

Authority: 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2635.204 [Amended]

6. Section 2635.204 is amended by removing the dollar amounts "\$250" in paragraph (g)(2) and in Examples 1 and 2 following paragraph (g)(6) and adding in their place in each instance the dollar amount "\$260", and by removing the dollar amount "\$500" in Example 2 following paragraph (g)(6) and adding in its place the dollar amount "\$520".

7. Section 2635.902 is amended by adding a new paragraph (l), previously reserved, to read as follows:

§ 2635.902 Related statutes.

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(l) The prohibition against fraudulent access and related activity in connection with computers (18 U.S.C. 1030).

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PART 2638—OFFICE OF GOVERNMENT ETHICS AND EXECUTIVE AGENCY ETHICS PROGRAM RESPONSIBILITIES

8. The authority citation for part 2638 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2638.101 [Amended]

9. Section 2638.101 is amended by removing the references to "II" in paragraphs (a) and (b) and adding in their place in each instance the reference "I", and by adding the words "executive branch" between the words "These" and "regulations" in paragraph (b).

10. Section 2638.104 is amended by revising the definition of "Executive branch" to read as follows:

§ 2638.104 Definitions.

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Executive branch includes each executive agency as defined in 5 U.S.C. 105 and any other entity or administrative unit in the executive branch. However, it does not include any agency, entity, office or commission that is defined by or referred to in 5 U.S.C. app. 109(8)–(11) of the Act as within the judicial or legislative branch.

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§ 2638.201 [Amended]

11. Section 2638.201 is amended by removing the references to "II" and

adding in their place in each instance the reference "I", and by removing the words "11222 (relating to standards of conduct" between the words "Order" and "for" in the last sentence and adding in their place the words "12674 as modified (relating to principles of ethical conduct".

[FR Doc. 00–29493 Filed 11–17–00; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB52

General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of confirmation of direct final rule.

SUMMARY: The Rural Utilities Service (RUS) hereby gives notice that comments were received regarding direct final rule on General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans, and reconfirms the effective date of the direct final rule. This notice also serves to address the comments received.

DATES: The direct final rule, which was published on May 17, 2000, at 65 FR 31246, was effective July 3, 2000.

FOR FURTHER INFORMATION CONTACT: Wei M. Moy, Chief, Power Resources & Planning Branch, Power Supply Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1568, 1400 Independence Avenue, SW, Washington, DC 20250–1568. Telephone: (202) 720–1438. FAX (202) 720–1401. E-mail: wmoy@rus.usda.gov.

Background

The Rural Utilities Service (RUS) published a direct final rule on May 17, 2000, at 65 FR 31246, in the **Federal Register** amending § 1710.254, Alternative Sources of Power, to allow flexibility in determining whether a borrower needs to solicit bids from all sources for new or replacement generation. It also deleted the requirement that borrowers seek bids if RUS financial assistance is requested from all sources for generation projects of 10 megawatts or more or for modifications to existing plants if it results in an increase in capacity of 10 percent. RUS reserves the right to review each project on a case-by-case

basis and determine whether there is a need for a borrower to seek bids from all sources for the project.

RUS received comments from three parties on this direct final rule, two of which were deemed adverse. According to RUS policy, should adverse comments be received concerning a direct final rule, the agency would withdraw the direct final rule and the companion proposed rule, which was published in the same issue of the **Federal Register**, would be the ruling action. RUS failed to issue a withdrawal notice. As a result, the direct final rule became effective on July 3, 2000. In lieu of this oversight, RUS feels that this notice of confirmation of direct final rule serves to address the concerns of the commentors and at the same time confirms the effective date of the direct final rule. If not for this oversight, this rule would have become effective through the normal regulatory process though its companion proposed rule and then as a final rule.

A summaries of these comments and responses follows:

Comments

Comment: Tri-State is in agreement with the amendment, and appreciates the flexibility that RUS has written into this amendment. However, Tri State recommended (1) That language be added regarding environmental issues, and (2) that, if RUS requires an applicant to solicit proposals for sources of power, the applicant be allowed to comply with the requirement by submitting competitive bids previously obtained by regional utilities.

