount to under 2 percent of all lot inspections performed). A small portion of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201). There will be no additional reporting, recordkeeping, or other compliance requirements imposed upon small entities as a result of this rule. PPB has not identified any other federal rules which may duplicate, overlap or conflict with this final rule.

Inspection services covered by this final rule are voluntary, except when required for certain imported commodities under 7 CFR Parts 944 and 999. The total fees charged to users of these services vary with usage. The impact on all businesses, including small entities, is very similar. Further, even though fees will be increased, the amount of the increase is small (three to nine percent), and should not significantly affect these entities. Finally, except for those applicants who are required to obtain inspections in connection with certain imports these businesses are under no obligation to use these inspection services.

Executive Order 12988

The rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect and will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

¹ Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-604), requires that whenever the Secretary of Agriculture issues grade, size, quality or maturity regulations under domestic marketing orders for certain commodities, the same or comparable regulations on imports of those commodities must be issued. Import regulations apply only during those periods when domestic marketing order regulations are in effect.

Currently, there are 4 processed commodities subject to 8e import regulations: canned ripe olives, dates, prunes, and processed raisins. A current listing of the regulated commodities can be found under 7 CFR Parts 944 and 999.

Final Action

The AMA authorizes official inspection, grading, and certification for processed fruits, vegetables, and processed products made from them. The AMA provides that the Secretary collect reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. This rule will amend the schedule for fees for inspection services rendered to the processed fruit and vegetable industry to reflect the costs necessary to operate the program.

AMS regularly reviews its user fee programs to determine if the fees are adequate. While PPB continues to pursue opportunities to reduce its costs, the existing fee schedule will not generate sufficient revenues to cover lot, less than year round and year round inspection program costs while maintaining an adequate reserve balance.

PPB programs for lot, year round, and less than year round will have obligations in FY 2000 of approximately \$12.9 million, necessitating a reserve of \$4.3 million. The current reserve is \$2.6 million. Current revenue projections for FY 2000 without a fee increase are \$12.0 million while program costs increase to approximately \$13.1 million in FY 2001. These cost increases will result primarily from increases in salaries and benefits. Accounting for a significant portion of the total operating budget, salaries rose from 3.54 to 4.02 percent, effective January 1999, increasing the cost of operating these programs by \$295,000. A 4.8 percent pay increase effective January 1, 2000, increased program costs another \$385,000. The revenue projections, that include final fees, are \$13.5 million for FY 2001. The final fee increase of approximately 3 to 9 percent, should result in an estimated approximately \$1.0 million in FY 2001 and should enable PPB to cover its costs and re-establish adequate program reserves.

Based on the aforementioned analysis of increasing program costs, AMS is increasing the fees relating to lot inspection service and the fees for less than year round and year round inspection services. For inspection services charged under § 52.42, overtime and holiday work would continue to be charged as provided in that section. For inspection services charged on a contract basis under § 52.51 overtime work would also continue to be charged as provided in that section. The following fee schedule compares current fees and charges with final fees and charges for processed fruit and vegetable inspection as found in 7 CFR § 52.42–

52.51. Unless otherwise provided for by regulation or written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 52.42 are:

Current	Final
43.00/hr	\$47.00/hr.

Charges for travel and other expenses as found in § 52.50 are:

Current	Final
\$43.00/hr	\$47.00/hr.

Charges for year-round in-plant inspection services on a contract basis as found in § 52.51(c) are:

(1) For inspector assigned on a year-round basis:

Current	Final
\$35.00/hr	\$36.00/hr.

(2) For inspector assigned on less than a year-round basis: Each inspector:

Current	Final
\$45.00/hr	\$48.00/hr.

Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis as found in § 52.51 (d) are:

(1) Each inspector:

Current	Final
\$45.00/hr	\$48.00/hr.

A notice of proposed rulemaking was published in the **Federal Register** (65 FR 39824) on June 28, 2000, with a 60-day comment period. The comment period closed on August 28, 2000. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service. Two comments were received regarding this proposed rule.

The first, from a student, concerned with the specific cost-reducing alternatives considered by AMS to offset salary increases, inflation and to maintain fiscal stability in the program. The second comment was from a processor, which urged that we reduce the rate of the proposed increase by applying cost savings.

AMS is continually seeking ways to reduce costs to the industry and increase operational efficiency. Since the last fee increase for processed fruit and vegetable grading and certification

services in October 1998, AMS downsized a field office to an inspection point, closed three inspection points, eliminated several grading and clerical positions, and postponed filling several vacated positions. These steps have resulted in a cumulative cost saving of approximately \$561,500.

The processor expressed concern with the rate of the fee increase, characterizing it as “very steep.” The commenter indicated that the rate increases exceeded inflation since 1998 and that its own hourly rate for its manufacturing personnel and its selling prices have not risen as much as the fee rates over the past two years. The processor concluded that the cost burden of the fee increases to manufacturers would be substantial and noted that over the past ten years the hourly fee has increased from \$28.00 per hour to \$48.00. The commenter observed that the rate of increase would exceed wage increases in that time frame.

As discussed above, the AMA provides that AMS collect reasonable fees from users of the services to cover, as nearly as practicable, the costs of the services rendered. While cost increases may result primarily from increases in salaries and benefits, other overhead costs such as rent and materials are also covered. The fees proposed in this rulemaking appropriately reflect the cost of providing the services rendered. Actually, the rate of the proposed increase is below the average rate of increase for these services since 1989. Since December 1989, fees increased by an annualized rate of about 4.13 percent. The proposed increase will represent an annualized increase of only about 1.9 percent. Further, we will continue our efforts to reduce costs to the industry and increase efficiencies whenever possible.

With regard to the commenter’s concerns regarding the application of overtime charges, the proposed fee increase does not change the way overtime is charged for both hourly and contract fees. AMS has numerous service options available with respect to duration, regularity of hours, and fees for inspection services. The Agency is available to work with applicants for services to select the type of service which most efficiently meets its needs.

In light of the continuing need to maintain the AMS grading program on a financially sound basis, AMS has decided to proceed with the fee increase as set forth in the proposal.

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after

publication in the **Federal Register** because: (1) the fiscal year 2000 reserve balance of the program's trust fund is under the desired level necessary to ensure an adequate reserve balance; (2) the fee change adopted herein should be implemented as soon as possible to begin replenishing the operating reserve and bring revenue in line with costs; and (3) the fee increase is to be effective November 19, 2000.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and record keeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 7 U.S.C. 1621–1627.

§ 52.42 [Amended]

2. In § 52.42, the figure "\$43.00" is revised to read "\$47.00".

§ 52.50 [Amended]

3. In § 52.50, the figure "\$43.00" is revised to read "\$47.00".

§ 52.51 [Amended]

4. In § 52.51, paragraph (c)(1), the figure "\$35.00" is revised to read "\$36.00", in paragraph (c)(2), the figure "\$45.00" is revised to read "\$48.00", and in paragraph (d)(1), the figure "\$45.00" is revised to read "\$48.00".

Dated: November 1, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–28414 Filed 11–3–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–076–1]

Imported Fire Ant; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the imported fire ant regulations because infestations of imported fire ant have

been discovered in additional areas in Tennessee. This action will quarantine two new counties and additional portions of four other counties. As a result of this action, the interstate movement of regulated articles from those areas will be restricted. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States. We are also making nonsubstantive changes to the description of other quarantined areas in Tennessee to make them easier to understand.

DATES: This interim rule is effective November 6, 2000. We invite you to comment on this docket. We will consider all comments that we receive by January 5, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–076–1, 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. 00–076–1.

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. Ronald Milberg, Operations Officer, PPQ, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81–10 and referred to below as the regulations) quarantine infested States or infested areas within States and restrict the interstate movement of regulated articles to prevent the artificial spread of the imported fire ant.

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously

injure and even kill livestock, pets, and humans. The imported fire ant, which is not native to the United States, feeds on crops and builds large, hard mounds that damage farm and field machinery. The regulations are intended to prevent the imported fire ant from spreading throughout its ecological range within the country.

The regulations in § 301.81–3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with the imported fire ant. The Administrator will designate less than an entire State as a quarantined area only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81–2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from an infested locality for quarantine purposes.

In § 301.81–3, paragraph (e) lists quarantined areas. We are amending § 301.81–3(e) by adding portions of Maury and Sequatchie Counties, TN, changing the status of Lewis County, TN, from partially to completely infested, and revising quarantine boundaries in Giles, Lincoln, and Monroe Counties, TN, to incorporate additional infested areas. We are taking this action because recent surveys conducted by APHIS and State and county agencies revealed that the imported fire ant has spread to these areas.

We are also amending § 301.81–3(e) by simplifying the descriptions of quarantined areas in Decatur, Franklin, Haywood, Henderson, Marshall, and Moore Counties, TN, to make them easier to understand and use. These changes are nonsubstantive and do not change the boundaries. See the rule portion of this document for specific descriptions of the new quarantined areas and the simplified boundary descriptions. Interested parties may also view a map showing the imported fire ant infested areas in the continental United States on the Internet at <http://www.aphis.usda.gov/ppq/maps/fireant.jpg>.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the spread of imported fire ant into noninfested areas

of the United States. 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 to 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. For this action the Office of Management and Budget has waived its review process required by Executive Order 12866.

This interim rule is necessary because infestations of imported fire ant have been discovered in additional areas in Tennessee. This action will quarantine two new counties and additional portions of four other counties. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary to prevent the artificial spread of the imported fire ant into noninfested areas of the United States.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

Affected entities in the quarantined areas include nurseries and greenhouses, farm equipment dealers, construction companies, and all those who sell, process, or move regulated articles from and through quarantined areas. It is now necessary to treat and certify all regulated articles before moving them from the newly quarantined areas.

Economic Analysis for Giles, Lewis, Lincoln, and Monroe Counties, TN

In an interim rule published in the **Federal Register** and effective on May 11, 2000 (65 FR 30337-30341, Docket No. 00-007-1), we amended the regulations by adding all or part of 35 counties in Arkansas, North Carolina, and Tennessee to the list of quarantined areas. On August 24, 2000 we published in the **Federal Register** (65 FR 51516-51517, Docket No. 00-007-2) a document that affirmed that interim rule as a final rule. In our August 24, 2000, affirmation, we included an analysis

that considered the economic effects that were expected to result from the addition of the 35 partially or completely infested counties to the list of regulated areas. Among the partially infested counties considered in that analysis were Giles, Lewis, Lincoln, and Monroe Counties, TN. We are now changing the status of these four counties from partially to completely infested because recent surveys conducted by APHIS and State and county agencies revealed that the imported fire ant has spread throughout these counties. At this time, further economic analysis for these four counties is not necessary because the analysis contained in our August 24, 2000, affirmation provided information on affected entities for the entirety of each partially infested county. That analysis concluded that the May 11, 2000, interim rule would not have a significant economic impact on a substantial number of small entities in Giles, Lewis, Lincoln, and Monroe Counties, and that conclusion is appropriate for the purposes of this interim rule as well.

Economic Analysis for Maury and Sequatchie Counties, TN

According to the 1997 Census of Agriculture, the market value of agricultural products produced in Maury and Sequatchie Counties was more than \$32 million. Seventy percent of these sales are attributable to livestock sales and the remaining 30 percent to crop sales, which include nursery and greenhouse crops. Therefore, there is a large agricultural economy at risk due to the potential of the imported fire ant to damage crops and injure or even kill livestock.

Specifically, in 1997, the value of sales from nursery and greenhouse crops produced in these two counties was \$614,000. Nurseries and greenhouses, as well as farm equipment dealers, construction companies, and those who sell, process, or move regulated articles from and through quarantined areas, will be affected by this rule. The availability of various treatments, which, in most cases, permit the movement of regulated articles with minimal additional cost, can minimize the adverse effects on entities that move regulated articles outside of the regulated areas.

According to the Small Business Administration's (SBA) Office of Advocacy, regulations create economic disparities when they have a significant economic impact on a substantial number of small entities. The SBA defines a small agricultural producer as one that generates less than \$500,000 of

annual sales. Additionally, to be considered small by the SBA's definition, an equipment dealer or agricultural service company must generate less than \$5 million in annual sales.

Maury and Sequatchie Counties include at least 569 entities that could be affected by the changes in regulations, and the majority of these entities are small according to the SBA's definition. Producers in Maury and Sequatchie Counties received \$8,855,000 from crop, including greenhouse and nursery, sales in 1997.

The estimated annual cost of imposing a quarantine on these counties is very small in comparison to the benefit gained through agricultural sales. For example, the value of a "standard" sized tractor-trailer load of nursery plants ranges from \$10,000 to \$250,000. The treatment cost for this "standard" shipment of plants is only around \$200. An average treatment cost, then, is between 2 percent and 0.8 percent per standard plant shipment. In contrast to the potential losses associated with an imported fire ant infestation, these treatment costs are not significant.

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

Executive Order 12372

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

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are 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.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this program. The assessment provides a basis for the conclusion that the methods employed to regulate the imported fire ant will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant

Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues 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. In § 301.81–3, paragraph (e), under TENNESSEE, the list of quarantined areas is amended by adding, in alphabetical order, entries for Maury and Sequatchie Counties and by revising the entries for Decatur, Franklin, Giles, Haywood, Henderson, Lewis, Lincoln, Marshall, Monroe, and Moore Counties to read as follows:

§ 301.81–3 Quarantined areas.

* * * * *
(e) * * *

TENNESSEE

* * * * *

Decatur County. That portion of the county lying south of Interstate Highway 40.

* * * * *

Franklin County. That portion of the county lying south and east of a line beginning at the intersection of State Highway 50 and the Moore/Franklin County line; then east along State Highway 50 to U.S. Highway Alt. 41; then north and east along U.S. Highway Alt. 41 to the Franklin/Grundy/Marion County line.

Giles County. That portion of the county lying south of a line beginning at the intersection of State Highway 129 and the Giles/Marshall County line; then west along State Highway 129 to U.S. Highway 31; then west along an imaginary line to the Lawrence/Giles County line.

* * * * *

Haywood County. That portion of the county lying south of Interstate Highway 40.

Henderson County. That portion of the county lying south of Interstate Highway 40.

* * * * *

Lewis County. The entire county.
Lincoln County. The entire county.

* * * * *

Marshall County. That portion of the county lying south of a line beginning at the intersection of State Highway 129 and the Giles/Marshall County line; then east along State Highway 129 to U.S. Highway Alt. 31; then north along U.S. Highway Alt. 31 to State Highway 50; then southeast along State Highway 50 to the Marshall/Lincoln County line.

Maury County. That portion of the county lying south and west of a line beginning at the intersection of the Lewis/Maury County line and Mount Joy Road; then east along Mount Joy Road to State Highway 243; then northeast along State Highway 243 to Dry Creek Road; then south along Dry Creek Road to the Maury/Lawrence County line.

* * * * *

Monroe County. That portion of the county lying south of a line beginning at the intersection of the Loudon/Monroe County line and State Highway 68; then southeast along State Highway 68 to U.S. Highway 411; then northeast along U.S. Highway 411 to the Monroe/Loudon County line; also the entire cities of Sweetwater, Madisonville, and Vonore, TN.

Moore County. That portion of the county lying south of State Highway 50.

* * * * *

Sequatchie County. That portion of the county lying south of a line beginning at the intersection of the Grundy/Sequatchie County line and State Highway 399; then northeast along State Highway 399 to State Highway 8/111; then northeast along an imaginary line to the Sequatchie/Bledsoe County line.

* * * * *

Done in Washington, DC, this 1st day of November 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–28362 Filed 11–3–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 947

[Docket No. FV00–947–1 FIR]

Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, Except Malheur County; Suspension of Handling, Reporting, and Assessment Collection Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, with a minor change, the provisions of an interim final rule suspending for the 2000–2001 and future seasons the minimum grade, size, quality, maturity, pack, inspection, and other related requirements prescribed under the Oregon-California potato marketing order. This rule also suspends all reporting and assessment collection requirements. The marketing order regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, except Malheur County, and is administered locally by the Oregon-California Potato Committee (Committee). This rule will reduce industry-operating expenses.

EFFECTIVE DATE: December 6, 2000.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, 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, Technical Advisor, 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, P.O. Box 96456, Room 2525-S, 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 No. 114 and Marketing Order No. 947, both as amended (7 CFR part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California, and in all counties in Oregon, except Malheur County, hereinafter referred to as the "order." The marketing agreement and order are 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule continues the current suspension. 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. A 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.

This rule continues in effect the suspension of the minimum grade, size, quality, maturity, pack, inspection, and

other related requirements prescribed under the Oregon-California potato marketing order. It also suspends all reporting and assessment collection requirements. The marketing order regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, except Malheur County, and is administered locally by the Oregon-California Potato Committee. This rule will reduce industry expenses, as it decides whether the marketing order should be continued.

Section 947.52 of the order authorizes the issuance of regulations for grade, size, quality, maturity, and pack for any variety of potatoes grown in the production area during any period. Section 947.51 authorizes the modification, suspension, or termination of regulations issued under part 947. Termination or suspension authority also is specified in § 947.71.

Section 947.60 provides that whenever potatoes are regulated pursuant to § 947.52, such potatoes must be inspected by the Federal-State Inspection Service, and certified as meeting the applicable requirements of such regulations. The cost of inspection and certification is borne by handlers.

Prior to the 1999-2000 season, minimum grade, size, quality, maturity, and pack requirements for potatoes regulated under the order were specified in § 947.340 *Handling Regulation* [7 CFR part 947.340]. This regulation, with modifications and exemptions for different varieties and types of shipments, provided that all potatoes grade at least U.S. No. 2; be at least 2 inches in diameter or weigh at least 4 ounces, and be not more than moderately skinned. Additionally, potatoes packed in cartons had to be U.S. No. 1 grade or better, with an additional tolerance allowed for internal defects, or U.S. No. 2 grade weighing at least 10 ounces. Section 947.340 also included waivers of inspection procedures, reporting and safeguard requirements for special purpose shipments, and a minimum quantity exemption of 19 hundredweight per day. Related provisions appear in the regulations at § 947.130, *Special Purpose Certificates—application and issuance*; § 947.132 *Reports*; § 947.133 *Denial and appeals*; and § 947.134 *Establishment of list of manufacturers of potato products*.

The Committee meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Oregon-California potatoes that have been issued on a continuing basis. Committee

meetings are open to the public and interested persons may express their views at these meetings. The Department reviews Committee recommendations and information submitted by the Committee and other available information, and determines whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

At its March 31, 2000, meeting, the Committee recommended suspending the handling and inspection regulations and related sections for the 2000-2001 and future seasons. It also recommended that all reporting and assessment collection requirements be suspended, too. The Committee requested that this rule be effective on July 1, 2000, which is the date shipments of the 2000 Oregon-California potato crop began.

The objective of the handling and inspection requirements is to ensure that only acceptable quality potatoes enter fresh market channels, thereby ensuring consumer satisfaction, increasing sales, and improving returns to producers. While the industry continues to believe that quality is an important factor in maintaining sales, the Committee believes the cost of inspection and certification (mandated when minimum requirements are in effect) may exceed the benefits derived. It would like to further assess this matter during the 2000-2001 and future seasons.

Potato prices have been at low levels in recent seasons, and many producers have faced difficulty covering their production costs. Therefore, the Committee continues to explore various alternatives for reducing costs.

The Committee recommended suspending the handling regulations for a one-year trial from July 1, 1999, through June 30, 2000. The Committee was concerned that the elimination of current requirements could possibly result in lower quality potatoes being shipped to fresh markets. Also, there was some concern that the Oregon-California potato industry could lose sales to other potato producing areas that were covered by quality and inspection requirements. For these reasons, the Committee recommended the one-year suspension of the requirements for the 1999-2000 marketing season.

The Committee believes that this one-year trial was successful and recommended continuing the suspension of the handling and inspection requirements indefinitely. Last season's suspension was implemented by the Department with an

interim final rule published in the **Federal Register** on June 25, 1999 (64 FR 34113), and finalized on September 13, 1999 (64 FR 49352). Continuation of the suspension for the 2000–2001 and subsequent seasons will enable the Committee to further study the impacts on the industry and consider appropriate actions for ensuing seasons.

This rule enables handlers to ship potatoes without regard to the minimum grade, size, quality, maturity, pack, and inspection requirements, and continues to decrease handler costs associated with inspection. This rule does not restrict handlers from seeking inspection on a voluntary basis. The Committee will continue to evaluate the effects of removing the minimum requirements on marketing and on producer returns at its annual spring meetings.

Consistent with the suspension of § 947.340, this rule also suspends §§ 947.120, 947.123, 947.130, 947.132, 947.133, and 947.134 of the rules and regulations in effect under the order. Sections 947.120 and 947.123 provide authority for hardship exemptions from inspection and certification, and establish reporting and recordkeeping requirements when such exemptions are in place. Sections 947.130, 947.132, 947.133, and 947.134 are safeguard and reporting provisions of the order that are applicable to special purpose shipments when inspection and certification requirements are in place. Section 947.125 regarding minimum quantity assessment exemptions, and § 947.180 regarding monthly assessment reports expired by their own terms on June 30, 2000.

The September 13, 1999, interim final rule also established reporting requirements for the 1999–2000 season so the Committee could obtain information on which to collect assessments. In previous seasons, it had obtained this information from inspection reports. However, these reports were eliminated with the suspension of mandatory inspection. The reporting requirements will not be needed during the 2000–2001 and future seasons because the Committee recommended that no assessments be collected from handlers during these seasons.

Section 947.247 of the marketing order previously prescribed an assessment rate of \$0.004 per hundredweight of assessable potatoes for the Oregon-California Potato Committee. Authorization to assess potato handlers enables the Committee to incur expenses that are necessary to administer the marketing order. With the suspension of handling, inspection,

and reporting requirements, a limited Committee budget will be needed for program administration during the 2000–2001 and future seasons. For 2000–2001, the Committee recommended a budget of \$2,000 for management and its spring meetings. It has about \$10,000 in operating reserves to cover approved Committee expenses.

In the interim final rule published July 10, 2000 (65 FR 42275), §§ 947.125 regarding minimum quantity assessment exemptions and 947.180 regarding monthly assessment reports were included in the list of sections to be suspended. As previously mentioned, these sections expired by their own terms on June 30, 2000, and, thus, did not need to be suspended by the interim final rule. This final rule modifies the list of suspended provisions accordingly.

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, AMS has prepared this final 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 Oregon-California potatoes who are subject to regulation under the marketing order and approximately 450 potato producers in the regulated 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 about 83 percent of the handlers ship under \$5,000,000 worth of Oregon-California potatoes and about 17 percent of the handlers ship over \$5,000,000 worth of Oregon-California potatoes 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 Oregon-California potato producers, average annual producer receipts are approximately \$294,000, excluding receipts from other sources. In view of the foregoing, it can be concluded that the majority of handlers and producers

of Oregon-California potatoes may be classified as small entities.

At its March 31, 2000, meeting, the Committee recommended suspending the handling and related regulations. It also recommended suspending all reporting and assessment collection regulations. The Committee requested that this rule be effective on July 1, 2000, which is the date shipments of the 2000 Oregon-California potato crop began. This rule allows the Oregon-California potato industry to market potatoes without minimum grade, size, quality, maturity, pack, and inspection requirements.

The objective of the handling requirements is to ensure that only acceptable quality potatoes enter fresh market channels, thereby ensuring consumer satisfaction, increasing sales, and improving returns to producers. While the industry continues to believe that quality is an important factor in maintaining sales, the Committee believes the cost of inspection and certification (mandated when minimum requirements are in effect) may exceed the benefits derived.

Potato prices have been at low levels in recent seasons, and many producers have faced difficulty covering their production costs. Therefore, the Committee continues to explore various alternatives for reducing costs. The Committee recommended suspending the handling regulations for a one-year trial from July 1, 1999, through June 30, 2000. The Committee was concerned that the elimination of the handling requirements could possibly result in lower quality potatoes being shipped to fresh markets. Also, there was some concern that the Oregon-California potato industry could lose sales to other potato producing areas that were covered by quality and inspection requirements. For these reasons, the Committee recommended the one-year suspension of the requirements for the 1999–2000 marketing season.

The Committee believes that this one-year trial was successful and recommended continuing the suspension that was finalized by the Department on September 13, 1999 (64 FR 49352). This will enable the Committee to further study the impacts of the suspension and consider appropriate actions for ensuing seasons.

This rule enables handlers to ship potatoes without regard to the minimum grade, size, quality, maturity, pack, inspection, and related requirements, and continues to decrease handler costs associated with inspection. This rule does not restrict handlers from seeking inspection on a voluntary basis. The Committee will continue to evaluate the

effects of removing the minimum requirements on marketing and on producer returns at its annual spring meetings.

The Committee anticipates that this rule will not negatively impact small businesses. This rule suspends minimum grade, size, quality, maturity, pack, and inspection requirements. Further, this rule allows handlers and producers the choice to obtain inspection for potatoes, as needed, thereby reducing costs for the industry. The total cost of inspection and certification for fresh shipments of Oregon-California potatoes during the 1998–99 marketing season was estimated at \$600,000. The 1998–99 marketing season was the most recent year for mandatory inspection. This is approximately \$20,000 per handler. The Committee expects, however, that most handlers will continue to have some of their potatoes inspected and certified by the Federal-State Inspection Service.

The suspension of the assessment collection requirements for the 2000–2001 and future seasons also will result in some cost savings. Assessment collections during the 1999–2000 season totaled \$25,500. Absent the suspension of § 947.247, assessments collected during the 2000–2001 season would have been about \$26,000, according to Committee estimates.

The Committee investigated the use of other types of inspection programs as another option to reduce the cost of inspection, but believed they were not viable at this time.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements being suspended by this rule were approved previously by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178. Suspension of all of the reporting requirements is expected to reduce the reporting burden on small or large Oregon-California potato handlers by almost 300 hours, and should further reduce industry expenses. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors.

In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Oregon-California potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the March 31,

2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on July 10, 2000. Copies of this rule were mailed by the Committee's staff to all Committee members. In addition, the rule was made available through the Internet by the Office of the **Federal Register**. That rule provided for a 60-day comment period which ended September 8, 2000. No comments were received.

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 the regulations suspended by this action no longer tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR part 947 which was published at 65 FR 42275 on July 10, 2000, is adopted as a final rule with the following change:

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

1. The authority citation for 7 CFR Part 947 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§§ 947.120, 947.123, 947.130, 947.132, 947.133, 947.134, 947.141, 947.247, 947.340
[Suspended]

2. In Part 947, §§ 947.120, 947.123, 947.130, 947.132, 947.133, 947.134, 947.141, 947.247, and 947.340 are suspended in their entirety effective July 1, 2000.

Dated: October 31, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–28334 Filed 11–3–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV00–966–1 IFR]

Tomatoes Grown in Florida; Change in Size Designation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule increases the maximum diameter of the 6x6 numeric size designation currently prescribed under the Florida tomato marketing order (order). The order regulates the handling of tomatoes grown in Florida and is administered locally by the Florida Tomato Committee (Committee). The maximum diameter will be increased by $\frac{2}{32}$ of an inch, from $2\frac{27}{32}$ inches to $2\frac{29}{32}$ inches. This change will allow handlers to pack slightly larger tomatoes in a 6x6 container, and provide them with greater flexibility when packing tomatoes. The increased flexibility is expected to increase the number and availability of containers of 6x6 tomatoes, which are often in short supply.

DATES: Effective November 8, 2000; comments received by January 5, 2001 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, Marketing Order Administration Branch, 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. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made 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: Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (863) 299–4770, Fax: (863) 299–5169; or George Kelhart, Technical Advisor, 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, P.O. Box 96456, room 2525-S, 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 No. 125 and Marketing Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in certain designated counties in Florida, hereinafter referred to as the "order." The marketing agreement and order are 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 is not intended to have retroactive effect. 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. A 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.

Under the order, tomatoes produced in the production area and shipped to fresh market channels outside the regulated area are required to meet grade, size, inspection, and container requirements. These requirements apply during the period October 10 through June 15 each year. Current requirements include a minimum grade of U.S. No. 2 and a minimum size of $2\frac{2}{32}$ inches in diameter. Current pack and container

requirements outline the types of information that need to appear on a container, weight restrictions, and other requirements containers must meet.

Section 966.52 of the order provides authority for the modification, suspension, and termination of regulations. It includes the authority to establish and modify size and pack requirements for tomatoes grown in the defined production area and handled under the order.

Section 966.323 of the order's rules and regulations specifies the handling regulations for Florida tomatoes. Section 966.323(a)(2)(i) currently specifies that all tomatoes packed by a registered handler must meet a minimum size requirement of $2\frac{9}{32}$ inches in diameter. That section also requires that all such tomatoes must be sized with proper equipment in one of three numeric size designations with specified ranges of diameter. Tomatoes designated as "6x7" must be a minimum of $2\frac{9}{32}$ inches in diameter and a maximum of $2\frac{19}{32}$. These are the smallest tomatoes marketed. Tomatoes, other than producer field-packed tomatoes, designated as "6x6" must be a minimum of $2\frac{17}{32}$ inches in diameter and a maximum of $2\frac{27}{32}$ inches in diameter. Tomatoes designated as "5x6" must be a minimum of $2\frac{25}{32}$ inches in diameter with no maximum size requirement. These are the largest size marketed. To allow for variation incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in the lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

This rule increases the maximum diameter currently prescribed for size 6x6 tomatoes by $\frac{2}{32}$ of an inch, from $2\frac{27}{32}$ inches to $2\frac{29}{32}$ inches. This change will allow handlers the option of packing slightly larger tomatoes in a 6x6 container. This increased flexibility in packing tomatoes is expected to allow handlers to pack some of the smaller 5x6 tomatoes into 6x6 containers. This is expected to increase the number and availability of containers of 6x6 tomatoes, which are often in short supply, and improve the uniformity of the 5x6-sized tomatoes. The Committee unanimously recommended this change at a meeting held on September 8, 2000.

Based on an analysis of markets and demands of buyers, the Committee believes that this increase in the maximum diameter for size 6x6 tomatoes will improve the marketing of Florida tomatoes, provide handlers with additional flexibility in packing tomatoes, and help improve grower returns. Recent industry trends have been toward shipping larger tomatoes.

In response to a strong consumer demand, new commercial tomato varieties have been planted to produce bigger tomatoes and have resulted in more large sized tomatoes being shipped. Because of this demand, production of larger tomatoes has been a popular method of improving returns among producers as it also increases total yields. Increasing the 6x6 maximum diameter will provide handlers the option of shifting the smallest sized tomatoes in a 5x6 pack to a 6x6 pack. By making this shift, handlers will be able to increase the average size in both the 6x6 and the 5x6 pack.

The $\frac{2}{32}$ inch increase in the maximum diameter of the 6x6-size designation results in a $\frac{4}{32}$ overlap in the maximum diameter of the 6x6 and the minimum size for the 5x6. Tomatoes at the bottom of the 5x6 size can either be packed as 5x6 tomatoes or as 6x6 tomatoes. According to the Committee, this will provide for greater distribution of tomato shipments throughout the two size designations, enabling handlers to make better decisions on which size of tomatoes to pack. Such packing decisions could depend on specific buyer or market demands, on general crop size, or on prices.

Shifting the smallest sizes from the 5x6 pack to the 6x6 pack would increase the average size in both the 6x6 and the 5x6 packs. It would move larger tomatoes into the 6x6 pack while providing space for additional larger tomatoes in the 5x6 pack. This would lower the count of tomatoes for each pack as well. In its discussions, the Committee recognized that buyers prefer larger tomatoes and a lower count per box. With buyer preferences trending toward larger sized tomatoes, the Committee believes that having this option could help grower returns.

This change also makes more tomatoes available to fill the 6x6 pack. In past years, there have been shortages of this pack due to tomato size. Committee members stated that during the past season there were periods when the tomatoes were sizing so well they were having trouble packing many 6x6 packs. The Committee recognized that there is a strong demand for the 6x6 pack and that it brings a favorable price, occasionally equal to or above the price for a 5x6 pack. Therefore, the Committee believes that it is important to continue to supply this market. With the option of shifting slightly larger tomatoes into the 6x6 pack, handlers will have more flexibility to move tomatoes to meet market demand. This will be particularly beneficial when the majority of tomatoes are sizing well.

In addition, the Committee also believes that raising the maximum diameter for the 6x6 pack could improve the uniformity of tomato in the 5x6 pack. While increasing the maximum diameter of the 6x6 pack does increase the size range, the increase is only by $\frac{2}{32}$ of an inch. Further, shifting the smaller sizes from a 5x6 pack to the 6x6 pack could improve the uniformity of the 5x6 pack, which is expected to be viewed as a benefit to buyers.

Because there is no upper limit on size for a 5x6 pack, there can be a considerable variation in size. With newer tomato varieties producing larger fruit, the size variance in containers of 5x6 tomatoes has grown. This size variation is particularly evident with the smaller sizes in the pack. By having the opportunity to shift the smaller sizes to the 6x6 pack, handlers will be able to improve the uniformity of their 5x6 packs. This is particularly important because the 5x6 pack usually commands the best price in the market, faces the most competition, and is the most popular size.

During the 1999–2000 season, approximately 58 percent of the Florida tomatoes sold were 5x6 packs, and about 28 percent were sold as 6x6's. Increasing the maximum diameter size of the 6x6 by $\frac{2}{32}$ inch will give handlers the flexibility to reduce the number of smaller sized tomatoes packed in the 5x6-size designation.

A study conducted by Dr. John J. VanSickle at the University of Florida indicates that increasing the maximum diameter could result in an increase in the prices received for Florida tomatoes. The study indicates that if 1 percent of the smallest 5x6 size tomatoes are shifted into the smaller size categories, then prices for 5x6 size tomatoes could increase by .25 percent. With regard to 6x6 size tomatoes, the study indicates that the prices could increase by .15 percent. The increase in price would occur because of the redistribution of larger sized tomatoes into the smaller size designations, which is a response to consumer demand for a more consistent pack and slightly larger tomatoes.

Committee members do not believe that this change will create any confusion on the part of buyers. Rather, they stated that this change will allow handlers more opportunity to address the demands of their buyers.

Consumers and buyers are demanding a slightly larger tomato. Smaller tomatoes with a less uniform pack have poor consumer acceptance, especially in chain stores. This change provides handlers with some flexibility to adjust the size composition and uniformity of

their packs to address the needs of their customers.

This change does not affect the current exemption provided to producer field packed tomatoes as long as the containers are designated as 6x6 and larger. Specifically, field packed tomatoes designated as size 6x6 and larger are not subject to the maximum diameter specified in the order's rules and regulations for 6x6 sized tomatoes (65 FR 8247, February 18, 2000).

Section 8e of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for certain commodities under a domestic marketing order, including tomatoes, imports of that commodity must meet the same or comparable requirements. However, the Act does not authorize the imposition of container requirements on imports, when such requirements are in effect under a domestic marketing order. Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size designations may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Therefore, no change is necessary in the tomato import regulation as a result of this action.

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, 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 70 handlers of Florida tomatoes who are subject to regulation under the marketing order and approximately 130 tomato producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) 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 (13 CFR 121.201).

Committee data indicates that approximately 20 percent of the Florida tomato handlers handle 80 percent of the total volume. Based on the industry and Committee data, the average annual

price for fresh Florida tomatoes during the 1999–2000 season was \$6.89 per 25-pound carton or equivalent, and total fresh shipments for the 1999–2000 season were 58,006,721 25-pound equivalent cartons of tomatoes. Based on this information, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes may also be classified as small entities.

This rule increases the maximum diameter requirement for size 6x6 tomatoes currently prescribed in the order's handling regulations. It increases the maximum diameter for size 6x6 tomatoes by $\frac{2}{32}$ of an inch, from $2\frac{27}{32}$ inches to $2\frac{29}{32}$ inches, and will allow handlers the option of packing slightly larger tomatoes in a 6x6 container. With this increased flexibility, handlers will be able to better meet consumer demand for larger tomatoes, while providing greater returns to growers. The Committee unanimously recommended this change. Authority for this action is provided in § 966.52.

If the handlers take advantage of the increased packing flexibility, they would incur direct costs associated with the purchase of new sizing belts. Sizing belts convey and size fruit during the packing process. Depending on the amount of use, sizing belts can last a season or may need to be replaced two to three times a season. Estimated prices associated with these purchases could range from \$450.00 for a small handler to \$19,000 for very large handlers. While there are short-term costs associated with the new maximum diameter of the 6x6 sizing designation, the benefits are expected to outweigh the costs. Moreover, changing sizing belts is a routine action since they have to be regularly replaced depending on use. These costs are expected to be minimal relative to the benefits expected, and in relation to normal operating costs and procedures.

A study conducted by Dr. John J. VanSickle at the University of Florida estimates that a shift of 1 percent of 5x6 tomatoes into the smaller size categories would increase the prices for 5x6-size tomatoes by .25 percent. For 6x6's, the price could increase by .15 percent. The increase in price would occur in response to consumer demand for packs with slightly larger tomatoes.

This change is designed to provide handlers with more flexibility as to how sizes are packed. Because of this, handlers can choose to continue to pack as they have without making any adjustments due to this rule change. Purchasing new equipment is not necessary to remain in compliance with

order provisions. Therefore, this rule places the decision with the individual handler as to whether the costs are outweighed by the benefits.

Individual seasons and different periods during the same season can present a fair amount of variability in production and size. This change provides handlers with some additional flexibility when packing for size to allow handlers to make some adjustments in order to maximize returns and to service customer demand. This rule will provide the opportunity for handlers to make adjustments based on market conditions. This should have a positive effect on returns.

The Committee recommended these changes to improve the marketing of Florida tomatoes. The opportunities and benefits of this rule are expected to be equally available to all tomato handlers and growers regardless of their size of operation. This action will have a beneficial impact on producers and handlers since it will allow tomato handlers more flexibility in making tomatoes available to meet consumer needs consistent with crop and market conditions.

The Committee discussed alternatives to this recommendation, including leaving the regulations as currently issued. All Committee members agreed that this change would be helpful in improving pack appearance and in providing handlers some additional flexibility. Therefore, the Committee voted to make this change rather than leave the size designation for 6×6 unchanged.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large tomato handlers. 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.

Further, the Committee's meeting was widely publicized throughout the tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the September 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee.

The Committee's Marketing Subcommittee met on August 21, 2000, and discussed this issue in detail. That meeting was also a public meeting and both large and small entities were able to participate and express their views. Finally, 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.

This rule invites comments on a change to the size requirements currently prescribed under the Florida tomato marketing order. Any comments received will be considered prior to finalization of this rule.

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.

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) The regulatory period for the 2000–2001 shipping season began October 10 and the changes should be in place as close to the beginning of the season as possible; (2) Florida tomato handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and interested parties had an opportunity to provide input; (3) the packing flexibility afforded handlers can be utilized as they see fit, they will not need additional time to comply with the regulation; 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 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 966.323 [Amended]

2. In § 966.323, the table to paragraph (a)(2)(i) is amended by removing “2^{27/32}” and adding “2^{29/32}” in its place.

Dated: October 31, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–28332 Filed 11–3–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–130–AD; Amendment 39–11954; AD 2000–22–08]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB–120 series airplanes, that requires inspections of certain components, and corrective action, if necessary. The actions specified by this AD are intended to prevent deterioration and deformation of the mass-balance weights of the aileron, which could affect the surface balance of the aileron and result in loss of aileron control and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective December 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 11, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket,

1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Satish Lall, Aerospace Engineer, Airframe and Propulsion Branch, ACE-117A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6082; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Model EMB-120 series airplanes, was published in the **Federal Register** on July 17, 2000 (65 FR 44013). That action proposed to require inspections of certain components, and corrective action, if necessary.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that approximately 28 U.S.-registered airplanes will be required to measure the gap between the mass-balance weights and aileron hinge attachment. It will take approximately 2 work hours per airplane to accomplish the required measurement, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required measurement on U.S. operators is estimated to be \$3,360, or \$120 per airplane, per inspection cycle.

The FAA estimates that approximately 230 U.S.-registered airplanes will be required to inspect the mass-balance weights to detect any cavity, hole, or delamination. It will take approximately 8 work hours per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be \$110,400, or \$480 per airplane.

The cost impact figures discussed above are based on assumptions that no

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-22-08 Empresa Brasileira de Aeronautica S.A. (Embraer):

Amendment 39-11954. Docket 2000-NM-130-AD.

Applicability: Model EMB-120 series airplanes, serial numbers 120-0001 through 120-0333 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent deterioration and deformation of the mass-balance weights of the aileron, which could affect the surface balance of the aileron and result in loss of aileron control and consequent reduced controllability of the airplane, accomplish the following:

Measurement of Clearance and Corrective Actions

(a) For airplanes having serial numbers 120-0291, 120-0294, and 120-0296 through 120-0333 inclusive: Within 150 flight hours after the effective date of this AD, measure the clearance between the aileron mass-balance weights and attach fittings on the left and right sides of the airplane, in accordance with PART I of the Accomplishment Instructions of EMBRAER Service Bulletin 120-27-0077, Change No. 01, dated October 24, 1997.

(1) If the clearance is within the acceptable limits described in the service bulletin, thereafter, repeat the measurement at intervals not to exceed 1,000 flight hours until the actions required by paragraph (b) of this AD have been accomplished.

(2) If the clearance is outside the acceptable limits described in the service bulletin, prior to further flight, replace the affected mass-balance weight with a new, improved mass-balance weight, in accordance with PART III of the Accomplishment Instructions of the service bulletin. Such replacement terminates the requirement to accomplish paragraph (b) of this AD.

Detailed Visual Inspection and Follow-On Actions

(b) For all airplanes: Within 2,000 flight hours after the effective date of this AD, perform a one-time detailed visual inspection of the aileron mass-balance weights to detect any cavity, hole, or delamination, in accordance with PART II of the Accomplishment Instructions of EMBRAER Service Bulletin 120-27-0077, Change No. 01, dated October 24, 1997. Such inspection constitutes terminating action for the

repetitive inspections required by paragraph (a)(1) of this AD for airplanes subject to paragraph (a) of this AD.

(1) If no cavity, hole, or delamination is detected: Prior to further flight, perform a one-time detailed visual inspection to detect white powder on the surface of the mass-balance weights, in accordance with PART II of the Accomplishment Instructions of the service bulletin. If any white powder is found, remove the white powder in accordance with the service bulletin.

(2) If any cavity, hole, or delamination is found, prior to further flight, replace the affected mass-balance weight with a new, improved mass-balance weight, in accordance with PART III of the Accomplishment Instructions of the service bulletin.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with EMBRAER Service Bulletin 120-27-0077, Change No. 01, dated October 24, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 98-01-02, dated January 15, 1998.

Effective Date

(f) This amendment becomes effective on December 11, 2000.

Issued in Renton, Washington, on October 24, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-27789 Filed 11-3-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-348-AD; Amendment 39-11955; AD 2000-22-09]

RIN 2120-AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, that requires inspection of certain components, and corrective action, if necessary. The actions specified by this AD are intended to prevent loosening of the locknut holding the main landing gear (MLG) piston to the ramrod, which could result in detachment of the MLG piston from the ramrod and loss of hydraulic control of the MLG. This action is intended to address the identified unsafe condition.

DATES: Effective December 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 11, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes was published in the **Federal Register** on August 29, 2000 (65 FR 52371). That action proposed to require inspection of certain components, and corrective action, if necessary.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 59 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection on U.S. operators is estimated to be \$3,540, or \$60 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIR WORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–22–09 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–11955. Docket 99–NM–348–AD.

Applicability: Model Jetstream 4101 airplanes, certified in any category; on which any APPH main landing gear (MLG) retract actuator having part number AIR86496, any suffix, is installed.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loosening of the locknut holding the MLG piston to the ramrod, which could result in detachment of the MLG piston from the ramrod and loss of hydraulic control of the MLG, accomplish the following:

Inspection and Corrective Actions

(a) Within 18 months after the effective date of this AD: Inspect the airplane records to determine the overhaul status and number of landings on the left and right MLG retract actuators, and inspect the actuators for the presence of ink mark “32–03,” in accordance with Jetstream Service Bulletin J41–32–068, Revision 1, dated May 12, 2000.

(1) If both actuators have been overhauled and ink mark “32–03” is present on each actuator, no further action is required by this AD.

(2) For any actuator that has been overhauled but does not have ink mark “32–03” present on the actuator: Within 2 years after the effective date of this AD, accomplish all applicable corrective actions for that actuator (including inspection of locknut peening, lockwasher replacement, and ink marking), in accordance with Part 3 or Part 4, as applicable, of the Accomplishment Instructions of the service bulletin.

(3) For any actuator that has not been overhauled: Prior to further flight, or prior to the accumulation of 8,000 total landings on that actuator, whichever occurs later, replace the actuator with an overhauled actuator having ink mark “32–03” present, in accordance with Part 1 or Part 2, as applicable, of the Accomplishment Instructions of the service bulletin.

Note 2: Jetstream Service Bulletin J41–32–068, Revision 1, dated May 12, 2000, refers to APPH Service Bulletin AIR86496–32–03, Revision 2, dated March 2000, as an additional source of service information for the inspection of locknut peening and the lockwasher replacement.

Spares

(b) As of the effective date of this AD, no APPH MLG retract actuator having P/N AIR86496, any suffix, may be installed on any airplane unless the actuator is marked with ink mark “32–03.”

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Jetstream Service Bulletin J41–32–068,

Revision 1, dated May 12, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directive 007–09–99.

Effective Date

(f) This amendment becomes effective on December 11, 2000.

Issued in Renton, Washington, on October 25, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27946 Filed 11–3–00; 8:45 am]

BILLING CODE 4910–13–U

RAILROAD RETIREMENT BOARD

20 CFR Part 335

RIN 3220–AB44

Sickness Benefits

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations under the Railroad Unemployment Insurance Act (RUIA) to permit a “nurse practitioner” to execute a statement of sickness in support of payments of sickness benefits under the RUIA. The Board does not currently accept statements executed by a nurse practitioner, which in some cases may delay payment of benefits.

EFFECTIVE DATE: This final rule is effective November 6, 2000.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, (312) 751–4929, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 335.2(a)(2) of the Board’s regulations provides that in order to be entitled to sickness benefits under the RUIA, a claimant must provide a “statement of sickness”. Section 335.3(a) of this part lists the individuals from whom the Board will accept a statement of sickness. That list does not currently include nurse practitioners. Nurse practitioners offer health care to people throughout the United States. Their

practice emphasizes health promotion and maintenance, disease prevention, and the diagnosis and management of acute and chronic diseases. Nurse practitioners are registered nurses with advanced education and clinical expertise that qualifies them to diagnose and treat illnesses and injuries. Under current regulations, the Board does not accept a statement of sickness or supplemental statement of sickness from a nurse practitioner. A claimant who submits a statement of sickness signed by a nurse practitioner is informed that the statement may not be accepted and is required to get a new one signed by an individual listed in § 335.3(a). This is administratively costly and delays the payment of sickness benefits. Thus, the Board is adding "nurse practitioner" to the list of individuals from whom it will accept a statement of sickness.

The Board published this rule as a proposed rule on May 5, 2000 (65 FR 26161), and invited comments by July 5, 2000. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory analysis is required. The information collections contemplated by this part have been approved by the Office of Management and Budget under control number 3220-0039.

List of Subjects in 20 CFR Part 335

Railroad employees, Railroad unemployment insurance, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Railroad Retirement Board amends title 20, chapter II of the Code of Federal Regulations as follows:

PART 335—SICKNESS BENEFITS

1. The authority citation for part 335 continues to read as follows:

Authority: 45 U.S.C. 362(i) and 362(l).

2. Section 335.3(a) is amended as follows:

(a) remove "or" at the end of paragraph (a)(9),

(b) remove the period and add "; or" at the end of paragraph (a)(10), and

(c) add a new paragraph (a)(11) to read as follows:

§ 335.3 Execution of statement of sickness and supplemental doctor's statement.

(a) * * *

(11) A nurse practitioner.

* * * * *

Dated: October 27, 2000.

By Authority of the Board,

Beatrice Ezerski,

For the Board, Secretary to the Board.

[FR Doc. 00-28316 Filed 11-3-00; 8:45 am]

BILLING CODE 7905-01-P

RAILROAD RETIREMENT BOARD

20 CFR Part 349

RIN 3220-AB25

Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board adopts regulations pertaining to the finality of decisions under the Railroad Unemployment Insurance Act (Act). The present rules dealing with finality of decisions under that statute are incomplete and are contained in a Board Order which is not readily available to the public. Therefore, the Board has determined that the present rules should be revised and published as a regulation.

EFFECTIVE DATE: This rule is effective November 6, 2000.

FOR FURTHER INFORMATION CONTACT:

Marguerite P. Dadabo, Senior Attorney, Railroad Retirement Board, (312) 751-4945, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: The Board's rules and procedures regarding the finality of decisions with respect to benefits under the Railroad Unemployment Insurance Act are presently contained in a Board Order, which is not readily available to the public. Also the Board Order does not contain any time limits on reopening. The regulation addresses the finality of benefit decisions. This final rule is similar to part 261 of the Board's regulations on reopening of decisions under the Railroad Retirement Act (20 CFR 261).

Section 349.1 describes who may open a final decision issued by the agency. Section 349.2 describes when a final decision may be reopened. A final decision may be reopened within 12 months of the date of notice of such decision for any reason. A final decision may also be reopened within 4 years of the date of notice if new and material evidence is furnished or if the decision was not reasonably consistent with the evidence of record at the time the decision was made. A decision may be reopened at any time if the decision was obtained by fraud or similar fault, or if the decision was that the employee was

not a qualified employee and is later found to be one because of a correction in his or her record of compensation, or if the decision was wholly or partially unfavorable to a claimant, but only to correct clerical error or an error that appears on the face of the evidence that was considered when the decision was made. See § 349.2(c).

Section 349.3 provides that a change of legal interpretation or administrative ruling upon which a decision was based is not a basis for reopening.

Section 349.4 provides that a decision may be reopened after the 1 year and 4 year time limits set forth in § 349.2 if the Board had begun an investigation within those time limits. However, if the Board does not diligently pursue the investigation, the agency will not reopen the decision if the decision was favorable to the claimant.

Sections 349.5-349.7 are procedural and provide that if a decision is reopened, the claimant will be given notice and will have a right to reconsideration and/or a hearing. Any hearing shall be conducted in accordance with part 320 of the Board's regulations (20 CFR 320).

Finally, § 349.8 provides that the three-member Board has the discretion to reopen or not to reopen any decision under these regulations.

The Board published this rule as a proposed rule on April 20, 2000 (65 FR 21164-21165) and invited comments by June 19, 2000. No comments were received. Accordingly, the proposed rule is adopted as a final rule without change.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 349

Railroad employees, Railroad unemployment insurance.

For the reasons set out in the preamble, the Railroad Retirement Board adds a new part 349 to 20 CFR Chapter II as follows:

PART 349—FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS

Sec.

349.1 Reopening and revising decisions.

349.2 Conditions for reopening.

349.3 Change of legal interpretation or administrative ruling.

349.4 Late completion of timely investigation.

349.5 Notice of revised decision.

349.6 Effect of revised decision.

349.7 Time and place to request a review and/or hearing on revised decision.

349.8 Discretion of the three-member Board to reopen or not to reopen a final decision.

Authority: 45 U.S.C. 355 and 362(l).

§ 349.1 Reopening and revising decisions.

(a) This part sets forth the Board's rules governing finality of decisions with respect to benefits under the Railroad Unemployment Insurance Act. After the expiration of the time limits for review as set forth in part 320 of this chapter, decisions may be reopened and revised only under the conditions described in this subpart, by the bureau, office or entity that made the earlier decision or by a bureau, office, or other entity at a higher level which has the claim properly before it. Whether a final decision is reopened or not reopened is solely within the discretion of the Board.

(b) A *final decision*, as that term is used in this part, means any decision under § 320.5 of this chapter where the time limit for review, as set forth in part 320 of this chapter or in the Railroad Unemployment Insurance Act, has expired.

(c) *Reopening* a final decision under this part means a conscious determination on the part of the agency to reconsider an otherwise final decision for purposes of revising that decision.

(d) *New and material evidence*, as that phrase is used in this part, means evidence which was unavailable to the agency at the time the decision was made, and which the claimant could not reasonably have been expected to have submitted at that time.

§ 349.2 Conditions for reopening.

A final decision may be reopened:

(a) Within 12 months of the date of the notice of such decision, for any reason;

(b) Within four years of the date of the notice of such decision:

(1) If there is new and material evidence; or

(2) If the decision was not reasonably consistent with the evidence of record at the time of adjudication.

(c) At any time if:

(1) The decision was obtained by fraud or similar fault;

(2) The decision was that the claimant was not a qualified employee, and he or she is now qualified because compensation was credited to the employee's record of compensation in accordance with part 211 of this chapter:

(i) To correct errors apparent on the face of the compensation record;

(ii) To enter items transferred by the Social Security Administration which were credited under the Social Security Act when they should have been credited to the employee's railroad retirement compensation record; or

(iii) To correct errors made in the allocation of earnings to individuals or periods which would have made him or her a qualified employee at the time of the decision if the earnings had been credited to his or her earnings record at that time;

(3) The decision is wholly or partially unfavorable to a claimant, but only to correct a clerical error or an error that appears on the face of the evidence that was considered when the decision was made.

§ 349.3 Change of legal interpretation or administrative ruling.

A change of legal interpretation or administrative ruling upon which a decision is based does not render a decision erroneous and does not provide a basis for reopening.

§ 349.4 Late completion of timely investigation.

(a) A decision may be revised after the applicable time period in §§ 349.2(a) or (b) expires if the Board begins an investigation into whether to revise the decision before the applicable time period expires and the agency diligently pursues the investigation to the conclusion. The investigation may be based on a request by a claimant or on action by the Board.

(b) *Diligently pursued* for purposes of this section means that in view of the facts and circumstances of a particular case, the necessary action was undertaken and carried out as promptly as the circumstances permitted. Diligent pursuit will be presumed to have been met if the investigation is concluded and, if necessary, the decision is revised within six months from the date the investigation began.

(c) If the investigation is not diligently pursued to its conclusion, the decision will be revised if a revision is applicable and if it is favorable to the claimant. It will not be revised if it would be unfavorable to the claimant.

§ 349.5 Notice of revised decision.

(a) When a decision is revised, notice of the revision will be mailed to the parties to the decision at their last known address. The notice will state the basis for the revised decision and the effect of the revision. The notice will also inform the parties of the right to further review.

(b) If a hearings officer or the three-member Board proposes to revise a

decision, and the revision would be based only on evidence included in the record on which the prior decision was based, all parties will be notified in writing of the proposed action. If a revised decision is issued by a hearings officer, any party may request that it be reviewed by the three-member Board, or the three-member Board may review the decision on its own initiative.

§ 349.6 Effect of revised decision.

A revised decision is binding unless:

(a) The revised decision is being reconsidered or appealed in accord with part 320 of this chapter;

(b) The three-member Board reviews the revised decision; or

(c) The revised decision is further revised consistent with this part.

§ 349.7 Time and place to request a review and/or hearing on revised decision.

A party to a revised decision may request, as appropriate, further review of the decision in accordance with the rules set forth in part 320 of this chapter. Further review or a hearing will be held according to the rules set forth in part 320 of this chapter.

§ 349.8 Discretion of the three-member Board to reopen or not to reopen a final decision.

In any case in which the three-member Board may deem proper, the Board may direct that any decision, which is otherwise subject to reopening under this part, shall not be reopened or direct that any decision, which is otherwise not subject to reopening under this part, shall be reopened.

Dated: October 26, 2000.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00-28211 Filed 11-3-00; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8862]

RIN 1545-AI32

Stock Transfer Rules

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to Treasury Decision 8862, which was published in the **Federal Register** on Monday, January 24, 2000

(65 FR 3589). The corrections relate to the stock transfer rules under section 367(b).

DATES: Effective February 23, 2000.

FOR FURTHER INFORMATION CONTACT: Mark D. Harris, (202) 622-3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 367 of the Internal Revenue Code.

Need for Correction

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

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

PART 1—INCOME TAXES

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

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

Authority: 26 U.S.C. 7805 * * *

§ 1.367(b)-0 [Corrected]

Par. 2. In § 1.367(b)-0, the entry for § 1.367(b)-1(c)(5) is revised to read as follows:

§ 1.367(b)-0 Table of contents.

* * * * *

§ 1.367(b)-1 * * *

(c) * * *

(5) Abbreviated notice provision for shareholders that make the election described in § 1.367(b)-3(c)(3).

* * * * *

§ 1.367(b)-1 [Corrected]

Par. 3. Section 1.367(b)-1, the heading for paragraph (c)(5) is revised to read as follows:

§ 1.367(b)-1 Other transfers.

* * * * *

(c) * * *

(5) *Abbreviated notice provision for shareholders that make the election described in § 1.367(b)-3(c)(3).* * * *

* * * * *

§ 1.367(b)-2 [Corrected]

Par. 4. Section 1.367(b)-2 is amended as follows:

1. Paragraph (c)(1)(i) is amended by removing the language “corporation, and” and adding “corporation; and” in its place.

2. Paragraph (e)(4) *Example 3*, the penultimate sentence, the language “56” is removed and “356” is added in its place.

3. Revising the introductory text of paragraph (f)(4).

4. Revising the penultimate sentence of paragraph (j)(2)(i).

The revisions read as follows:

§ 1.367(b)-2 Definition and special rules.

* * * * *

(f) * * *

(4) *Closing of taxable year.* In a reorganization described in paragraph (f)(1) of this section, the taxable year of the foreign transferor corporation shall end with the close of the date of the transfer and, except as otherwise required under the Internal Revenue Code (e.g. section 1502 and the regulations thereunder), the taxable year of the acquiring corporation shall end with the close of the date on which the transferor's taxable year would have ended but for the occurrence of the reorganization if—

* * * * *

(j) * * *

(2) * * *

(i) * * * The exchange gain or loss recognized under this paragraph (j)(2)(i) will increase or decrease the exchanging shareholder's adjusted basis in the stock of the foreign corporation, including for purposes of computing gain or loss realized with respect to the stock on the transaction. * * *

* * * * *

§ 1.367(b)-3 [Corrected]

Par. 5. Section 1.367(b)-3 is amended as follows:

1. Revising paragraph (b)(2).

2. In paragraph (d)(1), the first sentence, the language “Unused foreign tax credits allowable to the foreign acquired corporation under section 906” is removed and “Excess foreign taxes under section 904(c) allowable to the foreign acquired corporation under section 906” is added in its place.

The revision reads as follows:

§ 1.367(b)-3 Repatriation of foreign corporate assets in certain nonrecognition transactions.

* * * * *

(b) * * *

(2) *United States shareholder.* For purposes of this section (and for purposes of the other section 367(b) regulation provisions that specifically refer to this paragraph (b)(2)), the term *United States shareholder* means any shareholder described in section 951(b) (without regard to whether the foreign corporation is a controlled foreign corporation), and also any shareholder

described in section 953(c)(1)(A) (but only if the foreign corporation is a controlled foreign corporation as defined in section 953(c)(1)(B) subject to the rules of section 953(c)).

* * * * *

§ 1.367(b)-4 [Corrected]

Par. 6. Section 1.367(b)-4 is amended as follows:

1. In paragraph (a) the language “another” is removed in the first sentence and “a” is added in its place.

2. A new sentence is added after the first sentence of paragraph (a).

3. Paragraph (b)(1)(i)(B)(2) is revised.

4. Revising the first sentence of paragraph (d) (1).

The addition and revisions read as follows:

§ 1.367(b)-4 Acquisition of foreign corporate stock or assets by foreign corporation in certain nonrecognition transactions.

(a) * * * This section applies notwithstanding that the foreign acquiring corporation and the foreign acquired corporation may be the same corporation (such as in a section 368(a)(1)(E) reorganization). * * *

(b) * * *

(1) * * *

(i) * * *

(B) * * *

(2) Immediately after the exchange, the foreign acquiring corporation or the foreign acquired corporation (if any, such as in a transaction described in section 368(a)(1)(B) and/or section 351), is not a controlled foreign corporation as to which the United States person described in paragraph (b)(1)(i)(A) of this section is a section 1248 shareholder.

* * * * *

(d) * * * (1) *In general.* If income is not required to be included under paragraph (b) of this section in a section 367(b) exchange described in paragraph (a) of this section (non-inclusion exchange) then, for purposes of applying section 367(b) or 1248 to subsequent exchanges and subject to the limitation of § 1.367(b)-2(d)(3)(iii) (in the case of a transaction described in § 1.367(b)-3), the determination of the earnings and profits attributable to an exchanging shareholder's stock received in the non-inclusion exchange shall include a computation that refers to the exchanging shareholder's pro rata interest in the earnings and profits of the foreign acquiring corporation (and, in the case of a stock transfer, the foreign acquired corporation) that accumulate after the non-inclusion exchange, as well as its pro rata interest in the earnings and profits of the foreign

acquired corporation that accumulated before the non-inclusion exchange. * * *

§ 1.367(b)-5 [Corrected]

Par. 7. Section 1.367(b)-5 is amended as follows:

1. Paragraph (a)(1) is amended by revising the first sentence.
 2. Paragraph (f) is revised.
 3. Paragraph (g), *Example 1*(ii)(B), the second sentence is amended by removing the language "\$60 and \$0" and by adding "\$0 and \$60" in its place.
 4. Revising the fourth sentence of paragraph (g), *Example 1*(ii)(C) by removing the language "from FC".
 5. Adding two new sentences after the fourth sentence of paragraph (g), *Example 1*(ii)(C).
 6. Adding a new sentence at the end of paragraph (g), *Example 2*(ii)(C).
- The additions and revisions read as follows:

§ 1.367(b)-5 Distributions of stock described in section 355.

(a) * * * (1) *Scope.* This section provides rules relating to a distribution described in section 355 (or so much of section 356 as relates to section 355) and to which section 367(b) applies. * * *

(f) *Exclusion of deemed dividend from foreign personal holding company income.* In the event an amount is included in income as a deemed dividend by a foreign corporation under paragraph (c) or (d) of this section (including amounts received as an intermediate owner under the rule of § 1.367(b)-2(e)(2)), such deemed dividend shall not be included as foreign personal holding company income under section 954(c).

(g) * * *

Example 1. * * *

(ii) * * *

(C) * * * Under § 1.367(b)-2(e)(2), the \$20 deemed dividend is considered as having been paid by FC to FD, and by FD to USS, immediately prior to the distribution. Under paragraph (f) of this section, the deemed dividend is not included by FD as foreign personal holding company income under section 954(c). * * *

Example 2. * * *

(ii) * * *

(C) * * * Under paragraph (f) of this section, the deemed dividend is not included by FD as foreign personal holding company income under section 954(c).

Dale D. Goode,
Federal Register Liaison, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 00-28433 Filed 11-3-00; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 1

RIN 0651-AB05

Changes To Implement Eighteen-Month Publication of Patent Applications; Correction

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The United States Patent and Trademark Office (Office) published a final rule in the **Federal Register** of September 20, 2000, revising the rules of practice in patent cases to implement the eighteen-month publication provisions of the American Inventors Protection Act of 1999. This document corrects two errors in that final rule.

EFFECTIVE DATE: November 29, 2000.

FOR FURTHER INFORMATION CONTACT: Concerning *this rule*: Robert W. Bahr by telephone at (703) 308-6906, or by mail addressed to: Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231, or by facsimile to (703) 872-9411, marked to the attention of Robert W. Bahr.

SUPPLEMENTARY INFORMATION: The Office published a final rule in the **Federal Register** of September 20, 2000 (65 FR 57023), entitled "Changes to Implement Eighteen-Month Publication of Patent Applications." This document corrects errors in § 1.55 and § 1.99 as discussed below.

Section 1.55(a) should refer to "35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b)" rather than "35 U.S.C. 119(a) through (d), 172, and 365(a)" (references to 35 U.S.C. 119(f) and 365(b) were inadvertently omitted). Section 1.55(c) should refer to "35 U.S.C. 119(a) through (d) and (f), and 365(a)" rather than "35 U.S.C. 119(a) through (d) and 365(a)" (a reference to 35 U.S.C. 119(f) was inadvertently omitted).

Section 1.99(f) should not include its last sentence ("[N]o further submission on behalf of the member of the public will be considered, unless such submission raises new issues which could not have been earlier presented.").

In rule FR Doc. 00-23822, published on September 20, 2000 (65 FR 57023), make the following corrections:

§ 1.55 [Corrected]

1. On page 57053, in the third column, in § 1.55, in paragraph (a)

introductory text, in lines 5 and 6, correct "119(a) through (d), 172, and 365(a)" to read "119(a) through (d) and (f), 172, and 365(a) and (b);" and on page 57054, in the first column, in § 1.55, in paragraph (c) introductory text, in each of lines 4, 9, and 19, correct "119(a)-(d) or 365(a)" to read "119(a) through (d) and (f), or 365(a)".

§ 1.99 [Corrected]

2. On page 57056, in the second column, in § 1.99, in paragraph (f), in lines 14 through 19, remove the sentence "No further submission on behalf of the member of the public will be considered, unless such submission raises new issues which could not have been earlier presented."

Dated: October 30, 2000.

Albin F. Drost,

Acting General Counsel.

[FR Doc. 00-28315 Filed 11-3-00; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 132

[FRL-6896-9]

RIN 2040-AD66

Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA published the final Water Quality Guidance for the Great Lakes System (the Guidance) on March 23, 1995. Section 118(c) of the Clean Water Act (CWA) requires the Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin to adopt within two years of publication of the final Guidance (*i.e.*, March 23, 1997) minimum water quality standards, antidegradation policies and implementation procedures that are consistent with the Guidance, and to submit them to EPA for review and approval. Each of the Great Lakes States made those submissions.

Today, EPA is taking final action on the Guidance submission of the State of Wisconsin. EPA's final action consists of approving those elements of the State's submission that are consistent with the Guidance, disapproving those elements that are not consistent with the Guidance, and specifying in a final rule the elements of the Guidance that apply

in the portion of Wisconsin within the Great Lakes System where the State either failed to adopt required elements or adopted elements that are inconsistent with the Guidance.

DATES: 40 CFR 132.6(f), (h)-(j) is effective on December 6, 2000. 40 CFR 132.6(g) is effective on February 5, 2001. To the extent this action, or portion thereof, is subject to judicial review pursuant to section 509(b) of the Clean Water Act, 33 U.S.C. 1369(b), it is considered issued for purposes of judicial review as 1 p.m., Eastern

Standard time on November 20, 2000, as provided in 40 CFR 23.2.

ADDRESSES: The public docket for EPA's final actions with respect to the Guidance submission of the State of Wisconsin is available for inspection and copying at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604 by appointment only. Appointments may be made by calling Mery Jackson-Willis (telephone 312-886-3717).

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue., NW, Washington, DC 20460

(202-260-0312); or Mery Jackson-Willis, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604 (312-353-3717).

SUPPLEMENTARY INFORMATION:

I. Discussion

A. Potentially Affected Entities

Entities potentially affected by today's action are those discharging pollutants to waters of the United States in the Great Lakes System in the State of Wisconsin. Potentially affected categories and entities include:

Category	Examples of potentially affected entities
Industry	Industries discharging to waters within the Great Lakes System as defined in 40 CFR 132.2 in Wisconsin.
Municipalities	Publicly-owned treatment works discharging to waters within the Great Lakes System as defined in 40 CFR 132.2 in Wisconsin.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding regulated entities likely to be affected by these final actions. This table lists the types of regulated entities that EPA believes could be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility may be affected by this final action, you should examine the definition of "Great Lakes System" in 40 CFR 132.2 and examine 40 CFR 132.2 which describes the part 132 regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Background

On March 23, 1995, EPA published the Guidance. See 60 FR 15366; 40 CFR part 132. The Guidance establishes minimum water quality standards, antidegradation policies, and implementation procedures for the waters of the Great Lakes System in the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. Specifically, the Guidance specifies numeric criteria for selected pollutants to protect aquatic life, wildlife and human health within the Great Lakes System and provides methodologies to derive numeric criteria for additional pollutants discharged to these waters. The Guidance also contains minimum implementation procedures and an antidegradation policy.

Soon after being published, the Guidance was challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 6, 1997, the Court issued a decision upholding

virtually all of the provisions contained in the 1995 Guidance. *American Iron and Steel Institute, et al. v. EPA (AISI)*, 115 F.3d 979 (D.C. Cir. 1997). The Court vacated the human health criterion for polychlorinated biphenyls (PCBs) and the acute aquatic life criterion for selenium, and the provisions of the Guidance "insofar as it would eliminate mixing zones for [bioaccumulative chemicals of concern (BCCs)] and impose [water quality-based effluent limitations (WQBELs)] upon internal facility waste streams." 115 F.3d at 985. On October 9, 1997, EPA published a document revoking the PCB human health criteria pursuant to the Court's decision. 62 FR 52922. On April 23, 1998, EPA published a second document amending the 1995 Guidance to remove the BCC mixing zone provisions from 40 CFR part 132 (found in procedure 3.C. of appendix F) and to remove language in the Pollutant Minimization Program provisions (procedure 8.D. of appendix F) that might imply that permitting authorities are required to impose WQBELs on internal waste streams or to specify control measures to meet WQBELs. 63 FR 20107. On June 2, 2000, EPA published a third document withdrawing the acute criteria for selenium. 65 FR 35283.

40 CFR 132.4 requires the Great Lakes States to adopt water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System consistent with the Guidance or be subject to EPA promulgation. 40 CFR 132.5(d) provides that, where a State makes no submission to EPA, the Guidance shall apply to discharges to waters in that State upon EPA's

publication of a final rule indicating the effective date of the part 132 requirements in that jurisdiction.

On July 1, 1997, the National Wildlife Federation filed suit alleging that EPA had a non-discretionary duty to promulgate the Guidance for any State that failed to adopt standards, policies and procedures consistent with the Guidance. *National Wildlife Federation v. Browner*, Civ. No. 97-1504-HHK (D.D.C.). EPA negotiated a consent decree providing that the EPA Administrator must sign, by February 27, 1998, a **Federal Register** document making 40 CFR part 132 effective in any State in the Great Lakes Basin that failed to make a submission to EPA by that date under 40 CFR part 132. However, all of the Great Lakes States made complete submissions to EPA on or before the February deadline. On March 2, April 14, April 20 and April 28, 1998, EPA published in the **Federal Register** documents of its receipt of each of the States' Great Lakes Guidance submissions and a solicitation of public comment on the National Pollutant Discharge Elimination System (NPDES) portions of those submissions. 63 FR 10221; 63 FR 18195; 63 FR 19490; 63 FR 23285.

40 CFR 132.5(f) provides that, once EPA completes its review of a State's submission, it must either publish notice of approval of the State's submission in the **Federal Register** or issue a letter notifying the State that EPA has determined that all or part of its submission is inconsistent with the CWA or the Guidance, and identify any changes needed to obtain EPA approval. If EPA issues a letter to the State making findings of inconsistencies, the State then has 90 days to make the necessary

changes. If the State fails to make the necessary changes, EPA must publish a document in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of the Guidance that will apply to discharges within the State.

On November 15, 1999, the National Wildlife Federation and the Lake Michigan Federation filed suit alleging that EPA had a non-discretionary duty to take action on the Great Lakes States' Guidance submissions. *National Wildlife Federation v. Browner*, Civ. No. 99-3025-HHK (D.D.C.). EPA negotiated a consent decree providing that EPA must sign a **Federal Register** document by July 31, 2000, taking the action required by 40 CFR 132.5 on the Guidance submissions of the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Pennsylvania; and **Federal Register** documents by September 29, and October 31, 2000, taking the action required by 40 CFR 132.5 on the Guidance submissions of the States of New York and Wisconsin, respectively. Today's **Federal Register** document fulfills EPA's obligations under that Consent Decree with respect to the State of Wisconsin. EPA has completed its final actions with respect to the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Pennsylvania. EPA notes that Wisconsin's Guidance submission may contain provisions that revise its NPDES program or water quality standards in areas or with respect to regulated entities not covered by the Guidance. EPA is not taking action at this time to either approve or disapprove any such provisions.

EPA has conducted its review of the Wisconsin's submission in accordance with the requirements of section 118(c)(2) of the CWA and 40 CFR part 132. Section 118 requires that States adopt policies, standards and procedures that are "consistent with" the Guidance. EPA has interpreted the statutory term "consistent with" to mean "as protective as" the corresponding requirements of the Guidance. Thus, the Guidance gives States the flexibility to adopt requirements that are not the same as the Guidance, provided that the State's provisions afford at least as stringent a level of environmental protection as that provided by the corresponding provision of the Guidance. In making its evaluation, EPA has considered the language of each State's standards, policies and procedures, as well as any additional information provided by the State clarifying how it interprets or will implement its provisions.

Where EPA has promulgated a final rule that identifies a provision of the Guidance that shall apply in Wisconsin, EPA explains below its reasons for concluding that Wisconsin failed to adopt requirements that are consistent with the Guidance. Additional explanation of EPA's conclusions are contained in EPA's correspondence with Wisconsin (identified in relevant sections below) where EPA initially identified inconsistencies in the State's submission, as well in documents prepared for Wisconsin entitled, "Wisconsin Provisions Being Approved as Being Consistent With the Guidance," "Analysis of Whether Wisconsin Has Adopted Requirements Consistent With the Guidance" and "Analysis of Steps Taken By Wisconsin in Response to EPA's 90-Day Letter." Notice of the availability of EPA's correspondence with Wisconsin was published in the **Federal Register** and EPA has considered all public comments received regarding any conclusions as to whether Wisconsin had adopted provisions consistent with the Guidance.

In this proceeding, EPA has reviewed the State's submission to determine its consistency with 40 CFR part 132. EPA has not reopened part 132 in any respect, and today's action does not affect, alter or amend in any way the substantive provisions of part 132. To the extent any members of the public commented during this proceeding that any provision of part 132 is unjustified as a matter of law, science or policy, those comments are outside the scope of this proceeding.

With regard to those elements of the State submission being approved by EPA, EPA is approving those provisions as amendments to Wisconsin's NPDES permitting program under section 402 of the CWA and as revisions to Wisconsin's water quality standards under section 303 of the CWA. Today's document identifies those approved elements. Additional explanations of EPA's review of and conclusions regarding Wisconsin's submission, including the specific State provisions that EPA is approving, are contained in the administrative record for today's actions in documents prepared for Wisconsin entitled, "Wisconsin Provisions Being Approved as Being Consistent With the Guidance," "Analysis of Whether Wisconsin Has Adopted Requirements Consistent With the Guidance" and "Analysis of Steps Taken By Wisconsin in Response to EPA's 90-Day Letter."

C. Today's Final Action

On June 13, 2000, EPA issued a letter notifying the Wisconsin Department of Natural Resources (WDNR) that, while the State of Wisconsin had generally adopted requirements consistent with the Guidance, EPA concluded that portions of the standards, policies and procedures adopted by the State were not consistent with corresponding provisions of the Guidance. On June 22, 2000, EPA published in the **Federal Register** a notice of and solicitation of public comment on its June 13, 2000 letter. 65 FR 38830. EPA has completed its review of all public comments on the June 13, 2000, letter and has determined that, with the exceptions described below, Wisconsin has adopted requirements consistent with all aspects of the Guidance. Specifically, Wisconsin has adopted requirements consistent with, and EPA is therefore approving those elements of the State's submissions which correspond to: the definitions in 40 CFR 132.2; the water quality criteria for the protection of aquatic life, human health and wildlife in Tables 1-4 of part 132, with three exceptions as described below; the methodologies for development of aquatic life criteria and values, bioaccumulation factors, human health criteria and values and wildlife criteria in appendices B-D; the antidegradation policy in appendix E; and the implementation procedures in appendix F, with three exceptions described below. As explained more fully below, Wisconsin has not adopted requirements consistent with (1) the acute and chronic aquatic life criteria in Table 1 of part 132 for copper and nickel, and the chronic aquatic life criterion in Table 2 of part 132 for endrin and selenium, (2) the provisions governing total maximum loads in procedure 3 in appendix F to 40 CFR part 132, (3) the provisions governing consideration of intake pollutants in determining reasonable potential and establishing QBELs in paragraphs D and E of procedure 5 in appendix F to 40 CFR part 132, and (4) the provisions for determining reasonable potential for whole effluent toxicity set forth in paragraph D of procedure 6 in appendix F to 40 CFR part 132.

EPA's June 13, 2000, letter concluded that some of the provisions that EPA is now approving authorized the State to act consistent with the Guidance, but provided inadequate assurance that the State would exercise its discretion consistent with the Guidance. Subsequent to that letter, WDNR provided additional materials, including an Addendum to its Memorandum of

Agreement (MOA) with EPA regarding the State's approved NPDES program in which WDNR commits to always exercise its discretion under those provisions in a manner consistent with the Guidance. Pursuant to 40 CFR 123.44(c)(3) and 123.63(a)(4), the State is required to comply with commitments made in its MOA or risk EPA objection to permits and even program withdrawal. These materials have demonstrated to EPA that the State will implement its program (with the exceptions identified below) consistent with the Guidance. The specific provisions that EPA is approving, and EPA's full rationale for approving these provisions, are set forth in the documents entitled "Wisconsin Provisions Approved as Being Consistent With the Guidance," "Analysis of Whether Wisconsin Has Adopted Requirements Consistent With the Guidance" and "Analysis of Steps Taken By Wisconsin in Response to EPA's 90-Day Letter."

EPA has determined that Wisconsin's acute and chronic aquatic life criteria for copper and nickel in Wis. Adm. Code NR 105, Tables 2 and 6 are not consistent with those in Tables 1 and 2 of part 132; and chronic aquatic life criterion for endrin in Wis. Adm. Code NR 105, Table 5 is not consistent with that in Table 2 to 40 CFR part 132. With respect to copper and nickel, Wisconsin acknowledged in an October 11, 2000, letter to EPA that it made mathematical errors which resulted in criteria that were higher than (less protective than) criteria that Wisconsin believes would have been consistent with the Guidance had the errors not been made. Wisconsin also acknowledged that it did not consider certain toxicological data incorporated into the Guidance criterion in deriving its chronic aquatic life criterion for endrin, which in turn resulted in a criterion that is less stringent than that required by the Guidance. Wisconsin intends to initiate rulemaking to correct these errors, but will be unable to complete that rulemaking before October 31, 2000, which is the date by which EPA is required under its Consent Decree with the National Wildlife Federation and the Lake Michigan Federation to take final action on Wisconsin's submission.

Based upon the above, EPA finds that Wisconsin has failed to adopt acute and chronic aquatic life criteria for copper and nickel consistent with those in Tables 1 and 2 of part 132, and has failed to adopt a chronic aquatic life criterion for endrin consistent with that in Table 2 to 40 CFR part 132, as required by 40 CFR 132.3. EPA, therefore, disapproves Wisconsin's

acute and chronic aquatic life criteria for copper and nickel in Wis. Adm. Code NR 105, Tables 2 and 6, and chronic aquatic life criterion for endrin in Wis. Adm. Code NR 105, Table 5, to the extent they apply to waters of the Great Lakes System, and has determined that the acute and chronic aquatic life criteria for copper and nickel in Tables 1 and 2 of part 132 and the chronic aquatic life criterion for endrin in Table 2 to 40 CFR part 132 shall apply to the waters of the Great Lakes System in the State of Wisconsin.

As noted above, Wisconsin intends to initiate rulemaking to adopt criteria that are consistent with those in the Guidance for these three parameters. EPA will work closely with WDNR to insure that these criteria will be consistent with the Guidance. WDNR will then submit its criteria to EPA for review pursuant to section 303(c) of the CWA, and, if EPA approves those revisions, EPA will revise its regulations so that the Guidance criteria will no longer apply to the waters within the Great Lakes System in the State of Wisconsin.

EPA is also disapproving Wisconsin's failure to adopt and submit to EPA a chronic aquatic life water quality criterion for selenium. 40 CFR 132.3(b) mandates that each Great Lakes State adopt numeric water quality criteria that are consistent with the chronic water quality criteria for the protection of aquatic life contained in Table 2 of part 132 (or with site-specific modifications of those criteria adopted in accordance with the Guidance). Table 2 contains a chronic water quality criterion for selenium of 5 micrograms per liter ($\mu\text{g}/\text{L}$). Currently, Wisconsin's water quality standards do not contain a chronic aquatic life criterion for selenium. The absence of any water quality criterion in Wisconsin's standards to ensure the protection of aquatic life from chronic adverse effects due to selenium is inconsistent with the Guidance.

EPA did not identify the omission of the selenium criterion from the State's submission in its June 13, 2000, letter to the State, but subsequently became aware of this deficiency very near the close of this proceeding. Because the absence of the selenium criterion is clearly inconsistent with the Guidance, and in light of EPA's obligation under the consent decree in *National Wildlife Federation v. Browner*, Civ. No. 99-3025-HHK (D.D.C.), EPA has taken final action on the entirety of the State's submission, including the omission of the chronic aquatic life criterion for selenium. EPA recognizes however, that it has not previously notified the State of EPA's conclusion regarding the

selenium criterion, and provided the 90-day period contemplated in EPA regulations for the State to take corrective action. To provide the State with this opportunity, EPA has established an effective date for the selenium criterion in today's rule of 90 days from today. If Wisconsin corrects this deficiency and adopts a selenium criterion consistent with the Guidance during this period, EPA will take action to withdraw the selenium criterion prior to its effective date. If the State does not take corrective action in this time frame, the selenium criterion in today's rule will go into effect 90 days from today. As with the other aspects of today's rule, if the State subsequently cures this deficiency and adopts a criterion for selenium that is approved by EPA, EPA will amend today's rule to remove the selenium criterion.

EPA also has determined that procedure 3 in appendix F to 40 CFR part 132 shall apply with regard to development of total maximum daily loads (TMDLs) for the Great Lakes System in the State of Wisconsin. EPA has made this determination because Wisconsin simply has not adopted specific requirements for developing TMDLs in the Great Lakes System that correspond to those in procedure 3 of appendix F. Wisconsin has enacted a statutory requirement at Wis. Stat. 283.83(3), and has adopted a regulatory requirement at Wis. Adm. Code NR 106.11, that generally require WDNR to develop TMDLs. Wisconsin also has adopted at Wis. Adm. Code NR 212 detailed regulatory requirements for how WDNR must develop TMDLs for a number of pollutants that are not subject to the Guidance (see Table 5 of 40 CFR part 132). However, Wisconsin has not adopted similar, detailed provisions governing development of TMDLs for pollutants that are subject to the Guidance (*i.e.*, all pollutants other than those in Table 5 of 40 CFR part 132).

Given the complete absence of any specific requirements governing development of TMDLs in the Great Lakes System in Wisconsin for pollutants subject to the Guidance, it is necessary for EPA to specify that the provisions of procedure 3 of appendix F to 40 CFR part 132 apply in the Great Lakes System in the State of Wisconsin. EPA notes that this promulgation has no effect on the chemical-specific reasonable potential procedures at Wis. Adm. Code NR 106.05 and 106.06(1), (3)-(5), & (7)-(10) which EPA approves as being consistent with the reasonable potential procedures in paragraphs A through C and F of procedure 5 in appendix F to 40 CFR part 132. These State procedures, therefore, apply in the

Great Lakes System in the State of Wisconsin for purposes of developing wasteload allocations in the absence of a TMDL and developing preliminary effluent limitations in making chemical-specific reasonable potential determinations.

EPA also has determined that two provisions in Wisconsin's rules, Wis. Adm. Code NR 106.06(06) and Wis. Adm. Code NR 106.10(1), are inconsistent with procedure 5 in appendix F to 40 CFR part 132. Section 301(b)(1)(C) of the CWA requires all NPDES permits to include effluent limitations more stringent than technology-based limits when necessary to meet State water quality standards in the receiving waterbody. To implement this requirement, EPA has established a two-step water quality-based permitting approach. A discharge of pollutants must first be evaluated to determine whether it will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard (*i.e.*, whether the discharge poses "reasonable potential"). 40 CFR 122.44(d)(1)(i) and (ii). If reasonable potential exists, then the discharge must be subject to water quality-based effluent limitation that will ensure "the level of water quality to be achieved by limits on point sources * * * is derived from, and complies with all applicable water quality standards." 40 CFR 122.44(d)(1)(vii)(A). Procedure 5 of the Guidance implements, and elaborates on, these requirements. It requires the permitting authority to characterize pollutant levels in a discharge, and determine whether those levels, if left uncontrolled, would cause, or have the reasonable potential to cause, or contribute to a violation of water quality standards. See procedure 5.A–C. If the permitting authority makes an affirmative reasonable potential determination, it must impose water quality-based effluent limitations ("WQBELs") to ensure compliance with water quality standards. See procedure 5.F.2.

One of the principal issues considered in the development of the Guidance was the appropriate approach for establishing wasteload allocations for point sources (upon which WQBELs are based) where the "background" levels of the pollutant in a waterbody exceed applicable water quality criteria for that pollutant. The proposed Guidance included a requirement to set the wasteload allocation at zero, in the absence of a multiple source TMDL, for any pollutant discharged into a waterbody already exceeding water quality criteria for that pollutant. See

procedures 3A.C.4 and 3B.C.3 (58 FR 21046, April 16, 1993). This "high background" provision was not included in the final Guidance because the Agency concluded that a multitude of factors would need to be considered in establishing wasteload allocations and WQBELs in this situation. See Supplemental Information Document for the Water Quality Guidance for the Great Lakes System (EPA, 3/23/95) ("SID") at 285. Possible permitting approaches discussed in the SID ranged from prohibiting the discharge of the pollutant altogether to allowing no greater than discharge at the criteria itself (*i.e.*, "criteria end-of-pipe"). See SID at 339.

EPA also addressed "high background" pollutants by establishing specialized provisions for discharges of pollutants contained in a facility's intake water ("intake pollutants") in paragraphs D and E of procedure 5. Where a facility removes water with high background pollutant levels and then subsequently discharges the same level of pollutants back into the same waterbody, the discharge does not pose environmental concerns comparable to where a facility introduces pollutants into the waterbody for the first time.

Procedure 5.D allows a finding that a water quality-based effluent limit is not needed for a particular pollutant that originates in the intake water and simply passes through the facility and is discharged without any adverse effect (that would not have occurred had the intake pollutant stayed in-stream). Among other things, eligibility for this finding under the Guidance requires a showing that:

- i. The facility withdraws 100 percent of the intake water containing the pollutant from the same body of water into which the discharge is made;
- ii. The facility does not contribute any additional mass of the identified intake pollutant to its wastewater;
- iii. The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;
- iv. The facility does not alter the identified intake pollutant concentration, as defined by the permitting authority, at the edge of the mixing zone, or at the point of discharge if a mixing zone is not allowed, as compared to the pollutant concentration in the intake water, unless the increased concentration does not cause or contribute to an excursion above an applicable water quality standard; and
- v. The timing and location of the discharge would not cause adverse

water quality impacts to occur that would not occur if the identified intake pollutant were left in-stream.

If an intake pollutant does not meet the above five criteria and effluent limitations are needed, paragraph E of procedure 5 allows a facility to discharge the same mass and concentration of pollutants that are present in its intake water (*i.e.*, "no net addition"), provided the discharge is to the same body of water and certain other conditions are met. Under the Guidance, an intake pollutant is from the same body of water if the intake pollutant "would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee." Procedure 5.D.2.b. EPA determined that allowing discharge at background levels, even though above applicable criteria, would be both environmentally protective and consistent with the requirements of the CWA where a pollutant is simply being moved from one part of the waterbody to another that it would have reached in any event. However, if the pollutant is from a different body of water, "no net addition" limitations are not available because, in such a case, the facility is introducing a pollutant to a waterbody for the first time (*i.e.*, the pollutant would not be introduced to the waterbody but for the discharge). Because the waterbody is already exceeding applicable water quality criteria the Guidance requires a more stringent approach to ensure the discharge does not exacerbate the water quality standards violation—*i.e.*, effluent limitations based on the most stringent applicable water quality criterion for the receiving water. See procedure 5.E.4.

Wisconsin's regulations contain a provision that addresses discharges into waters where background levels exceed applicable water quality criteria. Wis. Adm. Code NR 106.06(6). If 10 percent of a pollutant to be discharged by a facility is from the same body of water as the discharge, Wisconsin's procedure requires that permit limitations for the entire discharge be set at background levels, except that more stringent limitations may be established when the existing treatment system has a demonstrated cost-effective ability to achieve regular and consistent compliance with a limitation more stringent than the representative background concentration. Wis. Adm. Code NR 106.06(6)(c). Where at least 90 percent of the wastewater is from groundwater or a drinking water supply, the permitting authority is to establish limits equal to the lowest applicable

water quality criteria, except that limitations up to background levels are allowed if reasonable, practical or otherwise required steps are taken to minimize the level of the pollutant discharged. Wis. Adm. Code NR 106.06(6)(a) and (b). In either situation, the department may allow alternative limitations, including limitations above background levels, in the form of numerical limits, monitoring requirements, or a cost-effective pollutant minimization plan. Wis. Adm. Code NR 106.06(6)(d).

Wisconsin's approach differs significantly from, and is not as protective as, procedure 5 of the Guidance. Most importantly, procedure 5 only allows effluent limitations to be set above water quality criteria at "background" levels (*i.e.*, "no net addition" limitations under procedure 5.E) for intake pollutants that are taken from, and returned to, the same body of water. Any pollutants transferred from a different body of water must meet limitations based on the most stringent applicable water quality criterion. See procedure 5.E.4. Where a facility's discharge combines pollutants from the same and different bodies of water, effluent limitations may be derived using flow-weighting to reflect the two permitting approaches. See procedure 5.E.5. Wisconsin's procedure, on the other hand, effectively allows any facility covered by its provision to discharge its entire waste stream at background levels (and potentially even higher in accordance with Wis. Adm. Code NR 106.06(d)), regardless of whether the pollutant originated from the same body of water, a different body of water, or the facility generated the pollutant itself. Indeed, Wisconsin's procedure would even allow the permit writer to not include effluent limitations at all. Because Wisconsin's procedure allows the permitting authority to adopt less stringent effluent limitations than would be allowed by the Guidance, and even allows the permitting authority to not include any effluent limitations in situations where the Guidance would require one, the State's procedure is inconsistent with the Guidance.

Wisconsin's approach is also inconsistent with the fundamental principles underlying the Guidance permitting procedures. The Guidance allows effluent limitations at "background" levels for intake pollutants from the same body water because, in that circumstance, "the discharge containing the identified intake pollutant of concern effectively has no impact on the receiving water that would not otherwise occur if the pollutant were left in stream." See SID

at 370. In contrast, Wisconsin's approach allows facilities to discharge pollutants that were not previously in the waterbody (pollutants either generated by the facility itself or intake pollutants from a different body of water), and to do so at levels greater than the applicable water quality criteria. Since the receiving waterbody is already exceeding applicable water quality criteria, such discharges have the strong potential to exacerbate the water's non-compliance with standards, and permits authorizing such discharges would not meet the underlying requirement to establish effluent limitations that ensure water quality achieved by point sources derives from and complies with water quality standards. 40 CFR 122.44(d)(1)(vii)(A).

This conclusion is not changed by the fact that Wisconsin's procedures provide for limitations to be set at levels below background based on practicability considerations, as provided in Wis. Adm. Code NR 106.06(6)(b) and (c)2. The CWA does not contain an exception to the requirement to meet water quality standards based on considerations of technical feasibility. To the contrary, the Act requires discharges to meet technology-based requirements and "any more stringent limitations, including those necessary to meet water quality standards." CWA section 301(b)(1)(C) (emphasis added). When EPA developed the Guidance, EPA expressly evaluated and rejected Wisconsin's approach on the grounds that it would "substitute the feasibility of pollution control for consideration of water quality standards as the basis for deriving WQBELs." See SID at 352. Procedure 5 of the Guidance does not permit loosening of water quality-based effluent limitations based on consideration of feasibility. Therefore, Wisconsin's procedure is not as protective as the Guidance.

Finally, the Wisconsin approach is not as protective as the Guidance because it fails to include the important restrictions contained in the Guidance to ensure that all possible adverse impacts that could result from the discharge of intake pollutants are considered in determining whether limits are needed. The Guidance prohibits "no net addition" limitations where the facility alters the intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutant were left in-stream, or the timing and location of the discharge would increase the adverse effects of the pollutants. Procedures 5.D.3.b.iii and v; 5.E.3.a. The absence of

these restrictions in the Wisconsin submission is inconsistent with the Guidance.

For the reasons described above, EPA finds that Wis. Adm. Code NR 106.06(6) is inconsistent with procedure 5 of appendix F of 40 CFR part 132.

EPA also finds Wisconsin's cooling-water exemption at Wis. Adm. Code NR 106.10(1) to be inconsistent with the intake pollutant procedures of the Guidance. That provision prohibits the NPDES permitting authority from imposing WQBELs on discharges of non-contact cooling waters, which do not contain additives. Even when additives are used, Wis. Adm. Code NR 106.10(1) categorically prohibits the permitting authority from imposing WQBELs for "compounds at a rate and quantity necessary to provide a safe drinking water supply, or the addition of substances in similar type and amount to those substances typically added to a public drinking water supply." Wisconsin's rules do not contain any of the limitations set forth in the Guidance at paragraph 5.3.b of appendix F discussed above, which ensure that all potential environmental effects are considered in regulating the discharge of intake pollutants.

Nothing in the Guidance allows for a categorical exclusion for non-contact cooling water discharges (with or without additives) from the need for evaluating whether WQBELs are needed to ensure compliance with water quality standards. A major premise of the provisions in the Guidance pertaining to paragraphs A–C of procedure 5, as well as the intake pollutants addressed by paragraphs D and E, is that decisions on the need for, and calculation of, WQBELs must occur on a case-by-case basis because there is no way to categorically determine that a particular group of discharges will have the same impact on any particular body of water. Without such an evaluation, it is not possible to make a reliable determination that limitations are being imposed that are needed to meet water quality standards, as required by section 301(b)(1)(C) of the CWA. EPA recognizes that it is possible to develop a framework for considering classes of discharges based upon their common characteristics (e.g., certain categories of non-contact cooling water) that accounts for the factors identified in the Guidance to determine whether their discharge will cause or has the reasonable potential to cause or contribute to an exceedance of water quality standards. This is evidenced by EPA's approval of once-through non-contact cooling water provisions in

other Great Lakes States. Wisconsin, however, has not tailored its procedure in this manner or supplied any analysis why the exempt category of discharges never require the imposition of WQBELs. Instead, the State has provided a broad, blanket exemptions from water quality-based permitting requirements for non-contact cooling water discharges regardless of the impacts on the receiving water of those discharges. EPA clearly stated that it would not consider such exemptions consistent with the Guidance. See SID at 384–85. EPA, therefore, finds that Wisconsin's non-contact cooling water provisions at Wis. Adm. Code NR 106.06(10)(1) are not consistent with the Guidance.

Based upon the above, EPA disapproves the provisions at Wis. Adm. Code NR 106.06(6) and Wis. Adm. Code NR 106.06(10)(1) to the extent they apply to waters of the Great Lakes System as inconsistent with procedure 5 in appendix F of 40 CFR part 132 and has determined that paragraphs D and E of procedure 5 in appendix F to 40 CFR part 132 shall apply to the waters of the Great Lakes System in the State of Wisconsin. As described in the record for today's action, EPA has approved Wisconsin's basic procedure at Wis. Adm. Code NR 106.05 for determining reasonable potential for specific chemicals as consistent with the Guidance, and that procedure will continue to govern reasonable potential determinations by the State within the Great Lakes System. In light of EPA's disapproval of Wis. Adm. Code NR 106.06(6) and Wis. Adm. Code NR 106.06(10)(1), those provisions are not an effective component of the State's NPDES program within the Great Lakes System and cannot serve as the basis for making reasonable potential determinations and establishing effluent limitations in issuing NPDES permits. See 40 CFR 123.63(b)(4) (NPDES program revisions are effective upon approval by EPA). Therefore, discharges of pollutants will be governed by the State's reasonable potential procedures in Wis. Adm. Code NR 106.05, subject to the flexibility available under the intake pollutant procedures contained in today's rule.

EPA also has determined that Wisconsin's provisions at Wis. Adm. Code NR 106.08(5) for determining reasonable potential for a discharge to cause or contribute to an exceedance of Wisconsin's narrative criteria at Wis. Adm. Code NR 102.04(1) prohibiting the discharge of toxic substances in toxic amounts are inconsistent with paragraph D of procedure 6 in appendix F to 40 CFR part 132. The Guidance

procedure for evaluating reasonable potential for whole effluent toxicity (WET) is based on comparing a projected 95th percentile WET value at a 95 percent confidence level with the acute and chronic WET criteria after accounting for any available dilution. In most cases where there is quantifiable effluent data, EPA's procedure will project an effluent value greater than the maximum observed value (using factors to account for effluent variability and size of the data set) to characterize the reasonable worst case effluent. This conservative approach is designed to ensure that WQBELs are imposed when there is a reasonable potential for toxicity, taking into account the effluent variability and the size of the data set, even if no toxicity has actually been observed.

In evaluating State reasonable potential procedures for WET, EPA looked for an equivalent level of protection to that provided by the Guidance procedure. In the case of a procedure to determine when a WQBEL is needed, one important consideration is whether the alternative procedure would indicate the need for a WQBEL in similar situations to those that would trigger a WQBEL under paragraph D of procedure 6.

Wisconsin's procedures at Wis. Adm. Code NR 106.08(5) rely on the comparison of the geometric mean toxicity multiplied by the fraction of the available toxicity values that fail WET requirements to derive a WET reasonable potential factor (RPF). If the calculated RPF is greater than 0.3, a limit is required. Because effluent monitoring results are averaged under the Wisconsin approach, the importance of individual sample showing high levels of toxicity is diminished in determining the need for a limit. Indeed, Wisconsin's procedure would allow the State to not impose a limit even where actual toxicity has been observed in WET tests on the effluent, a result clearly inconsistent with the Guidance. Wisconsin's regulation also allows the permit writer not to even undertake a reasonable potential analysis if there are fewer than five data points to calculate the RPF, while the Guidance requires a reasonable potential analysis where even where there is only one data point. Each of these characteristics of the Wisconsin procedure means that it is possible to reach a determination that a limit is not necessary even when an actual observed value would violate potential permit limits. This is clearly inconsistent with paragraph D of procedure 6.

Based upon the above, EPA finds that Wisconsin has failed to adopt

procedures governing WET reasonable potential consistent with those in paragraph D of procedure 6 in appendix F to 40 CFR part 132. EPA, therefore, disapproves Wisconsin's provisions at Wis. Adm. Code NR 160.08(5) to the extent they apply to waters of the Great Lakes System, and has determined that the provisions in paragraph D of procedure 6 in appendix F to 40 CFR part 132 shall apply for discharges into the Great Lakes System in the State of Wisconsin.

As noted above, EPA, in this document, is not taking action to approve or disapprove portions of Wisconsin's Guidance submission pertaining to NPDES permitting and water quality standards issues that are not addressed by the Guidance. Therefore, EPA is not taking action under section 118 with regard to the following issue. However, EPA wishes to describe its understanding with regard to one aspect of Wisconsin's submission that is not addressed by the Guidance. Specifically, Wis. Adm. Code NR 106.07(6)(c) provides that effluent levels that are below the level of quantification (LOQ) are generally deemed to be in compliance with WQBELs that are below the LOQ. EPA expressed concern in its June 13, 2000, letter to Wisconsin that, to the extent this provision suggested that effluent levels that exceeded the WQBEL but that were below the LOQ would be deemed to be in compliance with the WQBEL, this provision would be inconsistent with the requirement in paragraph A of procedure 8 in appendix F to 40 CFR part 132 that such WQBELs must be specified in the NPDES permit as the enforceable effluent limit.

WDNR has clarified that, consistent with the Guidance, it is required to specify the WQBEL in the permit as the enforceable limit in these situations and that Wis. Adm. Code NR 106.07(6)(c) only relates to the exercise by WDNR of its enforcement discretion, not the authority of the federal government or third parties in a citizen suit to enforce the WQBEL as calculated. Moreover, WDNR has agreed in an addendum to its MOA with EPA that it will not include the language of Wis. Adm. Code NR 106.07(6)(c) in NPDES permits. Given WDNR's clarification regarding the meaning of Wis. Adm. Code NR 106.07(6)(c), EPA no longer believes that Wis. Adm. Code NR 106.07(6)(c) is relevant to the question of whether WDNR has adopted requirements consistent with the Guidance, and so EPA is not taking action at this time to either approve or disapprove that provision. EPA notes that revisions to State NPDES programs do not become

effective until approved by EPA (40 CFR 123.62(b)(4)), that EPA has concerns regarding the appropriateness of the State's limitation on its own enforcement authority, and that WDNR intends to review and potentially revise its rules to address EPA's concerns.

D. Public Comments

EPA received public comments from two commenters in response to its **Federal Register** notice of the availability of its June 13, 2000 letter to the State of Wisconsin. EPA has responded to those comments in a document entitled "EPA's Response to Comments Regarding the Great Lakes Guidance Submission of the State of Wisconsin" that has been included as part of the record in this matter. The following is a summary of EPA's responses to the significant points of these comments.

Comment: One commenter asserted that EPA should have provided the public with 90 days, rather than 45, to comment on EPA's June 13, 2000, letter to the State of Wisconsin setting forth EPA's initial views regarding whether Wisconsin had adopted requirements consistent with the Guidance.

Response: The final rule being promulgated by EPA makes certain provisions of 40 CFR part 132 applicable to the Great Lakes System in Wisconsin. Those provisions were adopted after publication of a proposed rule for public comment. See 58 FR 20802 (April 16, 1993). EPA is not modifying those provisions, but merely making them effective in accordance with 40 CFR 132.5(f)(2). Therefore, the public had a full opportunity to comment on the contents of today's rule. Moreover, EPA provided public notice of the availability of, and solicited comment on, the NPDES portions of Wisconsin's Guidance submission in a **Federal Register** document (63 FR 10221) dated March 2, 1998. In a **Federal Register** document (65 FR 38830) dated June 22, 2000, EPA subsequently provided notice of the availability of its June 13, 2000, letter to Wisconsin in which EPA provided (a) detailed explanations of the bases for its findings that the State had not adopted provisions consistent with certain provisions of the Great Lakes Guidance and (b) its preliminary conclusions that, with the exception of those findings, the State had adopted provisions consistent with the Guidance. EPA also solicited comment on all aspects of this letter, and has considered and responded to all comments received before taking today's final action. EPA has complied with all applicable public participation requirements, and believes that the 45

day period for commenting on its June 13, 2000, letter to Wisconsin was adequate.

Comment: One commenter asserts that EPA's treatment of intake pollutants in the Guidance is technically flawed and economically unachievable because they could require the treatment of up to one billion gallons per day of non-contact cooling water at a power plant. According to the commenter, the power plant in such a scenario would have to either install wastewater treatment equipment at a cost of tens or hundreds of millions of dollars or to shut down. The commenter asserts that a better approach would be to determine the sources of the background pollutants of concern and to determine if there are other technically and economically feasible options for improving water quality.

Response: To the extent this commenter is asserting that the Guidance itself improperly addresses intake pollutants, EPA reiterates that it has not reopened the Guidance for revisions and therefore such comments are not within the scope of EPA's current action, which is to determine whether Wisconsin has submitted provisions consistent with the Guidance.

EPA is disapproving the Wisconsin provision that prohibits WQBELs for non-contact cooling water as being inconsistent with the Guidance for the reasons stated above. EPA believes the commenter's conclusion that power plants will have to treat billions of gallons of water or shut down is speculative and overstated. EPA expects that in many cases, especially where no additives are used, once-through non-contact cooling water will qualify for intake pollutant relief under the Guidance provisions being promulgated for application to discharges to the Great Lakes Basin in Wisconsin. In any case, the application of the intake pollutant procedures of the Guidance to a particular discharger is fundamentally a site-specific evaluation. The particular characteristics of a facility's intake water and effluent, the manner in which the intake pollutants are handled by the facility and the resulting effect of that handling on the potential adverse effects of such pollutants in the receiving water, as well as the nature of the receiving water itself, all must be considered to determine what regulatory controls, if any, are needed under the Guidance. Thus, without a full record, it is not possible for us to address fully the concerns raised by this commenter, or predict how the rule being promulgated today will apply to any particular facility.

In addition, there are two other mechanisms set forth in the Guidance for addressing the commenter's concern. First, as EPA explained in several places in the SID, the best means for States and Tribes to address comprehensively the root causes of non-attainment of water quality standards is the TMDL development process. See, e.g., SID at 347. (The SID has been included in the record for EPA's determination with respect to Wisconsin's Guidance submission.) The TMDL procedures for the Great Lakes System are set forth in procedure 3 of appendix F to 40 CFR part 132. Second, any existing discharger into the Great Lakes System can apply for a variance from water quality standards where the discharger believes that requiring compliance with necessary water quality based effluent limitations "would result in substantial and widespread economic and social impact." See 40 CFR 131.10(g)(6). EPA adopted the intake pollutant procedures in the Guidance as an additional, permit-based mechanism for dealing with simple removal and transfer of pollutants from one part of a waterbody to another, but availability of this mechanism does not preclude use of other means of adjusting water quality standards or a particular discharger's load reduction responsibilities.

Comment: One commenter asserts that Wisconsin's approach to addressing WET, which the commenter describes as being one that relies upon permittees unilaterally (or in a cooperative fashion with the WDNR) taking voluntary measures to reduce toxicity rather than upon imposition of effluent limitations to control WET, is consistent with or superior to that in the Guidance. According to the commenter, Wisconsin's voluntary approach to addressing WET is superior to an approach that requires imposition of effluent limitations because effluent limitations can actually hinder a permittee's ability to address toxicity problems. The commenter asserts that this is because exceedances of permit limits can have serious legal consequences that can often divert the technical staff of both the regulatory agency and the permittee away from doing the technical work necessary to identify and address the causes of toxicity in the permittee's effluent.

Response: Paragraph C of procedure 6 in appendix F to 40 CFR part 132 requires imposition of WQBELs for WET whenever an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any numeric WET criterion or narrative criterion within a State's water quality

standards (*i.e.*, whenever there is “reasonable potential”). Paragraph D of procedure 6 sets forth procedures for determining reasonable potential for WET.

Wisconsin’s rules at Wis. Adm. Code NR 106.08(1), consistent with paragraph C of procedure 6, requires that WDNR “shall establish [WET] testing requirements and limitations whenever necessary to meet applicable water quality standards as specified in [Wis. Adm. Code] chs. NR 102 to 105 as measured by exposure of aquatic organisms to an effluent and specified effluent dilutions.” For the reasons explained above, Wisconsin’s procedures for determining reasonable potential (*i.e.*, for determining whether WET limitations are “necessary to meet applicable water quality standards”) are clearly not consistent with paragraph D of procedure 6 because, among other things, it is possible under Wisconsin’s procedures to reach a determination that a WQBEL is not necessary even when an actual observed value would violate potential permit limits.

The commenter’s premise is that imposition of WQBELs is actually harmful to the environment because the commenter believes that imposition of WQBELs results in an expenditure of resources that could otherwise be used addressing toxicity problems. The commenter, therefore, concludes that Wisconsin’s inadequate WET reasonable potential should be approved precisely because it does not result in imposition of WQBELs.

EPA does not agree with the commenter’s premise that imposition of WQBELs is somehow harmful to the environment, and the commenter has provided nothing other than vague, conclusory assertions to support the premise. Instead, EPA believes that the procedure that determines whether or not a permit includes a WQBEL for a particular pollutant or parameter (the reasonable potential procedure) is a critical element for determining the level of protection that will be achieved when implementing a water quality standard. Where a reasonable potential procedure is not as protective as the Guidance, a State’s WET program cannot be considered to achieve the same level of protection as the Guidance.

EPA also notes that in addition to the requirements of procedure 6 of the Guidance itself, section 301(b)(1)(C) of the CWA requires “limitation[s] * * * necessary to meet any applicable water quality standard.” Moreover, EPA’s regulations implementing section 301(b)(1)(C) at 40 CFR 122.44(d)(1)(iv) and (v) require that NPDES permits

contain “effluent limits for whole effluent toxicity” or chemical-specific limits in lieu of WET limits, whenever there is reasonable potential that a discharge will cause or contribute to an in-stream excursion above a numeric criterion for WET or a narrative criterion of no toxics in toxic amounts. Therefore, the CWA and EPA’s implementing regulations require permitting authorities to impose WQBELs for WET when there has been a reasonable potential finding, and EPA does not believe it would be consistent with the CWA and EPA regulations to approve an alternative approach that omits this fundamental requirement. EPA notes that, in appropriate cases, a permitting authority can include a compliance schedule for the WQBEL that would allow for additional monitoring and identification and reduction of toxicants, followed by a reassessment of the need for a limit or the identification of a specific toxicant rather than WET that could be subject to a WQBEL.

Comment: One commenter asserts that EPA has failed to present technical evidence that the Guidance WET reasonable potential statistical procedure is technically valid. Specifically, the commenter asserts that EPA has not presented any information to prove that WET data follow a log-normal distribution.

Response: The CWA requires the States to adopt policies, standards and procedures that are consistent with the Guidance promulgated by EPA. 33 U.S.C. 118(c)(2)(C). EPA has reviewed Wisconsin’s submission to determine its consistency with the Guidance but has not reopened any provision of the Guidance in our review. The public had a full opportunity to provide its views on the statistical procedure for determining WET reasonable potential in paragraph D of procedure 6 during the rulemaking establishing the Guidance, and the time period for challenging the Guidance has passed. See 33 U.S.C. 509(b). Therefore, this comment does not provide a basis for allowing Wisconsin to adopt WET reasonable potential procedures that are inconsistent with those in the Guidance.

EPA further notes, in response to the comment regarding whether it is appropriate to assume that WET data follow a log-normal distribution, that although the States have flexibility to adopt approaches that make different assumptions about the distribution of WET data than is assumed in procedure 6, no one has presented EPA with an analysis identifying a different distribution or statistical method that fits WET data better, either in general or in a particular case. More

fundamentally, however, for the reasons explained above, the procedure submitted by Wisconsin does not address in any manner the underlying premise of procedure 6: that effluent quality is variable and, therefore, a method for assessing WET data must account for the likelihood that the maximum value in a particular data set is less than the true maximum that is likely to be experienced by the environment as a result of the discharge. EPA, therefore, concludes that Wisconsin’s approach is inconsistent with the Guidance.

Comment: One commenter asserts that EPA is asking Wisconsin to adopt TMDL rules that did not exist when the Wisconsin rules were being revised.

Response: EPA promulgated the Guidance at 40 CFR part 132 on March 23, 1995. Wisconsin subsequently engaged in a proceeding to adopt requirements consistent with the Guidance, and Wisconsin did indeed revise its rules in that time period in an effort to be consistent with the Guidance. EPA, therefore, does not agree that the Guidance required Wisconsin to adopt rules that did not exist when the Wisconsin rules were being revised.

E. Consequences of Today’s Action

As a result of today’s action, the Guidance provisions specified in today’s rule apply in the Great Lakes System in Wisconsin until such time as the State adopts requirements consistent with the specific Guidance provisions at issue, and EPA approves those State requirements and revises the rule so that the provisions no longer apply in Wisconsin.

II. “Good Cause” Under the Administrative Procedure Act

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553 (b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because EPA finds it unnecessary and contrary to the public interest. Today’s rule does not promulgate any new regulatory provisions. Rather, in accordance with the procedures in 40 CFR 132.5(f), today’s rule identifies the provisions of 40 CFR part 132 promulgated previously by EPA that shall apply to discharges in Wisconsin within the Great Lakes

System. Those provisions have already been subject to a notice of proposed rulemaking, and publication of a new proposed rule is therefore unnecessary. See 58 FR 20802 (April 16, 1993). In addition, while EPA's approval/disapproval decisions described in this document do not constitute rulemaking, EPA has nonetheless received substantial public comment on these decisions. See 63 FR 10221 (March 2, 1998) (notice of receipt of State Guidance submission and request for comment); 65 FR 38830 (June 22, 2000) (notice of letter identifying inconsistencies and request for comment). EPA also believes the public interest is best served by fulfilling the CWA's requirements without further delay and publication of a notice of proposed rulemaking therefore would be contrary to the public interest. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, as described in Section II, above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, because this action does not promulgate any new requirements, but only makes certain existing provisions of 40 CFR part 132 effective in Wisconsin, it does not impose any new costs. The costs of 40 CFR part 132 were considered by EPA when it promulgated that regulation. Therefore, today's rule does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA, or significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the State, on the relationship between the national government and the State, 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). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). 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, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). 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 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 cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a major rule as defined by 5 U.S.C. 804(2). 40 CFR 132.6(f), (h)–(j) is effective on December 6, 2000. 40 CFR 132.6(g) is effective on February 5, 2001.

List of Subjects in 40 CFR Part 132

Environmental protection, Administrative practice and procedure, Great Lakes, Indian-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control.

Dated: October 31, 2000.

Carol M. Browner,
Administrator.

For the reasons set forth above, EPA amends 40 CFR part 132 as follows:

PART 132—WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM

1. The authority citation for part 132 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. Section 132.6 is amended by adding paragraphs (f) through (i) to read as follows:

§ 132.6 Application of part 132 requirements in Great Lakes States and Tribes.

* * * * *

(f) Effective December 6, 2000, the acute and chronic aquatic life criteria for copper and nickel in Tables 1 and 2 of this part and the chronic aquatic life criterion for endrin in Table 2 of this part shall apply to the waters of the Great Lakes System in the State of Wisconsin.

(g) Effective February 5, 2001, the chronic aquatic life criterion for selenium in Table 2 of this part shall apply to the waters of the Great Lakes System in the State of Wisconsin.

(h) Effective December 6, 2000, the requirements of procedure 3 in appendix F of this part shall apply for purposes of developing total maximum daily loads in the Great Lakes System in the State of Wisconsin.

(i) Effective December 6, 2000, the requirements of paragraphs D and E of procedure 5 in appendix F of this part shall apply to discharges within the Great Lakes System in the State of Wisconsin.

(j) Effective December 6, 2000, the requirements of paragraph D of procedure 6 in appendix F of this part shall apply to discharges within the Great Lakes System in the State of Wisconsin.

Dated: October 31, 2000.

Carol M. Browner,
Administrator.

[FR Doc. 00-28419 Filed 11-3-00; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 63

RIN 0925-AA11

Traineeships

AGENCY: National Institutes of Health, HHS.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is amending the regulations governing traineeships to add conditions under which NIH may terminate traineeship awards and revise the authorities for the awards.

EFFECTIVE DATE: This final rule is effective on December 6, 2000.

FOR FURTHER INFORMATION CONTACT: Jerry Moore, NIH Regulations Officer,

National Institutes of Health, 6011 Executive Boulevard, Room 601, MSC 7669, Rockville, MD 20852; telephone 301-496-4607 (not a toll-free number; Fax 301-402-0169; or E-mail (jm40z@nih.gov)). For information about traineeship awards contact James Alexander, Acting Director, Office of Education, Office of Intramural Research, National Institutes of Health, Building 10, Room 1C-129, 10 Center Drive, MSC 1158, Bethesda, MD 20892-1158; telephone 301-496-2427 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 405(b)(1)(C) of the Public Health Service (PHS) Act, as amended, authorizes the Secretary, acting through the directors of the national research institutes of NIH, to conduct and support research training for which fellowship support is not provided under section 487 of the PHS Act, and which is not residency training of physicians or other health professionals. The Director, NIH, has similar authority under section 402(b)(13) of the PHS Act. Additionally, section 485D(a) of the PHS Act authorizes the Director of the National Center for Complementary and Alternative Medicine to support research training; section 472 of the PHS Act authorizes the award of traineeships in medical library science and related fields; and section 413(b)(3) of the PHS Act authorizes the Director of the National Cancer Institute (NCI), in carrying out the National Cancer Program, to support appropriate programs of education and training (including continuing education and laboratory and clinical research training). Unlike the NIH authority set forth in section 405(b)(1)(C) of the PHS Act, the NCI authority does not exclude residency training. Under these authorities, NIH awards research traineeships to qualified individuals. The regulations codified at 42 CFR part 63 govern these traineeships. NIH revised the regulations in their entirety, February 27, 1995 (60 FR 10718).

NIH proposed amendments to Part 63 in a notice of proposed rulemaking (NPRM) published in the **Federal Register**, October 30, 1998 (63 FR 58336). The NPRM provided for a 60-day comment period. The comment period expired December 29, 1998. NIH received no comments. Consequently, except for minor clarifying and editorial changes, the final regulations described below are the same as those proposed in October 1998.

In these final regulations, NIH is revising § 63.9 by amending paragraph (b) to add scientific misconduct as a ground for termination and by adding

new paragraphs (c) and (d), which add conviction of a felony and certain other criminal offenses and programmatic changes or lack of funds, respectively, as grounds for termination.

Additionally, NIH is amending the authority citation by adding a reference to section 413(b)(3) of the PHS Act pertaining to the National Cancer Program that was inadvertently excluded from the proposed rule and removing the reference to section 485B(b) of the PHS Act and the parallel U.S. Code citation to reflect the renaming of the National Center for Human Genome Research as the National Human Genome Research Institute (NHGRI), effective January 27, 1997 (62 FR 3900). As a result of the establishment of this new research institute, the current reference to section 485B is redundant and unnecessary. The current references to the National Center for Human Genome Research and section 485B of the PHS Act in § 63.1 and § 63.2 are also redundant and unnecessary as a result of the renaming. Consequently, NIH is removing the references to the National Center for Human Genome Research and section 485B of the PHS Act in paragraph (a) of § 63.1 and in the definitions set forth in § 63.2 of the terms "award," "awardee," "director," and "traineeship." Also NIH is adding to § 63.2 the definition of "misconduct in science," as set forth in the PHS regulations governing the responsibility of awardees and applicants for dealing with misconduct in science, 42 CFR part 50, subpart A.

Finally, NIH is revising the references set forth in unnumbered paragraphs 8, 9, and 10 of § 63.10 to comply with **Federal Register** format requirements.

NIH provides the following statements as public information.

Executive Order 12866

The Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) reviewed this rule as required under Executive Order 12866, Regulatory Planning and Review. The OMB deemed it to be not significant, as defined under the Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they will have a significant impact on a substantial number of small entities. The Director, NIH, certifies that the changes in the traineeship regulations will not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the

Regulatory Flexibility Act, is not required.

Executive Order 13132

Executive Order 13132, Federalism, requires that Federal agencies consult with State and local government officials in the development of regulatory policies with federalism implications. We reviewed the rule as required under the Order and determined that it does not have any federalism implications. The Director, NIH, certifies that the changes in the traineeships regulations will not have an effect on the States or on the distribution of power and responsibilities among the various levels of government.

Paperwork Reduction Act

This rule does not contain any information collection requirements that are subject to OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbered program affected by this rule is: 93.140—Intramural Research Training Award.

List of Subjects in 42 CFR Part 63

Grant programs—health, Health professions, Libraries, Manpower training programs, Medical research, Students.

Dated: August 3, 2000.

Ruth L. Kirschstein,

Principal Deputy Director, National Institutes of Health.

Accordingly, part 63 of title 42 of the Code of Federal Regulations is amended as set forth below.

PART 63—TRAINEESHIPS

1. The authority citation for part 63 is revised to read as follows:

Authority: 42 U.S.C. 216, 282(b)(13), 284(b)(1)(C), 285a-2(b)(3), 286b-3, 287c-21(a).

2. Section 63.1 is revised to read as follows:

§ 63.1 To what programs do these regulations apply?

(a) The regulations in this part apply to research traineeships awarded by the Director, NIH, each director of a national research institute of NIH, the Director of the National Library of Medicine, and the Director of the National Center for Complementary and Alternative Medicine, or their designees, pursuant to sections 402(b)(13), 405(b)(1)(C), 413(b)(3), 472, and 485(D)(a) of the Act, respectively.

(b) The regulations of this part do not apply to research training under the National Research Service Award Program governed by 42 CFR part 66 or to the Mental Health Traineeship Program governed by 42 CFR part 64a.

(c) Except as otherwise permitted under section 413(b)(3) of the Act, the regulations of this part do not apply to residency training of physicians or other health professionals.

3. Section 63.2 is amended by revising the definitions of "Award," "Awardee," "Director," and "Traineeship," and adding in alphabetical order a new definition of "Misconduct in science," to read as follows:

§ 63.2 Definitions.

* * * * *

Award means an award of funds under sections 402(b)(13), 405(b)(1)(C), 413(b)(3), 472, 485D(a), or other sections of the Act which authorize research training or traineeships.

Awardee means an individual awarded a traineeship under sections 402(b)(13), 405(b)(1)(C), 413(b)(3), 472, 485D(a), or other sections of the Act which authorize research training or traineeships.

Director means the Director, NIH, the director of a national research institute of NIH, the Director of the National Library of Medicine, and the Director of the National Center for Complementary and Alternative Medicine, or any

official of NIH to whom the authority involved has been delegated.

* * * * *

Misconduct in science shall have the same meaning as prescribed in § 50.102 of this chapter.

* * * * *

Traineeship means an award under the regulations of this part to a qualified individual for that person's subsistence and other expenses during the period that person is participating in the research training approved under the award.

4. Section 63.9 is revised to read as follows:

§ 63.9 How may NIH terminate awards?

The Director may terminate a traineeship at any time:

(a) Upon written request of the awardee; or

(b) If it is determined that the awardee has committed misconduct in science, is ineligible, or has materially failed to comply with the terms and conditions of the award or to carry out the purpose for which the award was made; or

(c) If the awardee is convicted of a felony, or an offense involving any illegal drug or substance, or any offense involving a lack of financial integrity or business honesty; or

(d) Because of programmatic changes or lack of funds.

5. Section 63.10 is amended by removing the last three entries in the list of policies and regulations and adding three new entries in their place to read as follows:

§ 63.10 Other HHS regulations and policies that apply.

* * * * *

59 FR 14508 (March 28, 1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research. (**Note:** Interested persons should contact the Office of Research on Women's Health, NIH, Room 201, Building 1, MSC 0161, Bethesda, MD 20892-0161; telephone 301-402-1770 (not a toll-free number) to obtain copies of this policy.)

59 FR 34496 (July 5, 1994)—NIH Guidelines for Research Involving Recombinant DNA Molecules. (**Note:** Interested persons should contact the Office of Biotechnology Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7010, Bethesda, MD 20892-7010; telephone 301-496-9838 (not a toll-free number) to obtain copies of the policy.)

"Public Health Service Policy on Humane Care and Use of Laboratory Animals" (Revised September 1986), Office of Laboratory Animal Welfare, NIH. (**Note:** Interested persons should contact the Office of Laboratory Animal Welfare, NIH, Rockledge Building I, 6705 Rockledge Drive, Suite 1050, MSC 7982, Bethesda, MD 20892-7982; telephone 301-496-7163 (not a toll-free number) to obtain copies of the policy.)

[FR Doc. 00-28341 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-P

Proposed Rules

Federal Register

Vol. 65, No. 215

Monday, November 6, 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 ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number EE-RM/STD-98-440]

RIN 1904-AA77

Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the *Federal Register* of October 5, 2000, regarding Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards. This correction revises the cost increase of a typical air conditioner, clarifies the conclusions on the emerging technology analysis, clarifies terminology in the discussion of niche products and corrects the docket number.

FOR FURTHER INFORMATION CONTACT: Dr. Michael E. McCabe, (202) 586-0854, e-mail: michael.e.mccabe@ee.doe.gov, or Edward Levy, Esq., (202) 586-9507, e-mail: edward.levy@hq.doe.gov.

Correction

In proposed rule document 00-25336, appearing on page 59590, in the issue of Thursday, October 5, 2000, the following corrections should be made:

(1) The Docket Line should appear as set forth above.

(2) On page 59590 in the first column of the **ADDRESSES** section, the first sentence is corrected to the following:

Please submit written comments, oral statements, and requests to speak at the public hearing to: Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Energy Conservation Program for Consumer

Products: Central Air Conditioners and Heat Pumps, Docket No. EE-RM/STD/STD-98-440, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

(3) On page 59591 in the second column, in the third paragraph, the second sentence is corrected to the following:

For example, while the initial cost of a typical central air conditioner would increase by \$213 to \$274 or about 10-12%, the higher efficiency equipment would save enough over its life to pay for the increase in the price of the equipment plus an extra \$45.

(4) On page 59599, the second column, in the third paragraph, the first sentence is corrected to the following:

The emerging technology analysis based on reverse engineering information seems to confirm that, of the technologies considered, only variable capacity compressors and variable speed fan motors have the potential to be cost effective options for providing additional efficiency compared to today's established technologies.

(5) On page 59610, the third column, in the last paragraph, the first sentence is corrected to the following:

The Department encourages comments regarding whether the proposed standards concerning small-duct high-velocity, vertically-packaged wall-mounted equipment, and through-the-wall equipment provide a significant advantage to those products versus competing products, whether they are sufficient to preserve the unique features of those products, and whether improvements in the definitions are needed to prevent loopholes.

Issued in Washington, DC, on October 31, 2000.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 00-28370 Filed 11-3-00; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Chapter VII

[Docket No. 001013285-0285-01]

Effects of Foreign Policy-Based Export Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Request for comments on foreign policy-based export controls.

SUMMARY: The Bureau of Export Administration (BXA) is reviewing the foreign policy-based export controls in the Export Administration Regulations to determine whether they should be modified, rescinded or extended. To help make these determinations, BXA is seeking comments on how existing foreign policy-based export controls have affected exporters and the general public.

DATES: Comments must be received by November 30, 2000.

ADDRESSES: Written comments (three copies) should be sent to Kirsten Mortimer, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Joan Roberts, Director, Foreign Policy Controls Division, Bureau of Export Administration, Telephone: (202) 482-5400. Copies of the current Annual Foreign Policy Report to the Congress are available at our website: <http://www.bxa.doc.gov> and copies may also be requested by calling the Office of Strategic Trade and Foreign Policy Controls.

SUPPLEMENTARY INFORMATION:

The current foreign policy controls maintained by the Bureau of Export Administration (BXA) are set forth in the Export Administration Regulations (EAR), parts 742 (CCL Based Controls), 744 (End-User and End-Use Based Controls) and 746 (Embargoes and Special Country Controls). These controls apply to: high performance computers (§ 742.12); significant items (SI): hot section technology for the development, production, or overhaul of commercial aircraft engines, components, and systems (§ 742.14); encryption items (§ 742.15 and § 744.9); crime control and detection commodities (§ 742.7); specially designed implements of torture (§ 742.11); regional stability commodities and equipment (§ 742.6); equipment and related technical data used in the design, development, production, or use of missiles (§ 742.5 and § 744.3); chemical precursors and biological agents, associated equipment, technical data, and software related to the production of chemical and biological agents (§ 742.2 and § 744.4); activities of U.S. persons in transactions related to missile technology or

chemical or biological weapons proliferation in named countries (§ 744.6); nuclear propulsion (§ 744.5); aircraft and vessels (§ 744.7); embargoed countries (part 746); countries designated as supporters of acts of international terrorism (§§ 742.8, 742.9, 742.10, 746.2, 746.3, 746.5, and 746.7); and, Libya (§§ 744.8 and 746.4). Attention is also given in this context to the controls on nuclear-related commodities and technology (§ 744.2 and § 744.2), which are, in part, implemented under section 309(c) of the Nuclear Non Proliferation Act.

Under the provisions of section 6 of the Export Administration Act of 1979, as amended (EAA), export controls maintained for foreign policy purposes require annual extension. Section 6 of the EAA requires a report to Congress when foreign policy-based export controls are extended. Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and, to the extent permitted by law, the provisions of the EAA, in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), August 10, 1999 (64 FR 44101, August 13, 1999) and August 3, 2000 (65 FR 48347, August 8, 2000). The Department of Commerce, insofar as appropriate, is following the provisions of section 6 in reviewing foreign policy-based export controls, requesting public comments on such controls, and submitting a report to Congress.

In January 2000, the Secretary of Commerce, on the recommendation of the Secretary of State, extended for one year all foreign policy controls then in effect.

To assure maximum public participation in the review process, comments are solicited on the extension or revision of the existing foreign policy controls for another year. Among the criteria considered in determining whether to continue or revise U.S. foreign policy controls are the following:

1. The likelihood that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

2. Whether the foreign policy purpose of such controls can be achieved through negotiations or other alternative means;

3. The compatibility of the controls with the foreign policy objectives of the United States and with overall United States policy toward the country subject to the controls;

4. The reaction of other countries to the extension of such controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or be counterproductive to United States foreign policy interests;

5. The comparative benefits to U.S. foreign policy objectives versus the effect of the controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology; and

6. The ability of the United States to enforce the controls effectively.

BXA is particularly interested in the experience of individual exporters in complying with the proliferation controls, with emphasis on economic impact and specific instances of business lost to foreign competitors. BXA is also interested in industry information relating to the following:

1. Information on the effect of foreign policy controls on sales of U.S. products to third countries (i.e., those countries not targeted by sanctions), including the views of foreign purchasers or prospective customers regarding U.S. foreign policy controls.

2. Information on controls maintained by U.S. trade partners (i.e., to what extent do they have similar controls on goods and technology on a worldwide basis or to specific destinations)?

3. Information on licensing policies or practices by our foreign trade partners which are similar to U.S. foreign policy controls, including license review criteria, use of conditions, requirements for pre and post shipment verifications (preferably supported by examples of approvals, denials and foreign regulations.

4. Suggestions for revisions to foreign policy controls that would (if there are any differences) bring them more into line with multilateral practice.

5. Comments or suggestions as to actions that would make multilateral controls more effective.

6. Information that illustrates the effect of foreign policy controls on the trade or acquisitions by intended targets of the controls.

7. Data or other information as to the effect of foreign policy controls on overall trade, either for individual firms or for individual industrial sectors.

8. Suggestions as to how to measure the effect of foreign policy controls on trade.

9. Information on the use of foreign policy controls on targeted countries, entities, or individuals.

BXA is also interested in comments relating generally to the extension or revision of existing foreign policy controls.

Parties submitting comments are asked to be as specific as possible. All comments received before the close of the comment period will be considered by BXA in reviewing the controls and developing the report to Congress.

All information relating to the notice will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, BXA requires written comments. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying.

Copies of the public record concerning these regulations may be requested from: Bureau of Export Administration, Office of Administration, U.S. Department of Commerce, Room 6883, 14th and Constitution Avenue, NW, Washington, DC 20230; (202) 482-0637. This component does not maintain a separate public inspection facility. Requesters should first view BXA's website (which can be reached through <http://www.bxa.doc.gov>). If requesters cannot access BXA's website, please call the number above for assistance.

Daniel O. Hill,
Acting Assistant Secretary for Export Administration.

[FR Doc. 00-28440 Filed 11-3-00; 8:45 am]

BILLING CODE 3510-33-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1026

Standards of Conduct for Outside Attorneys Practicing Before the Consumer Product Safety Commission; Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission is proposing to amend its regulations to add a new part addressing the behavior of attorneys on matters before the Commission. The behavior of attorneys who represent clients in

Commission adjudicative proceedings is governed by 16 CFR part 1025. The new part would cover attorney behavior in any matter before the Commission other than an adjudication. It would also establish the procedure for addressing allegations against attorneys.

DATES: Written comments in response to this notice of proposed rulemaking must be received by the Commission January 5, 2001.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland; Telephone (301) 504-0800. Comments may also be filed by telefacsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned "NPR for Outside Attorneys."

FOR FURTHER INFORMATION CONTACT: Melissa V. Hampshire, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980 ext. 2208; facsimile (301) 504-0403; email mhampsh@cpsc.gov.

SUPPLEMENTARY INFORMATION:

Purpose and Scope

The Commission does not have rules governing the behavior of attorneys outside the context of a formal adjudication. As a result, the Commission is unable to take agency action against attorneys who are alleged to have acted in a manner prohibited by the State or District of Columbia bar disciplinary rules applicable to the attorney, unless an administrative complaint has been filed in the matter.

The Commission conducts the majority of its business outside of adjudicatory proceedings. For example, compliance staff often negotiate with attorneys during an investigation or inquiry about a product, on a voluntary corrective action plan for that product, and, if necessary, on a civil penalty with respect to that product. Other Commission staff deal with attorneys on these and other matters, including regulatory proceedings pursuant to the statutes the Commission administers. If an attorney acts in a prohibited manner in these or similar contexts, the Commission cannot now sanction such conduct. The proposed new part is intended to address this gap in the regulations.

The Commission is proposing a rule¹ to govern attorney conduct in any matter where Commissioners or Commission staff are acting in their official capacities, outside the context of adjudications.

Definitions

The proposed rule defines "prohibited conduct" as action by an attorney in a manner prohibited by the state or District of Columbia disciplinary rules applicable to the attorney or otherwise in bad faith. Attorneys are subject to sanction if the prohibited conduct occurs when no administrative case is filed, or prior to the filing of an administrative complaint, or afterwards when an administrative action is settled but the staff may be negotiating a recall or civil penalty. Similarly, the proposed rule is intended to cover regulatory matters or any other activities between attorneys on the one hand and a Commissioner or Commission staff acting in their official capacities on the other hand.²

Actual contact with a Commissioner or the Commission staff is not required for an attorney to be sanctioned for prohibited conduct. For example, under the proposed rule, an attorney who knowingly destroys documents that are relevant to a staff investigation on a particular product would be subject to sanction by the Commission.

Procedures

The new rule includes procedures for addressing allegations of prohibited conduct by attorneys. Under the proposal, all allegations would be dealt with during a (potentially) three-stage procedure.

First Stage

During the first stage, the staff refers an allegation to the General Counsel who would have discretion to determine how it should be dealt with. The General Counsel could review the allegation and then (i) decide to close the matter, (ii) conduct an informal investigation and decide to close the matter or (iii) conduct an informal investigation and issue a show cause order to the attorney.

¹ The Commission voted 2-1 to propose this rule. Commissioner Gall voted against proposing the rule. Her dissenting statement is available from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001. Commissioner Moore voted in favor of publishing the rule but filed a separate statement. His statement is also available from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001.

² Misconduct by Agency employees is dealt with under internal personnel rules.

The General Counsel may decide, based on a review of the allegation, that an informal investigation is unnecessary. For this reason, the General Counsel has discretion to close the matter without any further action. In addition, if the matter is closed without investigation, the General Counsel has discretion to notify or not notify the attorney of the allegation. For example, if the allegation is frivolous and the attorney is unaware of it, the General Counsel may decide to close it without even informing the attorney that the allegation was made. The General Counsel's decision to close the matter in this instance is final and nonreviewable.

The proposed regulation also permits the General Counsel to conduct an informal investigation during the first stage (without compiling a record) to determine if a more formal proceeding against the attorney is warranted. An informal investigation may include contact between the General Counsel and the CPSC staff, the attorney, counsel for the attorney, or anyone else who has information concerning the allegation. If the General Counsel closes the matter after an such an investigation, he or she must notify the attorney. The General Counsel's decision to close the matter is final and nonreviewable.

If the General Counsel determines, after conducting an informal investigation, that a further proceeding is necessary, a show cause order will be issued to the attorney. Although the General Counsel may close the matter without conducting an informal investigation, as noted above, the proposed regulation requires the General Counsel, as a matter of fairness, to conduct such an investigation before issuing a show cause order.

Second Stage

If the General Counsel does issue a show cause order to the attorney, the second stage of the proceeding begins. The attorney receives notice of the right to make written submissions and/or oral presentations about the allegation and notice of the right to counsel. The responsibility for investigating the allegation is with the General Counsel. No discovery will be permitted. An oral presentation shall be held if requested by the attorney. All oral presentations will be transcribed.

The General Counsel will determine the number and identity of witnesses, the length of testimony, and the admissibility and number of exhibits.

At the conclusion of the second stage, the General Counsel will make a determination, based on all the information, whether to forward a recommendation for sanction to the

Commission. If the General Counsel determines not to forward a sanction recommendation to the Commission, the matter is closed and nonreviewable and the General Counsel will inform the attorney and the Executive Director in writing.

Third Stage

If the General Counsel recommends a sanction, he or she will forward the record to the Commission. Under the proposed regulation, the record consists of all information submitted by the parties during the second stage including at the oral presentation, as well as transcripts of the oral presentation, any exhibits and the sanction recommendation. The Commission reviews the record and either imposes a sanction or closes the matter. The Commission may impose one of the listed sanctions or any other sanction deemed appropriate. For example, the Commission may decide that an attorney's conduct does not warrant public censure, but some other lesser sanction.

Regulatory Flexibility Certification

Under the Regulatory Flexibility Act ("RFA"), when an agency issues a proposed rule it generally must prepare an initial regulatory flexibility analysis describing the impact the proposed rule is expected to have on small entities. 5 U.S.C. 603. The RFA does not require a regulatory flexibility analysis if the head of the agency certifies that the rule will not have a significant effect on a substantial number of small business entities. 5 U.S.C. 605(b). Because the proposed regulation governs only attorney conduct, the Commission certifies that it will not have a significant effect on a substantial number of small entities.

Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed rule for outside attorneys. Because this proposed rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 16 CFR Part 1026

Administrative practice and procedure, Attorneys.

Accordingly, 16 CFR Part 1026 is added to read as follows:

PART 1026—RULES AND REGULATIONS

Sec.

- 1026.1 Purpose and scope.
- 1026.2 Definitions.
- 1026.3 Prohibited conduct.
- 1026.4 Procedure.
- 1026.5 Sanctions.
- 1026.6 Information disclosure.

Authority: 15 U.S.C. 2051–2084, 1261–1278, 1191–1204, 1471–1476, 1211–1214.

§ 1026.1 Purpose and Scope.

The behavior of attorneys who represent clients in Commission adjudicative proceedings is governed by 16 CFR part 1025; *see* 16 CFR 1025.66. This part 1026 governs the behavior of attorneys in any matter before the Commission other than an adjudicative proceeding.

§ 1026.2 Definitions.

For purposes of this part only:

(a) *CPSC staff* means any Commissioner or employee of the Consumer Product Safety Commission. Because the Commissioners may have direct and individual contacts with attorneys, they are included in the definition of CPSC staff in this part. This definition does not alter or affect any other law or regulation.

(b) *Attorney* means any attorney at law who is admitted to practice before the highest court of any State or the District of Columbia.

(c) *Matter before the Commission* means any activity where the CPSC staff is acting in its official capacity.

§ 1026.3. Prohibited conduct.

On a matter before the Commission, no attorney may act in a manner prohibited by the state or District of Columbia bar disciplinary rules applicable to the attorney or otherwise in bad faith. Such action constitutes "prohibited conduct."

§ 1026.4 Procedure.

The following three-stage procedure will be used to determine whether an attorney has engaged in prohibited conduct:

(a)(1) The first stage begins when CPSC staff refers an allegation of prohibited conduct to the General Counsel, with notice to the Commission's Executive Director. The General Counsel may summarily close the matter of alleged prohibited conduct without conducting an informal investigation. If so, the General Counsel will inform the Executive Director, but has the discretion to inform or not inform the attorney.

(2) If the General Counsel does not summarily close the matter, the General

Counsel will conduct an informal investigation, after informing the attorney of the allegation and of his or her right to counsel.

(i) The informal investigation may include contact between the General Counsel and the CPSC staff, the attorney, counsel for the attorney, or anyone else who has information concerning the allegation.

(ii) Information gathered during this informal investigation stage will not be made part of the record of the proceeding, unless it is reintroduced during the second stage.

(3) Following the informal investigation, the General Counsel will review all available information and decide whether to issue an order requiring the attorney to show cause why he or she should not be sanctioned or close the matter. If the General Counsel closes the matter, the General Counsel will inform the attorney and the Executive Director in writing of that decision.

(b)(1) The second stage begins when the General Counsel issues a show cause order to the attorney. The order will provide a copy of the allegation and inform the attorney of his or her right to respond in writing and/or orally to the allegation. The General Counsel will send copies of the show cause order to the Executive Director and to the CPSC staff who referred the allegation. The General Counsel will establish a tentative date for oral presentations, in consultation with the attorney and CPSC staff, and a subsequent deadline for written submissions.

(2) During the second stage:

(i) No discovery is permitted.

(ii) The attorney may be represented by counsel.

(iii) An oral presentation shall be held, if requested by the attorney. Any oral presentations will be transcribed.

(iv) The General Counsel has the authority to make a determination with respect to any issue related to the oral presentation not addressed by this part including the number and identity of witnesses, the length of testimony and the 11 admissibility and number of exhibits at any presentation.

(v) Witnesses at the oral presentation may include the attorney, the CPSC staff, or any other person with information about the allegation. If a witness refuses to appear voluntarily, the General Counsel may ask the Commission to issue a subpoena under 15 U.S.C. 2076(b)(3). The attorney may ask the General Counsel to ask the Commission to issue subpoenas to witnesses.

(3) The General Counsel will review the information in the written

submissions and oral presentations (if any), and then decide whether to forward a recommendation for sanction to the Commission. If the General Counsel decides not to forward a written sanction recommendation, the matter is closed, and the General Counsel will inform the attorney and the Executive Director in writing.

(4) The General Counsel's decision to close the matter during the first or second stage is final and nonreviewable.

(c)(1) The third stage begins when the General Counsel forwards the record to the Commission. The record will consist of the complaint, all information submitted in writing during the second stage or at the oral presentation, exhibits, the transcript of any oral presentation, and the General Counsel's written sanction recommendation. The Commission will review the record and decide to impose a sanction or close the matter. The Secretary of the Commission will inform the attorney and the Executive Director in writing of the decision.

(2) At the beginning of the third stage, the General Counsel will designate a lawyer employed by the Commission and not involved in the matter to advise the Commission.

(3) The Executive Director and the General Counsel may designate someone employed by the Commission to act for them at any stage under this procedure.

§ 1026.5 Sanctions.

(a) The following are possible sanctions against an attorney for prohibited conduct:

(1) Censure. Issue a public censure to the attorney that describes the misconduct.

(2) Suspension. Suspend the attorney, for a designated period of time, from participation in any matter before the Commission.

(3) Permanent Exclusion. Permanently bar the attorney from participation in any matter before the Commission.

(4) Other. Any sanction deemed appropriate by the Commission.

(b) If any sanction is imposed, the General Counsel will notify all state and District of Columbia bars before which the attorney is admitted to practice.

§ 1026.6 Information disclosure.

Information disclosure under this section is governed by the provisions of the Freedom of Information Act and 16 CFR Part 1015.

Dated: October 30, 2000.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00-28202 Filed 11-3-00; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 905]

RIN 1512-AA07

Long Island Viticultural Area (2000R-170P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area to be known as "Long Island," located in Nassau and Suffolk counties, New York. This viticultural area encompasses the two existing appellations, "The Hamptons" and "North Fork of Long Island," as well as the addition of the remaining areas of Nassau and Suffolk counties. This proposal is the result of a petition filed by Richard Olsen-Harbich on behalf of Raphael Winery and the Petrocelli Family, as well as Karen Meredith of Broadfields. Mr. Olsen-Harbich believes that the region he refers to as "Long Island" possesses viticultural conditions which are distinguishable from the rest of New York State and the bordering areas of New Jersey and Connecticut.

DATES: Written comments must be received by January 5, 2001.

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. 905). 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, NW., Washington, DC 20226 (202-927-9347).

SUPPLEMENTARY INFORMATION:

1. Background on Viticultural Areas

What Is ATF's Authority To Establish a Viticultural Area?

ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) on

August 23, 1978. 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. Long Island Petition

ATF has received a petition from Richard Olsen-Harbich on behalf of Raphael Winery, the Petrocelli Family, and Karen Meredith of Broadfields, proposing to establish a viticultural area in Nassau and Suffolk counties, New York, to be known as "Long Island." This proposed viticultural area encompasses the two existing appellations, "The Hamptons, Long Island" and "North Fork of Long

Island,” as described in 27 CFR 9.101 and 9.113, as well as the remaining areas of Nassau and Suffolk counties, New York. The proposed area does not include Kings County (Brooklyn) or Queens County, New York.

The proposed area encompasses approximately 1,170 square miles or 749,146 acres. Over 2,500 acres of vineyards are currently planted in the proposed “Long Island” viticultural area and the area presently boasts thirty-eight vineyard and/or winery businesses.

What Name Evidence Has Been Provided?

The petitioner offered the following as evidence that the name “Long Island” refers to the proposed area. The name “Long Island” has been in continuous use from 1616 to the present to represent the island on which the proposed viticultural area is located. However, the *Long Island Travel Guide* (1997) states that the name “Long Island” is commonly known to mean Nassau and Suffolk counties exclusively. Also, the 1999 *Long Island Almanac* (33rd ed.) covers Nassau and Suffolk counties only.

According to the petitioner, the *Bell Atlantic White Pages* lists approximately 1,150 business telephone listings in Suffolk and Nassau counties using the term “Long Island.” By comparison, the *White Pages* in Brooklyn and Queens reflect almost no usage of the term “Long Island” to describe businesses located there. In addition, the petitioner submitted, as evidence, several maps, newspaper, and magazine articles which refer to the proposed viticultural area as “Long Island.”

What Boundary Evidence Has Been Provided?

The petitioner has submitted, as boundary evidence, the following maps on which the name “Long Island” prominently appears:

1. U.S.G.S. Map (New York, N.Y.; N.J.; Conn. 1960 (revised 1979));
2. U.S.G.S. Map (Hartford, Conn.; N.Y.; N.J.; Mass. 1962 (revised 1975)); and
3. U.S.G.S. Map (Providence, R.I.; Mass.; Conn.; N.Y. 1947 (revised 1969)).

The proposed “Long Island” viticultural area is located on the eastern part of Long Island, New York. The proposed area is surrounded by the Queens County line on the west, Long Island Sound to the north, the Atlantic Ocean to the south and Block Island Sound and Fishers Island Sound to the east.

Long Island, New York, has four counties: Kings (commonly known as Brooklyn), Queens, Nassau, and Suffolk. The petitioner contends that the appropriate western boundary for the proposed area is the Queens County line because Kings and Queens counties are not suitable for viticultural purposes. The petitioner states that commercial farms no longer exist in Kings or Queens counties and that these counties are densely populated urban areas. In addition, the name “Long Island” is used in common parlance to refer to the Nassau and Suffolk counties exclusively.

What Evidence Relating to Geographical Features Has Been Provided?

- **Soil:** The soils of the proposed “Long Island” viticultural area are glacial in origin. The petitioner asserts that in general, the soils of the proposed area contain a greater percentage of sand and gravel and a lower percentage of silt, loam and clay than in the soil associations and series found in bordering areas. According to the petitioner, soils in the proposed area also lack any real percentage of natural limestone when compared to surrounding regions. The petitioner asserts that the soils of the proposed area are more acidic and make an agricultural liming program indispensable to any vineyard operation. Because of this factor, the soils of the proposed area are also slightly lower in natural fertility and water-holding capacity than neighboring areas. According to the petitioner, this difference in soil types leads to a very unique and distinct “terroir” for the proposed area—sandy loams will warm up faster, drain better, and allow deeper root penetration than soils in bordering areas, which contain greater amounts of silt, clay and rock.

The soils of the proposed “Long Island” viticultural area are fairly uniform in that they are predominately glacial till and glacial outwash in nature, are very low in organic matter, and contain few, if any, large mineral deposits or exposed rock formations. Many of the soil series including the Wallington, Sudbury, Scio, Montauk, Plymouth and Riverhead Soil Series are common throughout the entire proposed area.

The petitioner states that one of the most distinctive features of the proposed “Long Island” viticultural area is the vast quantity of sandy loam soil deposited during the Pleistocene Epoch of the Quarternary Period. This soil was deposited during the last four major glacial stages of this Epoch. From oldest to youngest they are: Nebraskan,

Kansan, Illoian, and Wisconsin. Because of this, the area between the surface soil and bedrock areas is several hundred feet.

By contrast, the nearest surface bedrock begins near the Queens County line. Some areas of Queens show exposed bedrock formations while the bedrock layer in the proposed “Long Island” viticultural area can be as much as 500 feet below the surface. For this reason, the soils found in Queens County are much shallower than the typical soils found in the proposed area and are not suitable for growing grapes. In addition, Queens County, which is considered part of New York City, is completely urbanized and contains essentially no agricultural land. The petitioner states that most of the soil series now identified in Queens are known as anthropogenic soils. These soils are described as having properties that are dominantly derived from human activities. Out of the 30 soil types found in the region of Queens County, only three are also found in the proposed “Long Island” viticultural area.

- **Topography and Terrain:** The petitioner states that the proposed “Long Island” viticultural area is unique from its bordering regions in that it lacks any real undulations, rock outcrops or muckland areas. By contrast, the Highland Basin, located immediately to the west-northwest of the proposed area and encompassing the areas of northern New Jersey, the Hudson Highlands region of southern New York (including Manhattan, Westchester, the Bronx, and parts of Brooklyn and Staten Island), and upland parts of Connecticut, is a rugged, hilly-to-mountainous terrain. Similarly, the Newark and Atlantic Basins, located directly to the northeast and southwest of the proposed area, contain characteristic sedimentary sandstones and mudrocks that usually bear a red or brownish appearance from an abundance of iron oxide minerals (hematite and limonite). None of these geologic formations exist in the proposed area.

- **Climate:** The petitioner states that the moderating influence of the proposed “Long Island” viticultural area’s surrounding water is evident in the temperature data. In terms of average temperatures, the proposed area shows the highest average annual winter temperature compared to the surrounding areas. The proposed area’s average low temperature over thirty years is 43.5 degrees Fahrenheit (43.5 °F), 2.5 °F warmer than the area of Westchester County and downstate New York, and 2.2 °F warmer annually than

the average from New Jersey. The proposed area is also over 4 °F warmer on average than Connecticut.

The petitioner states that the proposed "Long Island" viticultural area also has the least extreme winter low temperatures than its surrounding areas with the lowest average being -5.67 °F. New Jersey was 1.63 °F colder at -7.3 °F. Westchester/Downstate New York and Connecticut were seen to have winter low temperatures considerably colder than the proposed area. Connecticut can experience temperatures as low as -13.5 °F which is 7.83 °F colder than the proposed area. Westchester/Downstate New York proved to be the coldest with low temperatures reaching -15.3 °F in some years which is 9.63 °F colder than the proposed area.

According to the petitioner, based on the standard University of California at Davis (UCD) temperature summation definition of climatic regions or zones, the proposed "Long Island" viticultural area would appear to fall into high Region II (less than 3,000 degree days). Connecticut on the average is a borderline Region II with some years having Region I (less than 2,500 degree days) conditions. New Jersey is solidly classified as a Region III (less than 3,500 degree days), with some locations approaching Region IV (less than 4000 degree days) status in warmer years. The proposed area historically has an average of 166 more degree-days than Westchester/Downstate NY and as much as 324 more degree-days than Connecticut.

The petitioner states that on average, the proposed "Long Island" viticultural area experiences 204 frost-free days during the growing season. This is 31 days longer than New Jersey, 37 days longer than Westchester/Downstate NY and as much as 50 days longer than the Connecticut average. The proposed area can therefore have as much as four to seven weeks more growing season than any of the surrounding land masses.

The petitioner states that on an average annual basis, the proposed "Long Island" viticultural area has the lowest levels of precipitation of all the surrounding areas with 42 inches annually. The annual difference is 3.4 inches less than Westchester/Downstate NY, 3.8 inches less than New Jersey and 4.1 inches less than Connecticut. The reason for this difference is attributed to the moderating influence of Long Island Sound waters.

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?

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 no requirement to collect information is proposed.

4. Public Participation

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 the 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, Consumer protection, Viticultural areas, 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 § 9.170 to read as follows:

§ 9.170 Long Island

(a) Name. The name of the viticultural area described in this section is “Long Island.”

(b) Approved Maps. The appropriate maps for determining the boundary of the Long Island viticultural area are three United States Geological Survey (U.S.G.S.) topographic maps (Scale: 1:250,000). They are titled:

(1) “New York, N.Y.; N.J.; Conn.,” 1960 (revised 1979);

(2) “Hartford, Conn.; N.Y.; N.J.; Mass.,” 1962 (revised 1975); and

(3) “Providence, R.I.; Mass.; Conn.; N.Y.,” 1947 (revised 1969).

(c) Boundaries. The Long Island viticultural area includes approximately 1,170 square miles or 749,146 acres and is made up of the counties of Nassau and Suffolk, New York, including all off shore islands in those counties.

Approved: October 27, 2000.

Bradley A. Buckles,

Director.

[FR Doc. 00-28361 Filed 11-3-00; 8:45 am]

BILLING CODE 4810-31-P

Notices

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

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Amendment of the Notice of the Availability of the Fiscal Year 2001 Solicitation for Applications for the National Research Initiative Competitive Grants Program

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of amendment of the notice of the availability of the solicitation for applications for the fiscal year 2001 National Research Initiative Competitive Grants Program.

SUMMARY: This notice amends the announcement of the availability of the fiscal year (FY) 2001 solicitation for applications, which is titled the "NRI Program Description," for the National Research Initiative (NRI) Competitive Grants Program published at 65 FR 54989, September 12, 2000.

In accordance with the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2001, which provides less funding for the NRI in FY 2001 than was anticipated at the time the availability of the FY 2001 solicitation for applications was

announced, this amendment revises the estimated amounts of funds available in the following research categories (PREVIOUSLY ANTICIPATED FY 2001 funding (PREV) and CURRENTLY ANTICIPATED FY 2001 (CUR) funding, rounded to the \$0.1M, follows in parentheses):

- Natural Resources and the Environment (PREV:\$19.1M, CUR:\$16.4M)
- Nutrition, Food Quality, and Health (PREV:\$14.9M, CUR:\$16.8M)
- Plant Systems (PREV:\$38.2M, CUR:\$32.4M)
- Animal Systems (PREV:\$27.0M, CUR:\$23.0M)
- Markets, Trade, and Policy (PREV:\$4.3M, CUR:\$3.7M)
- New Products and Processes (PREV:\$7.6M, CUR:\$6.5M)

As a result the following Program Areas will not be funded, and proposals for these Program Areas should not be submitted:

- Ecosystem Science (Program Code 23.0)
- Plant Genome (Program Code 52.1)
- Animal Genome: Basic Reagents and Tools (Program Code 43.1)

Although the Plant Genome program (52.1) will not be offered this fiscal year, the Plant Genetic Mechanisms program (52.2) will expand its research areas of support to now include functional genomics, quantitative trait loci analysis, comparative mapping, and all renewal applications that could have been submitted to the Plant Genome program.

Additionally, proposals that address the President's Food Safety Initiative (www.foodsafety.gov/~fsg/fsiback.html) are encouraged for all the relevant NRI Program Areas.

A fair distribution of resources between research on animal systems

and plants is being sought through increased opportunity for animal-related research in the food safety area, and opportunity in other programs relevant to animal systems such as agricultural systems, markets and trade, food characterization/process/product research, water resources, and pest biology.

DATES: This amendment does not alter the original deadlines for receipt of proposals set forth previously in the Notice of the Availability of the Solicitation for Applications published on September 12, 2000 (65 FR 54989).

FOR FURTHER INFORMATION CONTACT: USDA/CSREES/NRI, Stop 2241, 1400 Independence Ave., SW, Washington, D.C. 20250-2241. Phone: (202) 401-5022. E-mail: nricgp@reeusda.gov.

SUPPLEMENTARY INFORMATION:

NRI Deadline Dates

The following fixed dates have been established for proposal submission deadlines within the NRI. To be considered for funding in any fiscal year, proposals must be transmitted by the date listed below (as indicated by postmark or date on courier bill of lading). When the deadline date falls on a weekend or Federal holiday, transmission must be made by the following business day.

Programs offered in any fiscal year depend on availability of funds and deadlines may be delayed due to unforeseen circumstances. Consult the pertinent NRI notice in the **Federal Register**, the NRI Program Description, or the NRI home page (www.reeusda.gov/nri) for up-to-date information.

Postmarked dates	Program codes	Program areas
November 15	22.1	Plant Responses to the Environment
	25.0	Soils and Soil Biology
	26.0	Watershed Processes and Water Resources
	31.0	Improving Human Nutrition for Optimal Health
	51.9	Biology of Weedy and Invasive Plants
	80.1	Research Career Enhancement Awards
	80.2	Equipment Grants
	80.3	Seed Grants
	100.0	Agricultural Systems
December 15	52.2	Plant Genome Mechanisms
	53.0	Plant Growth and Development
	61.0	Markets and Trade
	62.0	Rural Development
	71.1	Food Characterization/Process/Product Research

Postmarked dates	Program codes	Program areas
January 15	71.2	Non-Food Characterization/Process/Product Research
	32.0	Food Safety
	32.1	Epidemiological Approaches for Food Safety
	41.0	Animal Reproduction
	44.0	Animal Health and Well-Being
	51.2	Entomology and Nematology
	51.7	Biologically Based Pest Management
	51.8	Biology of Plant-Microbe Associations
	73.0	Improved Utilization of Wood and Wood Fiber
February 15	42.0	Animal Growth and Nutrient Utilization
	43.0	Animal Genome and Genetic Mechanisms
	54.3	Plant Biochemistry

Done at Washington, D.C., this 31st day of October 2000.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00-28510 Filed 11-3-00; 8:45 am]

BILLING CODE 3410-22-P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Distance Learning and Telemedicine Loan and Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of application filing deadline.

SUMMARY: The Rural Utilities Service (RUS) announces its Distance Learning and Telemedicine Program application window for funding during fiscal year (FY) 2001. For FY 2001, \$25 million in grants and \$300 million in loans will be made available for distance learning and telemedicine projects serving rural America. The funding will be provided in three categories: (1) \$15 million will be available for grants; (2) \$200 million will be available for loans; and (3) \$110 million will be available for combination grants and loans (\$10 million in grants paired with \$100 million in loans).

DATES: All applications for grants must be postmarked no later than Friday, March 2, 2001, to be eligible for FY 2001 grant funding. Applications for FY 2001 loans or combination loans and grants may be submitted at anytime up to September 30, 2001, and will be processed on a first-come, first-serve basis.

ADDRESSES: Applications are to be submitted to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, STOP 1550, Room 2845, Washington, DC 20250-1550. Applications should be marked "Attention: Director, Advanced Services

Division, Telecommunications Program."

FOR FURTHER INFORMATION CONTACT:

Orren E. Cameron, Director, Advanced Services Division, Telecommunications Program, Rural Utilities Service, STOP 1550, 1400 Independence Avenue, SW., Washington, DC 20250-1590, Telephone (202) 690-4493, Facsimile (202) 720-1051.

SUPPLEMENTARY INFORMATION: For FY 2001, \$15 million in grants, a combination of \$10 million in grants paired with \$100 million in loans, and \$200 million in loans will be made available for distance learning and telemedicine projects.

RUS encourages early submission of grant applications to determine whether all required items specified in 1703.125 are clearly in form, identifiable, and complete. RUS will examine, provide comment, and return applications that include items that would disqualify them from further consideration for modification if they are submitted by Friday, February 2, 2001. All applications for grants must be postmarked no later than Friday, March 2, 2001, to be eligible for FY 2001 grant funding. Each application will be reviewed for completeness in accordance with 7 CFR part 1703, subparts D, E, F, and G. Ineligible applications will be returned within 15 working days of receipt.

Notice is hereby given that under 7 CFR 1703.124, 1703.133, and 1703.143, RUS has determined the maximum amount of an application for a grant that will be considered for funding in FY 2001 as \$500,000. The maximum amount for a loan, generally, that will be considered for funding in FY 2001 is \$10 million. However, RUS may fund a project greater than \$10 million subject to the project's feasibility and the availability of loan funds.

Applications for financial assistance must be submitted in accordance with 7 CFR part 1703, subparts D, E, F, and G, which establish the policies and

procedures for submitting an application for financial assistance. These subparts and an application guide to assist in the preparation of applications are available on the Internet at the following address: "http://www.usda.gov/rus/telecom/dlt/dltpublications.htm". Application guides may also be requested from RUS by contacting one of the following Area Offices: Eastern Area, USDA-RUS, Phone: (202) 690-4673; Northwest Area, USDA-RUS, Phone: (202) 720-1025; Southwest Area, USD-RUS, Phone: (202) 720-0800.

Christopher A. McLean,

Administrator, Rural Utilities Service.

[FR Doc. 00-28388 Filed 11-3-00; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Notice of Extension of Time Limit for Preliminary Results of Administrative Review

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

ACTION: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review.

EFFECTIVE DATE: November 6, 2000.

FOR FURTHER INFORMATION CONTACT: Jarrod Goldfeder at (202) 482-0189, Office of AD/CVD Enforcement I, Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Background

On December 28, 1999, the Department published a notice of initiation of administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea, covering the period November 1, 1998, through October 31, 1999 (64 FR 72644). On July 11, 2000, the Department extended the time limit for completion of the preliminary results by 66 days, or until no later than October 6, 2000. *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Notice of Extension of Time Limit for Preliminary Results and Partial Rescission of Antidumping Administrative Review*, 65 FR 44521 (July 18, 2000). On October 2, 2000, we extended the time limit for completion of the preliminary results by an additional 28 days, or until no later than November 3, 2000. *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Notice of Extension of Time Limit for Preliminary Results of Administrative Review*, 65 FR 59823 (October 6, 2000).

Extension of Preliminary Results of Review

We determine that due to limited administrative resources and the need for further analysis of the complex issues present in this review (e.g., date of sale, level of trade, and CEP offset), it is not practicable to complete the preliminary results of this review within the previously extended time limit. Therefore, the Department is fully extending the time limits for completion of the preliminary results until no later than November 29, 2000.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: October 31, 2000.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration, Group I.

[FR Doc. 00-28428 Filed 11-3-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-816]

Certain Cut-to-Length Carbon Steel Plate From Germany: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Rescission of the Antidumping Duty Administrative Review for the Period August 1, 1999 through July 31, 2000.

SUMMARY: On October 2, 2000, in response to a request made by Bethlehem Steel Corporation and U.S. Steel Group, a unit of USX Corporation (collectively, the "Petitioners"), the Department of Commerce ("Department") published the notice of initiation of an antidumping duty administrative review on certain cut-to-length carbon steel plate ("plate") from Germany, for the period August 1, 1999 through July 31, 2000. Because the Petitioners have withdrawn their request for review, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(1).

EFFECTIVE DATES: November 6, 2000.

FOR FURTHER INFORMATION CONTACT:

Robert A. Bolling or James Doyle, Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, DC 20230; telephone: 202-482-3434 and 202-482-0159, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Background

On August 31, 2000, the Petitioners requested that the Department conduct

an administrative review for the period August 1, 1999 through July 31, 2000, of Reiner Brach GmbH & Co. ("Reiner Brach") a producer/exporter of the subject merchandise from Germany. October 2, 2000, the Department published a notice of initiation of the antidumping administrative review on plate from Germany, in accordance with 19 CFR 351.221(c)(1)(i). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 65 FR 58733 (October 2, 2000). On September 28, 2000, the Petitioners withdrew their request for review.

Rescission of Review

Pursuant to Departmental regulations, the Department will rescind an administrative review "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." *See* 19 CFR 351.213(d)(1). The Petitioners withdrawal of their request for review was within the 90-day time limit; accordingly, we are rescinding the administrative review for the period August 1, 1999 through July 31, 2000, and will issue appropriate assessment instructions to the U.S. Customs Service.

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation. This determination is issued in accordance with 19 CFR 351.213(d)(4) and section 777(i)(1) of the Act.

Dated: October 31, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 00-28427 Filed 11-3-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of New Shipper Antidumping Administrative Reviews

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

ACTION: Notice of Initiation of New Shipper Antidumping Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received a request from China Kingdom Import & Export Co., Ltd. (China Kingdom), Shouzhou Huaxiang Foodstuffs Co., Ltd. (Shouzhou), Coastal (Jiang Su) Foods Co., Ltd. (Coastal), and Shanghai Taoen International Trading Co., Ltd. (Shanghai Taoen) to conduct new shipper administrative reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930 and 19 CFR 351.214(d) of the Department's current regulations, we are initiating these new shipper administrative reviews.

EFFECTIVE DATE: November 6, 2000.

FOR FURTHER INFORMATION CONTACT: Abdelali Elouaradia or Samantha Denenberg, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1374 or (202)482-1386, respectively.

The Applicable Statute and Regulations

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. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR Part 351(2000).

Background

On September 29, 2000, the Department received timely requests, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), for new shipper administrative reviews of this antidumping duty order which has a September anniversary month and a March semi-anniversary month.

Initiation of Review

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), in its September 29, 2000 request for review, China Kingdom certified that it did not export the subject merchandise to the United States during the period of investigation (POI) and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), China Kingdom further certified that its export activities are not controlled by the central government of the PRC.

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), in its September 29, 2000 request for review, Shouzhou certified that it did not export the subject merchandise to the United States during POI and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B),

Shouzhou further certified that its export activities are not controlled by the central government of the PRC.

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), in its September 29, 2000 request for review, Coastal certified that it did not export the subject merchandise to the United States during the POI and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), Coastal further certified that its export activities are not controlled by the central government of the PRC.

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), in its September 29, 2000 request for review, Shanghai Taoen certified that it did not export the subject merchandise to the United States during the POI and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), Shanghai Taoen further certified that its export activities are not controlled by the central government of the PRC. All of the above requests also included all documentation required under 19 CFR 351.214(b)(2)(iv).

In accordance with section 751(a)(2)(B) and 19 CFR 351.214(d), we are initiating new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the PRC.

In accordance with 19 CFR 351.214(g)(1)(i)(A) of the Department's regulations, the period of review (POR) for a new shipper review initiated in the month immediately following the anniversary month will be the twelve-month period immediately preceding the semiannual anniversary month. Therefore, the POR for these new shippers is:

Antidumping duty proceeding	Period to be reviewed
Freshwater Crawfish Tail Meat from the PRC, A-570-848:	
China Kingdom Import & Export Co., Ltd	9/01/99-8/31/00
Shouzhou Huaxiang Foodstuffs Co., Ltd	9/01/99-8/31/00
Coastal (Jiang Su) Foods Co., Ltd	9/01/99-8/31/00
Shanghai Taoen International Trading Co., Ltd	9/01/99-8/31/00

Concurrent with the publication of this initiation notice, we will instruct the U.S. Customs Service to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the companies listed above, until the completion of the review. This action is in accordance with 19 CFR 351.214(e).

The interested parties must submit applications for disclosure of business proprietary information under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: October 31, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00-28429 Filed 11-3-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Proposed Collection; Comment Request**

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received on or before January 5, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Force Management Policy/Military Community and Family Policy/Office of Educational Opportunity), ATTN: Ms. Ollie M. Smith, Ballston Towers #3, Room 917, 4015 Wilson Blvd., Arlington, VA 22203-5190.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 696-1702, ext 111.

Title, associated form, and OMB control number: The Public and Community Service (PACS) Registry Programs, DD Forms 2580, 2581 and 2581-1; OMB Number 0704-0324.

Needs and Uses: This information collection requirement is used to enroll Service members retiring under the Temporary Early Retirement Authority (TERA) program in Public and Community Service (PACS). In accordance with 10 U.S.C. 1143(c), the Public and Community Service (PACS)

Registry provides registered PACS organizations with information regarding the availability of individuals with interest in working in a PACS organization. The forms associated with this information collection, DD Forms 2580, 2581, and 2581-1, are used in support of the Department of Defense Programs for public service employment assistance.

Affected public: Business or other for-profit; not-for-profit institutions; Federal, local and State government.

Annual burden hours: 1,500 hours.

Number of respondents: 150.

Responses per respondent: 1.

Average burden per response: 10 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:**Summary of Information Collection**

This collection is required to satisfy Public Law 102-484, The Defense Department's Fiscal Year 1993 Authorization Act, October 23, 1992, which directed the Secretary of Defense to maintain a public and community service registry in which separating Service members would be encouraged to enter. DD Forms 2580, 2581 and 2581-1 are used to support this effort.

Dated: October 31, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-28319 Filed 11-3-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Submission for OMB Review; Comment Request**

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, form, and OMB number: Non-Prior Service and Prior Service Accessions; AETC Forms 1319, 1325, and 1419; OMB Number 0701-0079.

Type of request: Extension.

Number of respondents: 110,231.

Responses per respondent: 1.

Annual responses: 110,231.

Average burden per response: 37 minutes (average).

Annual burden hours: 69,105.

Needs and uses: The information collection requirement is necessary for recruiters to determine applicant

qualifications when conducting an interview. Information from the interview will determine if additional documents on law violations, citizenship verification, and education are needed. Applicants who have reached a certain age, marital status, or classification are required to submit financial information. Respondents are civilian non-prior and prior service personnel applying for enlistment into the Air force as enlisted members. The completed forms are used by the recruiter to establish the eligibility status of applicants.

Affected public: Individuals or Households.

Frequency: On Occasion.

Respondent's obligation: Required to Obtain or Retain Benefits.

OMB desk officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD clearance officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: October 31, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-28318 Filed 11-3-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Meeting of the DoD Healthcare Quality Initiative Review Panel**

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: On October 26, 2000, the DoD Healthcare Quality Initiatives Review Panel published a notice of an upcoming meeting (65 FR 64204). This notice is being published to change the meeting dates due to the Federal holiday on November 10th.

DATES: November 8 & 9, 2000.

ADDRESSES: Sheraton Crystal City, 1800 Jefferson Davis Hwy, Arlington, VA 22202.

TIME: November 8th, 8 am to 5:30 pm; November 9th, 8 am to 5:30 pm.

FOR FURTHER INFORMATION CONTACT: Contact Gia Edmonds at (703) 933-8325.

Dated: October 30, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-28321 Filed 11-3-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the United States Commission on National Security/21st Century

AGENCY: Department of Defense, Office of the Undersecretary of Defense (Policy)

ACTION: Notice of closed meetings.

SUMMARY: The United States Commission on National Security/21st Century will meet in closed session on November 13 and December 7, 2000. The Commission was originally chartered by the Secretary of Defense on 1 July 1998 (charter revised on 18 August 1999) to conduct a comprehensive review of the early twenty-first century global security environment; develop appropriate national security objectives and a strategy to attain these objectives; and recommend concomitant changes to the national security apparatus as necessary.

The Commission will meet in closed session on November 13 and December 7, 2000, to review draft sections of its Phase Three report. By Charter, the Phase Three report is to be delivered to the Secretary of Defense no later than February 16, 2001.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended [5 U.S.C., Appendix II], it is anticipated that matters affecting national security, as covered by 5 U.S.C. 552b(c)(1)(1988), will be presented throughout the meetings, and that, accordingly, the meetings will be closed to the public.

DATES: Monday November 13, 2000, and Thursday December 7, 2000, 8:30 a.m.–5 p.m.

ADDRESSES: November 13, 2000, at the Institute for Defense Analysis, 1801 North Beauregard St., Alexandria, VA 22311, and on December 7, 2000, at a place to be determined.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Keith A. Dunn, National Security Study Group, Suite 532, Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, VA 22202-3805. Telephone 703-602-4175.

Dated: October 31, 2000.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-28320 Filed 11-3-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army Research Laboratory, Adelphi, Maryland.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

These patents cover a wide variety of technical arts including: An anti-armor projectile with an autonomous, attachable, precursor warhead and a ceramic ferroelectric composite material with enhanced electronic properties.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Public Law 99-502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Ceramic Ferroelectric Composite Materials with Enhanced Electronic Properties BSTO-MG Based Compound-Rare Earth Oxide.

Inventors: Luna H. Chiu, Louise C. Sengupta, Steven Stowell, Somnath Sengupta and Jennifer Synowcdzynski.

Patent Number: 6,074,971.

Issued Date: June 13, 2000.

Title: Anti-Armour Projectile with Autonomous, Attachable, Precursor Warhead.

Inventor: Ameer G. Mikhail.

Patent Number: 6,109,185.

Issued Date: August 29, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Rausa, Technology Transfer Office, AMSRL-CS-TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005-5055, tel: (410) 278-5028; fax: (410) 278-5820.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00-28389 Filed 11-3-00; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army Research Laboratory, Adelphi, Maryland, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

This patent covers a wide variety of technical arts including: A wide dynamic range RF mixer using wide bandgap semiconductors such as SiC.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Public Law 99-502) and section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using and/or selling devices or processes covered by this patent.

Title: Wide Dynamic Range RF Mixers Using Wide Bandgap Semiconductors.

Inventors: Christian Fazi and Philip G. Neudeck

Patent Number: 6,111,452.

Issued Date: August 29, 2000.

FOR FURTHER INFORMATION CONTACT: Norma Cammaratta, Technology Transfer Office, AMSRL-CS-TT, U.S. Army Research Laboratory, Adelphi, MD 20783-1197; tel: (301) 394-2952; fax: (301) 394-5818.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00-28390 Filed 11-3-00; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Federal Interagency Coordinating Council Meeting (FICC)

AGENCY: Federal Interagency Coordinating Council, Education.

ACTION: Notice of a public meeting.

SUMMARY: This notice describes the schedule and agenda of a forthcoming meeting of the Federal Interagency Coordinating Council (FICC), and invites people to participate. Notice of this meeting is required under section 644(c) of the Individuals with Disabilities Education Act (IDEA) and is intended to notify the general public of their opportunity to attend the meeting. The meeting will be accessible to individuals with disabilities. The FICC will attend to ongoing work including reports from committees and task forces. A Policy Forum on Every Child Deserves a Medical Home sponsored by the FICC Integrated Service Committee, will be held on Thursday, December 14, from 9 a.m.–12 noon in the Barnard Auditorium, U.S. Department of Education, 400 Maryland Ave., SW., Washington, DC 20202. The meeting is open to the public.

DATE AND TIME: FICC Meeting: Thursday, December 14, 2000 from 1:30 p.m. to 4:30 p.m.

ADDRESSES: U.S. Department of Education, Barnard Auditorium, 400 Maryland Avenue, SW., Washington, DC 20202 (near the Federal Center Southwest and L'Enfant metro stops).

FOR FURTHER INFORMATION CONTACT: Bobbi Stettner-Eaton or Obral Vance, U.S. Department of Education, 330 C Street, SW., Room 3080, Switzer Building, Washington, DC 20202, Telephone: (202) 205-5507. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205-9754.

SUPPLEMENTARY INFORMATION: The Federal Interagency Coordinating Council (FICC) is established under section 644(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a). The Council is established to: (1) Minimize duplication across Federal, State and local agencies of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families and preschool services for children with disabilities; (2) ensure effective coordination of Federal early intervention and preschool programs, including Federal technical assistance and support activities; and (3) identify gaps in Federal agency programs and services and barriers to Federal interagency cooperation. To meet these purposes, the FICC seeks to: (1) Identify areas of conflict, overlap, and omissions in interagency policies related to the provision of services to infants, toddlers, and preschoolers with disabilities; (2) develop and implement

joint policy interpretations on issues related to infants, toddlers, and preschoolers that cut across Federal agencies, including modifications of regulations to eliminate barriers to interagency programs and activities; and (3) coordinate the provision of technical assistance and dissemination of best practice information. The FICC is chaired by the Assistant Secretary for Special Education and Rehabilitative Services.

The meeting of the FICC is open to the public and is physically accessible. Anyone requiring accommodations such as an interpreter, materials in Braille, large print, or cassette please call Obral Vance at (202) 205-5507 (voice) or (202) 205-9754 (TDD) ten days in advance of the meeting.

Summary minutes of the FICC meetings will be maintained and available for public inspection at the U.S. Department of Education, 330 C Street, SW., Room 3080, Switzer Building, Washington, DC 20202, from the hours of 9 a.m. to 5 p.m., weekdays, except Federal Holidays.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00-28323 Filed 11-3-00; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education, Department of Education; Meeting

ACTION: Notice of meeting.

SUMMARY: This notice provides the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIME: November 19, 2000, 12 p.m. to 4:30 p.m.

ADDRESSES: Sheraton San Diego Hotel & Marina, 1380 Harbor Island Drive, San Diego, CA. Telephone: (619) 692-2200.

FOR FURTHER INFORMATION CONTACT: Don Fischer, U.S. Department of Education, 1990 K Street NW., Washington, DC 20006-8544. Telephone: (202) 502-7500 or by e-mail: donald_fischer@ed.gov. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339

between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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: The National Board of the Fund for the Improvement of Postsecondary Education is established under Title VII, Part B, section 742 of the Higher Education Amendments of 1998 (20 U.S.C. 1138a). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and procedures for grant awards.

On Sunday, November 19, 2000, from 1 p.m. to 4:30 p.m. the Board will meet in open session. The proposed agenda for the open portion of the meeting will include an overview of the Fund's program status and special initiatives.

On Sunday, November 19, 2000, from 12 p.m. to 1 p.m. the meeting will be closed to the public for the purpose of discussing Comprehensive Program grant applications, including both funded and unfunded applications. This portion of the meeting will be closed under the authority of section 10(d) of the Federal Advisory Act (Pub. L. 92-463; 5 U.S.C.A. Appendix 2). Because the review and discussion of applications and the qualifications of proposed staff to work on these grants are likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential, and to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, this portion of the meeting should be closed to the public as provided for by exemptions 4 and 6 of 5 U.S.C. 552 (b)(c).

The meeting site is accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device or materials in an alternate format) should notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although the Department will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

Records are kept of all Board proceedings, and are available for public

inspection at the office of the Fund for the Improvement of Postsecondary Education, 8th Floor, 1990 K Street NW., Washington, DC 20006-8544 from the hours of 8 a.m. to 4:30 p.m.

Claudio R. Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00-28423 Filed 11-3-00; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the Office of Civilian Radioactive Waste Management information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and revision under section 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

The entry contains the following information: (1) the collection numbers and title; (2) a summary of the collection of information, including the sponsor (i.e., the Department of Energy component), current OMB document number (if applicable), type of request (i.e., new, revision, extension, or reinstatement), and response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits), (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

DATES: Comments must be filed on or before December 6, 2000. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB DOE Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and

Budget, 726 Jackson Place N.W., Washington, D.C. 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI-70), Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585-0670. Ms. Sutherland may be contacted by telephone at (202) 426-1104, FAX at (202) 426-1081, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Form NWP-830R C "Delivery Commitment Schedule."
2. Office of Civilian Radioactive Waste Management (NWP); OMB Number 1901-0260; Reinstatement of a currently approved collections; Voluntary.
3. NWP's "Delivery Commitment Schedule" is designed for contract holders to designate the facility where DOE will accept their fuel, the number of assemblies to be accepted, and the mode of transportation to ship the assemblies. The information collected will be used to determine the Federal waste management system configuration.
4. Business or other for-profit
5. 2,664 hours (5.19 hours per response x 4.38 responses per year x 117 respondents).

Statutory Authority: Section 3506(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13).

Issued in Washington, D.C., October 31, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00-28371 Filed 11-3-00; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-542-001]

ANR Pipeline Company; Notice of Compliance Filing

October 31, 2000.

Take notice that, on October 23, 2000, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, to be effective March 27, 2000.

Substitute Third Revised Sheet No. 160A

ANR states that this filing is made in compliance with the Commission's Order dated October 11, 2000 in the captioned proceeding.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28384 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-63-000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 31, 2000.

Take notice that on October 24, 2000, Columbia Gas Transmission Corporation (Columbia) tendered for filing to come part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of November 1, 2000:

Forty-first Revised No. 28
Ninth Revised Sheet No. 262
Eighth Revised Sheet No. 395
Third Revised Sheet No. 466
Third Revised Sheet No. 475

On April 17, 1995, Columbia filed an Offer of Settlement (Settlement) with the Federal Energy Regulatory

Commission (Commission) in Docket No. GP94-02, *et al.* The Commission in an order dated June 15, 1995 (71 FERC ¶ 61,337) approved the Settlement. Pursuant to Article X of the Settlement, Columbia was permitted to collect \$10 million as full and complete satisfaction of any right it may have to recover Gas Supply Realignment Costs, Order No. 500/528 Costs, overriding royalties, and all Producer Contract Rejection Costs (collectively referred to as GSR Costs).

Columbia states that the instant filing address Columbia's collection of \$1 million in GSR Costs, plus FERC interest, from its Rate Schedule ITS customers. Specifically, commencing February 1, 1996, Columbia began collecting the GSR Coasts from Rate Schedule ITS Customers via a \$0.01/Dth surcharge (Article X Surcharge). The Article X Surcharge was to remain in effect until Columbia had collected the \$1 million in GSR Costs, plus FERC interest from ITS Rate Schedule customers.

As of October 31, 2000, Columbia will have over-recovered its allowed recover of \$1 million by approximately \$20,000. Accordingly, Columbia proposes to remove the Article X Surcharge effective November 1, 2000. The tariff sheets filed herewith will accomplish that.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28374 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01-4-000]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

October 31, 2000.

Take notice that on October 26, 2000, Dauphin Island Gathering Partners (DIGP) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of October 23, 2000.

First Revised Sheet No. 247

DIGP states that this filing is submitted to reflect a change in the World Wide Web address of DIGP's Internet Web Site. DIGP has revised Sheet No. 247 to reflect DIGP's current World Wide Web address of www.digp.defs.com

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28380 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-65-000]

Destin Pipeline Company, L.L.C.; Notice of Revenue Crediting Report

October 31, 2000.

Take notice that on October 26, 2000 Destin Pipeline Company, L.L.C. (Destin) submitted its Annual Revenue Crediting Provision Report pursuant to Section 14.2 of the General Terms and Conditions of Destin's FERC Gas Tariff—Original Volume No. 1. This section requires Destin to either refund or surcharge amounts received from the resolution of imbalances with its shippers and interconnected pipelines, and, any incidental gas sales or purchases necessary to operate the system over a twelve-month period. For the twelve-month period ended August 31, 2000, Destin received monies in excess of the amounts paid.

Accordingly, Destin is issuing checks, concomitant with its filing, to refund the net receipts based on each shipper's proportionate share of the quantities transported for the same twelve-month period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 of 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before November 7, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii)

and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28376 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01-3-000]

El Paso Natural Gas Company; Notice of Cancellation of Tariff Sheet

October 31, 2000.

Take notice that on October 25, 2000, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 1, with an effective date of November 25, 2000. El Paso states that this tariff sheet is being filed to cancel its sales tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28379 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-5-001]

Mid Louisiana Gas Company; Notice of Compliance Filing

October 31, 2000.

Take notice that on October 26, 2000, Mid Louisiana Gas Company (Mid Louisiana) filed under protest the following revised tariff sheets to provide for imbalance trading and netting in compliance with the Commission's Order No. 587-L. As mandated by such order, the revised tariff sheets are to be effective as of November 1, 2000.

Second Revised Sheet No. 133
Second Revised Sheet No. 134
Fourth Revised Sheet No. 135
Original Sheet No. 135A
Original Sheet No. 135B
Original Sheet No. 135C
First Revised Sheet No. 136
First Revised Sheet No. 137, and
Second Revised Sheet No. 138

Mid Louisiana states that it has served copies of the filing upon each of its jurisdictional customers and applicable State agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28372 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-4-001]

Midcoast Interstate Transmission, Inc.; Notice of Compliance Filing

October 31, 2000.

Take notice that on October 26, 2000, Midcoast Interstate Transmission, Inc. (MIT) filed under protest the following revised tariff sheets to provide for imbalance trading and netting in compliance with the Commission's Order No. 587-L, as reaffirmed by the Commission's October 11, 2000 Order herein. As mandated by Order No. 587-L, the revised tariff sheets are to be effective as of November 1, 2000.

Original Sheet No. 83C
Fourth Revised Sheet No. 84
Third Revised Sheet No. 85
Original Sheet No. 85A
Original Sheet No. 85B
Original Sheet No. 85C
Third Revised Sheet No. 86

MIT states that it is serving copies of the filing upon all its jurisdictional customers and applicable State agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28385 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP01-62-000]

Mississippi River Transmission Corporation; Notice of Realignment Costs

October 31, 2000.

Take notice that on October 24, 2000, pursuant to Section 16.3(g)(i) of Mississippi River Transmission Corporation's (MRT) General Terms and Conditions to its FERC Gas Tariff, MRT tendered for filing a statement related to the recovery of Gas Supply Realignment Costs (GSRC) for the period of November 1, 1998 through July 31, 2000.

Specifically, MRT states that according to Section 16.3(g)(1) MRT is required to file within 90 days of July 31, 2000 a reconciliation report, reflecting GSRC recovery and true-up for the period of November 1998 through July 2000. MRT states that MRT did not collect any GSRC during that time period, and that there is no recovery to report and reconcile. MRT further states it will file a report and reconcile the collection of the current GSRC recovery, effective September 1, 2000 through November 30, 2000 within 90 days of the termination of such recovery.

MRT states that a copy of this filing is being mailed to each of MRT's customers, all parties to the proceeding and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before November 7, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this following are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii)

and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,
Secretary.

[FR Doc. 00-28373 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EL01-11-00]

Lester C. Reed, Complainant, v. Georgia Power Company, Respondent; Notice of Complaint

October 31, 2000.

Take notice that on October 27, 2000, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 CFR 385.206, Lester C. Reed filed a complaint regarding certain actions and inactions by the Georgia Power Corporation in the operation of the Sinclair Dam (Project No. 1951) that are alleged to be in violation of its operating license. These actions and inactions allegedly damaged Mr. Reed and numerous citizens of the United States by reducing their enjoyment of the Project and reducing home values. Mr. Reed is requesting that the Commission enforce the provisions of the license agreement, institute procedures to prevent re-occurrence of the non-compliance, order payment of damages to the citizens and communities who were damaged by Georgia Power's alleged negligence in failing to follow the provisions of the license agreement and apply sanctions, monetary and non-monetary, to Georgia Power for failure to follow the operating license.

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 November 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 November 16, 2000. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,
Secretary.

[FR Doc. 00-28378 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP01-64-000]

Southern Natural Gas Company; Notice of Compliance Filing

October 31, 2000.

Take notice that on October 25, 2000, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume 1, the following revised tariff sheets, with an effective date of December 1, 2000:

Sixth Revised Sheet No. 142

Southern states that the revised tariff sheet is being filed in conjunction with the Commission's Order No. 587-L. Standards for Business Practices of Interstate Natural Gas Pipelines, Order No. 587-L, 65 FR 41873 (July 7, 2000), FERC Stats. & Regs. Regulations 31,100 (June 30, 2000).

Southern stated that its current tariff and system procedures are in compliance with Order No. 587-L, but that it is filing this enhancement to be consistent with the newly proposed GISB standards. Specifically, the attached tariff sheet provides for a seventeen day trading period after the end of the month for the netting and trading of imbalances. It also contains specific procedures allowing Shippers to maintain a standing request for Southern to post a Shipper's imbalances on a monthly basis.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28375 Filed 11-03-00; 8:45 am]

BILLING CODE 6717-1-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP93-162-010 and CP88-391-025]

Transcontinental Gas Pipe Line Corporation; Notice of Cash Out Report

October 31, 2000.

Take notice that on October 26, 2000, Transcontinental Gas Pipe Line Corporation (Transco) filed its annual report of cash-out purchases for the period August 1, 1999 through July 31, 2000. Transco states that the report is being filed to comply with the cash-out provisions in Section 15 of the General Terms and Conditions of Transco's FERC Gas Tariff.

Transco states that the report shows that for the annual cash-out period ending July 31, 2000, Transco had a net overrecovery of \$11,422,274. Transco has carried forward a net underrecovery of \$13,346,248 from the previous twelve-month period. This results in a net underrecovery cash-out balance of \$1,923,974, excluding carrying charges, as of July 31, 2000.

Transco states that in accordance with Section 15 of its tariff it will carry forward such net underrecovery to offset any net overrecovery that may occur in future cash-out periods.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC

20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 7, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28382 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01-10-000, et al.]

Doswell Limited Partnership, et al.; Electric Rate and Corporate Regulation Filings

October 26, 2000.

Take notice that the following filings have been made with the Commission:

1. Doswell Limited Partnership

[Docket No. EG01-10-000]

Take notice that on October 24, 2000, Doswell Limited Partnership (Doswell) filed with the Commission an application for redetermination of exempt wholesale generator (EWG) status pursuant to Part 365 of the Commission's regulations. Doswell has previously been determined to be an EWG. This filing is occasioned by two nonmaterial changes in fact. First, Doswell's upstream ownership structure has changed. Second, Doswell has plans to finance, construct and own a new electric generation facility located adjacent to the existing Doswell Complex in Hanover County, Virginia.

Comment date: November 16, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Cleco Evangeline LLC

[Docket No. EL01-9-000]

Take notice that on October 24, 2000, Cleco Evangeline LLC tendered for filing a request for waiver of the Commission's open access transmission tariff and OASIS requirements to the extent required in connection with Cleco Evangeline LLC's ownership of interconnection facilities (generation step-up transformers and 138 kV bus facilities) located at the plant site where Cleco Evangeline LLC's generators are located.

Comment date: November 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Denver City Energy Associates, L.P.

[Docket No. ER97-4084-007]

Take notice that on October 17, 2000, Denver City Energy Associates, L.P. (DCE) filed a Report of Changes in Status and Updated Market Power Analysis, notifying the Commission of certain changes in its affiliation with various generating companies, as a result of indirect acquisitions and dispositions by its affiliates. DCE also noted that it has changed its principal place of business and that none of its affiliates currently holds an interest in electric generating capacity for which construction commenced on or before July 9, 1996.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. GEN-SYS Energy

[Docket No. ER97-4335-005]

Take notice that on October 20, 2000, GEN-SYS Energy (GEN-SYS) submitted an updated market power analysis.

Comment date: November 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. West Georgia Generating Company L.P.

[Docket No. ER00-2965-003]

Take notice that on October 18, 2000, West Georgia Generating Company (West Georgia), an Exempt Wholesale Generator that owns and operates a 640 MW electric generation plant in Thomastown, Georgia, tendered for filing a confidential copy and redacted copies of a Negotiated Contract for the Purchase of Firm Capacity and Energy between Cataula Generating Company L.P., a predecessor in interest to West Georgia Generating Company L.P., and Georgia Power Company (the Agreement). The purpose of the filing was to provide corrected designations under Order No. 614, FERC Stats. and Regs. ¶31,096 (2000), as required by the

letter order issued in these dockets on September 21, 2000.

West Georgia requests that the Agreement be permitted to become effective June 1, 2000.

Comment date: November 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. West Georgia Generating Company L.P.

[Docket No. ER00-2966-003]

Take notice that on October 18, 2000, West Georgia Generating Company (West Georgia), an Exempt Wholesale Generator that owns and operates a 640 MW electric generation plant in Thomastown, Georgia, tendered for filing a confidential copy and redacted copies of a Power Purchase Agreement between West Georgia Generating Company L.P. and Municipal Electric Authority of Georgia (the Agreement). The purpose of the filing was to provide corrected designations under Order No. 614, FERC Stats. and Regs. ¶31,096 (2000), as required by the letter order issued in these dockets on September 21, 2000.

West Georgia requests that the Agreement be permitted to become effective June 1, 2000.

Comment date: November 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. The Dayton Power and Light Company

[Docket No. ER01-182-000]

Take notice that on October 23, 2000, The Dayton Power and Light Company (Dayton) submitted service agreement establishing The Detroit Edison Company as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon The Detroit Edison Company and the Public Utilities Commission of Ohio.

Comment date: November 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER01-183-000]

Take notice that on October 23, 2000, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing an electric service agreement under its Coordination Sales Tariff (FERC Electric Tariff, First Revised Volume No. 2).

Wisconsin Electric respectfully requests an effective date of October 23, 2000 to allow for economic transactions.

Copies of the filing have been served on Madison Gas and Electric Company, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: November 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Potomac Power Resources, Inc.

[Docket No. ER01-202-000]

Take notice that on October 23, 2000, Potomac Power Resources, Inc. tendered for filing pursuant to Rule 205 of the Federal Power Act an application for authorization to sell capacity, energy and ancillary services at market-based rate and requests for waivers of certain regulations and blanket approvals.

Comment date: November 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. A. R. Mullinax

[Docket No. ID-3588-000]

Take notice that on October 12, 2000, A. R. Mullinax filed an application for authorization under Section 305(b) of the Federal Power Act to hold the following positions:

Officer: Duke Energy Corporation.

Director: Pantellos Corporation.

Comment date: November 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Mobile Energy Services Company, L.L.C.

[Docket No. QF01-13-000]

Take notice that on October 25, 2000, Mobile Energy Services Company, L.L.C. (MESOC), filed an Application with the Commission. The Application seeks a determination that a cogeneration facility owned and operated by MESOC qualifies as a qualifying cogeneration facility. MESOC is an Alabama limited liability company that owns and operates a gas-fired combined cycle cogeneration facility rated at approximately 110-MW (gross) capacity. Copies of this application have been served upon the Alabama Public Service Commission and the Securities and Exchange Commission.

Comment date: November 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211

and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 00-28324 Filed 11-3-00; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-71-023]

Transcontinental Gas Pipe Line Corporation; Notice of ISS Revenue Sharing Refund Report

October 31, 2000.

Take notice that on October 25, 2000, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a refund report showing that on October 24, 2000, Transco submitted ISS revenue sharing refunds (total principal and interest amount of \$219,309.14) to all affected shippers in Docket Nos. RP97-71 and RP97-312.

Section 8 of Transco's Rate Schedule ISS1 provides that, during the effectiveness of the Docket No. RP97-71 rate period, which began on May 1, 1997, Transco shall refund annually 75% of all revenues collected associated with the inventory charge portion of the Rate Schedule ISS rate in excess of \$756,696 to (1) maximum rate firm transportation and maximum rate interruptible transportation Buyers who pay storage costs for Hester or Eminence, or both (2) Rate Schedule ESS Buyers and (3) Rate Schedule WSS-Open Access Buyers (collectively, Eligible Shippers).

Transco states that it has calculated that the refund amount for the annual period from May 1, 1999 through April 30, 2000 equals \$219,309.14. Pursuant

to Section 8 of Rate Schedule ISS, Transco refunded that amount to Eligible Shippers based on each Eligible Shipper's actual fixed cost contribution as a percentage of the total fixed cost contribution of all such Eligible Shippers (exclusive of the fixed cost contribution pertaining to service purchased by Seller from third parties).

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 7, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,
Secretary.

[FR Doc. 00-28383 Filed 11-3-00; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

October 31, 2000.

Take notice that the following hydroelectric license application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* New Major License.
- b. *Project No.:* 1895-007.
- c. *Date filed:* June 29, 1998.
- d. *Applicant:* South Carolina Electric and Gas Company.
- e. *Name of Project:* Columbia Hydroelectric Project.
- f. *Location:* On the Broad River and Congaree River in the City of Columbia and Richland County, South Carolina. The project occupies no federal lands.

g. *Filed Pursuant to:* Federal Power Act, 15 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Kristina Massey, Senior Engineer, South Carolina Electric & Gas Company, 111 Research Drive, Columbia, SC 29203, telephone (803) 217-9198.

i. *FERC Contact:* Any questions on this notice should be addressed to Charles R. Hall, telephone (202) 219-2853, or E-mail address chaes.hall@ferc.fed.us.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice. 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 whose name appears 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. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell/htm>.

k. This application has been accepted, and is now ready for environmental analysis.

l. *The project consists of the following existing facilities:* (1) a 1,021-foot-long, 14-foot-high timber crib diversion dam; (2) a 265-acre reservoir in the Broad River upstream from the diversion dam; (3) an 85-acre, 10-foot-wide, 3.5-mile canal; (4) a 210-foot-long, granite-block masonry canal intake structure, containing 12 manually operated vertical lift gates to control the flow of water into the canal; (5) a granite-block masonry canal spillway containing two 12-foot-wide Taintor gates separated by a 208-foot-long stoplog section; (6) a granite-block and brick masonry powerhouse, containing seven turbine-generator units with a total installed capacity of 10,600 kilowatts, and other appurtenances. The project is estimated to generate an average of 48 million kilowatthours (kWh) annually. The dam and existing project facilities are owned by the applicant.

m. 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 2-A, Washington, DC 20426, or by calling (202) 208-1371. The application 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.

n. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice. Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

o. All filings must (1) bear in all capital letter the title "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,
Secretary.

[FR Doc. 00-28381 Filed 11-3-00; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

November 1, 2000.

The following notice of meeting is published pursuant to section 3(a) of the

Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: November 8, 2000, 10:00 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, telephone (202) 208-0400; for a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

753rd—Meeting November 8, 2000; Regular Meeting (10:00 a.m.)

Consent Agenda—Markets, Tariffs and Rates—Electric

CAE-1.

DOCKET# ER00-3638, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. AND NEW ENGLAND POWER POOL

CAE-2.

DOCKET# ER00-3668, 000, COMMONWEALTH EDISON COMPANY

CAE-3.

DOCKET# ER00-3675, 000, NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL

CAE-4.

DOCKET# ER00-3672, 000, THE DETROIT EDISON COMPANY AND DTE ENERGY TRADING, INC.

CAE-5.

DOCKET# ER00-3671, 000, ENTERGY SERVICES, INC.
OTHER#S ER00-2621, 000, ENTERGY SERVICES, INC.

CAE-6.

DOCKET# ER00-3251, 000, EXELON GENERATION COMPANY, L.L.C.
OTHER#S ER97-3954, 012, UNICOM POWER MARKETING, INC.

ER97-3954, 013, UNICOM POWER MARKETING, INC.
ER98-380, 012, HORIZON ENERGY COMPANY

ER98-380, 013, HORIZON ENERGY COMPANY

ER98-1734, 002, COMMONWEALTH EDISON COMPANY

ER98-1734, 003, COMMONWEALTH EDISON COMPANY

ER99-754, 004, AMERGEN ENERGY COMPANY, L.L.C.

ER99-754, 005, AMERGEN ENERGY COMPANY, L.L.C.

ER99-1872, 002, PECO ENERGY COMPANY

ER99-1872, 003, PECO ENERGY COMPANY

ER00-1030, 001, AMERGEN VERMONT, L.L.C.

ER00-1030, 002, AMERGEN VERMONT, L.L.C.

ER00-2429, 001, UNICOM ENERGY INC.

ER00-2429, 002, UNICOM ENERGY INC.

ER00-3251, 001, EXELON GENERATION COMPANY, L.L.C.

CAE-7.

DOCKET# ER96-3146, 000, WEST PENN POWER COMPANY

OTHER#S ER96-3146, 001, WEST PENN POWER COMPANY

ER96-3146, 002, WEST PENN POWER COMPANY

ER96-3146, 003, WEST PENN POWER COMPANY

CAE-8.

DOCKET# ER00-3635, 000, PECO ENERGY COMPANY

CAE-9.

DOCKET# ER00-3688, 000, AMERICAN ELECTRIC POWER SERVICE CORPORATION

CAE-10.

OMITTED

CAE-11.

DOCKET# ER00-845, 000, SOUTHERN CALIFORNIA EDISON COMPANY

OTHER#S ER00-845, 001, SOUTHERN CALIFORNIA EDISON COMPANY

CAE-12.

DOCKET# EC00-131, 000, EDISON SAULT ELECTRIC COMPANY

CAE-13.

DOCKET# ER00-1947, 001, ENTERGY SERVICES, INC.

CAE-14.

DOCKET# ER00-2445, 002, PJM INTERCONNECTION, L.L.C.

OTHER#S EL00-74, 002, PJM INTERCONNECTION, L.L.C.

CAE-15.

DOCKET# EL00-110, 000, DOMINION NUCLEAR CONNECTICUT, INC.

CAE-16.

DOCKET# ER00-3577, 000, NEW ENGLAND POWER POOL

CAE-17.

DOCKET# ER00-3591, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

OTHER#S ER00-1969, 001, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

ER00-3591, 001, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

Consent Agenda—Markets, Tariffs and Rates—Gas

CAG-1.

DOCKET# CP98-133, 005, VECTOR PIPELINE L.P.

OTHER#S CP98-133, 006, VECTOR PIPELINE L.P.

CP98-134, 004, VECTOR PIPELINE L.P.

CP98-134, 005, VECTOR PIPELINE L.P.

CP98-135, 004, VECTOR PIPELINE L.P.

RP00-586, 000, VECTOR PIPELINE L.P.

CAG-2.

DOCKET# RP00-571, 000, RELIANT ENERGY GAS TRANSMISSION COMPANY

CAG-3.

OMITTED

CAG-4.

OMITTED

CAG-5.

DOCKET# PR00-18, 000, GREAT LAKES ENERGY PARTNERS, L.L.C.

CAG-6.

DOCKET# RP96-347, 018, NORTHERN NATURAL GAS COMPANY

CAG-7.

DOCKET# RP00-264, 000, NORTHERN NATURAL GAS COMPANY

CAG-8.

DOCKET# RP00-448, 001, WYOMING INTERSTATE COMPANY, LTD.

CAG-9.

DOCKET# RP00-447, 001, COLORADO INTERSTATE GAS COMPANY

CAG-10.

OMITTED

CAG-11.

OMITTED

CAG-12.

DOCKET# RP00-162, 006, PANHANDLE EASTERN PIPE LINE COMPANY

OTHER#S RP00-162, 005, PANHANDLE EASTERN PIPE LINE COMPANY

CAG-13.

DOCKET# RS92-11, 028, TEXAS EASTERN TRANSMISSION CORPORATION

OTHER#S RP94-299, 005, TEXAS EASTERN TRANSMISSION CORPORATION

CAG-14.

DOCKET# RM96-1, 014, STANDARDS FOR BUSINESS PRACTICES OF INTERSTATE NATURAL GAS PIPELINES

OTHER#S RP01-32, 000, TRANSCOLORADO GAS TRANSMISSION COMPANY

RP01-33, 000, QUESTAR PIPELINE COMPANY

RP01-34, 000, OVERTHRUST PIPELINE COMPANY

RP01-37, 000, EQUITRANS, L.P.

RP01-38, 000, COLORADO INTERSTATE GAS COMPANY

RP01-39, 000, WYOMING INTERSTATE COMPANY, LTD.

RP01-40, 000, COVE POINT LNG LIMITED PARTNERSHIP

RP01-41, 000, YOUNG GAS STORAGE COMPANY, LTD.

RP01-43, 000, EASTERN SHORE NATURAL GAS COMPANY

RP01-44, 000, IROQUOIS GAS TRANSMISSION SYSTEM, L.P.

RP01-45, 000, TOTAL PEAKING SERVICES, L.L.C.

RP01-46, 000, CARNEGIE INTERSTATE PIPELINE COMPANY

RP01-47, 000, VIKING GAS TRANSMISSION COMPANY

RP01-48, 000, EGAN HUB PARTNERS, L.P.

RP01-49, 000, ALGONQUIN LNG, INC.

RP01-50, 000, PORTLAND NATURAL GAS TRANSMISSION SYSTEM

RP01-51, 000, CROSSROADS PIPELINE COMPANY

RP01-52, 000, SOUTHWEST GAS STORAGE COMPANY

RP01-53, 000, GREAT LAKES GAS TRANSPORT, LLC

RP01-55, 000, WESTGAS INTERSTATE, INC.

RP01-57, 000, MIGC, INC.
 RP01-58, 000, GRANITE STATE GAS
 TRANSMISSION, INC.
 CAG-15.
 DOCKET# PR00-17, 000, TRANSOK, LLC

CONSENT AGENDA—MISCELLANEOUS

CAM-1.
 DOCKET# RM99-8, 001, PRESERVATION
 OF RECORDS OF PUBLIC UTILITIES
 AND LICENSEES, NATURAL GAS
 COMPANIES, AND OIL PIPELINE
 COMPANIES
 CAM-2. OMITTED

**CONSENT AGENDA—ENERGY
 PROJECTS—HYDRO**

CAH-1.
 DOCKET# P-459, 108, UNION ELECTRIC
 COMPANY, D/B/A AMERENUE
 CAH-2.
 DOCKET# P-2842, 029, CITY OF IDAHO
 FALLS, IDAHO
 OTHER#S P-553, 066, CITY OF SEATTLE,
 WASHINGTON P-619 077 CITY OF
 SANTA CLARA, CALIFORNIA
 P-637, 015, PUBLIC UTILITY DISTRICT
 NO. 1 OF CHELAN COUNTY,
 WASHINGTON
 P-943, 068, PUBLIC UTILITY DISTRICT
 NO. 1 OF CHELAN COUNTY,
 WASHINGTON
 P-1417, 052, THE CENTRAL NEBRASKA
 PUBLIC POWER AND IRRIGATION
 DISTRICT
 P-1862, 041, CITY OF TACOMA,
 WASHINGTON
 P-2000, 019, NEW YORK POWER
 AUTHORITY
 P-2016, 033, CITY OF TACOMA,
 WASHINGTON
 P-2042, 009, PUBLIC UTILITY DISTRICT
 NO. 1 OF PEND OREILLE COUNTY,
 WASHINGTON
 P-2101, 057, SACRAMENTO MUNICIPAL
 UTILITY DISTRICT
 P-2144, 020, CITY OF SEATTLE,
 WASHINGTON
 P-2145, 035, PUBLIC UTILITY DISTRICT
 NO. 1 OF CHELAN COUNTY,
 WASHINGTON
 P-2149, 072, PUBLIC UTILITY DISTRICT
 NO. 1 OF DOUGLAS COUNTY,
 WASHINGTON
 P-2216, 037, NEW YORK POWER
 AUTHORITY
 P-2409, 098, CALAVERAS COUNTY
 WATER DISTRICT
 P-2442, 032, CITY OF WATERTOWN,
 NEW YORK
 P-2685, 006, NEW YORK POWER
 AUTHORITY
 P-2705, 012, CITY OF SEATTLE,
 WASHINGTON
 P-2952, 061, CITY OF IDAHO FALLS,
 IDAHO
 P-2959, 076, CITY OF SEATTLE,
 WASHINGTON
 P-2997, 019, SOUTH SUTTER WATER
 DISTRICT
 P-3083, 085, OKLAHOMA MUNICIPAL
 POWER AUTHORITY
 P-3190, 009, CITY OF SANTA CLARA,
 CALIFORNIA
 P-3193, 009, CITY OF SANTA CLARA,
 CALIFORNIA

P-6842, 097, CITIES OF ABERDEEN AND
 TACOMA, WASHINGTON
 P-10551, 069, CITY OF OSWEGO, NEW
 YORK
 CAH-3.
 DOCKET# P-2197, 035, ALCOA POWER
 GENERATING, INC.
 CAH-4.
 DOCKET# P-459, 109, UNION ELECTRIC
 COMPANY, D/B/A AMERENUE
 CONSENT AGENDA—ENERGY
 PROJECTS—CERTIFICATES
 CAC-1. DOCKET# CP00-446, 000,
 MONTANA POWER COMPANY
 CAC-2. DOCKET# CP00-82, 001, WILLIAMS
 GAS PIPELINES CENTRAL, INC.
 CAC-3. DOCKET# CP96-557, 001, GREEN
 CANYON GATHERING COMPANY
 CAC-4. DOCKET# CP99-604, 001,
 SOUTHERN NATURAL GAS COMPANY
 CAC-5. DOCKET# RP00-220, 001, TOWN
 OF NELIGH, NEBRASKA V. KINDER
 MORGAN INTERSTATE GAS
 TRANSMISSION, L.L.C. AND K N
 ENERGY, A DIVISION OF KINDER
 MORGAN, INC.

ENERGY PROJECTS—HYDRO AGENDA

H-1. RESERVED

**ENERGY PROJECTS—CERTIFICATES
 AGENDA**

C-1. RESERVED

**MARKETS, TARIFFS AND RATES—
 ELECTRIC AGENDA**

E-1. DOCKET# RM98-4, 000, REVISED
 FILING REQUIREMENTS UNDER PART
 33 OF THE COMMISSION'S
 REGULATIONS

ORDER ON FINAL RULE.**MARKETS, TARIFFS AND RATES—GAS
 AGENDA**

G-1. RESERVED

David P. Boergers,
Secretary.

[FR Doc. 00-28493 Filed 11-2-00; 11:30 am]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION
 AGENCY**

[FRL-6894-9]

**Notice of Request for Pre-Proposals
 for Projects To Be Funded From the
 Water Quality Cooperative Agreement
 Allocation**

AGENCY: Environmental Protection
 Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting pre-
 proposals from States, Tribal
 governments, universities, non-profits,
 and other eligible entities interested in
 applying for Federal assistance for
 Water Quality Cooperative Agreements
 under the Clean Water Act Section
 104(b)(3). EPA Headquarters will award

an estimated \$3.9 million to eligible
 applicants through assistance
 agreements ranging in size from \$10,000
 up to \$500,000 for innovative projects/
 demonstrations/studies that have
 maximum transferability or can be used
 as models relating to the prevention,
 reduction, and elimination of water
 pollution. The Agency intends to make
 available at least \$200,000 per year of
 the annual appropriation Water Quality
 Cooperative Agreements, from FY 2001
 through FY 2005, for projects which
 address cooling water intake issues to
 include technical and environmental
 studies.

DATES: EPA will consider all pre-
 proposals received on or before 5 pm
 Eastern Time November 27, 2000. Pre-
 proposals received after the due date,
 may be reviewed at EPA's discretion.

ADDRESSES: It is preferred that pre-
 proposals be electronically mailed (E-
 mailed) to WQCA2001@EPA.GOV. If
 mailed through the postal service or
 other means, three copies should be sent
 to: Barry Benroth, 4204M, WQCA2001,
 U.S. Environmental Protection Agency,
 1200 Pennsylvania Avenue, NW,
 Washington, DC 20460.

For Overnight Delivery the following
 address must be used: Barry Benroth,
 4204M, WQCA2001, U.S.
 Environmental Protection Agency,
 Room 7324 J, ICC Building, 1200
 Pennsylvania Avenue, NW, Washington,
 DC 20460.

FOR FURTHER INFORMATION CONTACT:
 Barry Benroth by telephone at 202-564-
 0672 or by E-mail at
benroth.barry@epa.gov.

SUPPLEMENTARY INFORMATION:**What Is the Purpose of This Request for
 Pre-Proposals?**

The Office of Wastewater
 Management, Office of Water at EPA
 Headquarters is requesting pre-
 proposals from States, Tribes, local
 governments, non-profit organizations
 and other eligible entities under the
 Clean Water Act Section 104(b)(3) for
 unique and innovative projects that
 address the requirements of the National
 Pollutant Discharge Elimination
 Systems (NPDES) program with special
 emphasis on wet weather activities, *i.e.*,
 storm water, combined sewer overflows,
 sanitary sewer overflows, and
 concentrated animal feeding operations
 as well as projects that enhance the
 ability of the regulated community to
 deal with non-traditional pollution
 problems in priority watersheds.

An organization whose pre-proposal
 is selected for Federal assistance must
 complete an EPA Application for
 Assistance, including the Federal SF-

424 form (Application for Federal Assistance, see 40 CFR 30.12 and 31.10).

Has Office of Wastewater Management, Office of Water, EPA Headquarters Identified High Priority Areas for Consideration?

The Office of Wastewater Management at EPA Headquarters has identified several project areas for priority consideration to the extent they are for research, investigations, experiments, training, demonstrations, surveys and studies related to the causes, effects, extent, prevention, reduction, and elimination of water pollution:

Concentrated Animal Feeding Operations

Alternative markets for excess manure
Voluntary Comprehensive Nutrient Management Plans for Animal Feeding
Operations with 300 to 500 animal units

Wet Weather (Sanitary Sewer Overflows (SSOs), Combined Sewer Overflows (CSOs), Storm Water)

Water quality-based CSO program (including Use Attainability Analysis)
Integration of CSO, SSO, and storm water requirements

Measuring the effectiveness of storm water Best Management Practices (BMPs)

Trends analysis of load reductions due to implementation of storm water BMPs

Storm water monitoring techniques
Estimating quantified benefits of enhanced sewer performance (e.g., reduced backups)

Quantifying the impacts of sewage overflows

Evaluation of impacts of peak wet weather flows on Publicly Owned Treatment Works (POTW)

Capacity, Management, Operations and Maintenance (CMOM) of POTWs
Inflow/Infiltration reduction
Sewer rehabilitation methods

National Pollutant Discharge Elimination System (NPDES) Programs

Stakeholder watershed approaches
Nutrient trading
Watershed integration of NPDES programs
Innovative Permit Writing Tools

Pretreatment

Performance measures
Facilitation of innovative technology transfer
Pretreatment on the Mexican Border

Environmental Management System (EMS)

Benefits and impacts of EMS

EMS adoption by public agencies
Non-Governmental Organizations participation in EMS projects

Cooling Water Intake Structures (Clean Water Act, Section 316(b))

Innovative technologies that reduce impingement and entrainment of aquatic organisms into cooling water intakes

Ecological effects of cooling water intake structures on aquatic environments

Effectiveness of ecological restoration activities in reducing the impact of cooling water intake structures on the aquatic environment

Infrastructure Funding Related to

Asset Management
Operations and Maintenance (O&M) issues for small communities
Capacity Building for Tribes/Native Villages/Environmental Justice

Biosolids

Demonstrations of regional biosolids approaches
Food crop applications on biosolids and/or reclaimed water (assessments, research, demonstrations analyses)

Onsite/Decentralized Systems

State-level adoption of EPA management guidelines
Overcoming institutional, regulatory and funding barriers to implementation of decentralized options
Development of tools to assist communities with conducting comprehensive, watershed-wide assessments of risks associated with decentralized wastewater systems

Water Use Efficiency

EPA may also consider other project areas for funding to the extent authorized by CWA sec. 104(b)(3) and to the extent funds are available for such project areas.

Statutory Authority, Applicable Regulations, and Funding Level

Funding is authorized under the provisions of the Clean Water Act Sec. 104(b)(3), 33 U.S.C. 1254(b)(3).

The regulations governing the award and administration of Water Quality Cooperative Agreements are 40 CFR Part 30 (for institutions of higher learning, hospitals, and other non-profit organizations) and 40 CFR Part 31 (for States, Tribes, local governments, intertribal consortia, and interstate agencies). In addition, EPA expects to promulgate final rules in the near future that will include program specific regulations for Water Quality

Cooperative Agreements to States, Tribes, local governments, interstate agencies and intertribal consortia. When the rules are finalized, they will be codified at 40 CFR Part 35 Subparts A and B.

Total funding available for award by Headquarters will depend on EPA's appropriation for Fiscal Year 2001; however, it is estimated that \$3.9 million will be available for funding approved projects. The average size of an award is anticipated to be approximately \$100,000.

Should funding available for award remain reasonably stable or increase in future years, the Agency intends to reserve \$1 million (\$200,000 per year of the annual amount available) over the next five years to support projects and studies on cooling water intake structures.

Pre-Proposal Format and Contents

Pre-proposals should be limited to three pages. Full application packages should not be submitted at this time. The following format should be used for all pre-proposals:

Name of Project:

Point of Contact: (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail Address)

Is this a Continuation of a Previously Funded Project (if so, please provide the status of the current grant or cooperative agreement):

Proposed Award Amount:

Proposed Awardee Cost Share: (Cost sharing is not required)

Description of General Budget

Proposed to Support Project:

Project Description: (Should not exceed two pages of single-spaced text)

Expected Accomplishments or

Product, with Dates, and Interim Milestones: This section should also include a discussion of a communication plan for distributing the project results to interested parties.

Describe How the Project Meets the Evaluation Criteria Specified Below:

EPA Pre-Proposal Evaluation Criteria

EPA will consider pre-proposals based on the following criteria:

- The relationship of the proposed project to the priorities identified in this notice.
- How well the project proposes to address a nationally important need, issue, or interest.
- Communication plan to transfer results of the project to other potentially interested parties.
- How well the project furthers the goal of the Clean Water Act to prevent, reduce, and eliminate water pollution.
- Leverage of other resources (e.g. cost share, participation by other

organizations) as part of the proposed approach.

- Cost effectiveness of the proposal.
- Compliance with directions for submittal contained in this notice.

EPA may consider applications even if all criteria are not fully met, provided the proposed projects meet the applicable statutory and regulatory requirements and funds are available for such projects.

Eligible Applicants

Eligible applicants for assistance agreements under section 104(b)(3) of the Clean Water Act are State water pollution control agencies, Tribal governments, interstate agencies, and other public or non-profit private agencies, institutions, and organizations.

Application Procedure

Electronic transmittal of pre-proposals is preferred to facilitate the review process. Hard copies are acceptable. Please send three copies of the pre-proposal if it is not electronically transmitted.

Schedule of Activities

This is the estimated schedule of activities for review of proposals and notification of selections:

November 27, 2000—Pre-proposals due to EPA.

December 18, 2000—Initial approvals identified and sponsors of projects selected for funding will be requested to submit a formal application package.

Dated: October 26, 2000.

Michael B. Cook,

Director, Office of Wastewater Management.
[FR Doc. 00-28017 Filed 11-3-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6897-7]

National Environmental Justice Advisory Council; Notification of Meeting and Public Comment Period(s) Open Meetings

Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92-463, we now give notice that the National Environmental Justice Advisory Council (NEJAC), along with the various subcommittees, will meet on the dates and times described below. All times noted are Eastern Standard Time. All meetings are open to the public. Due to limited space, seating at the NEJAC meeting will be on a first-come basis. Documents that are the subject of

NEJAC reviews are normally available from the originating EPA office and are *not* available from the NEJAC. The NEJAC and the subcommittee meetings will take place at the Hyatt Regency Crystal City Hotel, 2700 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting dates are as follows: December 11, 2000 through December 14, 2000. This is the third in a series of focused policy issue meetings for the NEJAC. To help prepare for this specific focused policy issue meeting the following background information is provided:

Request

The Charter for the National Environmental Justice Advisory Council (NEJAC) states that NEJAC shall provide independent advice to the Administrator on areas relating to environmental justice including, among other things, "advice for improving how EPA and others participate, cooperate, and communicate within the Agency and between other Federal agencies, State, or local governments, Federally recognized Tribes, EJ leaders, interest groups, and the public." The Agency, through the Office of Environmental Justice (OEJ), requests that the NEJAC convene a focused and issue-oriented public meeting in Arlington, VA to receive comments, discuss, and analyze a major public policy issue. The Agency, furthermore, requests that the NEJAC produce a comprehensive report on the differing views, interests, concerns, and perspectives expressed by the stakeholder participants on the issue, and provide advice and recommendations for the Agency's review and consideration.

Issue

What progress has the Federal government made towards integrating environmental justice into its policies, programs, and activities consistent with existing laws and Executive Order 12898?

Background

Developing integrated strategies plays a vital role for achieving environmental justice for all Federal agencies and is consistent with the missions of those agencies. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," represents an important first step towards realizing the goal of achieving environmental justice throughout the Federal government.

The Executive Order requires that each Federal agency shall, to the greatest extent practicable and

permitted by law, make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations. Specifically, the Executive Order directs Federal agencies to:

(1) Develop a strategic plan to integrate environmental justice into their activities;

(2) Conduct activities in a manner that ensures that they do not have the effect of excluding people and groups from public participation opportunities or the benefits of such activities;

(3) Include diverse segments of the population in studies involving human health and environmental hazards;

(4) Collect, maintain and analyze information on consumption patterns of populations who rely principally on fish and wildlife for subsistence;

(5) Enhance public participation opportunities and the accessibility of meetings and documents; and,

(6) Develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

Purpose

Much can be gained from an examination of the successes, failures and challenges encountered by Federal agencies in integrating environmental justice during the past 6½ years. While there have been significant accomplishments and important initiatives, attempts to integrate environmental justice also have encountered tremendous barriers and challenges. A thoughtful examination will prove invaluable for understanding how future strategies for integrating environmental justice can be made more effective.

NEJAC's examination of environmental justice implementation throughout the Federal government should be forward-looking. The analysis should identify lessons learned from implementation of the Executive Order and make recommendations for future efforts to address environmental justice. Since issues of environmental justice are often complex, multi-faceted and cross-cutting, they require new approaches on the part of the Federal government. Coordinated interagency strategies are critical, including the development of community-based interagency demonstration projects.

NEJAC will examine interagency environmental justice implementation in two basic areas: (1) Progress and lessons gained from individual agency

implementation; and, (2) development of collaborative interagency strategies.

Meeting

Registration for the NEJAC meeting will begin on Monday, December 11, 2000 at 8 a.m. The full NEJAC will convene Monday, December 11, 2000, and Tuesday, December 12, 2000 from 9 a.m. to 5 p.m. Business will include a series of panels with expert testimony on the focused policy issue, a review of ongoing NEJAC activities and a

discussion of new business items. A public comment period dedicated to the focused policy issue is scheduled for Monday evening, December 11, 2000, from 6:30 p.m. to 9:30 p.m. On Tuesday evening, December 12, 2000, a second public comment period for overall environmental justice issues is scheduled from 6:30 p.m. to 9:30 p.m. The following Subcommittees will meet on Wednesday, December 13, 2000, from 9 a.m. to 6 p.m.: Air and Water; Enforcement; Health and Research;

Indigenous Peoples; International; and Waste and Facility Siting. The full NEJAC will reconvene Thursday, December 14, 2000, from 9 a.m. to 5 p.m. to wrap up all business requiring Executive Council action. All times shown are Eastern Time.

Any member of the public wishing additional information on the subcommittee meetings should contact the specific Designated Federal Official at the telephone number listed below.

Subcommittee	Federal Official and Telephone Number
Enforcement	Ms. Shirley Pate 202/564-2607
Health & Research	Ms. Brenda Washington 202/564-6781
International	Ms. Aretha Brockett 202/260-3810
Indigenous Peoples	Ms. Wendy Graham 202/564-6602
Waste/Facility Siting	Mr. Danny Gogal 202/564-2576
Air & Water	Mr. Kent Benjamin 202/260-2822
	Mr. Wil Wilson 202/564-1954
	Ms. Alice Walker 202/260-1919

Members of the public who wish to participate in one of the public comment periods should pre-register by December 1, 2000. Individuals or groups making oral presentations during the public comment period will be limited to a total time of five minutes. Only one representative from a community, organization, or group will be allowed to speak. Any number of written comments can be submitted for the record. The suggested format for individuals making public comment should be as follows:

Request To Make Public Comment Speaker's Template

NAME OF SPEAKER: _____
 NAME OF ORGANIZATION/COMMUNITY: _____
 ADDRESS/PHONE/FAX/EMAIL: _____
 DESCRIPTION OF CONCERN: _____
 RECOMMENDATIONS/DESIRED OUTCOME: _____

If you wish to submit written comments of any length (at least 50 copies), they should also be received by December 1, 2000. Comments received after that date will be provided to the Council as logistics allow. All information should be sent to the address or fax number cited below.

Registration

Pre-registration for all attendees is recommended. To receive a registration form, call the number listed below or visit the web site. Correspondence concerning registration should be sent to Ms. Victoria Robinson of Tetra Tech Environmental Management, Inc. at: 1881 Campus Commons, Suite 200, Reston, VA 20191, phone: 703/390-0641 or fax: 703/391-5876. Hearing-impaired individuals or non-English speaking attendees wishing to arrange for a sign language or foreign language interpreter, may make appropriate arrangements using these numbers also. In addition, NEJAC offers a toll-free Registration Hotline at 1-888/335-4299. For on-line registration, you may visit

the Internet site: <http://es.epa.gov/oeca/main/ej/nejac/index.html>.

Dated: October 31, 2000.
Charles Lee,
Designated Federal Official, National Environmental Justice Advisory Council.
 [FR Doc. 00-28420 Filed 11-3-00; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6896-6]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice of Availability of Final Project Agreements and Response to comments for the Metropolitan Water Reclamation District of Greater Chicago and the Louisville and Jefferson County Metropolitan Sewer District.

SUMMARY: EPA is announcing the signing of the Project XL Final Project Agreement (FPA) for the Metropolitan

Water Reclamation District of Greater Chicago and Louisville and Jefferson County Metropolitan Sewer District.

DATES: The FPA for the Metropolitan Water Reclamation District of Greater Chicago was signed on August 30, 2000 and the FPA for the Louisville and Jefferson County Metropolitan Sewer District was signed on September 28, 2000.

ADDRESSES: To obtain copies or to make inquiries about the Final Project Agreements, Fact Sheets, or public comments received contact the following individuals: Matthew Gluckman, 312-8986-6089, U.S. EPA Region V, 77 West Jackson Boulevard, Chicago, IL 60604 (gluckman.matthew@epa.gov) for the Metropolitan Water Reclamation District of Greater Chicago; and Melinda Mallard-Greene, 404-562-9771, U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104 (mallard.melinda@epa.gov) for the Louisville and Jefferson County Metropolitan Sewer District. In addition, public files on each of the projects are located at each of the EPA

regional offices listed. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, Regional and Headquarters contacts, application information and descriptions of existing XL projects and proposals is available via the Internet at <http://www.epa.gov/ProjectXL>.

SUPPLEMENTARY INFORMATION: Final Project Agreements are voluntary agreements developed by project sponsors, stakeholders, the State in which the project is located and EPA. Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27282) and November 1, 1995 (60 FR 55569) gives regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits.

EPA announced the availability and requested comments on the Metropolitan Water Reclamation District of Greater Chicago Draft FPA on July 24, 2000 (65 FR 45601) and on the Louisville and Jefferson County Metropolitan Sewer District Draft FPA on August 29, 2000 (65 FR 52427) in the **Federal Register**. Descriptions of the projects are contained in each of the **Federal Register** notices. Comments and responses to comments on these projects are available via the Internet at <http://www.epa.gov/ProjectXL>.

Dated: October 11, 2000.

Elizabeth A. Shaw,

Director, Office of Environmental Policy Innovation.

[FR Doc. 00-28417 Filed 11-3-00; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6897-3]

Proposed CERCLA Administrative Agreements; Cannons Engineering Corporation Superfund Sites

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of two proposed administrative agreements for recovery of past and projected future response costs at four Superfund sites. The agreements resolve claims of the Environmental Protection Agency

("EPA") against the settling parties under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and section 7003 of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. 6973. The settling parties are the United States Navy ("Navy") and the United States Coast Guard ("Coast Guard"). The four Superfund sites are the Cannons Engineering Corporation Site in Bridgewater, Massachusetts; the Cannons Engineering/Plymouth Harbor Site in Plymouth, Massachusetts; the Gilson Road Site in Nashua, New Hampshire; and the Tinkham's Garage Site in Londonderry, New Hampshire. The Commonwealth of Massachusetts and the State of New Hampshire are also parties to these agreements.

The Navy is a larger volume Potentially Responsible Party ("PRP"). Under the agreement with the Navy, the Navy will pay a total of approximately \$2,850,000, of which \$1,578,912 will be paid to the Hazardous Substance Superfund, \$39,000 will be paid to the Commonwealth of Massachusetts, and \$1,232,088 will be paid to the State of New Hampshire. The Navy will also pay interest on these amounts, accruing as of December 14, 1998. With respect to one of the four Sites, EPA retains its right to pursue its claims against the Navy at the Nashua Site if costs at that Site exceed a specified amount.

The Coast Guard is a *de minimis* PRP. Under this *de minimis* agreement with the Coast Guard, the Coast Guard will pay a total of approximately \$207,562.82, of which \$172,587.64 will be paid to the Hazardous Substance Superfund, \$28,940.35 will be paid to the Commonwealth of Massachusetts, and \$6,034.83 will be paid to the State of New Hampshire. The Coast Guard will also pay interest on these amounts, accruing as of November 24, 1999.

Under this agreement, the Department of the Interior and the National Oceanic and Atmospheric Administration agree not to bring claims under CERCLA against the Coast Guard for natural resource damages with respect to these Sites.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to these two agreements. EPA will consider all comments received and may modify or withdraw its consent to these agreements if comments received disclose facts or considerations which indicate that the agreements are inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the EPA Records Center, 1 Congress Street, Boston, MA 02114-

2023 (Telephone No. 617-918-1440). Commenters may request an opportunity for a public meeting in the affected areas in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

DATES: Comments and requests for a public meeting in the affected areas must be submitted on or before December 6, 2000.

ADDRESSES: The proposed agreements are available for public inspection at the EPA Records Center, 1 Congress Street, Boston, MA 02114-2023 (Telephone No. 617-918-1440). A copy of the proposed agreements may be obtained from Audrey Zucker, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100 (SES), Boston, MA 02114-2023, (617) 918-1788. Comments should reference the Cannons Engineering Corporation Superfund Sites and EPA Docket No. 1-2000-0033 (Settling Party: U.S. Navy) or EPA Docket No. 1-2000-0032 (Settling Party: U.S. Coast Guard), and should be addressed to Audrey Zucker, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100 (SES), Boston, MA 02114-2023.

FOR FURTHER INFORMATION CONTACT: Audrey Zucker, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100 (SES), Boston, MA 02114-2023, (617) 918-1788.

Dated: August 2, 2000.

Patricia L. Meaney,

Director, Office of Site Remediation and Restoration, EPA-New England.

[FR Doc. 00-28416 Filed 11-3-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6896-5]

Public Water System Supervision Program; Primary Enforcement Responsibility Approval for the Navajo Nation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision and opportunity for hearing.

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act ("Act") and section 142.10 of the National Primary Drinking Water Regulation (40 CFR part 142).

An application has been received from the Navajo Nation, through the Director, Navajo Nation Environmental Protection Agency, requesting that the Navajo Nation Environmental Protection

Agency be granted primary enforcement responsibility for the public water systems within the Navajo Nation pursuant to section 1413 of the Act.

Section 1451 of the Act and 40 CFR 142.72 authorize EPA to delegate to Indian tribes primary enforcement responsibility for public water systems, pursuant to section 1413 of the Act, if the Indian tribe meets the following criteria:

(A) The Indian Tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

(B) The functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction; and

(C) The Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of (the Act) and of all applicable regulations.

Section 1451(b)(1) of the Act, 42 U.S.C. 300j-11(b)(1), see also 40 CFR 142.72.

Pursuant to section 1451 of the Act and 40 CFR 142.72, EPA has determined that the Navajo Nation, through the Navajo Nation Environmental Protection Agency, is eligible to apply for primary enforcement responsibility for public water systems within the Navajo Nation. EPA has also determined that the Navajo Nation, through the Navajo Nation Environmental Protection Agency has met all conditions of the Act and regulations promulgated pursuant to the Act for the assumption of primary enforcement responsibility for public water systems within the Navajo Nation. Specifically the Navajo Nation:

(1) Has adopted drinking water regulations which are no less stringent than the National Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such regulations, including adequate monitoring, sanitary surveys, inspections, plan review, inventory of water systems, and adequate certified laboratory availability;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Primary Drinking Water Regulations; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All interested parties are invited to submit written comments or to request a public hearing on EPA's determination. Written comments and/or requests for a public hearing must be submitted by December 6, 2000 to the Regional Administrator at the address shown below.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. If a substantial request for public hearing is made by December 6, 2000, a public hearing will be held. The Regional Administrator will give further notice in the **Federal Register** and a newspaper or newspapers of general circulation within the Navajo Nation of any hearing to be held pursuant to a request submitted by an interested party, or on her own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Notice will be sent to the person requesting the hearing and to the Navajo Nation. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding the determination. If the determination is affirmed, it shall become effective as of the date of the order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become effective on December 6, 2000.

Based on the language of section 1413 of the Act, EPA has long implemented the determination to approve a state, and now a tribal, application for primary enforcement responsibility for public water systems as an "adjudication" rather than a "rulemaking" under the Administrative

Procedure Act (APA), 5 U.S.C. 551 *et seq.* The same is true of applications for state and tribal program revisions. For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a federal agency proposes or promulgates a rule under section 553 of the APA, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency must prepare a regulatory flexibility analysis for the rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if a state or tribal primary enforcement responsibility application or revision were a "rule" subject to the RFA, EPA would certify that the approval or revision of the state's or the tribe's program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve a primary enforcement responsibility application or revision merely recognizes a program that has already been enacted as a matter of state or tribal law. It would, therefore, impose no additional obligations upon those subject to the state's or tribe's program. Accordingly, the Regional Administrator would certify that the approval of primary enforcement responsibility of the Navajo Nation, if a "rule," would not have a significant economic impact on a substantial number of small entities.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, at the following offices: Navajo Nation Environmental Protection Agency, Fairground Building No. W-008-042, Window Rock, Arizona 86515; and EPA, Region IX, Water Division, Drinking Water Office (WTR-6), 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: To submit comments or request further information, contact Danny Collier, Region IX, at the San Francisco address given above; telephone (415) 744-1856. (Sections 1413 and 1451 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 and 311j-11; and 40 CFR 142.10 and 142.72)

Dated: October 23, 2000.

Felicia Marcus,

Regional Administrator, Region 9.

[FR Doc. 00-28418 Filed 11-3-00; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission; Comments Requested

October 27, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before January 5, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-xxxx.
Title: Section 95.1303—Authorized Locations.
Form No.: N/A.
Type of Review: New.
Respondents: Business or other for-profit, not-for-profit institutions, Farms, State, Local or Tribal government.
Number of Respondents: 15.
Estimated Time Per Response: .25 hours.

Total Annual Burden: 3.75 hours.
Total Annual Cost: No annual cost burden on respondents from either capital or start-up costs.

Needs and Uses: The rule requires anyone intending to operate a Multi-Use Radio Service (MURS) unit in a manner that could cause radio interference to the Arecibo Observatory to notify the Observatory either in writing or electronically of the geographical coordinates of the unit 45 days prior to commencing operation of the unit. The rule is needed to protect the Observatory from harmful radio interference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00-28354 Filed 11-3-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval.

October 26, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to

minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 6, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0700.
Title: Open Video Systems Provisions.
Form Number: FCC 1275.
Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and State, Local or Tribal Government.

Number of Respondents: 748.
Estimated Time Per Response: 0.25 to 20 hours.

Frequency of Response: Recordkeeping; On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 3,910 hours.
Total Annual Costs: None.

Needs and Uses: Section 302 of the Telecommunications Act of 1996 provides for specific entry options for entities wishing to enter the video programming marketplace, one option being to provide cable service over an "Open Video System" ("OVS"). On April 15, 1997, the Commission released a Fourth Report and Order, FCC 97-130, which clarified various OVS rules and modified certain OVS filing procedures.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00-28355 Filed 11-3-00; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part

225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 30, 2000.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713.

1. *Capital City Bank Group, Inc.*, Tallahassee, Florida; to merge with First Bankshares of West Point, Inc., West Point, Georgia, and thereby indirectly acquire First National Bank of West Point, West Point, Georgia.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001.

1. *1st Financial Bancshares, Inc.*, Shawnee Mission, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Centerville State Bank, Centerville, Kansas.

In connection with this application, Meader Insurance Agency, Inc., Waverly, Kansas; has applied to acquire 13.1 percent of the voting shares of 1st Financial Bancshares, Inc., Shawnee Mission, Kansas.

Board of Governors of the Federal Reserve System, October 31, 2000.

Robert deV. Frierson,
Associate Secretary of the Board.

[FR Doc. 00-28322 Filed 11-3-00; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (EST), November 13, 2000.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the October 10, 2000, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Semiannual review of status of audit recommendations.
4. Quarterly investment policy review.
5. Annual ethics briefing.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942-1640.

Dated: November 1, 2000.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 00-28459 Filed 11-1-00; 4:45 pm]

BILLING CODE 6760-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: General Services Administration.

ACTION: Notice of a new system of records subject to the Privacy Act of 1974.

SUMMARY: The General Services Administration (GSA) is providing notice of the establishment of a new record system, Acquisition Career Management Information System (ACMIS) (GSA/OAP-2). The new system will collect information to track, verify, update, and manage the careers of Federal employees in acquisition occupations and to manage the funds and the size and strength of the Federal acquisition workforce.

DATES: Comments on the new system must be provided December 6, 2000. The new system will become effective without further notice on December 6, 2000, unless comments dictate otherwise.

ADDRESSES: Address comments to: Marilyn Geldzahler, Federal Acquisition Institute (MVI), General Services Administration, 1800 F Street, NW, Washington, DC 20405; or to GSA Privacy Act Officer, General Services Administration, CAI, 1800 F Street, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Marilyn Geldzahler at the above address, or telephone (202) 208-1314.

GSA/OAP-2

SYSTEM NAME:

Acquisition Career Management Information System (ACMIS).

SYSTEM LOCATION:

The system is maintained for GSA under contract. Contact the System Manager for additional information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees in acquisition and contracting jobs, including personnel in the 1100 occupational series, contracting officers, and other employees performing acquisition, contracting, and procurement functions for Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information needed for managing the careers and training of employees in the Federal acquisition occupational field. Records may include but are not limited to: (1) Biographical data such as name, birth date, and educational level; (2) work related data such as service computation date and retirement information, duty station, occupational series and grade, and Social Security Number; and (3) training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433).

PURPOSES:

To establish and maintain an electronic system to facilitate the career management of Federal employees in acquisition occupations; to ensure that employees meet mandated training requirements; and to effectively manage training funds and the size and qualifications of the Federal acquisition workforce. The system provides to management and to employees in the system up-to-date information on employee certification levels, qualification standards, academic degrees, mandatory and other pertinent training, and warrant status.

ROUTINE USES OF THE SYSTEM RECORDS, INCLUDING CATEGORIES OF USERS AND THEIR PURPOSE FOR USING THE SYSTEM.

System information may be accessed and used by employees themselves and their supervisors, designated analysts and managers, and training centers, to track, verify, and update system information. Designated program managers will use the information to manage training funds and the size and strength of the Federal acquisition workforce.

Information from this system also may be disclosed as a routine use:

- a. In any legal proceeding, where pertinent, to which GSA is a party before a court or administrative body.
- b. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order when GSA becomes aware of a violation or potential violation of civil or criminal law or regulation.
- c. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.
- d. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the General Accounting Office (GAO) in accordance with their responsibilities for evaluating Federal programs.
- e. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.
- f. To a requesting Federal agency in connection with the hiring, retaining, or promotion of an employee where the information is relevant and necessary for the decision.
- g. To authorized officials of the agency that provided the information for inclusion in ACMIS.
- h. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF SYSTEM RECORDS:**STORAGE:**

All records are stored electronically in web-based computer format.

RETRIEVABILITY:

Records are retrievable by name and/or Social Security Number. Group records are retrieved by organizational code.

SAFEGUARDS:

System records are safeguarded in accordance with the requirements of the Privacy Act. Access is limited to authorized individuals with passwords, and the database is maintained behind a firewall certified by the National Computer Security Association.

RETENTION AND DISPOSAL:

System records are retained and disposed of according to GAS records maintenance and disposition schedules and the requirements of the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Acquisition Institute (MVI), General Services Administration, 1800 F Street, NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire if the system contains information about them should contact the system manager at the above address.

RECORD ACCESS PROCEDURE:

Individuals wishing to access their own records may do so by password. Requests for access also may be directed to the system manager.

CONTESTING RECORD PROCEDURE:

Individuals in the system may amend their own records online, or, as appropriate, request their manager or supervisor to amend the record.

RECORD SOURCE CATEGORIES:

The sources for information in the system are the individuals for whom the records are maintained, the supervisors of those individuals, existing agency systems, and the Office of the Personnel Management's (OPM) Central Personnel Data File (CPDF).

Dated: October 25, 2000.

Daniel K. Cooper,

Director, Information Management Division.

[FR Doc. 00-28366 Filed 11-3-00; 8:45 am]

BILLING CODE 6820-31-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control And Prevention**

[60 Day-01-04]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506 (c)(2)(A) of the Paperwork reduction Act of 1995, the

Center for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

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 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 for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects:

Reader Evaluations of Public Health Assessments and Consultation Products—Reinstatement with Changes—This is a request for a three-year reinstatement with changes of OMB 0923-0016, Reader Evaluations of Public Health Assessments and Consultation Products. The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, The Superfund Amendments and Reauthorization Act (SARA), to perform health assessments for each facility on the National Priorities List and for releases of facilities where individuals have been exposed to a hazardous substance. In addition, ATSDR provides consultations on health issues relating to exposure to hazardous or toxic substances to officials at the Environmental Protection Agency (EPA), and state and local government. The principal audiences for these products are health professionals at the federal, state, and local levels, staff in public libraries and repositories, interested private sector organizations and groups, and members of the public.

In order to make ATSDR products such as health assessments, consultations, exposure investigations, and fact sheets timely and relevant, ATSDR staff developed a survey

questionnaire (OMB 0923-0016) to get readers' opinions and evaluations. The survey will be inserted and mailed in each public health assessment. In addition, electronic surveys will be sent to clients and partners requesting ATSDR health consultations and exposure investigations within one month following delivery of product or

service. The survey collects information on (a) affiliation of users, (b) timeliness and effectiveness of these products, and (c) practical utility of these products.

The reader evaluation surveys provide important feedback that enables ATSDR staff to maintain the utility, integrity and standards of its products. Gathering client feedback ensures that appropriate

information is included in these documents and assists in maintaining medical and scientific usefulness. The information will be used to maintain customer satisfaction with these products. There is no cost to respondents.

The estimate annual burden is 172 hours.

Respondents	Number of respondents	Responses per respondent	Avg. burden response (in hrs.)	Total burden (in hrs.)
ATSDR clients and partners	300	1	0.25	75
Librarians	180	1	0.12	22
Individuals completing questionnaires	200	1	0.25	50
Individuals who received but did not complete questionnaires	100	1	0.25	25

Dated: October 30, 2000.

Kathy Cahill,

Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00-28363 Filed 11-03-00; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY-06-01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of

information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639-7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Jail STD Prevalence Monitoring System—New—National Center for HIV, STD, and TB Prevention (NCHSTP)

Proposes a 3-year clearance for data collection of the standardized record

layout for the Jail STD Prevalence Monitoring System. This system consists of test data compiled for persons entering corrections facilities. The standard data elements were created in response to the need to systematically assess morbidity in persons entering corrections facilities who are at high risk for STDs and who often do not seek medical care in mainstream medical settings.

Use of these standard data elements will improve surveillance of STDs by allowing for systematic assessment of a high risk population, taking advantage of already computerized data. States that compile data from corrections facilities are encouraged to participate in the system. The estimated annualized burden is 1248 hours.

Respondents	Number of respondents	Average Number of forms/ respondent	Number of responses/ respondent	Average burden/response (in hrs.)
State/local health departments	65	16	1	1.2

Dated: October 30, 2000.

Kathy Cahill,

Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00-28436 Filed 11-03-00; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Case Plan Section 422,471(a)(16), 475(5)(A) of the Social Security Act.

OMB No.: 0980-0140.

Description: Under section 471(a)(16) of title IV-E of the Social Security Act (the Act), in order for States to be eligible for payments they must have an approved State plan which provides for the development of a case plan (as defined in section 475(1)) for each child receiving foster care maintenance payments, and provides a case review system which meets the requirements in section 475(5) and 475(6). Through the meeting of these requirements, the State also complies, in part, with title IV-B, section 422(b)(10) of the Act (as of 4/1/96), which assures certain protections for children in foster care.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondents	Average burden hours per response	Total burden hours
Case Plan	714,056	1	2.62	1,870,827
Estimated Total Annual Burden Hours:	1,870,827

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 30, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00-28317 Filed 11-3-00; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Neurological Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration

(FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Neurological Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 16, 2000, 9:30 a.m. to 7 p.m.

Location: Quality Suites Hotel, Potomac Rooms II and III, Three Research Ct., Rockville, MD.

Contact Person: Janet L. Scudiero, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-1184, ext. 176, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12513. Please call the Information Line or access the Internet (<http://www.fda.gov/cdrh/panelmtg.html>) for up-to-date information on this meeting.

Agenda: The committee will discuss and make recommendations on: (1) The design of clinical trials for devices to prevent stroke, to treat stroke, and to provide neurological protection after stroke; and (2) the design of clinical studies for temperature control devices to provide neurological protection.

Procedure: On November 16, 2000, from 10 a.m. to 7 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written

submissions may be made to the contact person by November 9, 2000. On November 16, 2000, oral presentations from the public will be scheduled between approximately 11 a.m. and 11:30 a.m. for the discussion of the design of clinical studies for devices to prevent stroke, to treat stroke, and to provide neurological protection after stroke, and between approximately 4:30 p.m. and 5 p.m. for the discussion of the design of clinical studies for temperature control devices to provide neurological protection. Time allotted for each presentation may be limited. Those desiring to make formal oral

presentations should notify the contact person before November 9, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On November 16, 2000, from 9:30 a.m. to 10 a.m., the meeting will be closed to permit FDA to present to the committee trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)) regarding pending issues and applications.

FDA regrets that it was unable to publish this notice 15 days prior to the November 16, 2000, Neurological Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Neurological Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 31, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00-28445 Filed 11-1-00; 4:34 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel Comparative Medicine.

Date: November 20, 2000.

Time: 2:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John D. Harding, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892-7965, (301) 435-0810.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: October 30, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28337 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel Teleconference Review of R25 application.

Date: December 6, 2000.

Time: 12:00 pm to 1:00 pm.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301)435-6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 30, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28335 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: November 3, 2000.

Time: 2:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS19, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Arthur L. Zachary, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National

Institutes of Health, Natcher Building, Room 1AS-13H, Bethesda, MD 20892, (301) 594-2886, zacharya@nigms.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 30, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28336 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel Teleconference Review of 1 R13 application.

Date: December 6, 2000.

Time: 11:00 a.m to 12:00 pm.

Agenda: To review and evaluate grant application.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E0#3, Bethesda, MD 20892, (301) 435-6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864,

Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 30, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28338 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel Review of U54 applications.

Date: December 4-5, 2000.

Time: 7:30 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: 8120 Wisconsin Avenue, Vesaillles IV Room, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301)534-6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 30, 2000.

LaVerne Y. Stringfield

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28339 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: November 15-16, 2000.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Michael A. Sesma, PhD, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19, 45 Center Drive, Bethesda, MD 20892, (301) 594-2048.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 27, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-28340 Filed 11-3-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Meeting of the Advisory Committee on Alternative Toxicological Methods

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Toxicology Program (NTP) Advisory Committee on Alternative Toxicological Methods, U.S. Public Health Service. The meeting will be held from 9 a.m. to 5 p.m. on November 28, 2000 in the Director's Board Room, National Library of Medicine, National Institutes of Health Campus, Building 38, 8600 Rockville Pike, Bethesda, Maryland 20894. The entire meeting is open to the public and time is planned for persons who would like to make public comments. Although not required, pre-registration is preferred to assist in planning for adequate space. To pre-register for this meeting, please contact Dr. Mary S. Wolfe, NTP Executive Secretary, P. O. Box 12233, A3-07, NIEHS, Research Triangle Park, North Carolina 27709, telephone: 919-541-3971 and FAX: 919-541-0295. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, are asked to notify the contact person listed below in advance of the meeting.

Background

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services has established an Advisory Committee on Alternative Toxicological Methods. The Committee functions to provide advice on the activities and priorities of the NTP Center and the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and to provide advice on ways to foster partnership activities and productive interactions among all stakeholders. The Advisory Committee is composed of knowledgeable representatives drawn from academia, industry, public interest organizations, other state and Federal agencies, and the international community [**Federal Register:** September 15, 1997 (Volume 62, Number 178, Page 48290)]

Agenda

The agenda for the November 28th session will consist of presentations on recent and proposed activities of the NTP Center and ICCVAM. The Committee will discuss issues relating to processes and priorities and recommendations relevant to the validation of new and revised toxicological testing methods. Information on methods that will be discussed is available on the Internet at: <http://iccvam.niehs.nih.gov>.

Preliminary Agenda—National Toxicology Program Advisory Committee on Alternative Toxicological Methods, National Library of Medicine, Building 38, NIH Campus, Bethesda, MD, November 28, 2000

Tuesday, November 28, 2000

9 a.m.

Opening Comments

Update on the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods and ICCVAM Activities

Implementation of ICCVAM

Recommended Methods

Report on the Peer Review of the Revised Up-and-Down Procedure (UDP) for Assessing Acute Oral Toxicity (July 25, 2000)

Public Comments

12:15 p.m. Lunch Break

1:15 p.m.

I. Report on the International

Workshop on In Vitro Methods for Assessing Acute Systemic Toxicity (October 17–20, 2000)

II. Report on the Expert Panel Meeting on the Frog Embryo Teratogenesis Assay—Xenopus (FETAX)

Committee Discussion on Future

Directions and Related Issues

Public Comments

5 p.m. Adjourn

A detailed agenda with meeting schedule and the Committee roster will be available prior to the meeting on the NTP web site (<http://ntp-server.niehs.nih.gov>) or by contacting the NTP Executive Secretary, at the address given above. Summary minutes will also be available subsequent to the meeting by contacting the address above.

Solicitation of Public Comment

The Advisory Committee on Alternative Toxicological Methods meeting is open to the public, and time is reserved for any interested individual/group (limit one speaker per group) to give oral comments on the activities, directions, or priorities of the Center and/or on any of the agenda items discussed at the meeting. In order to facilitate planning for the meeting, persons wishing to make an oral presentation are asked to notify the Executive Secretary prior to the meeting at the address given above; however, registration for public comments will also be available on-site at the meeting. A person registering to make comments will be asked to provide his/her name, affiliation, mailing address, phone, fax, e-mail and supporting organization (if any).

Written comments can accompany or be provided in lieu of making oral

comments. All comments must include name, affiliation, mailing address, phone, fax, e-mail and sponsoring organization (if any) and should be sent to the Executive Secretary at the address given above.

Dated: October 25, 2000.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 00–28342 Filed 11–3–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4572–D–11]

Order of Succession

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the Assistant Secretary for Fair Housing and Equal Opportunity designates the Order of Succession for the office of Fair Housing and Equal Opportunity. This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Fair Housing and Equal Opportunity, published at 65 FR 16952 (March 30, 2000).

EFFECTIVE DATE: August 3, 2000.

FOR FURTHER INFORMATION CONTACT: Deborah R. Harrison, Administrative Officer, Office of Fair Housing and Equal Opportunity, Budget and Administrative Support Division, Department of Housing and Urban Development, Room 5124, 451 7th Street, SW., Washington, DC 20410, (202) 708–2701. (This is not a toll-free number). This number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339 (toll-free).

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Fair Housing and Equal Opportunity is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of the Assistant Secretary for Fair Housing and Equal Opportunity when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345–3349d. This publication supersedes the Order of Succession notice on March 30, 2000 at 65 FR 16952.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Fair Housing and Equal Opportunity is not available to exercise the powers or perform the duties of the Office of Assistant Secretary for Fair Housing and Equal Opportunity, the following officials within the Office of Fair Housing and Equal Opportunity are hereby designated to exercise the powers and perform the duties of the Office:

- (1) General Deputy Assistant Secretary;
- (2) Deputy Assistant Secretary for Operations and Management;
- (3) Deputy Assistant Secretary for Enforcement and Program;
- (4) Deputy Assistant Secretary for Economic Development;
- (5) Director, Office of Enforcement;
- (6) Director, Policy and Program Evaluation Staff;
- (7) Director, Office of Programs;
- (8) Director, Field Oversight Staff; and
- (9) Director, Office of Management and Planning.

These officials shall perform the functions and duties of the Office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Fair Housing and Equal Opportunity, published at 65 FR 16952 (March 30, 2000).

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. Sec. 3535(d).

Dated: August 3, 2000.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 00–28310 Filed 11–3–00; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4572–D–14]

Order of Succession

AGENCY: Office of the Assistant Secretary for Public Affairs, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the Deputy Secretary for the Department of Housing and Urban Development designates the Order of Succession for the Office of Public Affairs.

EFFECTIVE DATE: October 27, 2000.

FOR FURTHER INFORMATION CONTACT: Virginia Kelly Ackermen, Senior Attorney, Procurement and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, Room 10180, 451 7th Street, SW, Washington, DC 20410, (202) 708-0622. (This is not a toll-free number.) This number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339 (toll-free).

SUPPLEMENTARY INFORMATION: The Deputy Secretary for the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of the Assistant Secretary for Public Affairs when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345-3349d.

Accordingly, the Deputy Secretary designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Public Affairs is not available to exercise the powers or perform the duties of the Office of Assistant Secretary for Public Affairs, the following officials within the Office of Public Affairs are hereby designated to exercise the powers and perform the duties of the Office:

- (1) Deputy Assistant Secretary for Public Affairs
- (2) Deputy Assistant Secretary for Strategic Planning
- (3) Director, Press Operations
- (4) Senior Public Affairs Specialist, Managing Editor

These officials shall perform the functions and duties of the Office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. Sec. 3535(d).

Dated: October 27, 2000.

Saul N. Ramirez, Jr.,
Deputy Secretary, Department of Housing and Urban Development.

[FR Doc. 00-28311 Filed 11-3-00; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-13]

Order of Succession

AGENCY: Office of the Assistant Secretary for Congressional and Intergovernmental Relations, HUD.

ACTION: Notice of order of succession.

SUMMARY: In this notice, the Deputy Secretary for the Department of Housing and Urban Development designates the Order of Succession for the Office of Congressional and Intergovernmental Relations. This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Congressional and Intergovernmental Relations, published at 60 FR 22404 (May 5, 1995).

EFFECTIVE DATE: October 10, 2000.

FOR FURTHER INFORMATION CONTACT: Virginia Kelly Ackermen, Senior Attorney, Procurement and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, Room 10180, 451 7th Street, SW, Washington, DC 20410; (202) 708-0622. (This is not a toll-free number). This number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339 (toll-free).

SUPPLEMENTARY INFORMATION: The Deputy Secretary for the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of the Assistant Secretary for Congressional and Intergovernmental Relations when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 USC 3345-3349d. This publication supersedes the Order of Succession notice on May 5, 1995 at 60 FR 22404.

Accordingly, the Deputy Secretary designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Congressional and Intergovernmental Relations is not available to exercise the powers or perform the duties of the Office of Assistant Secretary for Congressional and Intergovernmental Relations, the following officials within the Office of Congressional and Intergovernmental Relations are hereby designated to exercise the powers and perform the duties of the Office:

- (1) Deputy Assistant Secretary for Intergovernmental Relations;
- (2) Deputy Assistant Secretary for Strategic Planning.

These officials shall perform the functions and duties of the Office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes the Order of Succession for the Assistant Secretary of Administration, published at 60 FR 22404 (May 5, 1995).

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. Sec. 3535(d).

Dated: October 10, 2000.

Saul N. Ramirez, Jr.,
Deputy Secretary, Department of Housing and Urban Development.

[FR Doc. 00-28312 Filed 11-3-00; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-12]

Order of Succession

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of order of succession.

SUMMARY: In this notice, the Assistant Secretary for Public and Indian Housing designates the Order of Succession for the Office of Public and Indian Housing. This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Public and Indian Housing, published at 65 FR 51015 (August 22, 2000).

EFFECTIVE DATE: August 23, 2000.

FOR FURTHER INFORMATION CONTACT: John Opitz, Assistant General Counsel for

Procurement and Administrative Law, Department of Housing and Urban Development, Room 10180, 451 7th Street, SW, Washington, DC 20410, (202) 708-0622. (This is not a toll-free number.) This number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339 (toll-free).

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Public and Indian Housing is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of the Assistant Secretary for Public and Indian Housing when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345-3349d. This publication supersedes the Order of Succession notice on August 22, 2000 at 65 FR 51015.

Accordingly, the Assistant Secretary for Public and Indian Housing designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Public and Indian Housing is not available to exercise the powers or perform the duties of the Office of the Assistant Secretary for Public and Indian Housing, the following officials within the Office of Public and Indian Housing are hereby designated to exercise the powers and perform the duties of the Office:

- (1) General Deputy Assistant Secretary for Public and Indian Housing;
- (2) Deputy Assistant Secretary for Public and Assisted Housing Delivery;
- (3) Deputy Assistant Secretary for Policy, Program and Legislative Initiatives;
- (4) Deputy Assistant Secretary for Public Housing Investments;
- (5) Deputy Assistant Secretary for Troubled Agency Recovery.

These officials shall perform the functions and duties of the Office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Public and Indian Housing, published at 65 FR 51015 (August 22, 2000).

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. Sec. 3535(d).

Dated: August 23, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 00-28313 Filed 11-3-00; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE-814216

Applicant: Mark A. Holmgren, Santa Barbara, California

The applicant requests a permit to take (harass by survey, locate and monitor nests, capture, mark, band, and release) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and scientific research through out each species range in California for the purpose of enhancing their survival.

Permit No. TE-032209

Applicant: Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, Mangilao, Guam

The applicant requests a permit to take (collect eggs, hatchlings, and adults; band; collect blood samples; and apply radio transmitters) the Mariana crow (*Corvus kubaryi*) in conjunction with captive propagation, translocation, and release on the island of Rota, in the Commonwealth of the Northern Mariana Islands, and Guam for the purposes of enhancing its survival. These activities have previously been authorized under subpermit GDAWR-4.

Permit No. TE-032711

Applicant: Timothy Ziesmer, Bodega, California

The applicant requests a permit to take (capture) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) in conjunction with population studies throughout the species range in California for the purpose of enhancing its survival.

Permit No. TE-016591

Applicant: Wendy Weber, Hayward, California

The permittee requests a permit amendment to take (capture) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and the Alameda whipsnake (*Masticophis lateralis euryxanthus*) in conjunction with surveys and population studies throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-832262

Applicant: Department of Parks and Recreation, San Luis Obispo, California

The permittee requests a permit amendment to take (locate) the Morro shoulderband snail (*Helminthoglypta walkeriana*) in conjunction with habitat enhancement in San Luis Obispo, California for the purpose of enhancing its survival.

Permit No. TE-032713

Applicant: California Department of Transportation, Clovis, California

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE-034299

Applicant: Psoimas, Costa Mesa, California

The applicant requests a permit to take (harass by survey, locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and scientific research through out each species range in California for the purpose of enhancing its survival.

Permit No. TE-034293

Applicant: Bureau of Reclamation, Klamath Falls, Oregon

The applicant requests a permit to take (capture and sacrifice) the shortnose sucker (*Chasmistes brevirostris*) and the Lost River sucker (*Deltistes luxatus*) in conjunction with population and ecological studies throughout each species range for the purpose of enhancing their survival. These activities were previously authorized under subpermit BUETM-3.

Permit No. TE-003483

Applicant: Biological Resources Division, Pacific Island Ecosystems Research Center, Hawaii National Park, Hawaii

The permittee requests a permit amendment to take (locate and monitor nests) the nene goose (*Branta sandvicensis*) in conjunction with population estimates and ecological studies throughout the species range within the Hawaiian Islands, for the purpose of enhancing its survival.

Permit No. TE-032726

Applicant: Nevada Division of Wildlife, Reno, Nevada

The applicant requests a permit to take (capture, remove biological samples, translocate, and release) the Devil's Hole pupfish (*Cyprinodon diabolis*) in conjunction with genetic research; take (capture, remove biological samples, and transport) the Pahrnagat roundtail chub (*Gila robusta jordani*); take (capture, mark, transfer, and release) the Pahrump poolfish (*Empetrichthys latos latos*); take (capture, release, or kill) the Ash Meadows speckled dace (*Thinichthys osculus nevadensis*); and take (hold, mark, transfer, and release) the woundfin (*Plagopterus argentissimus*) in conjunction with population management and scientific research; and take (capture, rear, mark, and release) the razorback sucker (*Xyrauchen texanus*) in conjunction with an established recovery program throughout each species' range for the purpose of enhancing their survival. These activities were previously authorized under subpermit NDOW-15.

DATES: Written comments on these permit applications must be received on or before December 6, 2000.

ADDRESSES: Written data or comments should be submitted to the Chief-Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE, 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. 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:

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 within 20 days of the date of publication of this notice to the address above; telephone: (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: October 27, 2000.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00-28364 Filed 11-3-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-910-00-1020-PB]

New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Council Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. appendix 1, The Department of the Interior, Bureau of Land Management (BLM), announces a meeting of the New Mexico Resource Advisory Council (RAC). The meeting will be held on January 25 and 26, 2001, at the Holiday Inn Express Conference Center, in the Neptune Room, 1100 California N.E., Socorro, New Mexico 87801. There will be an optional all day field trip on Wednesday, January 24, 2001.

Transportation will be provided for RAC members. The optional field trip will be organized by the Socorro Field Office of the BLM. The Field Tour will leave from the Holiday Inn Express at 8:00 a.m. The first stop will be The Box Special Management Area to visit the renowned rock climbing recreation area. Significant use has led the Socorro Field Office to enter into an extensive contracted cultural survey that will test, record, and mitigate significant cultural properties that are currently threatened by recreational users. There will follow a stop at Datil Well Campground before seeing the Horse Mountain urban interface hazardous fuels reduction

project. Socorro Field Office is dedicated to protecting the sensitive natural resources within the Wildlife Study Area, and to protecting the rural homeowners in the area from potential catastrophic wildfire. The tour will proceed to Pelona Mountain to see how prescribed fire projects over the last seven or eight years minimized potentially catastrophic effects that were likely to have been evident during this summer's 32,000 acre Chance wildfire. Land exchange consolidation efforts and easement acquisitions will also be viewed along the way as will issues relative to access along a current powerline. The last stop will be at the Kellogg Canyon watershed project in which BLM and the USFS have worked cooperatively to complete fire and watershed restoration projects. Those interested may continue on to the proposed site of the Camino Real International Heritage Center and the Bosque del Apache Wildlife Refuge to see the birds return at dusk. In case of bad weather, there is an alternate plan for the tour. The meeting on Thursday, January 25, 2001, will start at 8:00 a.m. and will end about 5:00 p.m. The draft agenda for the RAC meeting includes agreement on the meeting agenda, any RAC comments on the draft minutes of the last RAC meeting on October 11 through 13, 2001, in Silver City, New Mexico, and a check-in from the RAC members. The focus of the meeting will be on all aspects of wildfire. Presentations will include discussion. Invited speakers are: Dr. Carl Edminster of the Rocky Mountain Research Station in Flagstaff, Arizona; Doug Boykin, District Forester with New Mexico Forestry and Resources Conservation Division in Socorro; Brad Vierra, President, New Mexico Archaeological Council; Tom Swetnam of the Tree Ring Laboratory at the University of Arizona; Bob Lee, Fire Management Officer, of the New Mexico State Office of the BLM, and Dave Heft, Wildlife Biologist and Dan Huisjen, Fire Management Officer, of the Socorro BLM Field Office.

The three established RAC Subcommittees may have late afternoon or evening meetings on Wednesday, January 24, after the optional field trip, or on Thursday, January 25, after the meeting. The exact time and location of possible Subcommittee meetings will be established by the Chairperson of each Subcommittee and be available to the public following the field trip on Wednesday, January 24, and during the RAC meeting on Thursday, January 25, for that evening. That information will also be available at the desk of the Holiday Inn Express on those two days.

On Friday, January 26, the meeting starts at 8:00 a.m. and will end about 3:00 pm. The ending time of 3:00 p.m. may be changed depending on the work remaining for the RAC. The meeting is open to the public, and starting at 2:45 p.m. on Thursday, January 25, 2001, there will be an additional 15 minute Public Comment Period for members of the public who are not able to be present for the regular Public Comment Period on Friday, January 26, to address the RAC. The meeting on Friday, January 26, will start at 8:00 a.m. with a review of the agenda thus far. At 8:15 a.m. are scheduled RAC Subcommittee Reports from the Urban and Open Space Subcommittee, the Roads and Trails Subcommittee, and the Oil and Gas Subcommittee. The regular Public Comment Period for the Public to address the RAC is on Friday, January 26, 2001, from 10:00 a.m. to 12:00 noon. The RAC may reduce or extend the end time of 12:00 noon depending on the number of people wishing to address the RAC. Anyone wishing to address the RAC should be present at the 10:00 a.m. starting time. The length of time available for each person to address the RAC will be established at the start of the public comment period and will depend on how many people wish to address the RAC, but usually not more than 15 minutes. At the completion of public comments, the RAC may continue discussion on its agenda items. Scheduled at 1:00 p.m. are the BLM State of the Field Office Reports, presented by the Field Office Managers.

These reports are followed by RAC discussions and any RAC recommendations, development of draft agenda items, selection of a location for the next RAC meeting and a RAC assessment of the current meeting.

FOR FURTHER INFORMATION CONTACT: Mary White, New Mexico State Office, Office of External Affairs, Bureau of Land Management, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87502-0115, telephone (505) 438-7404.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for rangeland health and guidelines for grazing management.

Dated; October 31, 2000.

M.J. Chavez,
State Director.

[FR Doc. 00-28365 Filed 11-3-00; 8:45 am]

BILLING CODE 4310-FB-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-958-1430-ET, HAG01-0026; OR-52315]

Notice of Proposed Withdrawal Correction, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: This notice corrects an error in the legal description in the notice of proposed withdrawal published in 65 FR 59464, dated October 5, 2000, FR Doc. 00-25555. The land described as the E $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 12, T. 31 S., R. 1 E., Willamette Meridian, should read, W $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 12, T. 31 S., R. 1 E., Willamette Meridian.

Dated: October 27, 2000.

Sherrie L. Reid,

Acting Chief, Branch Realty and Records Services.

[FR Doc. 00-28331 Filed 11-3-00; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission Two Hundred Thirty-First Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Thursday, November 16, 2000.

The Commission was reestablished pursuant to Public Law 87-126 as amended by Public Law 105-280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of minutes of previous meeting (September 22, 2000)
3. Reports of Officers
4. Committee Reports
 - Nickerson Committee—B. Boleyn
 - ORV Subcommittee—E. Francis
5. Superintendent's Report
 - Dune Shacks
 - Penniman House
 - USGS Water Study
 - PWC Update
 - Salt Pond Visitor Center
 - "Soundscape" Director's Order
 - Highlands Center
 - News from Washington
6. Old Business
 - Advisory Commission Handbook
7. New Business
8. Agenda for next meeting—January 5, 2001
9. Public comment and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: October 23, 2000.

Maria Burks,

Superintendent.

[FR Doc. 00-28314 Filed 11-3-00; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 28, 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 November 21, 2000.

Paul R. Lusignan,

Acting Keeper of the National Register.

ARIZONA

Yavapai County

Joslin and Whipple Historic District, S. Mt. Vernon, Virginia, Washington, and Arizona Sts., Prescott, 00001387

Whipple Heights Historic District, E. Gurley,
N. Virginia and Washington, E. Moeller
Sts., Prescott, 00001388

ARKANSAS

Cross County

Wittsburg Store and Gas Station, (Arkansas
Highway History and Architecture MPS)
Cty Rd 739, Wittsburg, 00001386

GEORGIA

Gwinnett County

Adair, Isaac, House, 1235 Chandler Rd.,
Lawrenceville, 00001390

Spalding County

Spalding County Courthouse—Spalding
County Jail, 232 E. Broad St., Griffin,
00001389

MARYLAND

Baltimore Independent city

Parker Metal Decoration Company Plant, 333
W. Ostend St., Baltimore, 00001391

Montgomery County

Wiley—Ringland House, 4722 Dorset Ave.,
Chevy Chase, 00001392

MASSACHUSETTS

Hampden County

Quadrangle—Mattoon Historic District
(Boundary Increase), Byers, Pearl, Spring
and Salem Sts., Springfield, 00001393

Worcester County

Boulevard Diner, (Diners of Massachusetts
MPS) 155 Shrewsbury St., Worcester,
00001394

Hubbardston Town Common Historic
District, Main and Brigham Sts.,
Hubbardston, 00001396

Ted's Diner (Diners of Massachusetts MPS),
67 Main St., Milford, 00001395

MISSISSIPPI

Harrison County

JOSEPHINE (Shipwreck), Address Restricted,
Biloxi, 00001402

Madison County

Sedgewood Plantation, 2607 Virililia Rd.,
Canton, 00001400

Winston County

Foster—Fair House, 507 S. Columbus Ave.,
Louisville, 00001401

MISSOURI

Monroe County

St. Jude's Episcopal Church, 301 N. Main St.,
Monroe City, 00001397

St. Louis Independent city

Louderman Building, 317 N. Eleventh St., St.
Louis (Independent City), 00001399
Phipps—Wallace Store Building, 312–316 N.
Eighth St., St. Louis (Independent City),
00001398

NEBRASKA

Sioux County

Wind Springs Ranch Historic and
Archeological District, Wind Springs Creek
Valley, Scottsbluff, 00001403

NEW JERSEY

Cumberland County

Landis Theatre—Mori Brothers Building,
830–834 Landis Ave., Vineland, 00001405

Gloucester County

Rulon, John C., House, 428 Kings Highway,
Swedesboro, 00001404

Monmouth County

Palace Amusements, 201–207 Lake Ave.,
Asbury, 00001406

NEW YORK

Cattaraugus County

Leon United Methodist Church, Jct. of NY 6
and NY 62, Leon, 00001413

Cortland County

Tarbell Building, 2 Cortland St., Marathon,
00001408

Dutchess County

Barrett, Oliver, House, Reagan Rd., Millerton,
00001416

Dakin—Coleman Farm, Coleman Station Rd.,
Millerton, 00001421

Wheeler, Thomas N., Farm, Indian Lake Rd.,
Millerton, 00001417

Erie County

Wile, M., and Company Factory Building, 77
Goodell St., Buffalo, 00001419

Greene County

Old Episcopal Manse, NY 23, Main St.,
Prattsville, 00001415

Montgomery County

Windfall Dutch Barn, Clinton Rd., jct. with
Ripple Rd., Salt Springville, 00001411

Onondaga County

Fabius Village Historic District, Roughly
bounded by N. West St., Mill St., Keeney
St. and Fabius Town Line, Fabius,
00001409

Orange County

Bloomer—Dailey House and Balmville Tree,
83 Balmville Rd., Balmville, 00001420
Kellogg, The, House (Cornwall MPS), Old
Pleasant Hill Rd., Cornwall, 00001414

Oswego County

Oswego County Courthouse, East Bridge St.,
Oswego, 00001418

St. Lawrence County

Lisbon Railroad Depot, 6936 Cty Rd. 10,
Lisbon, 00001422

Sullivan County

Ohave Shalom Synagogue, Mauric Rose St.,
Woodridge, 00001412
South Fallsburg Hebrew Association
Synagogue, North St., South Fallsburg,
00001410

Tompkins County

St. John's Episcopal, (Historic Churches of
the Episcopal Diocese of Central New York
MPS) 1504 Seventy Six Rd., Speedsville,
00001407

Ulster County

Gardiner School, 2340 NY44/55, Gardiner,
00001423

Van Keuren, Benjamin House Ruin, Off of
Bruyn Turnpike, Shawangunk, 00001424

NORTH CAROLINA

Harnett County

Averasboro Battlefield Historic District,
Roughly bounded by Cape Fear R., NC
1780, the Black R., NC 1801, Erwin,
00001425

Randolph County

Liberty Historic District, Roughly along W of
Norfolk & Southern RR bet. Butler Ave. and
W. Patterson Ave., inc. the 100 blk. of W.
Swannanoa St., Liberty, 00001426

OREGON

Multnomah County

Villa St. Rose, 597 N. Dekum St., Portland,
00001427

PENNSYLVANIA

Jefferson County

United States Post Office—Punxsutawney,
201 N. Findley St., Punxsutawney,
00001428

TENNESSEE

Maury County

Cleburne Jersey Farm (Historic Family Farms
in Middle Tennessee MPS), 2319 Sugar
Ridge Rd., Spring Hill, 00001430

Shelby County

Mid-South Coliseum, 996 Early Maxwell
Blvd., Memphis, 00001429

VIRGINIA

Albemarle County

Mount Walla, 604 Poplar Springs Rd.,
Scottsville, 00001442

Clarke County

Millwood Colored School, 1610 Millwood
Rd., Boyce, 00001431

Goochland County

Byrd Presbyterian Church, 2229 Dogtown
Rd., Goochland, 00001438

Greene County

Beadles House, 515 Greene Acres Rd.,
Stanardsville, 00001433

Hanover County

Church Quarter, 12432 Old Ridge Rd.,
Doswell, 00001436

Hopewell Independent city

Beacon Theatre, 401 N. Main St., Hopewell,
00001434

Lynchburg Independent city

Centerview, 1900 Memorial Ave., Lynchburg,
00001435

Norfolk Independent city

Berkley North Historic District, Roughly bounded by Bellamy Ave., Pescara Creek, Berkley Ave., and I-464, Norfolk, 00001440

Page County

Strickley—Louderback House, 1001 Old Farm Rd., Shenandoah, 00001441

Pulaski County

Calfee Athletic Field, Washington and Pierce Aves., SE, Pulaski, 00001432

Radford Independent city

Glenco, First St., Radford, 00001439

WASHINGTON**King County**

Cedar River Watershed Cultural Landscape, 1990 Cedar Falls Rd. SE, North Bend, 00001443
Shawnee House, 11608 SW Shawnee Rd., Vashon, 00001449

Pierce County

Percins Building, 1101 A St., Tacoma, 00001444

Spokane County

Rosebush House, 3318 N. Marguerite Rd., Spokane, 00001446
Salvation Army Building, 245 W. Main Ave., Spokane, 00001445

Walla Walla County

Buemeister, Max, Building, 27 W. Main, Walla Walla, 00001448

Whatcom County

United States Border Station at Sumas, Washington, 131 Harrison St., Sumas, 00001447

WISCONSIN**Dodge County**

Weyenberg Shoe Factory, 913 N. Spring St., Beaver Dam, 00001452

Oconto County

Mountain School, 14330 Hwy W West, Mountain, 00001453
A request for REMOVAL has been made for the following resource:

WASHINGTON**Whatcom County**

1201 Roeder Ave. Bellingham, 81000594
[FR Doc. 00-28426 Filed 11-3-00; 8:45 am]
BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR**National Park Service**

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by University of Denver Department of Anthropology and Museum of Anthropology professional staff and a contract physical anthropologist in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico and Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and the Zuni Tribe of the Zuni Reservation, New Mexico.

In 1932, human remains representing one individual were recovered from a site near La Veta, Huerfano County, CO, by Dr. E.B. Renaud of the University of Denver Department of Anthropology, and his assistant, Charlie Steen. No known individuals were identified. No funerary objects are present.

Dr. Renaud was taken to the remains by Karl Gilbert of the U.S. Forest Service. Dr. Renaud collected the long bones of the skeleton and reported, but did not collect, numerous glass beads associated with the remains. At the U.S. Forest Service office in La Veta, CO, Dr. Renaud examined the skull of the remains and a series of associated funerary objects that had been collected by John Durant in the winter of 1931-32. These funerary objects included one Barrett flintlock gun dated 1848, three metal arrow points, one saddle buckle, five saddle rings, one piece of copper, one spoon, and one stone pipe. Dr. Renaud was given the skull, which he took along with the long bones to the University of Denver. Currently, the university is in possession of eight long bones. The skull has not been located.

The date on the gun previously associated with the remains demonstrates that this individual died in the mid to late 19th century. At that time, south central Colorado, including Huerfano County, was the territory of the Eastern Bands of the Ute. This geographic association is confirmed by the oral testimony given in consultation, and is supported by ethnographical and historical evidence. Dr. Renaud's notes include a 1932 interview with Mr. I. Blasquez, a resident of La Veta since 1863, who also confirmed that the Ute lived in the La Veta area in the mid-19th century.

Based on the above-mentioned information, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Also, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Skull Valley Band of Goshute Indians of Utah; the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and the Ute Mountain Tribe of the Ute Mountain

Reservation, Colorado, New Mexico and Utah.

This notice has been sent to officials of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico and Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and the Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Jan I. Bernstein, Collections Manager and NAGPRA Coordinator at the University of Denver Department of Anthropology and Museum of Anthropology, 2000 Asbury, Sturm Hall S-146, Denver, CO 80208-2406, email jbernste@du.edu, telephone (303) 871-2543, before December 6, 2000. Repatriation of the human remains to the Skull Valley Band of Goshute Indians of Utah; the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah may begin after that date if no additional claimants come forward.

Dated: October 30, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00-28425 Filed 11-3-00; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intent to prepare an Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS) on the Imperial Irrigation District/San Diego County Water Authority Water Conservation and Transfer Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Amended Notice of Intent to Prepare a Joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

SUMMARY: The Fish and Wildlife Service (Service) intends to be a cooperating agency (pursuant to 40 CFR section 1501.6) in the Bureau of Reclamation's (Bureau) preparation of a joint EIR/EIS pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The joint EIR/EIS will be developed for: (1) the conservation and transfer of water from Imperial Irrigation District (IID) to the San Diego County Water Authority (SDCWA), the Coachella Valley Water District (CVWD) and/or the Metropolitan Water District of Southern California (MWD) and (2) approval of a Habitat Conservation Plan, and issuance of an incidental take permit, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, including consideration of conservation measures or plans addressing State-listed species.

This notice is being furnished pursuant to the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR section 1501.22). Pursuant to regulations at 40 CFR (sections 1501.7 and 1508.22), the Bureau, as lead agency pursuant to NEPA, and the Service, as the Federally authorized permitting agency, are seeking suggestions and information from other agencies and the public on the scope of issues and alternatives to be considered in preparation of the joint EIR/EIS pertaining to possible issuance of a Federal incidental take permit. To satisfy both NEPA and CEQA, the Service, as a cooperator, with the Bureau as the Federal lead agency and IID as the State lead agency are conducting this additional scoping process for the preparation of the environmental documents.

DATES: In order to expedite the planning process, the above agencies request all scoping comments on this notice be received by December 6, 2000.

ADDRESSES: You should address written comments to Ms. Nancy Gilbert, Assistant Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You may also send comments by facsimile to (760) 431-9618.

FOR FURTHER INFORMATION: Contact Ms. Carol Roberts, Salton Sea Coordinator, or Mr. Pete Sorensen, Division Chief, at the above Carlsbad address or by telephone at (760) 431-9440. Persons wishing to obtain background material may contact Mr. Steve Knell of the Imperial Irrigation District at 333 E. Barioni Blvd., P.O. Box 937, Imperial California 92251, or by telephone at (760) 339-9266.

SUPPLEMENTARY INFORMATION: The Bureau is publishing this notice to amend the September 27, 1999 Notice of Intent (see 64 FR 52102) to provide public notice that the project EIR/EIS will include an evaluation of the impacts associated with the potential issuance of an incidental take permit. This was not specifically addressed in the initial Notice of Intent provided for the project. The Habitat Conservation Plan will cover a broad array of activities including: water conservation, water conveyance and drainage, operation and maintenance, system improvements, miscellaneous activities, and third party activities required to achieve the conservation and transfer of up to 300,000 acre-feet of water per year from IID to the SDCWA and to meet the voluntary cap on IID's water use of 3.1 million acre-feet per year from the Colorado River. Up to 100,000 acre-feet of the water conserved by IID may be transferred to the CVWD and/or MWD, instead of SDCWA, as part of the proposed Quantification Settlement Agreement on the Colorado River. The EIR/EIS will evaluate transfer volumes up to 400,000 acre-feet per year. The IID (Applicant) intends to request an incidental take permit for up to 96 listed (Federal and State) and unlisted species of concern (fish, wildlife, and plants) under specific provisions of the permit. In the case of unlisted species, the permit will provide coverage should these species be listed in the future. The Plan will cover all areas of IID's water delivery and collection system from the Imperial Dam on the Colorado River throughout the Imperial Valley (approximately 470,000 acres) into the Salton Sea.

Availability of Documents

During the comment period the documents will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m.,

Monday through Friday) at the Service's Carlsbad Fish and Wildlife Office, the Imperial Irrigation District headquarters in Imperial, and the San Diego County Water Authority office in San Diego. Availability of the draft EIR/EIS for public review and comment will be announced and noticed in the local media and by a **Federal Register** notice.

Background

IID is an irrigation district formed under California law which provides irrigation water and power to the lower southeastern portion of the California desert. IID was established in 1911 to deliver Colorado River water to lands within the Imperial Valley, California for agriculture, domestic, industrial and other beneficial uses. IID maintains a complex system of delivery canals, laterals, and drains which serve approximately 470,000 acres of intensive agriculture. The project area is approximately bounded by the All-American Canal to the south, the East Highline Canal to the east, the Westside Main Canal to the west, and the Salton Sea to the north. Agricultural drainage flows into the New and Alamo Rivers and into the Salton Sea, a designated repository for agricultural drainage.

On April 29, 1998, IID and SDCWA executed an agreement for the conservation and transfer of up to 300,000 acre-feet of Colorado River water per year from IID to SDCWA. As part of the project, IID intends to implement a conservation program that includes the participation of Imperial Valley land owners and tenants so that on-farm as well as system based conservation can be implemented to achieve the required level of conservation. This transfer is a key part of the California 4.4 Plan that will result in California water agencies using only their 4.4 million acre-foot apportionment of the Colorado River. California is currently diverting up to 5.2 million acre-feet of Colorado River water per year. Subsequent negotiations with other Colorado River water rights holders in California have resulted in a proposed Quantification Settlement Agreement among IID, MWD, and CVWD which would reduce the maximum amount of conserved water transferred to SDCWA to 200,000 acre-feet per year and would provide for the transfer of the additional 100,000 acre-feet to the CVWD and the MWD.

A joint EIR/EIS is being prepared by the Bureau and the IID with the Service as a cooperating agency to address the impacts associated with the project and with permit issuance for the project. Additional information on the project can be found in the original Notice of

Intent published at 64 FR 52102. Scoping meetings were held in response to that Notice of Intent on October 12–20, 1999, and no additional scoping meetings are planned in response to this notice.

Section 9 of the Endangered Species Act and the Service regulations prohibit the "take" of threatened or endangered wildlife. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Harm may include significant habitat modification that actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding and sheltering [50 CFR 17.3(c)]. The Service, however, may issue permits to take endangered and/or threatened wildlife incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered and threatened species are found at 50 CFR 17.22 and 17.32.

In anticipation of applying for an incidental take permit the IID is developing a Habitat Conservation Plan. Accordingly, under section 10 of the Endangered Species Act, the Service may issue a permit to the IID authorizing the take of listed and unlisted species incidental to the otherwise lawful conservation and transfer of up to 300,000 acre-feet of Colorado River water per year to the SDCWA, the CVWD, and the MWD, and additional conservation necessary to achieve the IID's voluntary cap of 3.1 million acre-feet/year on their use of Colorado River water.

The permit application will include a Habitat Conservation Plan (Plan) and an Implementation Agreement that define the responsibilities of all parties under the Plan. IID's Plan will cover roughly the area along the length of the All-American Canal and north of the All-American Canal to the Salton Sea bounded on the east by the East Highline Canal and on the west by the Westside Main Canal. The Plan will identify the species proposed for coverage under the Plan including federally-listed species for which take would be granted at the time of permit issuance as well as other species of concern for which take would be granted should those species be listed in the future. The Plan also describes alternatives to the action and includes measures to minimize and mitigate impacts to species covered in the Plan. The Plan will address minimization and mitigation using both a habitat based and a species by species approach. The joint EIR/EIS will consider IID's

proposed project (Proposed Action Alternative) along with other alternatives and the No Action Alternative. Under the Proposed Action Alternative the Service would review IID's incidental take permit application under section 10(a)(1)(B) of the Endangered Species Act.

Environmental review of the Plan will be conducted in accordance with the requirements of the 1969 National Environmental Policy Act as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act regulations (40 CFR parts 1500–1508), other appropriate regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with section 1501.7 of the National Environmental Policy Act to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the joint EIR/EIS.

The Service will utilize the joint EIR/EIS in its evaluation of the permit application, the Habitat Conservation Plan, Implementing Agreement, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If the Service determines that the requirements have been met, the Service will issue a permit for the incidental take of the covered listed species.

Dated: October 30, 2000.

Robert W. Johnson,
Regional Director.

[FR Doc. 00–28431 Filed 11–3–00; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–474 and 475 (Review)]

Chrome-Plated Lug Nuts From China and Taiwan

Determinations

On the basis of the record¹ developed in these subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act), that revocation of the antidumping duty orders on chrome-plated lug nuts from China and Taiwan would not be likely to lead to continuation or recurrence of material injury to an industry in the

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on August 2, 1999 (64 FR 41949) and determined on March 22, 2000, that it would conduct full reviews (65 FR 16632, March 29, 2000). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 14, 2000 (65 FR 37408). The hearing, originally scheduled for August 31, 2000, was canceled due to lack of interest by the parties.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on October 25, 2000. The views of the Commission are contained in USITC Publication 3362 (October 2000), entitled Chrome-Plated Lug Nuts from China and Taiwan: Investigations Nos. 731-TA-474 and 475 (Review).

Issued: October 31, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00-28394 Filed 11-3-00; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-703 and 705 (Review)]

Furfuryl Alcohol From China and Thailand

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on furfuryl alcohol from China and Thailand.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on furfuryl alcohol from China and Thailand would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of

these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: October 30, 2000.

FOR FURTHER INFORMATION CONTACT:

Larry Reavis (202-205-3185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2000, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (65 F.R. 50003, August 16, 2000). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the reviews will be placed in the nonpublic record on February 12, 2001, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on March 1, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 21, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 23, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is February 21, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as

provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is March 12, 2001; witness testimony must be filed no later than three days before the hearing.

In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before March 12, 2001. On March 29, 2001, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before April 2, 2001, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: October 31, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00-28395 Filed 11-3-00; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Civil Rights Division

Agency Information Collection Activities; Proposed Collection; Comment Request

ACTION: Notice of extension of currently approved information collection; Nondiscrimination on the Basis of

Disability in State and Local Government Services (Transition Plan).

The Department of Justice, Civil Rights Division, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 4, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days of public comment until December 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding this item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information

(1) Type of information collection. Extension of Currently Approved Collection.

(2) The title of the form/collection. Nondiscrimination on the Basis of Disability in State and Local Governments Services (Transition Plan).

(3) The agency form number and applicable component of the Department sponsoring the collection. No form number. Disability Rights Section, Civil Rights Division, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: Primary: State and Local or Tribal Government. Under title II of the Americans with Disabilities Act, State and local governments are required to operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities ("Program accessibility"). If structural changes to existing facilities are necessary to accomplish program accessibility, a public entity that employs 50 or more persons must develop a "transition plan" setting forth the steps necessary to complete the structural changes. A copy of the transition plan must be made available for public inspection.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 6,000 respondent at 8 hours per transition plan.

(6) An estimate of the total public burden (in hours) associated with the collection: 48,000 hours annual burden.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: October 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00-28327 Filed 11-3-00; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

Civil Rights Division

Agency Information Collection Activities; Proposed Collection; Comment Request

ACTION: Notice of extension of currently approved information collection;

Nondiscrimination on the Basis of Disability in State and Local Government Services (Certification).

The Department of Justice, Civil Rights Division, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 4, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until December 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of Currently Approved Collection.

(2) *The title of the form/collection:* Nondiscrimination on the Basis of Disability in State and Local Government Services (Certification).

(3) *The agency form number and applicable component of the Department sponsoring the collection:* No form number. Disability Rights Section, Civil Rights Division, U.S. Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: State, Local or Tribal Government. Under title III of the Americans with Disability Act, on the application of a State or local government, the Assistant Attorney General for Civil Rights (or his or her designee) may certify that a State or local building code or similar ordinance that establishes accessibility requirements (Code) meets or exceeds the minimum requirements of the ADA for accessibility and usability of "places of public accommodation" and "commercial facilities."

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 respondents per year at 32 hours per certification.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 320 hours annual burden.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: October 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00-28328 Filed 11-3-00; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

Civil Rights Division

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of extension of currently approved information collection; Nondiscrimination on the Basis of Disability in State and Local Government Services (Certification).

The Department of Justice, Civil Rights Division, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 4, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until December 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ) Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This information

(1) *Type of Information:* Extension of Currently Approved Collection.

(2) *The title of the form/collection:* Nondiscrimination on the Basis of Disability in State and Local Government Services (Certification).

(3) *The agency form number and applicable component of the Department sponsoring the collection:* No form number. Disability Rights Section, Civil Rights Division, U.S. Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: State, Local or Tribal Government. Under title III of the Americans with Disabilities Act, on the application of a State or local government, the Assistant Attorney General for Civil Rights (or his or her designee) may certify that a State or local building code or similar ordinance that establishes accessibility requirements (Code) meets or exceeds the minimum requirements of the ADA for accessibility and usability of "places of public accommodation" and "commercial facilities."

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 respondents per year at 32 hours per certification.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 320 hours annual burden.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: October 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00-28329 Filed 11-3-00; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

Civil Rights Division

Agency Information Collection Activities: Proposed collection; comment request

ACTION: Notice of Extension of Currently Approved Information Collection.

Title II of the Americans with Disabilities Act of 1990/Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form.

The Department of Justice, Civil Rights Division, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of

1995. Office of Management and Budget approval is being sought for the information collection listed below.

This proposed information collection was previously published in the **Federal Register** on August 4, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until December 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) Type of information collection. Extension of Currently Approved Collection.

(2) The title of the form/collection. Title II of the Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form.

(3) The agency form number and applicable component of the Department sponsoring the collection. No form number. Disability Rights Section, Civil Rights Division, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: Primary: Individuals alleging discrimination by public entities based on disability. Under title II of the Americans with Disability Act, an individual who believes that he or she has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint. Any Federal agency that receives a complaint of discrimination by a public entity is required to review the complaint to determine whether it has jurisdiction under section 504. If the agency does not have jurisdiction, it must determine whether it is the designated agency responsible for complaints filed against that public entity. If the agency does not have jurisdiction under section 504 and is not the designated agency, it must refer the complaint to the Department of Justice. The Department of Justice then must refer the complaint to the appropriate agency.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 respondents per year at 0.75 hours per complaint form.

(6) An estimate of the total public burden (in hours) associated with the collection: 3,750 hours annual burden.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: October 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00-28330 Filed 11-3-00; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: New Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Extension of a Currently Approved Collection; Comprehensive Strategy for Serious, Violent, and

Chronic Juvenile Offenders Stakeholder Survey.

The Department of Justice, Office of Juvenile Justice and Delinquency Prevention, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 18, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until December 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1221, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders Stakeholder Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None; Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Key community stakeholders engaged in the Comprehensive Strategy initiative in their state. Other: None. 42 U.S.C. 5653 authorizes the Office of Juvenile Justice and Delinquency Prevention to collect information on all aspects of the juvenile justice system and juvenile offenders. This survey will collect critical information on the relationship between community and State-level contextual factors and the Comprehensive Strategy planning and implementation processes. The survey will also document the progress and obstacles of implementing Comprehensive Strategy in select communities and the lessons learned in the planning process. The survey will take at most 1 hour and 30 minutes to complete and cover the stakeholders' experiences with the Comprehensive Strategy initiative.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 250 respondents in 25 sites at 1 hour and 30 minutes per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 375 hours including all respondents.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: October 31, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00-28326 Filed 11-3-00; 8:45 am]

BILLING CODE 4410-18-M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on November 11, 2000. The meeting will begin at 10 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Marriott at Metro Center, 775 12th Street, NW, Washington, D.C.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of the minutes of the Board's meeting of September 18, 2000.
3. Approval of the minutes of the executive session of the Board's meeting of September 18, 2000.
4. Scheduled Public Speakers.
 - Esther Lardent, ABA Director of the Pro Bono Center
 - Bonnie Allen, National Legal Aid & Defender Association
 - John Russenello, Russenello Research
5. Chairman's Report.
6. Members' Report.
7. Inspector General's Report.
8. President's Report.
9. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
10. Consider and act on the report of the Board's Operations and Regulations Committee.
11. Consider and act on the report of the Board's Annual Performance Reviews Committee.
12. Consider and act on the employment status of the President and Inspector General.

Closed Session

13. Briefing¹ by the Inspector General on the

¹ Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine

- activities of the Office of Inspector General.
14. Staff presentation on corporate insurance issues.
 15. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving LSC.

Open Session

16. Consider and act on other business.
17. Public Comment.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336-8800.

Dated: November 1, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 00-28460 Filed 11-1-00; 4:56 pm]

BILLING CODE 7050-01-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors, Operations and Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on November 10, 2000. The meeting will begin at 11:30 a.m. and continue until the Committee concludes its agenda.

LOCATION: Marriott at Metro Center, 775 12th Street, NW, Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of September 18, 2000.
3. Staff report on the status of actions relating to 45 CFR Part 1628 (Recipient Fund Balances) and the proposed Property Acquisition and Management Manual.
4. Consider and act on potential rulemaking action implementing the findings of the Erlenborn Commission.
5. Consider and act on Report of the Regulations Review Task Force.
6. Consider and act on other business.
7. Public comment.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(2) and (b). See also 45 CFR 1622.2 & 1622.3

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336-8800.

Dated: November 1, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 00-28461 Filed 11-1-00; 4:56 pm]

BILLING CODE 7050-01-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors, Ad Hoc Committee on Performance Reviews of the President and Inspector General

TIME AND DATE: The Ad Hoc Committee on Performance Reviews of the President and Inspector General of the Legal Services Corporation's Board of Directors will meet on November 10, 2000. The meeting will begin at 9:30 a.m. and continue until conclusion of the committee's agenda.

LOCATION: Marriott at Metro Center, 775 12th Street, NW, Washington, D.C.

STATUS OF MEETING: Except for approval of the committee's agenda and any miscellaneous business that may come before the committee, the meeting will be closed to the public. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552(b)(2) & (6)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(a) & (e)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.

Closed Session

2. Conduct a performance appraisal of the President of the Corporation.
3. Conduct a performance appraisal of the Inspector General of the Corporation.

Open Session

4. Consider and act on other business.
5. Public comment

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in

alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway at (202) 336-8800.

Dated: November 1, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 00-28462 Filed 11-1-00; 4:56 pm]

BILLING CODE 7050-01-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors, Committee on Provision for the Delivery of Legal Services

TIME AND DATE: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation Board of Directors will meet on November 10, 2000. The meeting will begin at 2 p.m. and continue until the Committee concludes its agenda.

LOCATION: Marriott at Metro Center, 775 12th Street, NW, Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of September 17, 2000.
3. Staff presentation on LSC's efforts to define, measure and ensure quality in the services provided by LSC grantees and through state justice communities.
4. Report by Danilo Cardona, Director of the Office of Compliance & Enforcement, and Mike Genz, Director of the Office of Program Performance, on the progress of LSC's Results Project.
5. Staff report on the 2001 conference on client-centered legal services.
6. Presentation by Ester Lardent, on behalf of the ABA's Standing Committee on Legal Aid and Indigent Defendants, on corporate *pro bono*.
7. Update by Randi Youells, Vice President for Programs, on Competition and State Planning.
8. Consider and act on other business.
9. Public comment.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Secretary of the Corporation, at (202) 336-8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an

accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336-8800.

Dated: November 1, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 00-28463 Filed 11-1-00; 4:56 pm]

BILLING CODE 7050-01-P

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, November 16, 2000, and Friday, November 17, 2000, at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC. The meeting is tentatively scheduled to begin at 10:00 a.m. on November 16, and at 9:00 a.m. on November 17.

Topics for discussion include: draft report to Congress on risk adjustment; draft report to Congress on post-surgical recovery care centers; Medicare issues in rural areas including access to care; analysis of costs for hospital services in rural areas; coinsurance for hospital outpatient department services; updating Medicare payments for physician services; methods for determining payment adequacy and updates for hospital inpatient services; technology costs and hospital inpatient and outpatient services; and payments to skilled nursing facilities.

Agendas will be mailed on November 7, 2000. The final agenda will be available on the Commission's website (www.MedPAC.gov)

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is (202) 653-7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 653-7220.

Murray N. Ross,

Executive Director.

[FR Doc. 00-28430 Filed 11-3-00; 8:45 am]

BILLING CODE 6820-BW-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

November 1, 2000.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given the National Council on the Humanities will meet in Washington, DC on November 16-17, 2000.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from the gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on November 16-17, 2000, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on November 16, 2000 will be as follows:

Committee Meetings

9-10:30 a.m.

(Open to the Public)

Policy Discussion

Education Program, Room M-07

Federal/State Partnership, Room 507

Preservation and Access/Challenge

Grants, Room 415

Public Programs, Room 420

Research Programs, Room 315

(Closed to the Public)

Discussion of specific grant

applications and programs before the Council

10:30 a.m. until adjourned

Education Programs, Room M-07

Federal/State Partnership, Room 507

Preservation and Access/Challenge

Grants, Room 415

Public Programs, Room 420
Research Programs, Room 315
1:30-2:30 p.m.

Jefferson Lecture and National Humanities Medals Committee Meeting, Room 430

The morning session on November 17, 2000 will convene at 9 a.m., in the 1st Floor Council Room, M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

Minutes of the Previous Meeting Reports

A. Introductory Remarks and Presentations

B. Staff Report

C. Reports on Policy and General Matters

1. Overview

2. Research Programs

3. Education Programs

4. Public Programs

5. Federal/State Partnership

6. Preservation and Access/Challenge Grants

7. Jefferson Lecture/Humanities Medals

8. Long-Term Projects

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Ms. Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, or by calling (202) 606-8322, TDD (202) 606-8282. Advance notice of any special needs or accommodations is appreciated.

Laura S. Nelson,

Advisory Committee, Management Officer.

[FR Doc. 00-28360 Filed 11-3-00; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Notice of Establishment

The Deputy Director of the National Science Foundation has determined that the establishment of the Business and Operations Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Business and Operations Advisory Committee.

Nature/Purpose: The committee will be strictly advisory and will advise the Chief Financial Officer and the Chief Information Officer of the National Science Foundation concerning issues related to the oversight, integrity, development and enhancement of NSF's business operations.

NSF Contact: Ms. Joanna Rom, Senior Advisor, Office of Budget, Finance and Award Management, National Science Foundation, 4201 Wilson Boulevard, Suite 405, Arlington, VA 22230. Telephone: (703) 292-8200.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28396 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings of the Advisory Panel for Biological Infrastructure (1215):

1. *Date and Time:* November 29—December 1, 2000, 8:30 am—5 pm.

Contact Person: Gerald Selzer, Program Director Biological Instrumentation and Instrument Development, National Science Foundation, Rm. 615, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 292-8470.

2. *Date and Time:* December 13-14, 2000, 8:30 am—5 pm.

Contact Person: Mary McKittrick, Program Director, Biological Research Collections, Division of Biological Infrastructure, 4201 Wilson Boulevard, Room 615, Arlington, VA 22230. Telephone (703) 292-8470.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28407 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (1189).

Date and Time: November 28, 2000; 8 a.m.—5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 830, Arlington, VA.

Type of Meeting: Closed.

Contact Person: A. Frederick Thompson and Nicholas L. Clesceri, Program Directors, Division of Bioengineering and Environmental Systems, National Science Foundation; 4201 Wilson Boulevard; Arlington, Virginia 22230. Telephone: (703) 292-8320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Environmental Engineering 2001 CAREER proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 27, 2000

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28410 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date and Time: December 4-5, 2000; 8 a.m. to 5 p.m.

Place: NSF, 4201 Wilson Boulevard, Rooms 340 & 390, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Dr. Richard Fragaszy, Program Director, Geomechanics and Geotechnical Systems, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson Boulevard, Room

545, Arlington, VA 22230. Telephone: (703) 292-8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Unsolicited Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28398 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205)

Date and Time: December 4-5, 2000; 8 a.m. to 5 p.m.

Place: NSF, 4201 Wilson Boulevard, Rooms 330 & 380, Arlington, Virginia

Type of Meeting: Closed.

Contact Person: Dr. Clifford Astill, Program Director, Geoenvironmental Engineering and Geohazards Mitigation, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson Boulevard, Room 545, Arlington, VA 22230. Telephone: (703) 292-8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Unsolicited Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28399 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION**Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following Meeting.

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: December 7-8, 2000; 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 850, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Joy Pauschke, Program Director, network for Earthquake Engineering Simulation, Division of Civil and Mechanical Systems, National Science Foundation, Room 545, Arlington, VA 22230. Telephone: (703) 292-8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Mechanics and Structures of Materials and Surface Engineering and Material Design Review as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28401 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION**Proposal Review Panel in Earth Sciences; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Proposals Review Panel in Earth Sciences (1569).

Date and Time: November 29-December 1, 2000, 8 a.m. to 6 p.m.

Place: IRIS PASSCAL Instrument Center, New Mexico Institute of Mining and Technology, Socorro, New Mexico.

Type of Meeting: Closed.

Contact Person: Dr. Daniel F. Weill, Program Director, Instrumentation & Facilities Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; Telephone: (703) 292-8558.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Instrumentation & Facilities proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28404 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION**Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings of the Special Emphasis Panel in Electrical and Communications Systems (1196):

Date and Time: November 13, 2000; 8:30 a.m. to 5 p.m.

Contact Person: Dr. Filbert Bartoli, Program Director, Division of Electrical and Communications Systems, National Science Foundations, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230. Telephone: (703) 292-8339.

Agenda: To review and evaluate CAREER (MEMS) proposals submitted in response to program announcement NSF 00-89 as part of the selection process for awards.

Date and Time: November 28-29, 2000; 8:30 a.m. to 5 p.m.

Contact Person: Dr. Kishan Baheti, Program Director, Control, Networks and Computational Intelligence (CNCI), Division of Electrical and Communications Systems, National Science Foundations, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230. Telephone: (703) 292-8339.

Agenda: To review and evaluate research proposals in the CNCI program as part of the selection process for awards.

Place: National Science Foundation, Room 680, 4201 Wilson Boulevard, Arlington, VA.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b(c), (4) and (6) the Government in the Sunshine Act.

Dated: October 27, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28411 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION**Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59).

Date/Time: December 7, 2000; 4:30 pm to 9 pm. December 8, 2000; 8 am to 6 pm.

December 9, 2000; 8 am to 3 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Susan Snyder, Program Director, Division of Elementary, Secondary and Informal Education, The National Science Foundation, Room 885, 4201 Wilson Boulevard, Arlington, VA, 22230 (703) 292-8620.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the Teacher Enhancement and Instructional Materials Development Program for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 27, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28409 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-1-M.

NATIONAL SCIENCE FOUNDATION**Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (173).

Date and Time: December 7-8, 8:30 a.m.-5:30 p.m.

Place: National Science Foundation, Room 580, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Ms. Mary Poats, Program Manager, Engineering Education and Centers Division, National Science Foundation, Room 585, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-8384.

Purpose of Meeting: to provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Research Experiences for Undergraduates Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28402 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Experimental & Integrative Activities (1193).

Date & Time: December 11, 2000, 8 a.m.-5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 320, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Lawrence Brandt, Digital Government Program, Division of Experimental and Integrative Activities, Room 1160, National Science Foundation, 4201 Wilson Boulevard, VA 22230, Telephone: (703) 292-8980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate CISE Digital Government Program proposals submitted in response to the program announcement (NSF 99-103).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28400 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Experimental & Integrative Activities (1193).

Date & Time: February 2, 2001, 8:30 a.m.-5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 1150 & 1105, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Carl Smith, Research Experiences for Undergraduates, Experimental and Integrative Activities, Room 1160, National Science Foundation, 4201 Wilson Boulevard, VA 22230 Telephone: (703) 292-8980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate CISE Research Experiences for Undergraduates proposals submitted in response to the program announcement (NSF 00-107).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 27, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28408 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-1-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: November 2-3, 2000; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 814, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Larry S. Scadden, Program Directors, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292-8636.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSE for financial support.

Agenda: To review and evaluate formal proposals submitted to the Program for Persons with Disabilities.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 27, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28412 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-1-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (1203).

Dates & Times: November 17, 2000, 8 a.m.-5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 1060, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Carmen Huber, Program Director, Materials Research Science and Engineering Centers, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-4939.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals as part of the selection process to determine finalists considered for support for the FY 2001 Research Experiences for Undergraduates (REU) Sites proposals submitted for the Division of Materials Research.

Reason for Closing: The proposals being evaluated include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28403 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis in Mathematical Sciences (1204).

Date and Time: November, 29-December 1, 2000; 8:30 a.m. until 5 p.m.

Place: Room 320, 330, & 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Drs. Henry Warchall, Deborah F. Lockhart, Benjamin M. Mann, John Stufken, and Joe Jenkins, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292-8870.

Purpose of Meeting: To provide advice and recommendations concerning proposal submitted to NSF for financial support.

Agenda: To review and evaluate proposals concerning the Fluid Dynamics Panel, as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Manager Officer.

[FR Doc. 00-28397 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings of the Special Emphasis Panel in Physics (1208):

Date/Time: December 5, 2000; 8 a.m.-6 p.m.

Place: State University of New York at Stony Brook.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear, Division of Physics, National Science Foundation, 4201

Wilson Boulevard, Room 1015, Arlington, VA 22230. Telephone: (703) 292-7377,

Purpose of Meeting: To review the scientific program of the nuclear physics laboratory and experimental group at SUNY Stony Brook.

Date/Time: December 18-19, 2000; 8 a.m.-6 p.m.

Place: Indiana University Cyclotron Facility, Indiana University.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, Division of Physics, National Science Foundation, 4201 Wilson Boulevard, Room 1015, Arlington, VA 22230. Telephone: (703) 292-7377.

Purpose of Meeting: To review the scientific program of the nuclear physics experimental group at Indiana University.

Date/Time: January 8-10, 2001; 8 a.m.-5:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 320, Arlington, VA.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, Division of Physics, National Science Foundation, 4201 Wilson Boulevard, Room 1015, Arlington, VA 22230. Telephone: (703) 292-7377.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the Nuclear Physics Program for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closings: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28405 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Social, Behavioral and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (#1766).

Date/Time: January 4-5, 2001; 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Rooms 360, 3365, and 360, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Ms. Susan Parriss, Program Manager, International Research Fellowship Program, Division of International Programs,

National Science Foundation, 4201 Wilson Boulevard, Room 935, Arlington, VA 22230, (703) 306-1711.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate applications to the International Research Fellowship Program submitted in response to the program announcement (NSF 00141).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-28406 Filed 11-3-00; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission, (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information Pertaining to the Requirement to be Submitted:

1. *The title of the information collection:* 10 CFR Part 95—Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.

2. *Current OMB approval number:* None.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

5. *The number of annual respondents:* 8.

6. *The number of hours needed annually to complete the requirement or request:* 443.

7. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain

records to ensure that an adequate level of protection is provided to NRC-classified information and material.

Submit, by January 5, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 E6, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 30th day of October, 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-28357 Filed 11-3-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

In the Matter of Amergen Energy Company, LLC (Clinton Power Station); Exemption

I

AmerGen Energy Company, LLC (AmerGen, the licensee) is the holder of Facility Operating License No. NPF-62 which authorizes operation of the Clinton Power Station (CPS). The license provides, among other things, that the facility 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 a boiling water reactor located on the licensee's CPS site in DeWitt County, Illinois.

II

The U.S. Nuclear Regulatory Commission (NRC) has established requirements in Appendix G of Part 50 to Title 10, Code of Federal Regulations (10 CFR Part 50, Appendix G), to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This Appendix to Part 50 requires the pressure-temperature (P-T) limits for an operating plant to be at least as conservative as those that would be generated if the methods of Appendix G to Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (Appendix G to the Code) were applied. The methodology of Appendix G to the Code postulates the existence of a sharp surface flaw in the reactor pressure vessel (RPV) that is normal to the direction of the maximum applied stress. For materials in the beltline and upper and lower head regions of the RPV, the maximum flaw size is postulated to have a depth that is equal to one-fourth of the thickness and a length equal to 1.5 times the thickness. For the case of evaluating RPV nozzles, the surface flaw is postulated to propagate parallel to the axis of the nozzle's corner radius. The basic parameter in Appendix G to the Code for calculating P-T limit curves is the stress intensity factor, K_I , which is a function of the stress state and flaw configuration. The methodology requires that licensees determine the reference stress intensity (K_{Ia}) factors, which vary as a function of temperature, from the reactor coolant system (RCS) operating temperatures, and from the adjusted reference temperatures (ARTs) for the limiting materials in the RPV. Thus, the critical locations in the RPV beltline and head regions are the $1/4$ -thickness ($1/4T$) and $3/4$ -thickness ($3/4T$) locations, which correspond to the points of the crack tips if the flaws are initiated and grown from the inside and outside surfaces of the vessel, respectively. Regulatory Guide (RG) 1.99, Revision 2, provides an acceptable method of calculating ARTs for ferritic RPV materials; the methods of RG 1.99, Revision 2, include methods for adjusting the ARTs of materials in the beltline region of the RPV, where the effects of neutron irradiation may induce an increased level of embrittlement in the materials.

The methodology of Appendix G requires that P-T curves must satisfy a safety factor of 2.0 on primary membrane and bending stresses during

normal plant operations (including heatups, cooldowns, and transient operating conditions), and a safety factor of 1.5 on primary membrane and bending stresses when leak rate or hydrostatic pressure tests are performed on the RCS. Table 1 to 10 CFR Part 50, Appendix G, provides the staff's criteria for meeting the P-T limit requirements of Appendix G to the Code and 10 CFR Part 50, Appendix G.

By letter dated August 25, 2000, as supplemented September 21, October 14, and October 25, 2000, AmerGen submitted a license amendment request to update the P-T limit curves for CPS. In the submittals, AmerGen also requested NRC approval for exemptions to use Code Cases N-588 and N-640 as methods that would allow AmerGen to deviate from complying with the requirements in 10 CFR Part 50, Appendix G, for generating the P-T limit curves.

Code Case N-588

AmerGen has requested, pursuant to 10 CFR 50.60(b), an exemption to use Code Case N-588 as the basis for evaluating the axial and circumferential welds in the CPS RPV. The current methods of appendix G to the Code mandate consideration of an axial flaw in full penetration RPV welds, and thus, for circumferential welds, dictate that the flaw be oriented transverse to the axis of the weld. Postulation of an axial flaw in a circumferential weld is unrealistic because the length of the flaw would extend well beyond the girth of the circumferential weld and into the adjoining base metal material. Industry experience with the repair of weld indications found during preservice inspection, and data taken from destructive examination of actual vessel welds, confirms that any remaining flaws are small, laminar in nature, and do not transverse the weld bead orientation. Therefore, any potential defects introduced during the fabrication process, and not detected during subsequent nondestructive examinations, would only be expected to be oriented in the direction of weld fabrication. For circumferential RPV welds, the methods of the Code Case therefore postulate the presence of a flaw that is oriented in a direction parallel to the axis of the weld (*i.e.*, in a circumferential orientation).

An analysis provided to the American Society of Mechanical Engineers (ASME) Code's Working Group on Operating Plant Criteria (WGOPC) (in which Code Case N-588 was developed) indicated that if an axial flaw is postulated on a circumferential weld, then based on the correction factors for

membrane stress (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.¹ Appendix G to the Code only requires that a safety factor of 2 be placed 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 correction factor, the margin of 2 is maintained for the stress integrity calculation for the circumferential weld. Consequently, the staff determined that the postulation of an axially-oriented flaw on a circumferential RPV weld adds a level of conservatism in the P-T limits that goes beyond the margins of safety required by 10 CFR Part 50, Appendix G, and by Appendix of the Code. For this reason, the methods of the Code Case reduce the applied stress intensities for primary membrane and bending stresses in circumferential flaws by a factor of approximately 2 ($\approx 0.926/0.443$).² This is realistic since the postulated circumferential flaw in the vessel will propagate if a stress is applied in a direction normal to the axis of the flaw (*i.e.*, by application of an axially oriented stress that results in Mode I crack propagation of the circumferential flaw). Such tensile stresses in the RPVs are typically about half the magnitudes of the corresponding membrane stresses.

Application of Code Case N-588 will only matter if the Code Case is applied for the case where a circumferential weld is the most limiting material in the beltline region of the boiling water reactor (BWR) designed RPV. Since application of the Code Case methods allow licensees to reduce the stress intensities attributed to the circumferential weld, the net effect of the Code Case would allow AmerGen to use the next most limiting base metal or axial weld material in the RPV as the basis for evaluating the vessel and generating the P-T limit curves, if the circumferential weld (girth weld) is the most limiting material in the beltline region of the vessel. In this case, the

Code Case is relevant to the evaluation of the CPS RPV, because the CPS RPV is limited by Circumferential Weld AE (Material Heat 76492).³

WGOPC has concluded that application of Code Case N-588 to plant P-T limits are still sufficient to ensure the structural integrity of RPVs during plant operations. The staff has concurred with WGOPC's determination and has previously granted exemptions to use Code Case N-588 for the Quad Cities Nuclear Power Station (NRC letter to Commonwealth Edison dated February 4, 2000). In the staff's letter of February 4, 2000, the staff concluded that the procedure in Appendix G to the Code was developed for axially oriented flaws and that such a procedure was physically unrealistic and overly conservative for postulating flaws of this orientation in a circumferential weld. The staff also concluded that relaxation of the requirements of Appendix G to the Code by application of Code Case N-588 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 for the Quad Cities RPVs and reactor coolant pressure. AmerGen's proposal to use Code N-588 for generation of the CPS P-T limit curves is predicated on the same technical basis as was used for generation of the Quad Cities P-T limits. The staff therefore concludes that Code Case N-588 is acceptable for application to the CPS P-T limits. Hence, the staff concurs that relaxation of the ASME Section XI, Appendix G, requirements by application of ASME Code Case N-588 is acceptable for CPS 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.

Code Case N-640

AmerGen has requested, pursuant to 10 CFR 50.60(b), an exemption to use ASME Code Case N-640 (previously designated as Code Case N-626) as the basis for establishing the P-T limit curves. Code Case N-640 permits application of the lower bound static

initiation fracture toughness value equation (K_{Ic} equation) as the basis for establishing the curves in lieu of using the lower bound crack arrest fracture toughness value equation (*i.e.*, the K_{Ia} equation, which is based on conditions needed to arrest a dynamically propagating crack, and which is the method invoked by Appendix G to Section XI of the ASME Code). Use of the K_{Ic} equation in determining the lower bound fracture toughness in the development of the P-T operating limits curve is more technically correct than the use of the K_{Ia} equation 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} equation appropriately implements the use of the 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_{Ia} equation since 1974 when the equation 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. Therefore, the lower bound static fracture toughness K_{Ic} equation provides an acceptable method for calculating P-T limits. In addition, P-T curves based on the K_{Ic} equation will enhance overall plant safety by opening the P-T operating window with the greatest safety benefit in the region of low temperature operations.

Generating the RCS P-T limit curves developed in accordance with Appendix G to the Code, without the relief provided by ASME Code Case N-640, would unnecessarily require the RPV to be maintained at a temperature exceeding 212 °F during the pressure test. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed curves, as allowed by ASME Code Case N-640, provides an adequate margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at a lower coolant temperature. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served.

WGOPC has concluded that application of Code Case N-640 to plant P-T limits are still sufficient to ensure the structural integrity of RPVs during plant operations. The staff has concurred with ASME's determination and has previously granted exemptions to use Code Case N-640 for the Quad

¹ The margin of safety of 4.18 is arrived at by dividing 0.926 by 0.443 and then multiplying by the required safety factor of 2.

² The Code Case accomplishes this by reducing the M_m factors for circumferential welds that are used for calculations of the stress intensities attributed to primary membrane stresses (K_{Im}) and primary bending stresses (K_{Ib}). As stated previously, for RPVs with wall thicknesses in the range of 4.0–12.0 inches, the M_m factor for circumferential welds is 0.443. This is the normal wall thickness range for GE designed boiling water reactors.

³ The most limiting $\frac{1}{4}$ T material for the generation of the CPS P-T limits is Circumferential Weld AE (Material Heat 76492). According to the AmerGen submittal of August 25, 2000, this weld has a $\frac{1}{4}$ T RT_{NDT} value at 32 EFPY of 55°F. Application of Code Case N-588 will change the basis for evaluating the vessel to the next most limiting plate or vertical weld material, which according to AmerGen is material heat 3P4955 (used to fabricate vertical welds BE, BF, and BG, which according to AmerGen have a $\frac{1}{4}$ T RT_{NDT} value at 32 EFPY of 51°F).

Cities Nuclear Power Station (NRC letter to Commonwealth Edison dated February 4, 2000). In the letter of February 4, 2000, the staff concluded that application of Code Case N-640 would not significantly reduce the safety margins required by 10 CFR part 50, Appendix G, and would eliminate steam vapor hazards by allowing inspections in the primary containment to be conducted at a lower coolant temperature. The staff also concluded that relaxation of the requirements of Appendix G to the Code by application of Code Case N-640 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 for the Quad Cities RPVs and reactor coolant pressure boundary. AmerGen's proposal to use Code N-640 for generation of the CPS P-T limit curves is predicated on the same technical basis as was used for generation of the Quad Cities P-T limits. The staff therefore concludes that Code Case N-640 is acceptable for application to the CPS P-T limits. Hence, the staff concurs that relaxation of the ASME Section XI, Appendix G, requirements by application of ASME Code Case N-640 is acceptable for CPS 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.

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 the exemption would be required to approve the use of Code Cases N-588 and N-640. The staff examined the licensee's rationale to support the exemption requests and concurred that the use of the code cases would meet the underlying intent of these regulations. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR Part 50, Appendix G; Appendix G of the Code; and Regulatory Guide 1.99, Revision 2, the staff concludes that application of the code cases as described 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 Cases N-588 and N-640 may be used to revise the P-T limits for Clinton Power Station.

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 AmerGen Energy Company, LLC, exemption from the requirements of 10 CFR Part 50, Section 50.60(a) and 10 CFR Part 50, Appendix G, for Clinton Power Station.

Pursuant to 10 CFR 51.32, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** (65 FR 61204). Accordingly, based upon the environmental assessment, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of October 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing, Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-28358 Filed 11-3-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Nominations of New Members of the Advisory Committee on the Medical Uses of Isotopes

AGENCY: Nuclear Regulatory Commission.

ACTION: Call for Nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is re-advertising for nominations for the position of health care administrator on the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

DATES: Nominations are due on or before January 5, 2001.

ADDRESSES: Submit nominations to: The Office of Human Resources, Attn: Ms. Joyce Riner, Mail Stop T2D32, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION, CONTACT: Betty Ann Torres, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-415-0191.

SUPPLEMENTARY INFORMATION: The ACMUI advises the NRC on policy and technical issues that arise in regulating the medical use of byproduct material. Responsibilities include providing comments on changes in NRC rules, regulations, and guidance documents concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; providing technical assistance in licensing, inspection, and enforcement cases; and bringing key issues to the attention of NRC for appropriate action.

ACMUI members possess the medical and technical skills needed to address evolving issues. Currently, the ACMUI membership consists of the following: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) medical physicist in nuclear medicine unsealed byproduct material; (d) a therapy physicist; (e) a radiation safety officer; (f) a nuclear pharmacist; (g) two radiation oncologists; (h) health care administrator; (i) patients' rights and care advocate; (j) Food and Drug Administration representative; and (k) state representative.

The NRC is inviting nominations for the position of health care administrator on the ACMUI. The term of the individual currently occupying the health care administrator position ends September 30, 2001.

Nominees must include four copies of their resumes, describing their educational and professional qualifications, and provide their current addresses and telephone numbers.

Committee members serve a 3-year term, with possible reappointment to an additional 3-year term.

Nominees must be U.S. citizens and be able to devote approximately 80 hours per year to committee business. Members will be compensated and reimbursed for travel (including per diem in lieu of subsistence) and secretarial and correspondence expenses unless the member is a full-time Federal employee. Full-time Federal employees are only reimbursed for travel expenses. Nominees will undergo a security background check and will be required to complete

financial disclosure statements to avoid conflict-of-interest issues.

Dated at Washington, DC, this 31st Day of October, 2000.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

*Advisory Committee Management Officer,
Office of the Secretary of the Commission.*

[FR Doc. 00-28356 Filed 11-3-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NUREG-1671]

Standard Review Plan for the Recertification of the Gaseous Diffusion Plants Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: Because of significant changes resulting from previous public comment, the Nuclear Regulatory Commission (NRC) is offering the opportunity for additional public review and comment on the revised Section 6.0, "Technical Safety Requirements," and Section 8.0, "Nuclear Criticality Safety," of the draft report NUREG-1671 entitled, "Standard Review Plan for the Recertification of the Gaseous Diffusion Plants." (GDPs)

DATES: Submit comment to the address listed below by December 6, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm during Federal workdays.

Draft NUREG-1671 is available for inspection and copying for a fee at the NRC public document room (PDR), located at the NRC's headquarters building, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. A copy of the draft revised Sections 6.0 and 8.0 may also be obtained from the NRC's website for the Division of Fuel Cycle Safety and Safeguards at: <http://www.nrc.gov/NMSS/FCSS/fcssindex.html> or from the Agency's document management system, called ADAMS, at: <http://www.nrc.gov/NRC/ADAMS/index.html>.

FOR FURTHER INFORMATION CONTACT: Christopher Tripp, Office of Nuclear

Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415-7733.

Dated at Rockville, Maryland, this 25th day of October, 2000.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Chief, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00-28359 Filed 11-3-00; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-24719; File No. 812-11982]

AIG Life Insurance Company, et al.

October 30, 2000.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") granting exemptions from the provisions of Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder.

APPLICANTS: AIG Life Insurance Company ("AIG"), Variable Account I ("Variable Account"), American International Life Assurance Company of New York ("AIL") and AIG Equity Sales Corp. ("AIGESC").

SUMMARY OF APPLICATION: Applicants seek an order of exemption pursuant to Section 6(c) of the Act to the extent necessary to permit the recapture, under specified circumstances, of credits applied to premium payments made under the flexible premium deferred variable annuity contract described herein that AIG will issue through the Variable Account (the "Contract"), as well as other contracts that AIG or AIL may issue in the future through their existing or future separate accounts ("Other Accounts") that are substantially similar in all material respects to the Contract ("Future Contracts"). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. ("NASD") member broker-dealer controlling or controlled by, or under common control with, AIG, whether existing or created in the future, that serves as distributor or principal underwriter for the Contract or Future Contracts ("Affiliated Broker-Dealers").

FILING DATE: The application was filed on February 17, 2000, and was amended and restated on October 10, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, in person or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on November 21, 2000, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, c/o AIG Life Insurance Company, One Alico Plaza, Wilmington, Delaware 19801, Attn: Kenneth D. Walma, Esq.

FOR FURTHER INFORMATION CONTACT: Zandra Y. Bailes, Senior Counsel, or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (tel. (202) 942-8090).

Applicant's Representations

1. AIG is a stock life insurance company organized under the laws of Pennsylvania and reorganized under the laws of Delaware. AIG is a subsidiary of American International Group, Inc., which is a holding company for a number of companies engaged in the international insurance business, both life and general, in approximately 130 countries and jurisdictions around the world.

2. The Variable Account was established in 1986 by AIG as a segregated asset account under Delaware law for the purpose of funding variable annuity contracts issued by AIG. It is registered with the Commission as unit investment trust under the Act (File No. 811-5301). The Variable Account will fund the variable benefits available under the Contract. The offering of the Contract is registered under the Securities Act of 1933 (File No. 333-93709).

3. That portion of the assets of the Variable Account that is equal to the reserves and other Contract liabilities

with respect to the Variable Account is not chargeable with liabilities arising out of any other business of AIG. Any income, gains or losses, realized or unrealized, from assets allocated to the Variable Account are, in accordance with the Contract, credited to or charged against the Variable Account, without regard to other income, gains or losses of AIG.

4. AIL is a stock life insurance company organized under the laws of New York and incorporated in 1962. Like AIG, AIL is a subsidiary of American International Group, Inc.

5. AIGESC is the principal underwriter for the Variable Account and the distributor of the Contract. AIGESC is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. The Contract is sold by insurance agents appointed by AIG who are also registered representatives of AIGESC or registered broker/dealers that have entered into distribution agreements with AIGESC. AIGESC is a wholly-owned subsidiary of American International Group, Inc.

6. The Contract may be purchased with a minimum initial premium payment of \$2,000. An owner may make additional payments of at least \$1,000 at any time or pay scheduled subsequent premiums of \$100 or more per month by enrolling an automatic investment plan.

7. Owners of the Contract may allocate their premium payments among seventeen investment options—sixteen variable investment options and one fixed investment option. Each subaccount of the Variable Account invests in shares in one of the variable investment options, which are corresponding portfolios of the Alliance Variable Products Series Fund, Inc. The fixed investment option is part of AIG's guaranteed account and earns a minimum of 3% interest. AIG, at a later date, may decide to create additional subaccounts to invest in any additional funding media as may now or in the future be available. AIG, from time to time, also may combine or eliminate subaccounts, or transfer the assets to and from subaccounts.

8. The Contract has the following charges: (i) a surrender charge as a percentage of the premium surrendered declining from 6% in premium years 1 and 2 to 0% in premium year 8; (ii) a \$30 annual contract maintenance fee (waived if the value of the Contract is at least \$50,000); (iii) a mortality and expense risk charge of 1.25%; (iv) an administrative charge of 0.15% (v) a distribution charge of 0.20%; (vi) a transfer fee of \$10 after the first twelve transfers during a contract year; (vii)

optional death benefit charges; and (viii) any applicable state premium tax.

9. The Contract provides for various death benefit alternatives—a traditional death benefit and two optional death benefits. In addition, an owner may select the accidental death benefit. If an owner elects an optional death benefit or the accidental death benefit, AIG will assess a daily charge against the assets in the Variable Account equal to an annual charge as follows:

Annual Ratchet Plan Equity Assurance Plan.	0.10%. 0.70% (owner's attained age 0–59). 0.20% (owner's attained age 60 and over).
Accidental Death Benefit.	0.05%.

10. AIG will credit an extra amount to the Contract (the "Credit") equal to a maximum of 4% of an owner's premium payment. AIG will allocate the Credit pro rata among the investment options in the same proportion as the corresponding premium payment. AIG will fund Credits from its general account assets and intends to recover the cost through charges imposed under the Contract. AIG may discontinue offering Credits on additional premium payments at its discretion.

11. The Credit is not part of the amount an owner will receive if he or she exercises the free look provision. Credits applied within twenty-four months prior to the date of death are not included in amounts payable as a death benefit. Likewise, Credits applied within twenty-four months prior to a surrender are not included in the amount payable upon surrender. If an owner makes a partial surrender during the twenty-four month period following receipt of a Credit, except as part of the Contract's systematic withdrawal program, AIG will reduce the Credit in the same proportion as the partial surrender bears to the value of the Contract and deduct the amount of the reduction from the value of the Contract. Only Credits paid within twenty-four months prior to the partial surrender are subject to reduction.

12. Applicants seek exemption pursuant to Section 6(c) from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent deemed necessary to permit AIG to issue the Contract, which provides for a Credit upon receipt of a premium payment, and to recapture the Credit in the following instances: (i) when an owner exercises the Contract's free look provision; (ii) when a death benefit is payable within twenty-four months after

receipt of a Credit; and (iii) when a surrender is requested within twenty-four months after receipt of a Credit.

Applicants' Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to Section 6(c) of the Act, grant the exemptions requested with respect to the Contract and any Future Contracts funded by the Variable Account or Other Accounts that are underwritten or distributed by AIGESC or Affiliated Broker-Dealers. Applicants undertake that Future Contracts will be substantially similar in all material respects to the Contract. Applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Subsection (i) of Section 27 of the Act provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless such contract is a redeemable security. Section 2(a)(32) defines "redeemable security" as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof.

3. Applicants submit that the recapture of the Credit under the circumstances set forth in the application would not deprive an owner of his or her proportionate share of the issuer's current net assets. An owner's interest in a Credit allocated to his or her Contract value upon receipt of an initial premium payment is not vested until the applicable free look period has expired without return of the Contract. Similarly, Applicants state that an owner's interest in the amount of any

Credit allocated within twenty-four months prior to the date of the death or the date of the surrender also is not vested. Unless and until the amount of any Credit is vested, Applicants submit that AIG retains the right and interest in the Credit, although not in the earnings attributable to that amount. Thus, Applicants argue that when AIG recaptures any Credit, it is merely retrieving its own assets, and the owner has not been deprived of a proportionate share of the Variable Account's assets because his or her interest in the Credit has not vested.

4. In addition, Applicants state that permitting an owner to retain a Credit under a Contract upon the exercise of the free look provision would not only be unfair, but would also encourage individuals to purchase a Contract, with no intention of keeping it, and return it for a quick profit.

5. Furthermore, Applicants state that the recapture of Credits applied within twenty-four months prior to the date of death or the date of surrender is designed to provide AIG with a measure of protection against anti-selection. The risk here is that, rather than spreading premium payments over a number of years, an owner might make very large premium payments shortly before death or surrender, thereby leaving AIG little time to recover the cost of the Credits. As noted earlier, the amount recaptured equals the Credits provided by AIG from its general account assets, and any gain would remain a part of the owner's Contract value.

6. Applicants represent that it is not administratively feasible to track a Credit in the Variable Account after the Credit is applied. Accordingly, the asset-based charges applicable to the Variable Account will be assessed against the entire amount held in the Variable Account, including the Credit, during the free look period and the twenty-four month recapture periods. As a result, during such periods, the aggregate asset-based charges assessed against an owner's Contract value will be higher than those that would be charged if the owner's Contract value did not include the Credit.

7. Applicants represent that the Credit will be attractive to and in the interest of investors because it will permit owners to put up to 104% of their premium payment to work for them in the selected subaccounts. In addition, the owner will retain any earnings attributable to the Credits, as well as the principal amount of the Credit once vested.

8. Applicants further submit that the recapture of any Credit only applies in relation to the risk of anti-selection

against AIG. In the context of the death benefit and surrender described in the application, anti-selection can generally be described as a risk that owners take undue advantage of the credit feature. AIG provides the Credit from its general account on a guaranteed basis and generally expects to recover its costs, including Credits, while a Contract is in force. The right to recapture Credits applied to premium payments made with twenty-four months prior to the date of death or the date of surrender protects AIG against the risk that an owner will purchase a Contract or make larger premium payments shortly before death or surrender knowing that the contingency that triggers payment of a benefit is likely or about to occur and leave AIG little time to recover the costs of the credits. With respect to refunds paid upon the return of the Contract during the free look period, the amount payable by AIG must be reduced by the amount of the Credit. Otherwise, investors could purchase a Contract for the sole purpose of exercising the free look provision and making a quick profit.

9. Applicants assert that the provisions for recapture of Credits under the Contract do not violate Sections 2(a)(32) and 27(i)(2)(A) of the Act. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from Section 2(a)(32) and 27(i)(2)(A), to the extent deemed necessary, to permit the recapture of any Credit under the circumstances summarized herein, without the loss of relief from Section 27 provided by Section 27(i).

10. Section 22(c) of the Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by Section 22(a). Rule 22c-1 under the Act prohibits a registered investment company issuing any redeemable security, a person designated in such issuers' prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

11. AIG's recapture of the Credit might be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Variable

Account. Applicants assert, however, that the recapture of the Credit does not violate Section 22(c) or rule 22c-1.

Applicants argue that the recapture of the Credit does not involve either of the evils that Rule 22c-1 was intended to eliminate the reduce as far as reasonably practicable, namely: (i) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or repurchase at a price above it, and (ii) other unfair results, including speculative trading practices. See Adoption of Rule 22c-1 under the 1940 Act, Investment Company Release No. 5519 (Oct. 16, 1968). To effect a recapture of a Credit, AIG will redeem interests in a Contract at a price determined on the basis of the current accumulation unit value(s) of the subaccount(s) to which the owner's Contract value is allocated. The amount recaptured will equal the amount of the Credit that AIG paid out of its general account assets. Although the owner will be entitled to retain any investment gain attributable to the Credit, the amount of that gain will be determined on the basis of the current accumulation unit value of the applicable subaccounts. Thus, no dilution will occur upon the recapture of the Credit. Applicants also argue that the second harm that Rule 22c-1 was designed to address, namely speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Section 22(c) and Rule 22c-1 to the extent deemed necessary to permit them to recapture the Credit under the Contract.

12. Applicants assert that their request for an order that applies to the Variable Account and any Other Account established by AIG or AIL, in connection with the issuance of the Contract and Future Contracts, is appropriate in the public interest. Applicants state that such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative's expenses and maximizing the efficient use of Applicants' resources. Applicants state that investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the Act that has not already been addressed in the application. Applicants assert that having Applicant

file additional applications would impair Applicants' ability to take advantage of business opportunities as they arise. Further, Applicants state that if Applicants were required repeatedly to seek exemptive relief with respect to the same issues addressed in the application described herein, investors would not receive any benefit or additional protection thereby.

Conclusion

Applicants assert, based on the grounds summarized above, that their exemptive requests meet the standards set out in Section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-28325 Filed 11-3-00; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43492; File No. SR-NASD-00-64]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Regulatory Element of the Continuing Education Requirements

October 27, 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 October 25, 2000, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation proposes to amend NASD Rule 1120(a) to permit the in-firm delivery of the Regulatory Element of the Continuing Education Requirements. Currently, this computer-based training program can be administered to registered persons only at the location of an outside vendor. Below is the text of the proposed rule change. Proposed new language is in italics.

1000. Membership, Registration and Qualification Requirements * * *

1120. Continuing Education Requirements

This Rule prescribes requirements regarding the continuing education of certain registered persons subsequent to their initial qualification and registration with the Association. The requirements shall consist of a Regulatory Element and a Firm Element as set forth below.

(a) Regulatory Element

(1) through (5) No change

(6) *In-Firm Delivery of the Regulatory Element Members will be permitted to administer the continuing education Regulatory Element program to their registered persons by instituting an in-firm program acceptable to the Association.*

The following procedures are required:

(A) *Principal/Officer In-Charge. The firm has designated a principal to be responsible for the in-firm delivery of the Regulatory Element.*

(B) *Site Requirements.*

(i) *The location of all delivery sites will be under the control of the firm.*

(ii) *Delivery of Regulatory Element continuing education all take place in an environment conducive to training.*

(Examples: a training facility, conference room or other area dedicated to this purpose would be appropriate. Inappropriate locations would include a personal office or any location that is not or cannot be secured from traffic and interruptions.)

(iii) *Where multiple delivery terminals are placed in a room, adequate separation between terminals will be maintained.*

(C) *Technology Requirements. The communication links and firm delivery computer hardware must comply with standards defined by the Association or its designated vendor.*

(D) *Supervision.*

(i) *The firm's Written Supervisory Procedures must contain the procedures implemented to comply with the requirements of in-firm delivery of the*

Regulatory Element continuing education.

(ii) *The firm's Written Supervisory Procedures must identify the principal designated pursuant to Rule 1120(a)(6)(A) and contain a list of individuals authorized by the firm to serve as proctors.*

(iii) *Firm locations for delivery of the Regulatory element continuing education will be specifically listed in the firm's Written Supervisory Procedures.*

(E) *Proctors.*

(i) *All sessions will be proctored by an authorized person during the entire Regulatory Element session. Proctors must be present in the session room or must be able to view the person(s) sitting for Regulatory Element continuing education through a window or by video monitor.*

(ii) *The individual responsible for proctoring at each administration will sign a certification that required procedures have been followed, that no material from Regulatory Element continuing education has been reproduced, and that no candidate received any assistance to complete the session. Such certification may be part of the sign-in log required under Rule 1120(a)(6)(F).*

(iii) *Individual serving as proctors must be persons registered with an SRO and supervised by the designated principal for purposes of in-firm delivery of the Regulatory Element continuing education.*

(iv) *Proctors will check and verify the identification of all individuals taking Regulatory Element continuing education.*

(F) *Administration.*

(i) *All appointments will be scheduled in advance using the procedures and software specified by the Association to communicate with the Association's system and designated vendor.*

(ii) *The firm/proctor will conduct each session in accordance with the administrative appointment scheduling procedures established by the Association or its designated vendor.*

(iii) *A sign-in log will be maintained at the delivery facility. Logs will contain the date of each session, the name and social security number of the individual taking the session, that required identification was checked, the sign-in time, the sign-out time, and the name of the individual proctoring the session. Such logs are required to be retained pursuant to SEC Rules 17a-3 and 17a-4.*

(iv) *No material will be permitted to be utilized for the session nor may any session-related material be removed.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

(v) Delivery sites will be made available for inspection by the SROs.

(vi) Before commencing in-firm delivery of the Regulatory Element continuing education, members are required to file with their Designated Examining Authority ("DEA"), a letter of attestation (as specified below) signed by a principal executive officer or executive representative, attesting to the establishment of required procedures addressing principal in-charge, supervision, site, technology, proctors, and administrative requirements. Letters filed with NASD Regulation, Inc. should be sent to Member Regulation, Continuing Education Department, 9509 Key West Avenue, Rockville, MD 20850.

Letter of Attestation for In-Firm Delivery of Regulatory Element Continuing Education

[Name of member] has established procedures for delivering Regulatory Element continuing education on its premises. I have determined that these procedures are reasonably designed to comply with SRO requirements pertaining to in-firm delivery of Regulatory Element continuing education, including that such procedures have been implemented to comply with principal/officer in-charge, supervision, site, technology, proctors, and administrative requirements.

Signature

Printed name

Title [Must be signed by a Principal Executive Officer (or Executive Representative) of the firm]

Date

(b) Firm Element No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation 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. NASD Regulation 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 Regulatory Element is a 3½ hour computer-based training program that currently can only be administered to registered persons at the location of an outside vendor. NASD Rule 1120(a) requires that each registered person, who is not exempt from the Rule, complete the Regulatory Element on the occurrence of his or her second registration anniversary and every three years thereafter. On each occasion, the training must be completed within 120 days after the registered person's anniversary date. A registered person who has not completed the Regulatory Element within the prescribed time period is deemed to be inactive until the Regulatory Element has been fulfilled, and may not conduct, or be compensated for, activities requiring a securities registration.

The Securities Industry/Regulatory Council on Continuing Education ("Council") is responsible for the oversight of the continuing education program for the securities industry. The Council's duties include recommending and helping to develop specific content and questions for the Regulatory Element, and minimum core curricula for the Firm Element. The Council is comprised of 14 representatives from a broad cross section of broker/dealers, six self-regulatory organizations, including the NASD. The Council, working with representatives from the North American Securities Administrators Association, and with the knowledge of the Council's SEC liaisons, has developed a model under which broker/dealers may deliver the Regulatory Element computer-based training on firm premises. The model requires that the broker/dealer meet certain conditions for in-firm delivery relating to computer hardware and to the security of the training delivery environment. The proposed amendments to Rule 1120(a) encapsulate the delivery requirements as specified by the Council. Firms of any size may take advantage of the in-firm delivery procedures.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,³ which requires, among other things, that the Association's rules must be 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. NASD Regulation believes that the proposed rule change will facilitate registered persons' satisfying their obligations to meet the Regulatory Element of the continuing education requirement.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

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 NASD 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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to this 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

³ 15 U.S.C. 78o-3(b)(6).

the principal office of the NASD. All submissions should refer to file number SR-NASD-00-64 and should be submitted by November 27, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-28386 Filed 11-3-00; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 194; ATM Data Link Implementation

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 194 meeting to be held November 28-30 (and December 1, if needed) 2000, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut Ave., NW, Suite 1020, Washington, DC 20036.

The agenda will include:

November 28

9 a.m. Plenary Session

- (1) Review Agenda
- (2) Review/Approve Previous Meeting Summary
- (3) Presentation by the U.S. Representative to the ICAO Review of the General Concept of Separation Panel (RGCSP)
- (4) Working Group Reports
- (5) Presentation of WG-2's document, DO-XXX: "Implementation Requirements for Services Integrating Flight Operations and Air Traffic Management Using Addressed Data Link"

1 p.m.

- (6) Working Groups meet:
 - (a) WG-1, Data Link Ops Concept & Implementation Plan
 - (b) WG-2, Flight Operations and ATM Integration
 - (c) WG-3, Human Factors
 - (d) WG-4, Service Provider Interface

November 29

- (7) Working Groups 1-4 continue

November 30

9 a.m. Plenary Session

- (8) Develop Plenary Consensus approval of WG-2's document, DO-XXX: "Implementation Requirements for Services Integrating Flight

Operations and Air Traffic Management Using Addressed Data Link"

- (9) Working Group Reports:
 - (e) Includes presentation of WG-4 draft working paper for plenary review
- (10) Other Business
- (11) Date and Location of Next Meeting
- (12) Closing

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202) 833-9434 (fax); or <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 30, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00-28441 Filed 11-3-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2000-8194]

Agency Information Collection Activities; Request for Comments; Renewed Approval of Seven Information Collections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew seven information collections which are summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 5, 2001.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493-2251; or submit electronically at <http://dmses.dot.gov/submit>. All comments should include the docket

number in this notice's heading as well as the OMB control number referencing the specific information collection that is being addressed. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of these information collections.

SUPPLEMENTARY INFORMATION:

1. *Title:* Bid Price Data.

OMB Control Number: 2125-0010 (Expiration Date: March 31, 2001).

Abstract: Information collected on Form FHWA-45, Bid Price Data, is needed for the FHWA to monitor changes in purchasing power of the Federal-aid construction dollar. FHWA follows these trends so that changes in highway construction prices can be measured and funding level recommendations to Congress can be justified. The Federal share of the cost of certain projects constructed by the States in advance of regular apportionments is adjusted based on the bid price index (Title 23 United States Code 115). Form FHWA-45 is prepared for Federal-aid highway construction contracts greater than \$0.5 million in the 50 States plus Washington, DC, and Puerto Rico. Data is reported on six major items of highway construction, together with the total materials and labor costs of the project, taken from the bid tabulation of construction items submitted by the lowest or winning bidder to the State Transportation Department. The State Transportation Departments furnish copies of the bid tabulation to the FHWA that uses the data to produce the national FHWA bid price index and related statistics.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: The data is collected by the States and submitted to FHWA one

⁴ 17 CFR 200.30-3(a)(12).

time, within two weeks after the project has been awarded.

Estimated Total Annual Burden: 975 hours. There are approximately 1,300 annual projects that require about 37 of the State DOTs to complete the form. It takes an average of 45 minutes for each form.

For Further Information Contact: Ms. Claretta Duren, 202-366-4636, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

2. Title: Highway Safety Improvement Programs.

OMB Control Number: 2125-0025 (Expiration Date: March 31, 2001).

Abstract: Under Sections 130(g) and 152(g) of Title 23, United States Code, each State is required to report annually to the Secretary of Transportation on the progress being made in implementing the Highway Safety Improvement Programs (Highway-Rail Grade Crossings and Hazard Elimination) and on the effectiveness of these programs. This information provides FHWA with a means for monitoring the effectiveness of these programs. It will also be used by the Congress for determining funding levels for the Highway Safety Improvement Programs and for modifying these programs. States are also required under Sections 130(d) and 152(a) of Title 23 to conduct and systematically maintain surveys to determine highway-rail grade crossings in need of improvements and to identify hazardous highway locations, sections, and elements. These surveys are the basis for establishing priorities for corrective measures, for scheduling improvements, and for evaluating the effectiveness of improvements. The States collect safety information by surveying highway-rail grade crossings and public roads for potential safety hazards. In addition, motor vehicle crash data, traffic volume data, and other highway inventory data are used by the States to identify hazards and determine which hazards would be the most cost-effective to improve.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Annually.

Estimated Total Annual Burden: 10,400 hours. It is estimated that each State, the District of Columbia and Puerto Rico spends 200 hours to provide this information to the FHWA.

For Further Information Contact: Mr. Kenneth Epstein, 202-366-2157,

Department of Transportation, Federal Highway Administration, Safety Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

3. Title: Planning and Research Program Administration.

OMB Control Number: 2125-0039 (Expiration Date: April 30, 2001).

Abstract: Under the provisions of Title 23, United States Code, Section 505, two percent of Federal-aid highway funds in certain categories that are apportioned to the States are set aside to be used only for State planning and research (SPR funds). At least 25 percent of the SPR funds apportioned annually must be used for research, development, and technology transfer activities. In accordance with government-wide grant management procedures, a grant application must be submitted for these funds. In addition, recipients must submit periodic progress and financial reports. In lieu of Standard Form 424, Application for Federal Assistance, the FHWA uses a work program as the grant application. This includes a scope of work and budget for activities to be undertaken with FHWA planning and research funds during the next one- or two-year period. The information contained in the work program includes task descriptions, assignments of responsibility for conducting the work effort, and estimated costs for the tasks. This information is necessary to determine how FHWA planning and research funds will be utilized by the State Transportation Departments and if the proposed work is eligible for Federal participation. The content and frequency of submission of progress and financial reports specified in 23 CFR part 420 are as specified in OMB Circular A-102 and the companion common grant management regulations.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Estimated Total Annual Burden: 29,120 hours (560 hours per respondent).

For Further Information Contact: Mr. Tony Solury, 202-366-5003, Department of Transportation, Federal Highway Administration, Planning and Environment Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

4. Title: Structure Inventory and Appraisal Sheet.

OMB Control Number: 2125-0501 (Expiration Date: April 30, 2001).

Abstract: The collection of the bridge information contained on the Structure Inventory and Appraisal Sheet (SI&A) is necessary to satisfy the requirements of Title 23 United States Code 144 and 151, and the Code of Federal Regulations, 23 Highways—Part 650, Subpart C—National Bridge Inspection Standards and Subpart D—Highway Bridge Replacement and Rehabilitation Program. The National Bridge Inspection Standards (NBIS) require bridge inspection and reporting at regular intervals for all bridges located on public roads. The NBIS information is used as a basis for setting priorities for the replacement or rehabilitation of bridges under the Highway Bridge Replacement and Rehabilitation Program (HBRRP) and for apportioning HBRRP funds to the States for bridge replacement or rehabilitation. In addition, the information is used for strategic national defense needs and for preparing the report to Congress on the status of the Nation's highway bridges and funding under the HBRRP.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Biannual inspections and annual reporting.

Estimated Total Annual Burden: 540,000 hours. The average burden is two hours to complete each SI&A sheet on the approximate 270,000 bridges that are inspected annually. The total bridge inventory (rounded to 600,000) requires biannual inspections; approximately 10 percent, or 30,000 of the 300,000 bridges that are inspected each year receive an extended inspection. Some States voluntarily inspect bridges more frequently; however, these estimates do not include this information.

For Further Information Contact: Mr. Ray McCormick, 202-366-4675, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

5. Title: Emergency Relief Funding Applications.

OMB Control Number: 2125-0525 (Expiration Date: May 31, 2001).

Abstract: Section 125 of Title 23 United States Code requires States to submit applications to the FHWA for emergency relief (ER) funds. The ER funds are established for the repair or reconstruction of Federal-aid highways and Federal roads which have suffered serious damage by natural disasters over a wide area or serious damage from catastrophic failures. The information is

needed for the FHWA to fulfill its statutory obligations regarding funding determinations on emergency work to repair highway facilities. The requirements covering the FHWA ER program are contained in 23 CFR part 668.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: As required.

Estimated Total Annual Burden: 5,000 hours. 200 hours per application for an average of 30 annual applications.

For Further Information Contact: Mr. Mohan Pillay, 202-366-4655, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

6. *Title:* Preparation and Execution of the Project Agreement and Modifications

OMB Control Number: 2125-0529 (Expiration Date: May 31, 2001).

Abstract: Formal agreements between State transportation departments and the FHWA are required for Federal-aid highway projects. These agreements, referred to as "project agreements" are written contracts between the State and the Federal government that define the extent of work to be undertaken and commitments made concerning a highway project. In a notice of proposed rulemaking (NPRM), published on August 31, 2000 (65 FR 52962), the FHWA proposed actions that would update and modify existing requirements to reflect statutory changes to the project agreement process mandated by section 1305 of the Transportation Equity Act for the 21st Century (TEA-21) (Public Law 105-178, 112 Stat. 107). This FHWA proposal would combine the authorization of work and execution of the project agreement for a Federal-aid project into a single action. We do not expect the basic requirement for a project agreement to change, nor do we expect changes to the current information collection burden estimates as a result of this proposal. Nonetheless, the FHWA will consider any comments received to the NPRM regarding these information collections before issuance of a final rule in this matter. A final rule would reflect any necessary changes to 23 CFR 630, subpart A. Thus, the FHWA's current submission to OMB seeking approval to renew this information collection will not reflect any revised estimates in burdens. The estimates set forth below are based on current regulations.

Respondents: 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of Guam, the Virgin Islands and American Samoa

Estimated Total Annual Burden: 12,040 hours. There are an average of 215 annual agreements per respondent. Each agreement requires approximately one hour to complete.

For Further Information Contact: Mr. Jack Wasley, 202-366-4658, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

7. *Title:* Nationwide Survey of "Public Roads" Readers

OMB Control Number: 2125-0562 (Expiration Date: May 31, 2001)

Abstract: "Public Roads" is a bimonthly magazine published by the FHWA. The FHWA conducts periodic surveys of its readers to improve the quality and content of the magazine. Executive Order 12862 requires all agencies to identify their customers, survey their satisfaction with current services, set standards for service and measure results against them. A nationwide census of readers was conducted in 1995 to establish benchmarks to gauge overall reader satisfaction and to measure, in particular, satisfaction with significant changes that had been made in the magazine's design and content, subject scope, and audience. The results of ongoing surveys will form the basis of a major, direct-mail campaign to increase the number of paid subscribers.

Respondents: Approximately 1,500 paid and complementary subscribers to "Public Roads" magazine.

Frequency: Biennially.

Estimated Total Annual Burden: 375 hours. The average burden per response is 15 minutes.

For Further Information Contact: Ms. Martha Soneira, 202-493-3468, Department of Transportation, Federal Highway Administration, Research, Development and Technology Service Business Unit, Turner-Fairbank Highway Research Center, 6300 Georgetown Pike, McLean, VA 22101. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year.

Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202-512-1661. Internet users may reach the **Federal Register's** home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: October 31, 2000.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 00-28345 Filed 11-03-00; 8:45 am]

BILLING CODE 65-60-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Blue Ridge Scenic Railway Company

[Docket Number FRA-2000-8132]

The Blue Ridge Scenic Railway Company of Blue Ridge, Georgia, has petitioned for a permanent waiver of compliance for one passenger coach from the requirements of the Safety Glazing Standards, 49 CFR Part 223, which requires certified glazing in all windows and a minimum of four emergency windows. The railroad indicates that the car is used in tourist service over 13 miles of track between Blue Ridge and McCaysville, Georgia, at a speed not to exceed 15 mph. The railroad indicates that there is no freight operated over this line, which is in a rural area along the Toccoa River.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires

an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA-2000-8132) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC, 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW, Washington, DC. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC, on November 1, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00-28442 Filed 11-3-00; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RSAC-96-1, Notice No. 21]

Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

SUMMARY: FRA is updating its announcement of RSAC's working group activities to reflect the current status of working group activities.

FOR FURTHER INFORMATION CONTACT: Trish Paoletta or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Ave., NW, Mailstop 25, Washington, DC 20590, (202) 493-6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards Program Development, FRA, 1120 Vermont Ave., NW, Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports on December 17, 1999 (64 FR 70756). The fifteenth full Committee meeting was held September 14, 2000 at the Association of American Railroads Conference Center in Washington, D.C.

Since its first meeting in April of 1996, the RSAC has accepted sixteen tasks. Status for each of the tasks is provided below:

Task 96-1—Revising the Freight Power Brake Regulations. This Task was formally withdrawn from the RSAC on June 24, 1997. FRA published an NPRM on September 9, 1998, reflective of what FRA had learned through the collaborative process. Two public hearings were conducted and a technical conference was held. The date for submission of written comments was extended to March 1, 1999. The final rule is in review and clearance. Contact: Thomas Hermann (202) 493-6036.

Task 96-2—Reviewing and recommending revisions to the Track Safety Standards (49 CFR Part 213). This task was accepted April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the **Federal Register** on July 3, 1997, (62 FR 36138). The final rule was published in the **Federal Register** on June 22, 1998 (63 FR 33991). The effective date of the rule was September 21, 1998. A task force was established to address Gage Restraint Measurement System (GRMS) technology applicability to the Track Safety Standards. A GRMS amendment to the Track Safety Standards was approved by the full RSAC in a mail ballot during August. The final rule amendment will be published in the **Federal Register**. Contact: Al MacDowell (202) 493-6236.

Task 96-3—Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR Part 220). This Task was accepted on April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the **Federal Register** on June 26, 1997 (62 FR 34544). The final rule was published on September 4, 1998 (63 FR 47182), and was effective on January 2, 1999. Contact: Gene Cox (202) 493-6319.

Task 96-4—Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic

railroads. This Task was accepted on April 2, 1996, and a Working Group was established. The Working Group monitored the steam locomotive regulations task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. Contact: Grady Cothen (202) 493-6302.

Task 96-5—Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR Part 230). This Task was assigned to the Tourist and Historic Working Group on July 24, 1996. Consensus was reached and an NPRM was published on September 25, 1998 (63 FR 51404). A public hearing was held on February 4, 1999, and recommendations were developed in response to comments received. The final rule was published on November 17, 1999 (64 FR 62828). Contact: George Scerbo (202) 493-6349.

Task 96-6—Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240). This Task was accepted on October 31, 1996, and a Working Group was established. Consensus was reached and an NPRM was published on September 22, 1998. The Working Group met to resolve issues presented in public comments. The RSAC recommended issuance of a final rule with the Working Group modifications. The final rule was published November 8, 1999 (64 FR 60966). Contact: John Conklin (202) 493-6318.

Task 96-7—Developing Roadway Maintenance Machine (On-Track Equipment) Safety Standards. This task was assigned to the existing Track Standards Working Group on October 31, 1996, and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August. The NPRM will be published in the **Federal Register**. Contact: Al MacDowell (202) 493-6236.

Task 96-8—This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, *Locomotive Crashworthiness & Working Conditions*. This Planning Task was accepted on October 31, 1996. A Planning Group was formed and reviewed the report, grouping issues into categories, and prepared drafts of the task statements for Tasks 97-1 and 97-2.

Task 97-1—Developing crashworthiness specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. This Task was accepted on

June 24, 1997. A Task Force on engineering issues was established by the Working Group on Locomotive Crashworthiness to review collision history and design options and additional research was commissioned. The Working Group reviewed results of the research and is drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. Review of collision data for use in the regulatory evaluation was completed in September. Contact: Sean Mehrvazi (202) 493-6237.

Task 97-2—Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. This Task was accepted June 24, 1997. A draft sanitation NPRM has been circulated for approval of working group, with ballots requested by November 3. The Cab Working Group met in October to begin finalizing work on a noise exposure standard and will be meeting in November to complete a draft NPRM. The Cab Working Group has also considered issues related to cab temperature, and is expected to consider additional issues (such as vibration) in the future. Contact: Brenda Hattery (202) 493-6326.

Task 97-3—Developing event recorder data survivability standards. This Task was accepted on June 24, 1997. An Event Recorder Working Group and Task Force have been established and are actively meeting. A draft proposed rule is being reviewed. Contact: Edward English (202) 493-6321.

Task 97-4 and Task 97-5—Defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

Task 97-6—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group. A Data and Implementation Task Force, formed to address issues such as assessment of costs and benefits and technical readiness, completed a report on the future of PTC systems. The report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting. The Standards Task Force, formed to develop PTC standards, developed draft recommendations for

performance-based standards for processor-based signal and train control standards. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. The NPRM will be published in the **Federal Register**. Contact: Grady Cothen (202) 493-6302.

Task 97-7—Determining damages qualifying an event as a reportable train accident. This Task was accepted on September 30, 1997. A working group was formed to address this task and conducted their initial meeting on February 8, 1999. The working group designed a survey form to collect specific data about damages to railroad equipment. The survey started on August 1 and will end January 31, 2001. The working group is scheduled to meet in December 2000. Contact: Robert Finkelstein (202) 493-6280.

Task 00-1—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices. A working group has been formed and held its first meeting on October 16-18, 2000. Contact: Doug Taylor (202) 493-6255.

Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on November 1, 2000.

George Gavalla,

Associate Administrator for Safety.

[FR Doc. 00-28443 Filed 11-3-00; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Child Passenger Protection Education Grants

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Announcement of grants for child passenger protection education.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a grant program under Section 2003(b) of the Transportation Equity Act for the 21st Century (TEA-21) to implement child passenger protection programs that are designed to prevent deaths and injuries to children, educate the public concerning the proper installation of child restraints, and train child passenger safety personnel concerning child restraint use. This notice solicits applications

from the States, the District of Columbia, Puerto Rico, the U.S. Territories and the Indian Tribes through the Secretary of the Interior.

DATES: Applications must be received by the office designated below on or before December 15, 2000.

ADDRESSES: Applications must be submitted to the appropriate National Highway Traffic Safety Administration Regional Administrator.

FOR FURTHER INFORMATION CONTACT: For program issues contact Ms. Joan Catherine Tetrault, State and Community Services, NSC-01, NHTSA, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366-2121. For legal issues contact Mr. John Donaldson, Office of the Chief Counsel, NCC-30, NHTSA, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-1834.

SUPPLEMENTARY INFORMATION:

Background

Motor vehicle crashes remain the leading cause of unintentional injury-related deaths among children for every age from 6 to 14 years, despite an eight percent decline in the motor vehicle occupant death rate for children under age 15 from 1988 to 1999. During the same time period, the motor vehicle occupant nonfatal injury rate among children under age 15 has increased by seven percent. Motor vehicle injuries and fatalities occur when children ride unrestrained or are improperly restrained. This grant program is intended to help reduce injuries and deaths by educating the public about the importance of correctly installing and using child safety seats, booster seats and seat belts.

1. Children Riding Unrestrained

Approximately 20-25 percent of children ages 1 through 15 years ride unrestrained. Child safety seats reduce the risk of fatal injury in a crash by 71 percent for infants (less than 1 year old) and by 54 percent for toddlers (1-4 years old). In 1999, there were 550 occupant fatalities in passenger motor vehicles among children under 5 years of age. Of those 550 fatalities, an estimated 291 (53 percent) were totally unrestrained. The problem of riding unrestrained is not limited to infants and young children. From 1975 through 1999, the lives of an estimated 4,500 children were saved by the use of child restraints (child safety seats or adult safety belts). Among children under age 15 who were killed as occupants in motor vehicle crashes in 1999, 61 percent were not using safety restraints at the time of the collision.

Examination of the demographics of children killed in motor vehicle crashes (for which the most recent available year is 1995) shows that safety restraint use differs markedly by race. For example, while somewhat less than half (43.3%) of white children up to age 9 riding in passenger motor vehicles were using safety restraints at the time of their deaths, that was true of only about one-quarter (28.2%) of black children. Native American children under age 15 have a motor vehicle occupant death rate twice that of white children. (Injury and fatality data for other minority groups is currently being collected.) Restraint use is also lower in rural areas and low-income communities. Lack of access to affordable child safety seats and booster seats contributes to a lower usage rate among low-income families. However, research shows that 95 percent of low-income families who own a child safety seat use it. Improving access to affordable child restraint systems and educating parents and caregivers about proper installation and use are key components to improving use rates in these communities.

1. Misuse of Child Safety Seats and Improper Seating Positions

In 1998, 97 percent of infants (children under age 1) were restrained while riding in motor vehicles, as were 91 percent of children ages 1 to 5. However, it is estimated that approximately 80 percent of children who are placed in child safety seats are improperly restrained. Furthermore, adult safety belts do not adequately protect children ages 4 to 8 (about 40 to 80 pounds) from injury in a crash. Although car booster seats are the best way to protect them, only six percent of booster-age children are properly restrained in car booster seats.

In addition, there is a high risk of severe injury or fatality to children riding in the front seat of vehicles equipped with a passenger side air bag, due to the deployment force of the air bag. However, even if the air bag is shut off or there is no air bag, the back seat is the safest place for children to ride. Under no circumstances should a parent place a rear-facing infant seat in front of an air bag. It is estimated that children ages 12 and under are 36 percent less likely to die in a crash if seated in the rear seat of a passenger vehicle.

Child passenger safety professionals, educators, emergency personnel and others need to be adequately trained on all aspects of child restraint use in order to help reduce the problems of misuse and encourage the safest seating positions for children riding in motor vehicles. In addition, parents and

caregivers need easily accessible locations where they can receive information on choosing the correct child safety seat for their child, and identifying which child safety seats are compatible with various types of passenger motor vehicles. Parents and caregivers also need to know how to properly install a child safety seat and how to properly secure their child into that seat.

With these concerns in mind, the Transportation Equity Act for the 21st Century (TEA-21), which the President signed into law on June 9, 1998, established a grant program under Section 2003(b) of Title 23, United States Code, to promote child passenger protection education and training.

Grants for Child Passenger Protection

Section 2003(b) provides Federal funds to States for activities that are designed to prevent deaths and injuries to children; educate the public concerning the design, selection, placement, and installation of child restraints; and train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use. A State may expend the funds itself or elect to distribute some or all of the funds to carry out the public education and training activities as grants to political subdivisions of the State or appropriate private entities. States are encouraged to direct funds obtained through this grant program to organizations that can deliver training and education to ensure positive impact in minority and low income communities where lack of child passenger protection is especially severe. Section 2003(b) provides that the Federal share of the cost of a program carried out with the grant funds is not to exceed 80 percent. A State that receives a grant must submit a report describing the program activities carried out with the funds.

Application Procedures

A. Use of Funds

To be eligible for funding under Section 2003(b), a State must submit an application that addresses how the State will implement child passenger protection programs that meet each of the three requirements listed below. For the education and training components, the grant application must identify expected program accomplishments, such as the estimated number of public education messages to be distributed (e.g. public service announcements or printed materials) and the type of

audience to be targeted by these messages (e.g. minority or low-income communities); the estimated number of and type of training classes conducted and the individuals or groups to be trained (e.g. representing minority, rural or low-income communities); the number of child safety seat clinics or check-ups performed; and the number of fitting stations established. A State is encouraged to identify the proposed locations of child safety seat clinics, check-ups and fitting stations, specifying the target population to be served.

Specifically, the State must implement a child passenger protection program that:

1. Is designed to prevent deaths and injuries to children. The State should provide a statement describing how its program supports efforts to prevent deaths and injuries to children.

2. Educates the public on all aspects of child passenger safety. The public education program may include strategies that emphasize a continuum of child restraint from infancy to age 16, increase use among targeted populations (e.g., minority, rural, low-income, or special needs populations), or develop and implement child safety seat clinics and/or permanent locations where consumers can have child safety seats and booster seats inspected. Additional information under public education may be included relevant to proper use of child restraint systems, booster seats and FMVSS 225—a standardized child safety seat system known as Lower Anchors and Tethers for Children (LATCH).

At a minimum, the public education program must:

(a) Provide a summary of the information that the State intends to include or develop in the public education program. The information must address at least the following topics:

- All aspects of proper installation of child restraints using standard seat belt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

- Appropriate child restraint design, selection, and placement [NHTSA interprets this to include instruction about proper seating positions for children in air bag equipped vehicles]; and

- Harness threading and harness adjustment on child restraints.

(b) Include a description of the public education information methods that the State intends to employ, how these messages will be delivered to the target population, and expected

accomplishments. The methods could include billboards, public service announcements, and published materials. It is also important to deliver this information in the language of the targeted group.

3. Trains and retrains child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use. At a minimum, States should include in the application a description of or reference to the curricula that the State will use to train and retrain child passenger safety experts to reach the targeted population and expected accomplishments.

All persons selected for training and retraining as child passenger safety professionals should achieve and maintain at least some minimum standards of expertise. In collaboration with several partners, NHTSA has developed several model curricula including: "Mobilizing America to Buckle Up Children" and "Operation Kids" for law enforcement officers; and the "Standardized Child Passenger Safety Training Program" for child passenger safety professional candidates. States are not restricted to using only these curricula, but States are encouraged to incorporate the learning objectives of these courses into the training and retraining provided to child passenger safety experts. Funding for this grant program is intended to help States develop and sustain adequate cadres of persons with technical expertise in child passenger protection who will directly serve the public through child safety seat clinics, checkpoints, workshops, fitting stations and other training and educational opportunities.

A. Certification

The State must submit certifications that: (i) It will use the funds awarded under this grant program exclusively to implement a child passenger protection program in accordance with the requirements of Section 2003(b) of P.L. 105-178 (TEA-21); (ii) It will administer the funds in accordance with 49 CFR Part 18 and OMB Circular A-87; and (iii) It will provide to the NHTSA Regional Administrator no later than 15 months after the grant award a report of activities carried out with grant funds and accomplishments to date.

B. Eligibility Requirements

Eligibility is limited to the 50 States, the District of Columbia, Puerto Rico, the U.S. Territories (which include the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands) through their

Governor's Office of Highway Safety, and Indian Tribes through the Secretary of the Interior.

Award Procedures

The amount available for this program in fiscal year 2001 is \$7,500,000. In FY 2000, NHTSA awarded \$7.5 million to 47 states, the District of Columbia, Puerto Rico, 4 U.S. Territories and the Indian Nations. A new application is required to seek an award of fiscal year 2001 funds. Awards to applicants meeting the requirements of this notice will be made based upon the formula used for Section 402 apportionment, subject to the availability of funds. The amount awarded to each State qualifying under this program shall be determined by multiplying the amount appropriated for this grant program for the fiscal year by the ratio that the amount of funds apportioned to each such State under 23 U.S.C. 402 for the fiscal year bears to the total amount of funds apportioned to all such States under Section 402 for such fiscal year. Applicants will be required to submit to NHTSA within 30 days of notification that an award is made, a program cost summary (HS Form 217) obligating the Section 2003(b) funds to child passenger protection education programs. The Federal funding share may not exceed 80% of the program cost, and States should clearly identify their share in the program cost summary (HS Form 217).

Each State must submit one original and two copies of the application package to the appropriate NHTSA Regional Administrator. Only complete application packages submitted by a Governor's Highway Safety Representative and received on or before December 15, 2000 will be considered for funding in fiscal year 2001.

Report Requirements

A State that receives a grant must submit a report describing the activities carried out with the grant funds and the accomplishments to date. The report must be submitted to the NHTSA Regional Administrator no later than 15 months after the grant is awarded.

At a minimum, the report must contain the following:

(a) Describe how the State's child passenger protection program is supporting efforts to prevent deaths and injuries to children.

(b) For the education component, the report must identify program accomplishments, such as:

- A summary of the public education methods developed and how programs were delivered to the targeted population.

- The number of public education messages distributed (e.g. public service announcements or printed materials) and the type of audience targeted by those messages (e.g. minority or low-income communities);

- The number of child safety seat clinics or check-ups performed, and the number of fitting stations established. A State must also include the locations of child safety seat clinics, check-ups and fitting stations, specifying the target population served.

(c) For the training component, the report must include:

- The number of and type of training classes conducted and the individuals or groups trained (e.g. representing minority, rural or low-income communities);

- A description of or reference to the curricula that were used to train and retrain child passenger safety experts.

- The number of child passenger safety technicians and instructors certified during the grant period.

NHTSA Publications Available To Support Public Education

A number of NHTSA publications are available through the *Traffic Safety Materials Catalog* that address child passenger safety program topics. These materials may be ordered from the NHTSA web site at >HTTP://WWW.NHTSA.DOT.GOV< or contacting the Media and Marketing Division, NTS-21 by fax at (202) 493-2062.

Issued on: November 1, 2000.

Sue Bailey,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 00-28344 Filed 11-3-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8201; Notice 1]

Subaru of America, Inc., Receipt of Application for Decision of Inconsequential Noncompliance Regarding Headlamp Lens Marking

Subaru of America, Inc., of Cherry Hill, New Jersey, has determined that certain headlamp lens assemblies manufactured by North American Lighting, Inc., are not in full compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, reflective devices, and associated equipment." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Subaru has petitioned for a determination that this

noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

FMVSS No. 108 establishes the performance and equipment requirements for lamps, reflective devices and associated equipment. Under S7.5(g) of FMVSS No. 108, the lens of each replaceable bulb headlamp shall bear permanent marking in front of each replaceable light source with which it is equipped that states the official light source type designation.

Under S7.8.5.3(f)(2), the lens shall have a mark or markings identifying the optical axis of the headlamp visible from the front of the headlamp when installed on the vehicle, to assure proper horizontal and vertical alignment.

Approximately 87 headlamp lens assemblies manufactured by North American Lighting, Inc., for use in Model Year 2000 Subaru Legacy and Outback vehicles were installed on production vehicles from October 5, 1999, through December 5, 1999. During the manufacturing process, "headlamp assemblies were assembled with lens covers with the wrong marking specification required under FMVSS 108, S7.5(g) and FMVSS 108, S7.8.5.3(f)(2)."

Because there are two different headlamp designs, a 2-bulb version and a 1-bulb version, both the same shape, there are two different lenses that are molded. The manufacturing process for assembling these headlamps mismatched the 2-bulb lens and 1-bulb lens assemblies resulting in the noncompliance.

Subaru stated that the installation of the incorrect lens in the 2-bulb and 1-bulb headlamp assemblies does not result in performance variations in beam light patterns resulting in the noncompliances with FMVSS 108.

Subaru's supporting data, views and arguments are as follows:

(1) Headlamp aiming performed during the manufacturing process does not rely on lens marking for beam pattern alignment. The result is proper alignment regardless of the mismatch in headlamp assembly lens.

(2) The rate of replacement for headlamp bulbs within the 3/36 warranty period is 0.6 percent. The remaining parts demand for headlamp bulbs is due to collision which results in purchase and installation of new headlamp assemblies not containing the noncompliance.

(3) Installation of replacement headlamp bulbs is outlined in the Service Manual for Subaru Legacy vehicles. The Service Manual procedure for alignment of the headlamp does not rely on the markings found in noncompliance, but rather references the center marking on the bulb.

(4) Incorrect lens assembly installation results in the following light performance variations:

2-bulb lens on 1-bulb assembly: slight decrease in long range visibility, but within FMVSS performance requirements.
1-bulb lens on 2-bulb assembly: Slight broadening of the beam pattern. Vertical alignment specification variation does not exceed 0.57 degrees plus/minus specified aiming.

(5) There is a small possibility that consumers would purchase replacement bulbs for non-dealer installation based on the incorrect marking. However, the incorrect bulb will not install in the headlamp assembly irrespective of the incorrect marking. Additionally, the owner's manual provides the correct specification for replacement bulbs required.

Subaru also submitted data which show the difference in beam patterns of the four possible bulb combinations in the two lamp housings. The data are in the docket for this application.

The petitioner has indicated that the noncompliances will not result in any safety, reliability or serviceability concern for the operator of a subject motor vehicle.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: December 6, 2000.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: November 1, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00-28343 Filed 11-03-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 209X)]

Camp Lejeune Railroad Company— Discontinuance of Service Exemption—in Onslow County, NC

On October 17, 2000, Camp Lejeune Railroad Company (CL), a wholly owned subsidiary of Norfolk Southern Railway Company, filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue service over 5.5 miles of rail line extending between milepost CK-2.5 at Camp Lejeune and milepost CK-8.0 at Marine Junction, in Onslow County, NC. CL operated the line under a lease from the United States Government that expired in August 1999. The line traverses U.S. Postal Service Zip Codes 28542 and 28547.

The line does not contain federally granted rights-of-way. However, the right-of-way is owned by the United States Government. Any documentation in CL's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co. Abandonment Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 2, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 209X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510. Replies to the CL petition are due on or before November 27, 2000.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental

issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment or discontinuance proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 30, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00-28392 Filed 11-3-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-252936-96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-252936-96 (TD 8780), Rewards for Information Relating to Violations of Internal Revenue Laws (§ 301.7623-1).

DATES: Written comments should be received on or before January 5, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Rewards for Information Relating to Violations of Internal Revenue Laws.

OMB Number: 1545-1534.

Regulation Project Number: REG-252936-96.

Abstract: The regulations explain the procedure for submitting information that relates to violations of the internal revenue laws. The regulations also require a person claiming a reward for information to provide, in certain circumstances, identification of evidence that the person is the proper claimant.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 3 hr.

Estimated Total Annual Burden Hours: 30,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 26, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-28435 Filed 11-3-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of Citizen Advocacy Panel, Brooklyn District**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Friday, December 8, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1-888-912-1227 or 718-488-3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Friday, December 8, 2000, 6:00 p.m. to 9:00 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1-888-912-1227 or 718-488-3555. The public is invited to make oral comments from 8:30 p.m. to 9:00 p.m. on Friday, December 8, 2000. Individual comments will be limited to 5 minutes.

If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 718-488-3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201.

The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 27, 2000.

M. Cathy Vanhorn,

Director, CAP, Communications & Liaison, Taxpayer Advocate Service.

[FR Doc. 00-28434 Filed 11-3-00; 8:45 am]

BILLING CODE 4830-01-P

Corrections

Federal Register

Vol. 65, No. 215

Monday, November 6, 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.

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

Correction

In notice document 00-27158 beginning on page 63251 in the issue of Monday, October 23, 2000, make the following corrections:

1. On page 63252, in the first column, under the heading “**Burden Statement**” in the second paragraph, in the 19th line, “come burden” should read “some burden”.

2. On the same page, in the second column, under the heading “Non-Liquid Alternative Fuels”, in the sixth line, “5/

6 + 133 hours” should read “5/6 = 133 hours”.

[FR Doc. C0-27158 Filed 11-3-00; 8:45 am]

BILLING CODE 1505-01-D

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-2

[FPMR Amendment A-56]

RIN 3090-AH32

Payments to GSA for Supplies and Services Furnished Government Agencies

Correction

In rule document 00-27653 on page 64372 in the issue of Friday, October 27, 2000, make the following correction:

On page 64372, in the second column, under the heading “**PART 101-2- [REMOVED]**”, in the third line “496(c)” should read “486(c)”.

[FR Doc. C0-27653 Filed 11-3-00; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-ANE-47-AD; Amendment 39-11511; AD 2000-01-13]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

Correction

In rule document 00-1193, beginning on page 2864, in the issue of Wednesday, January 19, 2000, make the following corrections:

§39.13 [Corrected]

1. On page 2864, in the third column, in the sixth line from the bottom, remove the word “should”.

2. On page 2865, the table is corrected to read as follows:

Engine Model	Part		FPI per Manual Section	Inspection
	Nomenclature	Engine Manual Part Number		
7/7A/7AH/7F, 7H/7J/20/20J	All Fan Hubs	646028 (or the equivalent customized versions, 770407 and 770408).	72-31-04	02
7/7A/7AH/7F, 7H/7J/20/20J	All HPT 1st Disks	646028 (or the equivalent customized versions, 770407 and 770408).	72-51-02	01
7/7A/7AH/7F, 7H/7J/20/20J	All HPT 2nd Disks	646028 (or the equivalent customized versions, 770407 and 770408).	72-51-02	03
59A/70A	All Fan Hubs	754459	72-31-00	Heavy Maintenance Check
59A/70A	All HPT 1st Disks	754459	72-51-02	Heavy Maintenance Check
59A/70A	All HPT 2nd Disks	754459	72-51-02	Heavy Maintenance Check
7Q/7Q3	All Fan Hubs	777210	72-31-00	03
7Q/7Q3	All HPT 1st Disks	777210	72-51-06	01
7Q/7Q3	All HPT 2nd Disks	777210	72-51-07	01
7R4	All Fan Hubs	785058, 785059 and 789328	72-31-00	03
7R4	All HPT 1st Disks	785058, 785059 and 789328	72-51-06	01
7R4	All HPT 2nd Disks	785058, 785059 and 789328	72-51-07	01

[FR Doc. C0-1193 Filed 11-3-00; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 10**

[T.D. 00-74]

RIN 1515-AC79

**Refund of Duties Paid on Imports of
Certain Wool Products***Correction*

In proposed rule document 00-27522 beginning on page 64178 in the issue of

Thursday, October 26, 2000, make the following corrections:

§10.184 [Corrected]

1. On page 64184, in the second column, in §10.184(d), in the final paragraph, in the first line“(1) *Documentation required where the*” should read “(2) *Documentation required where the*”.

2. On the same page, in the third column, in §10.184, in the fifth paragraph, the first line “(B) A completed Customs Form (CF)” should

read “(C) A completed Customs Form (CF)”.

3. On page 64186, in the third column, in §10.184(g), in the last paragraph, the first line “(1)*Place to file. A claim for a refund*” should read “(2) *Place to file. A claim for a refund*”.

4. On page 64187, in the first column, in §10.184(g), in the second paragraph, the first line “(2) *Documentation. (i) Where the*” should read “(3) *Documentation. (i) Where the*”.

[FR Doc. C0-27522 Filed 11-3-00; 8:45 am]

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Federal Register

**Monday,
November 6, 2000**

Part II

Department of Housing and Urban Development

24 CFR Part 1003

**Revision to the Application Process for
the Indian Community Development
Block Grants Program for Indian Tribes
and Alaska Native Villages; Proposed Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 1003

[Docket No. FR-4612-P-01]

RIN 2577-AC22

**Revision to the Application Process for
the Indian Community Development
Block Grants Program for Indian
Tribes and Alaska Native Villages**

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations for the Indian Community Development Block Grants program for Indian Tribes and Alaska Native Villages (the "ICDBG" program). These amendments will permit the incorporation of the ICDBG grant application and selection procedures into HUD's SuperNOFA process. The SuperNOFA approach, in which the great majority of HUD's competitive funds are announced in one document, is designed to simplify the application process, bring consistency and uniformity to the application and selection process, and accelerate the availability of funding. In addition to the SuperNOFA-related amendments, this proposed rule would amend the ICDBG program regulations to remove certain obsolete regulatory provisions and to clarify program requirements.

DATES: *Comments Due Date:* December 6, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jacqueline Kruszek, Office of Grants Management, Office of Native American Programs, Department of Housing and Urban Development, Suite 3390, 1999 Broadway, Denver, CO 80202, telephone (303) 675-1690, extension 3306 (this is not a toll-free telephone number). Hearing or speech-impaired persons may access this telephone number via TTY by calling the Federal Information Relay Service at 1-800-877-8339. Ms.

Kruszek may also be contacted via e-mail at:
Jacqueline_A_Kruszek@hud.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. The ICDBG Program

The Indian Community Block Grant Program for Indian Tribes and Alaskan Native Villages (commonly referred to as the ICDBG program) provides eligible grantees with direct grants for use in developing viable Indian and Alaskan Native communities, including decent housing, a suitable living environment, and economic opportunities, primarily for low- and moderate-income persons. HUD's regulations implementing the ICDBG program are located in 24 CFR part 1003. The program is administered by the Office of Native American Programs (ONAP) in HUD's Office of Public and Indian Housing.

ICDBG funds are distributed as annual competitive grants. Funds are allocated to each of the six Area ONAPs, so applicants compete for funding only with other tribes or eligible Indian entities within their area. All federally recognized Indian Tribes and Alaskan Native Villages are eligible to participate in the ICDBG program. Projects funded by the ICDBG program must primarily benefit low- and moderate-income persons. ICDBG funds may be used to improve housing stock, provide community facilities, improve infrastructure, and expand job opportunities by supporting the economic development of the communities, especially by nonprofit tribal organizations or local development corporations.

B. This Proposed Rule—Conforming the ICDBG Grant Application Procedures With HUD's SuperNOFA Process

This proposed rule would amend the ICDBG program regulations in 24 CFR part 1003. Specifically, the rule proposes to make several amendments to subpart D of these regulations, which establishes the ICDBG grant application and selection process. The principal reason for the proposed changes is that they would allow or facilitate the integration of the application process for the ICDBG program into HUD's SuperNOFA process.

In Fiscal Year 1998, HUD first published its first Super Notice of Funding Availability (SuperNOFA). The SuperNOFA approach, in which the great majority of HUD's competitive funds are announced in one document, is designed to simplify the application process, bring consistency and uniformity to the application and

selection process, and accelerate the availability of funding. Equally important, the SuperNOFA approach is designed to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs. The most creative and novel element of the SuperNOFA is that it places heavy emphasis on the coordination of activities assisted by HUD funds to provide (1) greater flexibility and responsiveness by potential grantees in meeting local housing and community development needs, and (2) greater flexibility for eligible applicants to determine what HUD program resources best fit the community's needs.

The most recent SuperNOFA, published on February 24, 2000 (65 FR 9322), included 39 grant categories within programs operated and administered by HUD. However, the application process for funding under the ICDBG program has been implemented through separate stand-alone NOFAs. This was based, in part, on a determination that the considerations for grant award were substantially different for the ICDBG program when compared with those included in the SuperNOFA. Based upon closer review, HUD has determined that the SuperNOFA process, especially as it has evolved in the last two years, affords the degree of flexibility necessary to address important distinctions in funding considerations (such as project specific thresholds), while at the same time providing a framework within which application simplification procedures may be implemented.

Certain regulatory changes are required in order to permit the incorporation of the ICDBG program in the SuperNOFA process. Accordingly, HUD is issuing this proposed rule to revise the ICDBG program regulations at 1003.301 and § 1003.303, which establish the ICDBG application selection and rating procedures.

II. SuperNOFA Related Amendments

The most significant SuperNOFA related amendments that would be made by this proposed rule are as follows:

A. Use of SuperNOFA Rating Factors (§ 1003.303)

Current § 1003.303 (entitled "Project rating") establishes three separate rating categories: housing, community facilities, and economic development. Further, § 1003.303 establishes specific rating criteria for these categories (although some categories share similar criteria). The requirements for separate

rating categories and related criteria based on the type of project are inconsistent with SuperNOFA requirements and procedures. Therefore, this proposed rule would amend § 1003.303 to provide for the use of the five uniform rating factors used in the SuperNOFA. Additional details regarding the rating factors would be provided in the ICDBG component of the SuperNOFA. The five rating factors are:

1. *Capacity*. This factor will address the applicant's organizational resources necessary to successfully implement the proposed activities in a timely manner.

2. *Need/Extent of the problem*. This factor will address the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

3. *Soundness of approach*. This factor will address the quality and cost effectiveness of the proposed project, the commitment to sustain the proposed activities, and the degree to which the proposed project provides other benefits to community members.

4. *Leveraging of resources*. This factor will address the level of tribal resources and resources from other entities that are used in conjunction with ICDBG funds to support the proposed project. HUD will evaluate the level of non-ICDBG resources based on the percentage of non-ICDBG resources provided relative to project costs.

5. *Comprehensiveness and coordination*. This factor will address the extent to which the applicant's proposed activities are consistent with the strategic plans or policy goals of the community and further on-going priorities and activities of the community.

B. Conforming Changes to ICDBG Selection Process (§ 1003.301)

As a result of the proposed amendments to § 1003.303 described above, certain conforming changes must be made to § 1003.301, which establishes the ICDBG selection process. These conforming changes are as follows:

1. *Revised threshold requirements (§ 1003.301(a))*. Paragraph (a) of § 1003.301 establishes the threshold requirements for applicants of ICDBG funding. This proposed rule would amend § 1003.301(a) by removing the threshold requirements regarding community development appropriateness, applicant capacity, and applicant performance. The threshold requirements set forth in these paragraphs will more appropriately be incorporated in the SuperNOFA rating factors. As described above, the

SuperNOFA will contain ICDBG specific rating factors to award points based on the capacity of the applicant and the soundness of the applicant's approach. These rating factors will address, to the extent necessary, the threshold requirements currently contained in paragraph (a).

In several instances the current threshold requirements have proven unnecessary, and will not be included in the SuperNOFA rating factors. For example, HUD has determined that current § 1003.301(a)(1)(ii), which requires that the proposed project be appropriate for the intended use, is unnecessary. In addition, the housing assistance threshold requirement contained in current § 1003.301(a)(3)(ii) has never been invoked. Given the changes brought about by the Native American Housing Assistance and Self-Determination Act of 1996, (25 U.S.C. 4101 *et seq.*) (NAHASDA), it is unlikely that this requirement would be a consideration. (HUD's regulations implementing NAHASDA are located at 24 CFR part 1000.)

The proposed rule would retain a revised version of the threshold requirement contained in current paragraph (a)(3)(iii) regarding outstanding obligations. Specifically, the proposed rule would continue to provide that an applicant that has an outstanding ICDBG obligation to HUD that is arrears, or has not agreed to a repayment schedule, will be disqualified from the ICDBG competition. The proposed rule, however, would revise existing paragraph (a)(3)(iii) by removing the language regarding the effects of the applicant's failure to respond to a non-monetary audit finding in a satisfactory manner. This requirement will be included in the SuperNOFA capacity rating factor. The wording of current § 1003.301(a)(3)(iii) would also be revised to provide that the outstanding obligation need not only be the result of an audit finding but could also be the result of a determination of expenditure ineligibility made through another process (such as HUD monitoring).

2. *Removal of reference to former rating categories (§ 1003.301(c))*. The proposed rule would also make a necessary conforming change to current § 1003.301(c), which regards the rating of ICDBG applications. Specifically, the proposed rule would remove the references to the rating categories, consistent with the changes made to § 1003.303.

III. Other Streamlining and Clarifying Amendments to ICDBG Regulations

In addition to the SuperNOFA-related amendments, HUD has taken the opportunity provided by this proposed rule to make several streamlining and clarifying amendments to 24 CFR part 1003. These proposed amendments are non-substantive, but remove obsolete regulatory language and clarify existing program requirements. These changes are as follows:

A. Clarification Regarding Approval of Individual Grant Amounts (§ 1003.100(b)(2))

Section 1003.100(b)(2) identifies the factors that an Area ONAP may take into account in approving a grant amount less than the requested amount. This proposed rule would revise § 1003.100(b)(2) to clarify that the Area ONAP may consider the reasonableness of the project costs in making this determination.

B. Rating of Applications by Area ONAPs (§ 1003.301(c))

The wording of existing § 1003.301(c) would be amended to remove the requirement that applications be rated by each Area ONAP. Although fund allocation and competition for these funds would be made for and limited to each Area ONAP jurisdiction, HUD wishes the flexibility to consider such options as a national rating panel to help expedite the funding approval process.

IV. Justification for 30-Day Comment Period

In general, it is HUD's policy that notices of proposed rulemaking are to afford the public not less than 60 days for submission of comments, in accordance with its regulations on rulemaking in 24 CFR part 10. However, HUD has determined that there is good cause to reduce the public comment period for this proposed rule to 30 days. As discussed in more detail earlier in this preamble, the proposed regulatory amendments are necessary to permit the incorporation of the ICDBG grant application and selection procedures into HUD's SuperNOFA process. Inclusion in the SuperNOFA will greatly benefit ICDBG program applicants. The SuperNOFA process simplifies and brings consistency to the application procedures for the majority of HUD's competitive funding programs. The SuperNOFA's promotion of coordination and comprehensive planning also provides greater flexibility to potential grantees in meeting local housing and community development

needs, and allows for the delivery of a wider more integrated array of services.

HUD wishes to ensure that the proposed regulatory amendments are effective in time to ensure inclusion of the ICDBG program in the Fiscal Year 2001 SuperNOFA. Provision of the customary 60-day public comment period has the potential to delay the rulemaking process and might jeopardize the incorporation of the ICDBG program in the SuperNOFA process. The reduced 30-day comment period will help to ensure that ICDBG program participants are not deprived of the benefits conveyed by participation in the SuperNOFA.

HUD also notes that it provided Indian tribes and Alaska Native Villages the opportunity to comment on the substance of the proposed regulatory changes during the development of this proposed rule. HUD received 7 comments on the proposed revisions, all in support of the regulatory changes and the incorporation of the ICDBG program requirements in the SuperNOFA process. Accordingly, the reduced 30-day comment period will not unduly restrict the ability of ICDBG program participants to express their views on this proposed rule, since they have already been afforded an opportunity to comment on the regulatory changes. Further, the comments received by HUD indicate that the proposed regulatory changes are not controversial, and are supported by most Indian Tribes and Alaska Native Villages.

For the above reasons, HUD has determined that the 30-day comment period for this proposed rule should provide sufficient notice and opportunity for interested entities to comment. However, HUD recognizes the importance of public comment in the development of its regulations, and welcomes public comment on the proposed rule. All public comments will be considered in the development of the final rule.

V. Findings and Certifications

Environmental Impact

In accordance with 24 CFR 50.19(c)(2) of the Department's regulations, the amendments made by this proposed rule would not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Therefore, this proposed rule is categorically excluded

from the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Secretary has reviewed this proposed rule before publication, and by approving it certifies, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule would not have a significant economic impact on a substantial number of small entities. To the extent that the proposed amendments have an impact on small Indian Tribes and Alaskan Native Villages, it will be to reduce burden and expedite the ICDBG funding process. As described more fully in the preamble, the amendments made by this proposed rule will permit the incorporation of the ICDBG program application and selection procedures into HUD's highly successful SuperNOFA process. The inclusion of the ICDBG program in the SuperNOFA will simplify the ICDBG application process, conform the ICDBG application and selection procedures with those of other HUD competitive grant programs, and accelerate the availability of funding. Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule would not impose any Federal mandates on any State, local, or tribal governments, or on the private sector,

within the meaning of the Unfunded Mandates Reform Act of 1995.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance Number for the Indian Community Development Block Grant program is 14.862.

List of Subjects in 24 CFR Part 1003

Alaska, Community development block grants, Grant programs—housing and community development, Indians, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 1003 to read as follows:

PART 1003—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

1. The authority citation for 24 CFR part 1003 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301 *et seq.*

2. Revise 1003.100(b)(2) to read as follows:

§ 1003.100 General.

* * * * *

(b) * * *

(2) *Individual grant amounts.* An Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, the reasonableness of the project costs, and the administrative capacity of the applicant to complete the activities in a timely manner.

3. Revise § 1003.301 to read as follows:

§ 1003.301 Selection process.

(a) *Threshold requirement.* An applicant that has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule, will be disqualified from the competition.

(b) *Application rating.* NOFAs will define and establish weights for the selection criteria, will specify the maximum points available, and will describe how point awards will be made.

3. Revise § 1003.303 to read as follows:

§ 1003.303 Project rating.

Each project included in an application that meets the threshold requirements shall be competitively rated within each Area ONAP's jurisdiction under the five following rating factors. Additional details regarding the rating factors will be provided in the periodic NOFAs.

(a) *Capacity*. This factor will address the applicant's organizational resources necessary to successfully implement the proposed activities in a timely manner.

(b) *Need/Extent of the problem*. This factor will address the extent to which

there is a need for the proposed project to address a documented problem among the intended beneficiaries.

(c) *Soundness of Approach*. This factor will address the quality and cost effectiveness of the proposed project, the commitment to sustain the proposed activities, and the degree to which the proposed project provides other benefits to community members.

(d) *Leveraging of resources*. This factor will address the level of tribal resources and resources from other entities that are used in conjunction with ICDBG funds to support the proposed project. HUD will evaluate the level of non-ICDBG resources based on

the percentage of non-ICDBG resources provided relative to project costs.

(e) *Comprehensiveness and coordination*. This factor will address the extent to which the applicant's proposed activities are consistent with the strategic plans or policy goals of the community and further on-going priorities and activities of the community.

Dated: October 10, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 00-28309 Filed 11-3-00; 8:45 am]

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Federal Register

**Monday,
November 6, 2000**

Part III

The President

**Memorandum of October 31, 2000—
Report to the Congress Regarding
Conditions in Burma and U.S. Policy
Toward Burma**

Title 3—

Memorandum of October 31, 2000

The President

Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma**Memorandum for the Secretary of State**

Pursuant to the requirements set forth under the heading “Policy Toward Burma” in section 570(d) of the Fiscal Year 1997 Foreign Operations Appropriations Act, as contained in the Omnibus Consolidated Appropriations Act (Public Law 104–208), a report is required every 6 months following enactment concerning:

- 1) progress toward democratization in Burma;
- 2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and
- 3) progress made in developing a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Peace and Development Council (SPDC) and democratic opposition groups in Burma.

You are hereby authorized and directed to transmit the report fulfilling these requirements for the period March 27, 2000, through September 28, 2000, to the appropriate committees of the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, October 31, 2000.

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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 "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.

H.R. 209/P.L. 106-404

Technology Transfer Commercialization Act of 2000 (Nov. 1, 2000; 114 Stat. 1742)

H.R. 2607/P.L. 106-405

Commercial Space Transportation Competitiveness Act of 2000 (Nov. 1, 2000; 114 Stat. 1751)

H.R. 2961/P.L. 106-406

International Patient Act of 2000 (Nov. 1, 2000; 114 Stat. 1755)

H.R. 3069/P.L. 106-407

Southeast Federal Center Public-Private Development Act of 2000 (Nov. 1, 2000; 114 Stat. 1758)

H.R. 3671/P.L. 106-408

Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000 (Nov. 1, 2000; 114 Stat. 1762)

H.R. 4068/P.L. 106-409

Religious Workers Act of 2000 (Nov. 1, 2000; 114 Stat. 1787)

H.R. 4110/P.L. 106-410

To amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005. (Nov. 1, 2000; 114 Stat. 1788)

H.R. 4320/P.L. 106-411

Great Ape Conservation Act of 2000 (Nov. 1, 2000; 114 Stat. 1789)

H.R. 4835/P.L. 106-412

To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes. (Nov. 1, 2000; 114 Stat. 1795)

H.R. 4850/P.L. 106-413

Veterans' Compensation Cost-of-Living Adjustment Act of 2000 (Nov. 1, 2000; 114 Stat. 1798)

H.R. 5164/P.L. 106-414

Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act (Nov. 1, 2000; 114 Stat. 1800)

H.R. 5234/P.L. 106-415

To amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans. (Nov. 1, 2000; 114 Stat. 1810)

H.J. Res. 122/P.L. 106-416

Making further continuing appropriations for the fiscal year 2001, and for other purposes. (Nov. 1, 2000; 114 Stat. 1811)

S. 406/P.L. 106-417

Alaska Native and American Indian Direct Reimbursement Act of 2000 (Nov. 1, 2000; 114 Stat. 1812)

S. 1296/P.L. 106-418

Lower Delaware Wild and Scenic Rivers Act (Nov. 1, 2000; 114 Stat. 1817)

S. 1402/P.L. 106-419

Veterans Benefits and Health Care Improvement Act of 2000 (Nov. 1, 2000; 114 Stat. 1822)

S. 1455/P.L. 106-420

College Scholarship Fraud Prevention Act of 2000 (Nov. 1, 2000; 114 Stat. 1867)

S. 1705/P.L. 106-421

Castle Rock Ranch Acquisition Act of 2000 (Nov. 1, 2000; 114 Stat. 1870)

S. 1707/P.L. 106-422

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes. (Nov. 1, 2000; 114 Stat. 1872)

S. 2102/P.L. 106-423

Timbisha Shoshone Homeland Act (Nov. 1, 2000; 114 Stat. 1875)

S. 2412/P.L. 106-424

National Transportation Safety Board Amendments Act of 2000 (Nov. 1, 2000; 114 Stat. 1883)

S. 2917/P.L. 106-425

Santo Domingo Pueblo Claims Settlement Act of 2000 (Nov. 1, 2000; 114 Stat. 1890)

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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191-399	(869-042-00115-0)	62.00	July 1, 2000	430-End	(869-038-00164-1)	54.00	Oct. 1, 1999
400-629	(869-042-00116-8)	35.00	July 1, 2000	43 Parts:			
630-699	(869-042-00117-6)	25.00	July 1, 2000	1-999	(869-038-00165-9)	32.00	Oct. 1, 1999
700-799	(869-042-00118-4)	31.00	July 1, 2000	1000-end	(869-038-00166-7)	47.00	Oct. 1, 1999
800-End	(869-042-00119-2)	32.00	July 1, 2000	44	(869-038-00167-5)	28.00	Oct. 1, 1999
33 Parts:				45 Parts:			
1-124	(869-042-00120-6)	35.00	July 1, 2000	1-199	(869-038-00168-3)	33.00	Oct. 1, 1999
125-199	(869-042-00121-4)	45.00	July 1, 2000	200-499	(869-038-00169-1)	16.00	Oct. 1, 1999
200-End	(869-042-00122-5)	36.00	July 1, 2000	500-1199	(869-038-00170-5)	30.00	Oct. 1, 1999
34 Parts:				1200-End	(869-038-00171-3)	40.00	Oct. 1, 1999
1-299	(869-042-00123-1)	31.00	July 1, 2000	46 Parts:			
300-399	(869-042-00124-9)	28.00	July 1, 2000	1-40	(869-038-00172-1)	27.00	Oct. 1, 1999
*400-End	(869-042-00125-7)	54.00	July 1, 2000	41-69	(869-038-00173-0)	23.00	Oct. 1, 1999
35	(869-042-00126-5)	10.00	July 1, 2000	70-89	(869-038-00174-8)	8.00	Oct. 1, 1999
36 Parts:				90-139	(869-038-00175-6)	26.00	Oct. 1, 1999
1-199	(869-042-00127-3)	24.00	July 1, 2000	140-155	(869-038-00176-4)	15.00	Oct. 1, 1999
200-299	(869-042-00128-1)	24.00	July 1, 2000	156-165	(869-038-00177-2)	21.00	Oct. 1, 1999
300-End	(869-038-00129-2)	38.00	July 1, 1999	166-199	(869-038-00178-1)	27.00	Oct. 1, 1999
37	(869-038-00130-6)	29.00	July 1, 1999	200-499	(869-038-00179-9)	23.00	Oct. 1, 1999
38 Parts:				500-End	(869-038-00180-2)	15.00	Oct. 1, 1999
0-17	(869-042-00131-1)	40.00	July 1, 2000	47 Parts:			
18-End	(869-042-00132-0)	47.00	July 1, 2000	0-19	(869-038-00181-1)	39.00	Oct. 1, 1999
39	(869-042-00133-8)	28.00	July 1, 2000	20-39	(869-038-00182-9)	26.00	Oct. 1, 1999
40 Parts:				40-69	(869-038-00183-7)	26.00	Oct. 1, 1999
1-49	(869-042-00134-6)	37.00	July 1, 2000	70-79	(869-038-00184-5)	39.00	Oct. 1, 1999
50-51	(869-042-00135-4)	28.00	July 1, 2000	80-End	(869-038-00185-3)	40.00	Oct. 1, 1999
52 (52.01-52.1018)	(869-042-00136-2)	36.00	July 1, 2000	48 Chapters:			
52 (52.1019-End)	(869-042-00137-1)	44.00	July 1, 2000	1 (Parts 1-51)	(869-038-00186-1)	55.00	Oct. 1, 1999
53-59	(869-038-00138-1)	19.00	July 1, 1999	1 (Parts 52-99)	(869-038-00187-0)	30.00	Oct. 1, 1999
60	(869-042-00139-7)	66.00	July 1, 2000	2 (Parts 201-299)	(869-038-00188-8)	36.00	Oct. 1, 1999
61-62	(869-038-00140-3)	19.00	July 1, 1999	3-6	(869-038-00189-6)	27.00	Oct. 1, 1999
63 (63.1-63.1119)	(869-042-00141-9)	66.00	July 1, 2000	7-14	(869-038-00190-0)	35.00	Oct. 1, 1999
63 (63.1200-End)	(869-042-00142-7)	49.00	July 1, 2000	15-28	(869-038-00191-8)	36.00	Oct. 1, 1999
64-71	(869-042-00143-5)	12.00	July 1, 2000	29-End	(869-038-00192-6)	25.00	Oct. 1, 1999
*72-80	(869-042-00144-3)	47.00	July 1, 2000	49 Parts:			
81-85	(869-038-00145-4)	33.00	July 1, 1999	1-99	(869-038-00193-4)	34.00	Oct. 1, 1999
*86	(869-042-00146-0)	66.00	July 1, 2000	100-185	(869-038-00194-2)	53.00	Oct. 1, 1999
87-135	(869-042-00146-8)	66.00	July 1, 2000	186-199	(869-038-00195-1)	13.00	Oct. 1, 1999
136-149	(869-038-00148-9)	40.00	July 1, 1999	200-399	(869-038-00196-9)	53.00	Oct. 1, 1999
150-189	(869-038-00149-7)	35.00	July 1, 1999	400-999	(869-038-00197-7)	57.00	Oct. 1, 1999
190-259	(869-042-00150-8)	25.00	July 1, 2000	1000-1199	(869-038-00198-5)	17.00	Oct. 1, 1999
				1200-End	(869-038-00199-3)	14.00	Oct. 1, 1999
				50 Parts:			
				1-199	(869-038-00200-1)	43.00	Oct. 1, 1999
				200-599	(869-038-00201-9)	22.00	Oct. 1, 1999

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600-End	(869-038-00202-7)	37.00	Oct. 1, 1999
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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..