Reply: RUS appreciates the support for its efforts to modify the requirement that borrowers must seek bids from all sources if funding is requested for generation projects equal to or greater than 10 megawatt or for modifications to existing plants if it results in an increase in capacity of 10 percent or more. Although the comments on environmental issues and the timing of competitive bid solicitations are appreciated, RUS feels these comments are non-responsive and do not effect language in the regulation.

Comment: Otter Tail suggests that competitive bidding should be a standard imposed on any party seeking federal financing and that the inefficiencies in the review and approval process should not cause delays in an efficiently run business or agency. Otter Tail feels that RUS borrowers should be meeting their power needs within the market place and only when competitive policies have been followed should any

borrower be eligible for federally subsidized loans.

Reply: The amendment does not abandon the practice of seeking competitive bids. Upon an RUS review of each project, a determination will be made whether there is a need for a borrower to seek competitive bids for the project. This evaluation by RUS will be performed on a case-by-case basis. RUS will continue to follow good business practice and make sound business decisions. At the same time, RUS will provide its borrowers with the flexibility to make sound business decisions to meet the power needs of rural America.

Comment: Edison objects to the amendment, stating that the present regulation has been in existence for a long time and is entirely consistent with the nation's transition to competitive wholesale power markets. RUS borrowers should seek to meet their power needs out of these markets and make every effort to do so before seeking more assistance from RUS in the form of subsidized loans.

Reply: This amendment deletes the requirement that borrowers seek bids if RUS financial assistance is requested from all sources for 10 megawatts or more or for modifications to existing plants if it results in an increase in capacity of 10 percent. RUS will review each project on a case by case basis and determine whether there is a need for a borrower to seek competitive bids from all sources for the project. RUS will provide its borrowers with the flexibility to make sound business decisions to meet the power needs of rural America.

The direct final rule requires RUS to review each project on a case-by-case basis and determine whether there is a need for a borrower to seek bids from all sources for the project. Following the initial RUS review, if it is determined that a full solicitation for bids to supply new or replacement generation is necessary, then RUS will require such an evaluation process be completed. This amendment in no way is intended to minimize the need for all borrowers to follow good business practice in making economically sound business decisions. The direct final rule provides RUS electric borrowers with the flexibility and tools necessary to make prudent decisions to meet the power needs of rural customers in the competitive environment advanced by industry restructuring efforts.

These amendments to § 1710.254, provide borrowers with increased flexibility during the new and replacement electric power evaluation period. The new policy requires RUS to

review each project on a case-by-case basis and determine whether there is a need for a borrower to seek bids from all sources for the project. Following this initial RUS review, if it is determined that a full solicitation for bids to supply new or replacement generation is necessary, then RUS will require that such an evaluation process be completed.

As the electric industry moves to a more competitive environment, it is imperative that RUS prudently review and revise policy when necessary. The amendments to 7 CFR part 1710 are in no way intended to minimize the need for all borrowers to follow good business practice in making economically sound business decisions. The direct final rule provides RUS borrowers with the flexibility and tools necessary to make prudent decisions to meet the power needs of rural customers in the competitive environment advanced by industry restructuring efforts.

To that effect the direct final rule stands as published.

Confirmation of Effective Date

This is to confirm the effective date of July 3, 2000, of the direct final rule, 7 CFR Part 1710, General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans, published in the **Federal Register** on May 17, 2000, at 65 FR 31246.

Dated: November 13, 2000.

Anthony C. Haynes,

Acting Administrator, Rural Utilities Service.

[FR Doc. 00-29499 Filed 11-17-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-345-AD; Amendment 39-11969; AD 2000-22-21]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-10, Model MD-10, and Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC-10, Model MD-10, and Model MD-11 series airplanes. This action requires revising the Airplane

Flight Manual (AFM) to ensure that the flight crew is advised of appropriate procedures for disabling certain fuel pump electrical circuits following failure of a fuel pump electrical connector. For certain airplanes, this action also requires revising the AFM to prohibit resetting of tripped fuel pump circuit breakers. This action is necessary to prevent continued arcing following a short circuit of the fuel pump electrical connector, which could damage the conduit that protects the power lead inside the fuel tank, and result in the creation of a potential ignition source in the fuel tank. This action is intended to address the identified unsafe condition.

DATES: Effective December 5, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 5, 2000.

Comments for inclusion in the Rules Docket must be received on or before January 19, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-345-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-345-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Philip C. Kush, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA,