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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: December 13, 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 Documents

Title 3—

The President

Proclamation 7379 of November 16, 2000

National Farm-City Week, 2000

By the President of the United States of America

A Proclamation

Since our earliest days as a Nation, farmers have tilled the rich soil of this great land, feeding their families, our country, and people around the world. While America has changed from an agricultural to an industrial society, the American farm has remained a vital thread in the fabric of our national life. Farmers and ranchers exemplify the values on which our country was founded—hard work, faith, family, and devotion to community and to the land—and they have made American agriculture a leading global industry and a source of pride for our Nation.

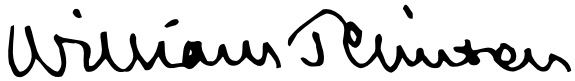
By providing their fellow Americans with an abundant supply of safe, high-quality food and fiber, our country's farmers and ranchers help sustain a quality of life that is unmatched around the world. In this new century, their role is becoming even more important as they strive to meet the challenge of feeding the world's people while preserving our fertile land, clean water, and other precious natural resources.

Farmers and ranchers, however, do not accomplish these crucial tasks alone. Farm workers, shippers, inspectors, processors, agribusiness companies, marketers, grocers, and many others play vital roles in the extraordinary productivity of America's agricultural industry. These farm-city partnerships strengthen our free enterprise system and remind us that the talents, energy, and hard work of millions of Americans have contributed to the unprecedented prosperity we enjoy today.

This week, as we gather with our families in thanks for the bounty bestowed upon us, let us remember with gratitude the hardworking men and women in rural and urban communities who devote their lives to producing, processing, and delivering the world's safest, most abundant supply of food and fiber.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 17 through November 23, 2000, as National Farm-City Week. I call upon all Americans, in rural and urban communities alike, to join in recognizing the achievements of all those who work together to promote America's agricultural abundance.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00–29955
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Billing code 3195–01–P

Presidential Documents

Proclamation 7380 of November 17, 2000

National Family Week, 2000

By the President of the United States of America

A Proclamation

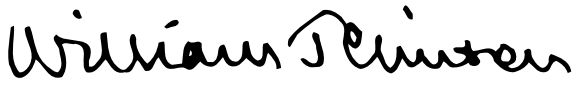
Our families are perhaps the strongest influence in our lives. Anyone who grows up in a strong, nurturing family, grounded in the values of love and responsibility, will have a distinct advantage in achieving the most important tasks of adulthood—living fully, working productively, contributing to society, and forming one's own strong, stable family.

Our Nation, too, draws its strength and character from America's families, so as citizens we must do everything we can to support their well-being and self-sufficiency. Over the past 8 years, my Administration has strived to create an economic and social climate where families can flourish. We have strengthened the economy; enacted a higher minimum wage; expanded tax credits for working families; created greater access to higher education, quality health care, and affordable child care; and, with passage of the Family and Medical Leave Act, made it easier for working adults to take leave to care for an ailing family member without putting their jobs at risk. We have also been successful in moving thousands of children from temporary homes in foster care to permanent families where they can grow and flourish.

We are fortunate to be members of a larger family as well, composed not only of our immediate relatives, but also of our neighbors, colleagues, communities, and fellow citizens. As members of this extended family, we must learn to appreciate the value and diversity of other families' traditions; we must reach out to help those families who are still in need; and we must share responsibility for the care and development of all our Nation's children. In this season of Thanksgiving, let us be grateful for the knowledge that America is a Nation of families, standing together to make our country a better place in which to live and to make the future a brighter one for our children.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 19 through November 25, 2000, as National Family Week. I call upon Federal, State, and local officials to honor American families with appropriate programs and activities. I encourage educators, community organizations, and religious leaders to celebrate the strength and values we draw from family relationships, and I urge all the people of the United States to reaffirm their own family ties and to reach out to other families in friendship and goodwill.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00–30022
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Billing code 3195–01–P

Presidential Documents

Proclamation 7381 of November 17, 2000

Thanksgiving Day, 2000

By the President of the United States of America

A Proclamation

We have much to be grateful for this Thanksgiving Day. Our Nation is free, prosperous, and at peace. The remarkable growth in human knowledge and technological innovation offers real hope for defeating the age-old enemies of humanity: poverty, famine, and disease. Our dynamic economy continues to generate millions of new jobs, and, as wages rise and unemployment falls to its lowest level in more than a generation, millions of American families are sharing in the bounty of this great land for the first time.

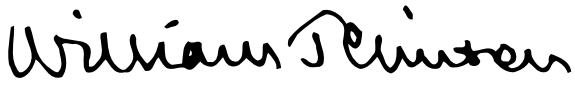
Sharing in God's blessings is at the heart of Thanksgiving and at the core of the American spirit. At Plymouth in 1621, the Pilgrims celebrated their first harvest in the New World thanks to the generosity of their Native American neighbors. In return, the Pilgrims invited these tribal members to share in their harvest festival. At Thanksgiving this year and every year, in worship services and family celebrations across our country, Americans carry on that tradition of giving, sharing not only with family and friends, but also with those in need throughout their communities.

Every generation of Americans has benefited from the generosity, talents, efforts, and contributions of their fellow citizens. All of us have been enriched by the diverse cultures, traditions, and beliefs of the millions of people who, by birth or choice, have come to call America their home. All of us are beneficiaries of our founders' wisdom and of the service and sacrifice of our men and women in uniform. While Americans are an independent people, we are interdependent as well, and our greatest achievements are those we have accomplished together.

As we celebrate Thanksgiving, let us remember with gratitude that despite our differences in background, age, politics, or race, each of us is a member of our larger American family and that, working together, there is nothing we cannot accomplish in this promising new century.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday, November 23, 2000, as a National Day of Thanksgiving. I encourage all the people of the United States to assemble in their homes, places of worship, and community centers to share the spirit of fellowship and prayer and to reinforce the ties of family and community; to express heartfelt thanks to God for our many blessings; and to reach out in gratitude and friendship to our brothers and sisters across this land who, together, comprise our great American family.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



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Rules and Regulations

Federal Register
Vol. 65, No. 226
Wednesday, November 22, 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 928

[Docket No. FV00–928–1 FR]

Papayas Grown in Hawaii; Removal of Suspension Regarding Grade, Inspection, and Related Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule removes the suspension of grade, inspection, inspection waiver procedure, and related exempt shipment reporting requirements under the marketing order regulating papayas grown in Hawaii and makes those requirements applicable for one year. These requirements were suspended in July of 1994 because the industry was exploring alternative methods of quality control to reduce costs. The alternative methods have not been as successful as the industry had hoped. This action is expected to facilitate the shipment of satisfactory quality papayas and program compliance. This rule also amends § 928.160 regarding reporting requirements to require handlers to add the inspection certificate number on PAC Form 1, Papaya Utilization, for one year.

DATES: Effective January 2, 2001. The incorporation by reference of certain publications in this rule is approved by the Director of the Office of the Federal Register as of January 2, 2001.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; 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 compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 155 and Marketing Order No. 928, both as amended (7 CFR part 928), regulating the handling of papayas grown in Hawaii, 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 final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This action 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.

Pursuant to a recommendation of the Papaya Administrative Committee (committee or PAC), this final rule removes the suspension of three sections of the order's rules and regulations regarding grade and inspection (§ 928.313), maturity shipment exemptions (§ 928.152), and inspection waiver procedures (§ 928.150) and makes these regulations applicable until January 2, 2002. This final rule also amends § 928.160 regarding reporting requirements to require handlers to add the inspection certificate number on PAC Form 1, Papaya Utilization during the period of regulation. The removal of the suspension of the grade requirements in § 928.313 will require handlers of papayas to adhere to the minimum quality requirements that were in effect prior to their suspension on July 1, 1994, except that a 5 percent tolerance for immature papayas in Hawaii No. 1 will be removed, as recommended by the committee.

An interim final rule implementing these suspensions was published in the **Federal Register** on July 27, 1994 (59 FR 38102). A final rule finalizing the interim final rule was published in the **Federal Register** on October 18, 1994, (59 FR 52409).

Removal of the suspension of minimum quality requirements will require handlers to obtain inspection through the Federal or Federal-State Inspection Service (inspection service) prior to shipment. Removal of the suspension of the maturity exemption and related reporting requirements in § 928.152 will require handlers interested in becoming approved handlers of immature papayas to apply to the committee for approval, and to report handling of immature papayas. Immature papayas are used in a popular dish called green papaya salad and as a vegetable substitute in recipes. In addition, amendment of § 928.160 will require handlers to include the number of the inspection certificate issued by the inspection service on each PAC Form 1, Utilization Report, filed with the committee. Finally, removal of the suspension of the inspection waiver procedures in § 928.150 will allow handlers to ship papayas without inspection under certain conditions when it is not practicable for the

inspection service to provide such inspection.

This rule was recommended by the committee at its meeting on February 18, 1999, by a vote of seven in favor, two opposed, and one abstention. The two dissenters believed that the cost of mandatory inspection continues to outweigh its benefits to the industry, that there are other less expensive methods of achieving quality control, and that voluntary quality control should be continued. Those in favor believed that voluntary controls have not been effective, and mandatory controls were needed to ensure that buyers receive the quality they desire and help the industry compete more effectively in the marketplace.

Section 928.52 of the papaya marketing order authorizes the establishment of grade, size, quality, maturity, and pack and container regulations for shipments of papayas. Section 928.53 allows for the modification, suspension, or termination of such regulations when warranted. Section 928.55 provides that whenever papayas are regulated pursuant to §§ 928.52 or 928.53, such papayas must be inspected by the inspection service and certified as meeting the applicable requirements. The cost of inspection and certification is borne by handlers. Section 928.54 authorizes regulation exemptions when shipping papayas for commercial processing, relief agencies, or charitable institutions. In addition, the Secretary may relieve from any or all requirements under or established pursuant to § 928.41, 928.52, 928.53, and 928.55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45) as the committee, with the approval of the Secretary, may prescribe. Section 928.60 of the papaya marketing order authorizes handler reporting requirements.

In 1994, §§ 928.150, 928.152, and 928.313 of the order's rules and regulations were suspended. Section 928.313 established minimum grade requirements for shipments of papayas prior to its suspension. This section required that papayas grade at least Hawaii No. 1, except that not more than 5 percent of the fruit may be immature. Also, the weight requirements specified in the Hawaiian grade standards did not apply. This final rule removes the suspension of these regulations with some changes. First, paragraph (a) of § 928.313 will be amended to remove the 5 percent tolerance for immature fruit. Second, paragraph (b) of that section will be amended to correct the information regarding the name, address, and telephone number of the Department contact to obtain copies of the Hawaii papaya quality standards which are incorporated by reference. The standards for Hawaii-grown papaya are dated August 6, 1990, and replace standards dated May 29, 1981, previously incorporated.

As a result of removing the suspension of the grade regulations issued pursuant to § 928.52, mandatory inspection will also be required, except where specifically exempted.

Prior to its suspension, § 928.152 of the order's rules and regulations defined immature papayas and established the procedures for handling immature papayas exempt from regulation. This section also required handlers to apply to the PAC to become approved handlers of immature papayas and report the handling of immature papayas. This rule removes the suspension of these regulations in their entirety for 12 months, thus, affording approved handlers the opportunity to handle immature papayas, exempt from minimum grade, size, quality, and maturity regulations. PAC Form 7 (Application to be an Approved Handler of Immature Papayas) and PAC Form 7(c) (Maturity Exemption Report) will also be reinstated so the committee can approve applications of handlers who would like to handle immature papayas. Removal of the suspension will require such handlers to report their handling of immature papayas. Handlers pay assessments on such shipments.

Section 928.150 established the procedures for granting inspection waivers under certain conditions prior to its suspension. This rule removes the suspension of § 928.150 for one year, giving the inspection service the flexibility to issue inspection waivers to handlers when it is impracticable to provide inspection services during the period of regulation. For example, a handler might be in a remote location and the inspection service might not be able to provide an inspector to perform the inspection at the time and place requested.

Section 928.160 was amended in 1994 as a result of the suspension of §§ 928.150, 928.152, and 928.313. Because the quality requirements, and, thus, the requirement for mandatory inspection were suspended, § 928.160 was amended to remove the requirement to include the inspection certificate number on the PAC Form 1, Utilization Report. Since the quality and inspection requirements will be reinstituted, a change will be necessary in § 928.160 to require the inspection certificate number to be reported by the handler on the PAC Form 1. PAC Form 1 has been revised to include this additional information collection.

Minimum grade and inspection requirements were initially established to assure that only acceptable quality fruit entered fresh market channels, thereby ensuring consumer satisfaction, increasing sales, and improving returns to papaya producers. The reporting requirements were established to authorize the committee to allow approved handlers to handle immature papayas, and to aid the committee in assessment billings and program compliance.

In committee discussions on the suspension of grade, inspection, and reporting requirements in 1994, members who supported the suspension advised that the papaya industry was committed to instituting alternative quality assurance procedures in the absence of mandatory inspection. This was to be achieved by handlers providing financial incentives to producers to harvest and deliver only high quality fruit. Such a program was to be arranged with handlers by the newly formed producers' bargaining cooperative. It was anticipated that this program would provide incentives for growers to deliver high-quality fruit to handlers. However, the producer's bargaining cooperative was not as successful as hoped in implementing this program. To date, the industry has not instituted any effective alternative means of quality control. As a result, the overall quality of papayas shipped from Hawaii has declined and the industry has lost market share.

Most committee members also believed that the elimination of inspection requirements would increase producer returns because handlers would pass on to producers the savings they realized when inspection costs were eliminated. This has happened to a limited extent. Finally, the committee hoped that buyers of fresh papayas would encourage handlers to continue to ship high-quality fruit by paying premium prices for higher-quality fruit. As handlers became more aware of the price differentials between various quality levels, the committee believed that competition among handlers would ensure shipments of good quality fruit. This has not occurred as the committee had hoped.

At the time the suspension was recommended, the industry was suffering from an infestation of Papaya Ringspot Virus (PRSV), a debilitating disease that attacks papaya trees,

eventually killing them. Production from the Island of Hawaii, the primary growing region, declined substantially, and the papayas produced from infected trees were of lower quality.

Since 1994, the committee has reported deteriorating wholesale buyer and consumer confidence with Hawaiian papayas, resulting in lost market share. The condition of poor quality papayas often deteriorates further during shipment, frequently requiring buyers to discard some fruit and repack the rest. This has resulted in financial losses for some buyers, decreased buyer confidence, and reduced market opportunities for handlers of Hawaii papayas. As a result, competing supplies from the Philippines, Brazil, and Mexico have made inroads into existing Hawaii papaya markets.

This is of great concern to the committee, especially because the domestic production from two PRSV-resistant papaya varieties is increasing significantly, and is expected to continue. The committee would like to regain the confidence of buyers by shipping high-quality Hawaii papayas. It believes that mandatory quality control is needed to ensure buyers the quality they prefer. Removing the suspension of the grade, inspection, and reporting requirements in place prior to July 1, 1994, is anticipated to help the industry achieve its goals and compete more effectively in the marketplace.

During its deliberations on the removal of the suspension of grade, inspection, and reporting requirements on February 18, 1999, the committee discussed the current state of the industry and what actions the committee could take to enhance the quality of shipments, improve grower and handler returns, increase wholesale buyer and consumer confidence, and regain lost market share. The committee decided that to successfully market the increasing production from the PRSV-resistant papaya varieties, the industry must reestablish a quality image for Hawaii papayas among buyers and consumers. It would be counterproductive, they noted, to utilize assessment dollars promoting a product which was not of acceptable quality.

In addition, the committee noted that reinstituting mandatory inspection will augment information available to the committee on assessments owed by handlers. Once inspections begin, a copy of each inspection certificate will be provided to the committee staff by the inspection service. This third-party information will permit the committee staff to have accurate and timely data upon which to bill each handler for papayas handled. Currently, the committee staff utilizes information gathered from transshippers (air freight and shipping companies) to augment and confirm information provided by handler's reports for assessment collection compliance purposes under § 928.31(n). This information is obtained at a significant cost of committee time and resources. While information from transshippers will continue to be used as a random check, data provided from the inspection certificates will be the primary source of third-party information for assessment billings by the committee staff.

Inspection costs to handlers will result from this action. Inspection costs incurred will total $24.24 per hour for on site inspections and mileage travel costs of 37 cents a mile round-trip from the office to the processing plant or handler's premises. For a trip less than 10 minutes or 7 miles, no travel time cost is charged, just the mileage cost. For a trip taking 10 or more minutes, or covering 7 or more miles, the travel time cost is based on the $24.24 hourly rate.

The committee members who opposed the recommendation believe that the cost of inspection will be passed on to producers, lowering overall producer returns, and that the benefits of mandatory quality control will not outweigh the costs. In addition, they believe that voluntary quality control should be given more time to work. However, most committee members favored the recommendation, as they believe the alternatives attempted have not been successful, and that prompt action is imperative to assure the long-term viability of the Hawaii papaya industry.

The committee's recommendation resulted from the efforts of a task force assigned by the committee chairman in 1998. The task force reviewed the current marketing and quality conditions affecting the Hawaii papaya industry for several months, and recommended to the committee removal of the suspension of quality control-related requirements.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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 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 400 producers of papayas in the production area and approximately 60 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based on a reported average f.o.b. price of $1.30 per pound of papayas, a handler would have to ship in excess of 3.85 million pounds of papayas to have annual receipts of $5,000,000. Last year, two handlers each shipped in excess of 3.85 million pounds of papayas, and, therefore, would be considered large businesses. The remaining handlers are considered to be small businesses under SBA's definition.

Based on a reported average grower price of $0.45 per pound and industry shipments of 36 million pounds, total grower revenues would be $16.2 million. Average grower revenue would, thus, be $40,500. Based on the foregoing, the majority of handlers and producers of papayas would be classified as small entities.

This rule removes the suspension of grade, inspection, and related reporting requirements under the order's rules and regulations. As a result of removing the suspension, §§ 928.150, 928.152, and 928.313 will be reinstated. This rule also amends these sections to make the requirements in these sections applicable for one year; and § 928.160 will be amended to include the requirement that inspection certificate numbers be added to the utilization reports filed by handlers during the time mandatory inspection is required.

Section 928.313 will also be amended to remove the 5 percent tolerance for immature papayas since the committee believes that the quality of papayas shipped into fresh market channels must be improved. In their recommendation to remove the 5 percent tolerance for immature papayas from the reinstated rules and regulations, the committee believed that they were tightening the quality requirements by utilizing the quality requirements in effect under the Hawaii Department of Agriculture Standards for Fruits and Vegetables (Hawaii Standards).

Under the Hawaii Standards, tolerances are applied based upon the number of samples and number of fruit in the sample that contains defects.

Immaturity is considered a serious defect under the Hawaii Standards for Papaya. According to the Hawaii inspection service, in the routine application of the number of defects in a papaya sample, the average tolerance applied would generally be less than 5 percent, which would result in the increased papaya quality envisioned by the committee.

Section 928.313 will also be amended to correct the name and address of Department references for obtaining copies of the Hawaii papaya quality standards, which are incorporated by reference. References to Department contacts are outdated, as is the mailing address listed in that section. The quality standards for Hawaii-grown papayas have been revised as of August 6, 1990, and will replace the standards dated May 29, 1981, currently incorporated by reference.

During its deliberations, the committee discussed the current state of the industry with the advent of the two PRSV-resistant papaya varieties. Production is increasing and overall production levels of Hawaii papayas are expected to reach pre-1994 levels by the 2001–2002 fiscal year, and then continue growing. Such increasing production could reduce handler and producer returns if the quality of papayas shipped is not improved.

Since the suspension of the grade and inspection requirements in 1994, the quality of Hawaii papayas in the marketplace has been deteriorating. The condition of poor quality fruit has often deteriorated further during shipment, requiring buyers to discard some fruit and repack the remaining fruit. This has resulted in financial losses for some buyers and caused decreased buyer confidence in Hawaii papaya quality, resulting in reduced market share.

With the new varieties, the industry is now in a position to provide ample supplies of good quality fruit, and restore wholesale buyer and consumer confidence in Hawaii papayas. Ample supplies of good quality fruit will allow the industry to regain its market share; and, thus, improve returns to handlers and producers.

The committee discussed continuing the suspension as an alternative to this change. However, the committee believed that removing the suspension of the grade, inspection, and reporting requirements will benefit producers and handlers by enhancing the market quality of papayas grown in Hawaii.

The committee estimated that the increased cost of inspection will be offset by the increased market value of the inspected papayas. Inspection costs incurred will total $24.24 per hour for on site inspections and mileage travel costs of 37 cents a mile round-trip from the office to the processing plant or handler's premises. For a trip of less than 10 minutes or 7 miles, no travel time cost is charged, just the mileage cost. For a trip taking 10 or more minutes, or covering 7 or more miles, the travel time cost is based on the $24.24 hourly rate. The majority of committee members agreed that removing the suspension of the grade, inspection, and reporting requirements is in the long-term best interests of the industry.

Improved quality of Hawaii papayas is expected to result in increased consumer satisfaction and repeat purchases, thereby improving handler and producer returns. The increased handling costs due to mandatory inspection are expected to be offset by the aforementioned benefits. In addition, greater information collection authority may result in enhanced assessment collections, permitting the committee to utilize more funds to promote a larger and higher-quality crop, if they deem it appropriate.

This action imposes additional reporting requirements on an estimated five papaya handlers by requiring handlers to file PAC Form 7, the Application to be an Approved Handler of Immature Papayas, and PAC Form 7(c), Maturity Exemption Report. It also requires including the inspection certificate number on PAC Form 1. PAC Form 7 is estimated to take 15 minutes to complete, and PAC Form 7(c) is estimated to take less than 10 minutes to complete. There is no additional measurable reporting burden estimated for PAC Form 1. In all, requiring both forms will result in an estimated additional reporting burden to the previously mentioned five handlers of 9.25 annual hours. The current burden is approximately 1,000 hours. The benefits of the additional reporting requirements are expected to outweigh the costs. Handlers will be able to utilize exemptions to the grade and inspection requirements, and the committee will have additional information to aid in assessment collections and program compliance. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in Part 928 have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0102.

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.

As noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule. However, as previously stated, handlers of Hawaii papayas will be required to obtain inspection prior to shipment, except under certain conditions when it is not practicable for the inspection service to provide such inspection, apply for approval to handle immature papayas, and report handling of immature papayas. In addition, changes to PAC Form 1 will require handlers to include the number of the inspection certificate issued by the inspection service.

In addition, the committee's meeting was widely publicized throughout the papaya industry and all interested persons were encouraged to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the February 18, 1999, meeting was a public meeting and all entities, both large and small, were encouraged to express views on this issue. The committee itself is comprised of 13 members, of whom nine are producers and three are handlers. The committee also includes a public member who does not represent an agricultural interest nor have a financial interest in papayas.

A proposed rule concerning this action was published in the **Federal Register** on February 18, 2000 (65 FR 8313). Copies of the rule were mailed or sent via facsimile to all committee members and handlers. Finally, the rule was made available on the Internet by the Office of the Federal Register. A 60-day comment period, ending April 18, 2000, we provided to allow interested persons to respond to the proposal.

One comment, signed by eight persons, was received in response to the proposal. The commenters collectively opposed the removal of the suspension of grade and inspection requirements, citing that the current economic condition of the papaya industry did not warrant reinstatement of these requirements. The commenters also noted that production of papayas, which they estimate at only 29 million pounds, is not yet adequate to warrant minimum grade and inspection requirements and that further market study should have been done prior to the committee recommendation. Also, according to the comment, papaya trees that are not PRSV-resistant still continue to be lost due to PRSV, and the Hawaii Department of Agriculture (HDOA) has not put forth a plan to clear abandoned papaya fields. Finally, the comment

indicated that reinstating minimum grade and inspection requirements would be detrimental to small growers, handlers, and marketers.

It is anticipated that the reinstatement of the grade and inspection requirements will have a positive effect on the industry. These requirements would ensure that higher-quality papayas are offered for sale, thus enhancing the overall image of Hawaii papayas. Such an increase in quality is also likely to stimulate consumer confidence and lead to repeat purchases, and, thus, improve grower prices. Improved grower prices should, in turn, improve the general economic condition of the industry. Accordingly, such action would not be detrimental to growers, handlers, and marketers, small or large.

Regarding the comment about additional market studies, this recommendation was the result of nearly one year's work by a task force assigned by the committee chairman in 1998. The task force reviewed the current marketing and quality conditions affecting the industry for several months prior to making a recommendation to the committee. As a result of the work and recommendation of the task force, the committee made its recommendation to the Department after a thorough discussion on February 18, 1999. Discussions of the recommendation continued at a subsequent committee meeting held on September 23, 1999. At that meeting, a thorough analysis of the current condition of the industry and the potential effects of reinstating minimum grade and inspection requirements was held. It should be noted that the committee did not change its original recommendation at that time.

In response to the comment that the production of papayas is only 29 million pounds, the PAC estimated the 1999–2000 production of papayas to be 40 million pounds. This estimate was discussed and approved by the PAC at its April 22, 1999, meeting. The fiscal year ended June 30, 2000, and the PAC's final production figure for 1999–2000 is 35.8 million pounds. An estimate of production for the 2000–2001 fiscal year is not yet available.

In any event, the size of a crop alone is not an adequate reason to forego reinstating minimum grade and inspection requirements. Minimum grade and inspection requirements serve other purposes for an industry. The benefits have been previously outlined herein.

Further, the commenters note that grade and inspection requirements should not be reinstated until the HDOA puts forth a plan to clear abandoned papaya fields. While a plan to clear abandoned papaya fields would likely address the continued infection of non-resistant papayas trees, nothing in this action jeopardizes any plan which HDOA may put forth in the future. Regardless of the variety of papayas being produced and marketed, quality control measures are important to the industry in terms of increased consumer confidence and acceptance, repeat purchases, and the overall improved image of Hawaii papayas.

The cost of inspection may be an additional cost to handlers. However, the cost is borne by all handlers, and the benefits of inspection in terms of increased sales, improved marketability, and other factors, are expected to outweigh the costs.

The comment period was reopened with a notice published in the **Federal Register** on June 5, 2000 (65 FR 35590). Copies of the notice were mailed or sent via facsimile to all committee members and handlers. Finally, the notice was made available on the Internet by the Office of the Federal Register. A 15-day comment period, ending June 20, 2000, was provided to allow interested persons to respond to the notice for additional written comments. One comment was received as the result of the comment period reopening.

The comment was filed on behalf of the committee, which discussed the proposal at its meeting on May 25, 2000. According to the comment, at the meeting the committee clarified its intent regarding the removal of the 5 percent tolerance for immature papayas. Based upon additional information that was gathered, evaluated, and considered by the committee at the meeting, the committee unanimously reaffirmed its 1999 recommendation that the maximum percentage tolerances for immature papayas be based upon the Hawaii No. 1 standard, as established by the State of Hawaii. As noted previously, this would generally limit tolerances to less than 5 percent for immature papayas, in part because this is scored as a serious defect. Thus, this applied tolerance would result in the increased papaya quality envisioned by the committee.

According to the proponents of this action, the voluntary quality control measures anticipated following the 1994 suspension action have not been effective and the quality of papayas has been dropping. This has had an adverse impact on industry shipments and returns. They believe that reinstatement of quality control is in the long term interest of the industry because it will help the industry reestablish a quality image for Hawaii papayas among buyers and consumers, help increase shipments, augment information available to the committee on assessments owed by handlers, and facilitate program compliance. These are compelling reasons for reinstating quality control under the marketing order.

However, taking into account the views of some in the industry that the benefits of mandatory inspection will not outweigh the costs, and that alternative methods of quality control should continue to be explored and developed in helping the industry solve its marketing problems, and the length of time the requirements have been suspended (1994), we believe that it is preferable to reestablish the mandatory inspection and related requirements and make them applicable for a 12-month period, rather than on a continuing basis. This regulatory approach will require the committee to evaluate the results of mandatory quality control near the end of the regulatory period. The committee will have to decide then whether mandatory inspection should be continued beyond the 12-month regulatory period, and report the basis for its determination and recommendation. This will require the committee to closely assess the benefits of mandatory inspection in the short term which should be of assistance in helping producers and handlers make long term plans.

Changes to the regulatory text as proposed have been made below to implement mandatory quality control only for one year from the effective date of this final rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: *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 matter presented, including the information and recommendation submitted by the committee, the comment received, and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 928

Incorporation by reference, Marketing agreements, Papayas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 928 is amended as follows:

PART 928—PAPAYAS GROWN IN HAWAII

1. The authority citation for 7 CFR part 928 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. The suspensions of §§ 928.150 and 928.152 are removed and introductory text is added to each section to read as follows:

§ 928.150 Exemption from inspection.

The requirements in this section apply through Janaury 2, 2002.

* * * * *

§ 928.152 Maturity exemption.

The requirements in this section apply through January 2, 2002.

* * * * *

3. In § 928.160, paragraph (a)(1) is revised to read as follows:

§ 928.160 Utilization reports.

(a) * * *

(1) Quantity of papayas handled subject to assessments and regulations including the date, destination, and inspection certificate number of each shipment when inspection requirements specified in § 928.313 apply Janaury 2, 2001, through January 2, 2002; * * *

4. The suspension of § 928.313 is removed and the section is revised to read as follows:

§ 928.313 Hawaiian Papaya Regulation 13.

(a) During the period January 2, 2001, through January 2, 2002, no handler shall ship any container of papayas to any destination (except immature papayas handled pursuant to § 928.152) unless such papayas grade at least Hawaii No. 1: *Provided,* That the weight requirements specified in this grade shall not apply to such shipments.

(b) *Hawaii No. 1* cited in this regulation is specified in the Hawaii Department of Agriculture, Standards for Fruits and Vegetables (Title 4, Subtitle 4, Chapter 41, Subchapter 7, § 4–41–52, Standards for Hawaii-Grown Papaya) (8/6/90). Copies of the grade specifications are available from the Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250; and they are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. 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. The materials are incorporated as they exist on the date of approval and a notice of any changes in the material will be published in the **Federal Register**.

Dated: November 14, 2000.

Eric M. Forman,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–29706 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 99–092–1]

Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the bovine tuberculosis regulations to recognize two separate zones with different tuberculosis risk classifications in the State of Texas. This action is necessary to prevent the spread of tuberculosis and to further the progress of the domestic bovine tuberculosis eradication program.

DATES: This interim rule is effective November 22, 2000. We invite you to comment on this docket. We will consider all comments that we receive on or before January 22, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 99–092–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comments refer to Docket No. 99–092–1.

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.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Van Tiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, USDA, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7716.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal.

At the beginning of the 20th century, bovine tuberculosis caused more losses of livestock than all other livestock diseases combined. This prompted the establishment of the National Cooperative State/Federal Bovine Tuberculosis Eradication Program for bovine tuberculosis in livestock.

Federal regulations implementing this program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations), and in the ''Uniform Methods and Rules Bovine Tuberculosis Eradication'' (UMR), which is incorporated by reference into the regulations. The regulations restrict the interstate movement of cattle, bison, and captive cervids to prevent the spread of tuberculosis. In this interim rule, we are amending the regulations to establish two tuberculosis classification zones in Texas.

Note: On October 23, 2000, we published a final rule in the **Federal Register** (65 FR 63501–63533, Docket No. 99–038–5) that revised part 77 in its entirety. That final rule is scheduled to become effective on November 22, 2000. In describing the actions to be taken in this interim rule, which also becomes effective on November 22, 2000, we will refer to the regulations as they appear in our October 23, 2000, final rule.

Conditions for Zone Recognition

Under §§ 77.3 and 77.4 of the regulations, in order to qualify for zone classification by the Animal and Plant Health Inspection Service (APHIS), the State must meet the following requirements:

1. The State must have adopted and must be enforcing regulations that impose restrictions on the intrastate movement of cattle, bison, and captive cervids that are substantially the same as those in place in part 77 for the interstate movement of those animals.

2. The designation of part of a State as a zone must otherwise be adequate to prevent the interstate spread of tuberculosis.

3. The zones must be delineated by the animal health authorities in the State making the request for zone

recognition and must be approved by the APHIS Administrator.

4. The request for zone classification must demonstrate that the State has the legal and financial resources to implement and enforce a tuberculosis eradication program and has in place an infrastructure, laws, and regulations that require and ensure that State and Federal animal health authorities are notified of tuberculosis cases in domestic livestock or outbreaks in wildlife.

5. The request for zone classification must demonstrate that the State maintains, in each intended zone, clinical and epidemiological surveillance of animal species at risk of tuberculosis, at a rate that allows detection of tuberculosis in the overall population of livestock at a 2 percent prevalence rate with 95 percent confidence. The designated tuberculosis epidemiologist must review reports of all testing for each zone within the State within 30 days of the testing.

6. The State must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request.

Request for Zone Recognition in Texas

In our October 23, 2000, final rule, we classified the entire State of Texas as modified accredited advanced with regard to cattle and bison and as modified accredited with regard to captive cervids. However, we have received from the State of Texas a request for zone recognition in which State animal health officials demonstrate that Texas meets the requirements listed above for zone recognition. Therefore, in this interim rule, we are recognizing two zones in Texas as described below.

1. The smaller of the two zones is bounded as follows: Beginning at the point where the Hudspeth-El Paso County line intersects U.S. Highway 62; then west along U.S. Highway 62 to its intersection with the El Paso city limits; then southwest along the El Paso city limits to the Rio Grande River; then southeast along the Rio Grande River to the Fort Hancock-El Porvenir Bridge; then northeast along an imaginary line to Interstate 10; then northwest along Interstate 10 to its intersection with the Hudspeth-El Paso County line; then north along the Hudspeth-El Paso County line to the point of beginning.

2. The second zone in Texas consists of the rest of the State.

With regard to cattle and bison, State animal health officials in Texas have demonstrated to APHIS that, except for the smaller zone, Texas meets the criteria for accredited-free status set forth in the definition of *accredited-free State or zone* in § 77.5 of the regulations. In accordance with these conditions, Texas has demonstrated that the larger zone has zero percent prevalence of affected cattle or bison herds and has had no findings of tuberculosis in any cattle or bison herds for the past 5 years. Additionally, the State complies with the conditions of the UMR.

State animal health officials in Texas have demonstrated that the smaller zone meets the criteria for modified accredited advanced status for cattle and bison set forth in the definition of *modified accredited advanced State or zone* in § 77.5 of the regulations. According to those criteria, the Administrator, upon his or her review, may classify a State or zone as modified accredited advanced—depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone—if the State or zone has fewer than 30,000 herds total and, of those, no more than 3 are affected herds for each of the most recent 2 years. Within the smaller zone in Texas, there are a total of approximately 17 cattle herds and no bison herds. Of those cattle herds, two are known to be affected with tuberculosis, and Texas is conducting an aggressive program to eradicate the disease in the zone. There are no known affected herds in the remainder of the State. Under those conditions, the Administrator has determined that the smaller zone in Texas qualifies for modified accredited advanced status with regard to cattle and bison.

With regard to captive cervids, because both of the zoned areas in Texas continue to qualify as modified accredited, in § 77.26 we continue to list Texas in its entirety as a modified accredited State.

Correction

We are amending § 77.9(b) to correct an omission in our October 23, 2000, final rule. Section 77.9 contains provisions pertaining to modified accredited advanced States and zones. In § 77.9(b), the word ''advanced'' was omitted. We are adding the word ''advanced'' to § 77.9(b).

Emergency Action

This rulemaking is necessary on an emergency basis to establish two zones with separate tuberculosis risk classifications in Texas with regard to cattle and bison. Failure to provide ''split-State status'' in Texas with regard to tuberculosis on an emergency basis could increase the likelihood of the spread of that disease by reducing the incentive for Texas to stringently restrict movement of tuberculosis-susceptible animals from high-risk areas within the State and to implement effective containment and eradication measures. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received on or before January 22, 2001. 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.

Bovine tuberculosis is a communicable disease of cattle, bison, cervids and other species, including humans, and results in losses in meat and milk production among infected animals. As part of the Cooperative State/Federal Tuberculosis Eradication Program, which has virtually eliminated bovine tuberculosis from the Nation's livestock populations, the regulations classify each State according to its tuberculosis risk and place certain restrictions on the movement of cattle and bison from States with high-risk classifications. In this interim rule, we are dividing Texas into two separate zones for the purpose of tuberculosis risk classification. One of these zones will be classified as accredited-free with regard to cattle and bison; the other will be classified as modified accredited advanced. We discuss below the projected effects of this regulatory action.

Cattle and Bison

In 1999, the total number of cattle in the United States was approximately 99.115 million, valued at approximately $58.833 billion. There were 1,095,960 U.S. operations with cattle. Over 99 percent of these operations were small businesses with annual gross receipts of less than $500,000. There were about 112,700 bison held as livestock in the United States, valued at about $169 million, on 1,150 premises.

Under the regulations in part 77, each State is assigned one of five risk classifications: Accredited-free, modified accredited advanced, modified accredited, accreditation preparatory, or nonaccredited. In our October 23, 2000, final rule, we classified the entire State of Texas as modified accredited advanced with regard to cattle and bison. In this interim rule, we are classifying most of Texas as accredited-free with regard to cattle and bison and a portion of El Paso and Hudspeth Counties, TX, as modified accredited advanced. We analyze below the expected effect of changing Texas from one statewide classification of modified accredited advanced with regard to cattle and bison to two separate zone classifications—one of accredited-free and one of modified accredited advanced.

Under the three-tier classification that remains in effect until the November 22, 2000, effective date of the October 23, 2000, final rule, the entire State of Texas is classified as modified accredited, which means that cattle not known to be infected with or exposed to tuberculosis may be moved interstate from anywhere in Texas without restriction. Although the October 23, 2000, final rule classifies the State of Texas as modified accredited advanced, this interim rule, which classifies most of the State of Texas as an accredited-free zone, also becomes effective on November 22, 2000. Because cattle or bison that originate in an accredited-free zone may be moved interstate without restriction, there will be, for all practical purposes, no change in the restrictions that apply to the interstate movement of cattle and bison from the accredited-free zone established in this interim rule. Additional testing and identification requirements will, however, apply to the interstate movement of certain cattle and bison that originate in the modified accredited advanced zone that we are establishing in El Paso and Hudspeth Counties, TX. Specifically, for interstate movement of cattle or bison from a modified accredited advanced State or zone, the regulations require sexually intact cattle and bison not from an accredited herd to have one negative test within 60 days prior to being moved interstate and also require that they be officially identified. Additionally, sexually intact heifers moved to an approved feedlot, steers, and spayed heifers must be either officially identified or identified to a premises of origin before they can be moved interstate.

As of January 1999, there were about 153,000 cattle herds in Texas with 14.9 million cattle, valued at $7.1 billion. (In addition, there were 40 operations with bison, with a total of 1,370 animals.) In the portion of El Paso and Hudspeth Counties, TX, that we are establishing as a modified accredited advanced zone in this interim rule, there are approximately 17 cattle herds totaling approximately 12,000 to 13,000 head. There are no bison herds. Of the cattle in this zone, only approximately 1,000 are expected to require testing to be moved interstate. Another 120 are expected to require identification but no testing.

The approximate per-animal testing cost is $4.30, compared to an average sale value of approximately $600 for a head of cattle. The cost of official identification by applying an eartag is about $0.50 per head.

Applying the unit testing and identification costs to the number of animals that are likely to require testing and identification, or simply identification, to be eligible for movement from the modified accredited advanced zone yields the approximate economic effect of this interim rule. The testing cost is projected to be no more than $4,300 annually, and the identification cost is projected to be no more than $560, for a total estimated annual testing and identification cost in Texas of no more than $4,860. This cost is relatively small when compared to the total size and significance of the cattle and bison industry in Texas and in the United States overall.

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 in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, we are amending 9 CFR part 77 as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

2. Section 77.7 is amended by revising paragraph (b) to read as follows:

§ 77.7 Accredited-free States or zones.

* * * * *

(b) The following are accredited-free zones: All of the State of Texas except for the zone that comprises those portions of El Paso and Hudspeth Counties, TX, described in § 77.9(b).

* * * * *

3. Section 77.9 is amended by revising paragraphs (a) and (b) to read as follows:

§ 77.9 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: None.

(b) The following are modified accredited advanced zones: A zone in Texas delineated as follows: Beginning at the point where the Hudspeth-El Paso County line intersects U.S. Highway 62; then west along U.S. Highway 62 to its intersection with the El Paso city limits; then southwest along the El Paso city limits to the Rio Grande River; then southeast along the Rio Grande River to the Fort Hancock-El Porvenir Bridge; then northeast along an imaginary line to Interstate 10; then northwest along Interstate 10 to its intersection with the Hudspeth-El Paso County line; then north along the Hudspeth-El Paso County line to the point of beginning.

* * * * *

Done in Washington, DC, this 16th day of November 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–29832 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–34–U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

RIN 3150–AG51

Export and Import of Nuclear Equipment and Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations pertaining to the export and import of nuclear equipment and materials. This rulemaking is necessary to reflect the nuclear non-proliferation policies of the Executive Branch; U.S. Government reporting obligations to the International Atomic Energy Agency (IAEA) and under agreements for cooperation in the peaceful uses of nuclear energy; the multilateral export control recommendations of the Nuclear Suppliers Group (NSG) and the Nuclear Non-proliferation Treaty Exporters Committee (Zangger Committee), of which the U.S. is a member; and IAEA publication INFCIRC/225/Rev. 4, ''The Physical Protection of Nuclear Material and Nuclear Facilities.'' Also, this final rule makes certain editorial revisions, and corrects typographical errors.

DATES: Effective December 22, 2000.

The incorporation by reference of the material in this document is approved as of December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Suzanne Schuyler-Hayes, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC. 20555–0001, telephone (301) 415–2333, e-mail *ssh@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The tracking and reporting of government-to-government obligations attached to nuclear material or equipment is essential to fulfilling U.S. Government commitments under various agreements for cooperation in the peaceful uses of nuclear energy pursuant to Section 123 of the Atomic Energy Act (AEA). ''Obligations'' include controls, peaceful end-use assurances, and other conditions placed on the transfer of equipment or material. The U.S. Government is required to report to the governments of other countries the inventory of subject nuclear material held in the United States. To meet this requirement, NRC must keep adequate records showing obligations to countries that have exported nuclear material to the U.S., and track any nuclear material produced through the use of that material. The U.S. must also obtain consent before releasing obligated material to a third party.

For the past ten or more years, the situation has become more complicated, reflecting the growing complexity of the nuclear fuel cycle. To ensure that information regarding obligations is reported to the government in advance of shipments, in accordance with NRC's need to obtain prior consent for the retransfer of obligated material, this rulemaking institutes a change from solely reporting the country of origin of nuclear material to reporting all obligations attached to the material on NRC license applications. This rule extends the required prior notice on shipments of Canadian and Australian origin material to all shipments of obligated material, including, but not limited to, EURATOM and Japan.

This rulemaking is clear that as obligations are commitments made by the U.S. Government to another government on behalf of NRC licensees, the U.S. Government maintains the responsibility for informing industry of obligations attached to imported material and for approving changes to obligations on material while it is in the U.S.

Section by Section Analysis

Section 110.1 is amended by adding a paragraph to clarify that bond shipments, or shipments which are only passing through the U.S., do not require an NRC import or export license; however, they must comply with the Department of Transportation/IAEA packaging, and state transportation requirements.

Section 110.2 is amended to add definitions on subjects on which the NRC receives many public inquiries. These definitions are taken from the Atomic Energy Act (AEA), or are defined by the Executive Branch and the multilateral export control regimes of which the U.S. is a member, including the Nuclear Suppliers Group and the Zangger NPT Exporters Committee. They include byproduct material, depleted uranium, dual-use, heels, natural uranium, nuclear reactor internals, obligations, restricted destinations and source material. A citation in the definition of ''Nuclear Referral List'' is corrected, and the definition of ''Source material'' is revised.

In § 110.6, additional information is inserted on retransfers to satisfy prior consent reporting obligations on nuclear equipment and material subject to agreements for cooperation.

In § 110.7, paragraph (b) is updated to include § 110.23.

In § 110.8, reference to a new Appendix N on lithium isotope separation plant equipment and components and reference to a new Appendix O on fuel fabrication plant equipment and components are added. Plants for the conversion of plutonium are added to paragraph (f). A new paragraph is added on plants for the production of special nuclear material using accelerator-driven subcritical assembly systems capable of continuous operation above 5 MWe thermal.

In § 110.10, the reference to the completion of rulemaking proceedings is deleted in the interest of procedural efficiency.

In § 110.21, a new paragraph is added to indicate that uranium, enriched to less than 20 percent in U–235, in the form of UF6 heels in cylinders being returned to suppliers in EURATOM will no longer require a specific NRC license, but is subject to an NRC general license.

In § 110.22, a new paragraph is added to permit the export of uranium, enriched to less than 20 percent in U–235, in the form of UF6 heels in cylinders being returned to suppliers in EURATOM under an NRC general license. The specific license required previously is revoked.

In § 110.23, the export of byproduct material, californium–253 and –254, and neptunium–235 are added to bring NRC's regulations into conformance with NSG Guidelines. Yearly reporting requirements on exports of americium and neptunium are added to this section to fulfill a U.S. commitment to the IAEA on the voluntary tracking of these byproduct materials. Also, this section is clarified in an effort to make it more readable to the public.

In § 110.26 a paragraph is added to indicate that a general license for the export of nuclear reactor components, in final or semi-fabricated form, is amended to clarify that it covers components solely of U.S. origin. Also, this section is revised to include additional countries to which exports may go under a general license. The U.S. has received broad generic assurances from these countries under section 109(b) of the AEA that these components will not be used for explosive purposes or retransfered to a third country without U.S. permission. These countries include Bulgaria, Czech Republic, Latvia, Lithuania, New Zealand, and Romania. The NRC is revoking the general license for the export of nuclear reactor components to research reactors capable of continuous operation above 5MWe thermal, whether in final or semi-fabricated form,

to conform 10 CFR part 110 with 10 CFR part 810. A new paragraph is added to indicate that the general license for the export of nuclear reactor components does not authorize the export of components to research reactors, in final or semi-fabricated form, capable of continuous operation above 5 MWe thermal, and that a specific license is required for these exports.

Section 110.27 is revised by adding the words ''NRC or Agreement State'' after the word ''specific'' to clarify the fact that a consignee must have a general or specific domestic license to possess the material before it can be imported to the U.S.

In § 110.28, ''Sudan'' is added to the list of embargoed destinations for which a U.S. trade embargo is in effect.

In § 110.30, ''Belarus'', ''Cyprus'', ''Latvia'', ''Slovenia'', and ''Turkey'' are added as new NSG members.

In § 110.31, the title of the person with whom specific license applications are to be filed is updated.

In § 110.32, the information required in an application for a specific license (NRC Form 7) is clarified to satisfy reporting obligations on imported or exported nuclear equipment and material incurred by the U.S. Government pursuant to agreements for cooperation with other countries.

In § 110.44, the physical security standards are being revised to incorporate by reference the update and recommendations contained in the IAEA document, INFCIRC/225/Rev.4, June 1999, ''The Physical Protection of Nuclear Material and Nuclear Facilities.'' The standard that NRC continues to apply is that physical protection in recipient countries is sufficient to protect against the proliferation of nuclear weapons. Although the IAEA has included ''radiological sabotage'' as a distinct consideration of physical security, it is commonly understood in the international community to involve radiological health and safety rather than nuclear non-proliferation concerns. NRC is not required to consider foreign health and safety in its export licensing decisions. Also, the title of the person to whom communications are to be addressed, and specific license applications are to be filed, is updated.

In § 110.50, the title of the notifying official is updated to Deputy Director. A requirement is added that licensees must notify the Deputy Director of the Office of International Programs (OIP) in writing at least 40 days before the export of foreign-origin nuclear material or equipment, and may not ship this material or equipment until authorized by the Deputy Director, OIP. This information is needed to satisfy U.S. Government obligations under various agreements for cooperation with other countries, as defined in § 110.2, which require prior consent for shipment of foreign-origin nuclear material or equipment. Foreign-origin material and equipment exports subject to such obligations include, but are not limited to, those going to Australia, Canada, EURATOM, and Japan.

In § 110.70, an exception is inserted for exports of heavy water to Canada.

In § 110.82, the length of time to file hearing requests and intervention petitions after receipt of license applications in the Public Document Room is expanded from 15 to 30 days in the interest of procedural efficiency.

In appendix A to part 110, a correction is made to delete ''specially designed'', and insert ''especially designed.''

In appendix B to part 110, an editorial error in the power range of 50–100 volt amps is corrected to read 50–1000 volt amps. The corresponding power range in the NSG Trigger List is 50–1000 volts amps.

In appendix J to part 110, the heading is revised to add plutonium. Following the Note, a subheading (a) on uranium conversion plant equipment is added and a new paragraph on especially designed or prepared systems for the conversion of UO_2 to UCl_4 as feed for electromagnetic enrichment and plants for plutonium conversion to bring part 110 into conformance with current NSG guidelines. Also, a note, subheading (b) on plutonium conversion plant equipment, and two paragraphs are added to cover especially designed or prepared plant equipment for the conversion of plutonium from one chemical species to another, including PuO_2 to PuF_4 and of PuF_4 to plutonium metal.

In Appendix K to Part 110, a paragraph is added on complete heavy water upgrade systems or columns.

In appendix L to part 110, the radio nuclides ''californium–253'' and ''californium–254'', and ''neptunium–235'' are added to bring Part 110 into conformance with current NSG guidelines.

Appendix N to part 110 is added to illustrate the entry in § 110.8(c) on plants for the separation of the isotopes of lithium and especially designed or prepared assemblies and components for these plants.

Appendix O to part 110 is added to illustrate the entry in § 110.8(e) on plants for the fabrication of nuclear reactor fuel elements, and especially designed or prepared equipment and components for these plants.

Because the substance of this rule involves a foreign affairs function of the United States, the notice and comment provisions of the Administrative Procedure Act do not apply (5 U.S.C. 553(a)(1)). In addition, solicitation of public comments would delay United States conformance with its international obligations, and would be contrary to the public interest (5 U.S.C. 553(b)).

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB. The rule is necessary to conform the nuclear non-proliferation policies of the United States with international export guidelines.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1) and (c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule increases the burden on exporters of americium and neptunium to submit an annual reports of shipments made. The public burden for this information collection is estimated to average .5 hour(s) per request. Because the burden for this information collection is insignificant, Office of Management and Budget (OMB) clearance is not required. Existing requirements were approved by OMB approval number 3150–0036.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant impact on a substantial number of small entities. This rule is necessary to reflect the nuclear non-proliferation policies of the executive branch and U.S. Government obligations under nuclear agreements for cooperation, and to update the

export controls of the United States in respect to the multilateral export control recommendations of the Nuclear Non-proliferation Treaty Exporters Committee (Zangger Committee) and the Nuclear Suppliers Group (NSG), of which the United States is a member.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995, Pub. L.104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. The changes in this rulemaking are not inconsistent with any voluntary consensus standard.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and a backfit analysis is not required, because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109. The rule does not constitute a backfit because it does not propose any changes or additions to requirements for existing structures, systems, components, procedures, organizations or designs associated with the construction or operation of a facility.

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Imports, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 110.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

1. The authority citation for part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 *et seq.*).

2. In § 110.1, paragraph (b)(6) is added to read as follows:

§ 110.1 Purpose and scope.

* * * * *

(b) * * *

(6) Shipments which are only passing through the U.S. (in bond shipments) do not require an NRC import or export license; however, they must comply with the Department of Transportation/IAEA packaging, and state transportation requirements.

3. In § 110.2, the definitions for ''Byproduct material'', ''Nuclear Referral List'', and ''Source material'' are revised, and definitions for ''Depleted uranium'', ''Dual-use'', ''Embargoed'', ''Heels'', ''Natural uranium'', ''Nuclear reactor internals'', ''Obligations'', and ''Restricted destinations'' are added in alphabetical order to read as follows:

§ 110.2 Definitions.

* * * * *

Byproduct material means

(1) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material (as in a reactor); and

(2) The tailings or wastes produced by the extraction or concentration or uranium or thorium from ore (see 10 CFR 20.1003).

* * * * *

Depleted uranium means uranium having a percentage of uranium-235 less than the naturally occurring distribution of U–235 found in natural uranium (less than 0.711 weight percent U–235). It is obtained from spent (used) fuel elements or as byproduct tails or residues from uranium isotope separation.

* * * * *

Dual-use means equipment and materials that may be used in nuclear or non-nuclear applications.

* * * * *

Embargoed means that no nuclear material or equipment can be exported to certain countries under an NRC general license because there is a U.S. trade embargo in effect.

* * * * *

Heels means small quantities of natural, depleted or low-enriched uranium (to a maximum of 20 percent), in the form of UF6 left in emptied transport cylinders being returned to suppliers after delivery of the product.

* * * * *

Natural uranium means uranium as found in nature, containing about 0.711 percent of Uranium 235, 99.283 percent of uranium-238, and a trace (0.006 percent) of uranium-234.

* * * * *

Nuclear reactor internals means the major structures within a reactor vessel that have one or more functions such as supporting the core, maintaining fuel alignment, directing primary coolant flow, providing radiation shields for the reactor vessel, and guiding in-core instrumentation.

Nuclear Referral List (NRL) means the nuclear-related, dual-use commodities on the Commerce Control List that are subject to the nuclear non-proliferation export licensing controls of the Department of Commerce. They are contained in 15 CFR part 774 of the Department of Commerce's Export Administration Regulations and are designated by the symbol (NP) as the reason for control.

Obligations means the commitments entered into by the U.S. Government under Atomic Energy Act (AEA) section 123 agreements for cooperation in the peaceful uses of atomic energy. Imports and exports of material or equipment pursuant to such agreements are subject to these commitments, which in some cases involve an exchange of information on imports, exports, retransfers with foreign governments, peaceful end-use assurances, and other conditions placed on the transfer of the material or equipment. The U.S. Government informs the licensee of obligations attached to material or equipment being imported into the U.S. and approves changes to those obligations.

* * * * *

Restricted destinations means countries that are not parties to the NPT or are listed for reasons recommended by the executive branch.

* * * * *

Source material means:

(1) Natural or depleted uranium, or thorium, other than special nuclear material; or

(2) Ores that contain by weight 0.05 percent or more of uranium, thorium or depleted uranium.

* * * * *

§ 110.4 [Amended]

4. In § 110.4, in the first sentence, the words ''Director for Nonproliferation, Exports, and Multilateral Relations'' are revised to read ''Deputy Director, Office of International Programs''.

§ 110.6 [Amended]

5. Section 110.6 is amended by adding the following sentence at the end of paragraph (a): ''Department of Energy authorization is also required for the retransfer of obligated nuclear equipment and material (see definition of ''obligated'' in § 110.2).''

6. In § 110.7, paragraph (b) is revised to read as follows:

§ 110.7 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 110.7a, 110.23, 110.26, 110.27, 110.31, 110.32, 110.50, 110.51, 110.52, and 110.53

* * * * *

§ 110.8 [Amended]

7. Section 110.8 is amended as follows:

a. Paragraphs (a), (d), (f), and (g) are amended by revising the word ''appendix'' to read ''Appendix'';

b. Paragraph (c) is amended by adding ''(See Appendix N to this part)'' at the end of the paragraph;

c. Paragraph (e) is amended by adding ''(See Appendix O to this part)'' at the end of the paragraph;

d. Paragraph (f) is amended by adding after the word ''uranium'' the words ''and plutonium'';

e. Paragraph (h) is redesignated as paragraph (i); and

f. A new paragraph (h) is added to read as follows:

* * * * *

(h) Plants for the production of special nuclear material using accelerator-driven subcritical assembly systems capable of continuous operation above 5 MWe thermal.

* * * * *

§ 110.10 [Amended]

8. Section 110.10(b) is amended by removing the words ''and after completion of rulemaking proceedings under subpart K of this part''.

9. Section 110.21 is amended by adding a new paragraph (b)(3) to read as follows:

§ 110.21 General license for the export of special nuclear material.

* * * * *

(b) * * *

(3) Uranium, enriched to less than 20 percent in U–235, in the form of UF6 heels in cylinders being returned to suppliers in EURATOM.

* * * * *

10. In § 110.22, paragraphs (c) through (f) are redesignated as (d) through (g), and a new paragraph (c) is added to read as follows:

§ 110.22 General license for the export of source material.

* * * * *

(c) A general license is issued to any person to export uranium, enriched to less than 20 percent in U–235, in the form of UF6 heels in cylinders being returned to suppliers in EURATOM.

* * * * *

11. Section 110.23 is revised to read as follows:

§ 110.23 General license for the export of byproduct material.

(a) A general license is issued to any person to export byproduct material (see appendix L to this part) except that:

(1) This section does not authorize the export of byproduct material to any embargoed country listed in § 110.28, or byproduct material in radioactive waste, or tritium for recovery or recycle purposes.

(2) Actinium-225 and -227, americium-241 and -242m, californium-248, -249, -250, -251, -252, -253, and -254, curium-240, -241, -242, -243, -244, -245, -246 and -247, einsteinium-252, -253, -254 and -255, fermium-257, gadolinium-148, mendelevium-258, neptunium-235 and -237, polonium-210, and radium-223 must be contained in a device, or a source for use in a device, in quantities of less than 100 millicurie of alpha activity (see § 110.2 for specific activity) per device or source, unless the export is to a country listed in § 110.30. Exports of americium and neptunium are subject to the reporting requirements listed in paragraph (b) of this section.

(3) For americium-241, exports must not exceed one curie (308 milligrams) per shipment or 100 curies (30.8 grams) per year to any country listed in § 110.29, and must be contained in industrial process control equipment or petroleum exploration equipment in quantities not to exceed 20 curies (6.16 grams) per device or 200 curies (61.6 grams) per year to any one country.

(4) For neptunium-235 and -237, exports must not exceed individual shipments of one gram, not to exceed 10 grams per year to any one country.

(5) For polonium-210, the material must be contained in static eliminators and may not exceed 100 curies (22 grams) per individual shipment.

(6) For tritium in any dispersed form, except for recovery or recycle purposes (e.g., luminescent light sources and paint, accelerator targets, calibration standards, labeled compounds), exports must not exceed the quantity of 10 curies (1.03 milligrams) or less per item, not to exceed 1,000 curies (103 milligrams) per shipment or 10,000 curies (1.03 grams) per year to any one country. Exports of tritium to the countries listed in § 110.30 must not exceed the quantity of 40 curies (4.12 milligrams) or less per item, not to exceed 1,000 curies (103 milligrams) per shipment or 10,000 curies (1.03 grams) per year to any one country, and exports of tritium in luminescent safety devices installed in aircraft must not exceed a quantity of 40 curies (4.12 milligrams) or less per light source.

(b) Persons making exports under the general license established by paragraph (a) of this section shall submit by February 1 of each year one copy of a report of all americium and neptunium shipments during the previous calendar year. The report must include:

(1) A description of the material, including quantity;

(2) Approximate shipment dates; and

(3) A list of recipient countries, end users, and intended use keyed to the items shipped.

(c) Persons using a general license issued under paragraph (a) of this section as authority to export byproduct material as incidental radioactive material shall file a completed NRC Form 7 before the export takes place if the total weight of the shipment exceeds 100 kilograms.

12. Section 110.26 is amended as follows:

a. Paragraphs (a)(1) and (a)(2) are redesignated as (a)(2) and (a)(3), respectively;

b. Newly redesignated paragraph (a)(3) is amended by adding ''Bulgaria'', ''Czech Republic'', ''Latvia'', ''Lithuania'', ''New Zealand'', and ''Romania'' in alphabetical order;

c. Paragraphs (b) and (c) are redesignated as (c) and (d), respectively; and

d. New paragraphs (a)(1) and (b) are added to read as follows:

§ 110.26 General license for the export of nuclear reactor components.

(a) * * *

(1) The component is of U.S. origin,

* * * * *

(b) This general license does not authorize the export of components, in

final or semi-fabricated form, for research reactors capable of continuous operation above 5 MWe thermal.

* * * * *

§ 110.27 [Amended]

13. Section 110.27(a)(3) is amended by adding the words ''NRC or Agreement State'' after the word ''specific''.

§ 110.28 [Amended]

14. Section 110.28 is amended by adding ''Sudan'' after ''North Korea''.

§ 110.30 [Amended]

15. Section 110.30 is amended by adding ''Belarus'', ''Cyprus'', ''Latvia'', ''Slovenia'', and ''Turkey'' in alphabetical order.

§ 110.31 [Amended]

16. Section 110.31(a) is amended by removing the words ''Director for Nonproliferation, Exports, and Multilateral Relations'' and adding in their place ''Deputy Director, Office of International Programs''.

§ 110.32 [Amended]

17. Section 110.32(c) is amended by removing ''if known.'' and adding the following in their place: ''and any other countries that have processed the material prior to its import into the U.S.

(Note: This is meant to include all obligations attached to the material, according to the definition of obligations in § 110.2. Licensees must keep records of obligations attached to material which they own or is in their possession.)''

18. In § 110.44, paragraphs (a) and (b)(1) are revised to read as follows:

§ 110.44 Physical security standards.

(a) Physical security measures in recipient countries must provide protection at least comparable to the recommendations in the current version of IAEA publication INFCIRC/225/Rev. 4 (corrected), June 1999, ''The Physical Protection of Nuclear Material and Nuclear Facilities,'' and is incorporated by reference in this part. 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. Notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of INFCIRC/225/Rev. 4 may be obtained from the Deputy Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and are available for inspection at the NRC library, 11545 Rockville Pike, Rockville, Maryland 20852–2738. A copy is available for inspection at the library of the Office of the Federal Register, 800 N. Capitol Street, NW., Suite 700, Washington, DC.

(b) * * *

(1) Receipt of written assurances from recipient countries that physical security measures providing protection at least comparable to the recommendations set forth in INFCIRC/225/Rev. 4 (corrected).

* * * * *

19. In § 110.50 paragraph (b)(3) is revised to read as follows:

§ 110.50 Terms.

* * * * *

(b) * * *

(3) Unless a license specifically authorizes the export of foreign-origin nuclear material or equipment, a licensee may not ship such material or equipment until;

(i) the licensee has given at least 40 days advance notice of the intended shipment in writing to the Deputy Director, Office of International Programs (OIP), and

(ii) the Deputy Director, OIP, has

(A) obtained confirmation, through either the Department of Energy or State, that the foreign government in question has given its consent to the intended shipment pursuant to its agreement for cooperation with the United States, and

(B) communicated this in writing to the licensee.

* * * * *

§ 110.70 [Amended]

20. In § 110.70, paragraph (b) is amended by adding after paragraph (b)(4) the following parenthetical note:

* * * * *

(b) * * *

(4) * * *

(Note: Does not apply to exports of heavy water to Canada.)

* * * * *

§ 110.82 [Amended]

21. Section 110.82(c)(2) is amended by revising ''15'' to read ''30''.

Appendix A to Part 110 [Amended]

22. In appendix A to part 110, in paragraphs 1 through 7, the words ''specially designed'' are revised to read ''especially designed''.

Appendix B to Part 110 [Amended]

23. In appendix B to part 110, paragraph 1.2(d) is amended by revising ''50–100'' to read ''50–1000''.

Appendix J to Part 110 [Amended]

24. Appendix J to part 110 is amended as follows:

a. The heading is revised to read as set forth below;

b. A new paragraph (a) is added before paragraph (1);

c. In newly designated paragraph (a)(1), the last sentence is amended by revising ''product'' to read ''produce'';

d. A new paragraph (a)(9) and note are added; and

e. A new paragraph (b) is added.

The revisions and additions read as follows:

Appendix J to Part 110—Illustrative List of Uranium Conversion Plant Equipment and Plutonium Conversion Plant Equipment Under NRC Export Licensing Authority

* * * * *

(a) Uranium Conversion Plant Equipment

* * * * *

(9) Especially designed or prepared systems for the conversion of UO_2 to UCl_4 as feed for electromagnetic enrichment.

Note: Plutonium conversion plants and systems may perform one or more transformations from one plutonium chemical species to another, including: conversion of plutonium nitrate to PuO_2, conversion of PuO_2 to PuF_4 and conversion of PuF_4 to plutonium metal. Plutonium conversion plants are usually associated with reprocessing facilities, but may also be associated with plutonium fuel fabrication facilities. Many of the key equipment items for plutonium conversion plants are common to several segments of the chemical process industry. For example, the types of equipment employed in these processes may include the following items: furnaces, rotary kilns, fluidized bed reactors, flame tower reactors, liquid centrifuges, distillation columns and liquid-liquid extraction columns. Hot cells, glove boxes and remote manipulators may also be required. However, few of the items are available off-the-shelf; most would be prepared according to the requirements and specifications of the customer. Particular care is essential in designing for the special radiological, toxicity and criticality hazards associated with plutonium. In some circumstances, special design and construction considerations are required to address the corrosive properties of some of the chemicals handled (e.g., HF). Finally, it should be noted that, for all plutonium conversion processes, items of equipment which individually are not especially designed or prepared for plutonium conversion can be assembled into systems that are especially designed or prepared for use in plutonium conversion.

(b) Plutonium Conversion Plant Equipment

(1) Especially designed or prepared systems for the conversion of plutonium nitrate to oxide.

The main functions involved in this process are: process feed storage and adjustment, precipitation and solid/liquor separation, calcination, product handling, ventilation, waste management, and process control. The process systems are particularly adapted so as to avoid criticality and radiation effects and to minimize toxicity hazards. In most reprocessing facilities, this process involves the conversion of plutonium

nitrate to plutonium dioxide. Other processes can involve the precipitation of plutonium oxalate or plutonium peroxide.

(2) Especially designed or prepared systems for plutonium metal production.

This process usually involves the fluorination of plutonium dioxide, normally with highly corrosive hydrogen fluoride, to produce plutonium fluoride, which is subsequently reduced using high purity calcium metal to produce metallic plutonium and a calcium fluoride slag. The main functions involved in this process are the following: fluorination (e.g., involving equipment fabricated or lined with a precious metal), metal reduction (e.g., employing ceramic crucibles), slag recovery, product handling, ventilation, waste management and process control. The process systems are particularly adapted so as to avoid criticality and radiation effects and to minimize toxicity hazards. Other processes include the fluorination of plutonium oxalate or plutonium peroxide followed by reduction to metal.

25. In appendix K to part 110, paragraph C.2(viii) is added to read as follows:

Appendix K to Part 110—Illustrative List of Equipment and Components Under NRC Export Licensing Authority for Use in a Plant for the Production of Heavy Water, Deuterium and Deuterium Compounds

C.2. * * *

(viii) Complete Heavy Water Upgrade Systems or Columns.

Complete heavy water upgrade systems or columns especially designed or prepared for the upgrade of heavy water to reactor-grade deuterium concentration. These systems, which usually employ water distillation to separate heavy water from light water, are especially designed or prepared to produce reactor-grade heavy water (i.e., typically 99.75% deuterium oxide) from heavy water feedstock of lesser concentration.

* * * * *

Appendix L to Part 100 [Amended]

26. In appendix L to part 110, the following terms are added in alphabetical order: ''Californium-253 (Cf 253)'', ''Californium-254 (Cf 254)'', and ''Neptunium-235 (Np 235)''.

27. A new appendix N to part 110 is added to read as follows:

Appendix N to Part 110–Illustrative List of Lithium Isotope Separation Facilities, Plants and Equipment Under NRC's Export Licensing Authority

a. Facilities or plants for the separation of lithium isotopes.

b. Equipment for the separation of lithium isotopes, such as:

(1) Packed liquid-liquid exchange columns especially designed for lithium amalgams;

(2) Mercury and/or lithium amalgam pumps;

(3) Lithium amalgam electrolysis cells;

(4) Evaporators for concentrated lithium hydroxide solution.

28. A new appendix O to part 110 is added to read as follows:

Appendix O to Part 110–Illustrative List of Fuel Element Fabrication Plant Equipment and Components Under NRC's Export Licensing Authority

Note: Nuclear fuel elements are manufactured from source or special nuclear material. For oxide fuels, the most common type of fuel equipment for pressing pellets, sintering, grinding and grading will be present. Mixed oxide fuels are handled in glove boxes (or equivalent containment) until they are sealed in the cladding. In all cases the fuel is hermetically sealed inside a suitable cladding which is designed to be the primary envelope encasing the fuel so as to provide suitable performance and safety during reactor operation. Also, in all cases precise control of processes, procedures and equipment to extremely high standards is necessary in order to ensure predictable and safe fuel performance.

(a) Items that are considered especially designed or prepared for the fabrication of fuel elements include equipment that:

(1) Normally comes in direct contact with, or directly processes or controls, the production flow of nuclear material;

(2) Seals the nuclear material within the cladding;

(3) Checks the integrity of the cladding or the seal; and

(4) Checks the finished treatment of the sealed fuel.

(b) This equipment or systems of equipment may include, for example:

(1) Fully automatic pellet inspection stations especially designed or prepared for checking final dimensions and surface defects of fuel pellets;

(2) Automatic welding machines especially designed or prepared for welding end caps onto the fuel pins (or rods);

(3) Automatic test and inspection stations especially designed or prepared for checking the integrity of completed fuel pins (or rods). This item typically includes equipment for:

(i) X-ray examination of pin (or rod) end cap welds;

(ii) Helium leak detection from pressurized pins (or rods); and

(iii) Gamma-ray scanning of the pins (or rods) to check for correct loading of the fuel pellets inside.

Dated at Rockville, Maryland, this 27th day of October 2000.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Acting Executive Director for Operations.

[FR Doc. 00–29459 Filed 11–21–00; 8:45 am]

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EMERGENCY STEEL GUARANTEE LOAN BOARD

13 CFR Part 400

RIN 3003–ZA00

Emergency Steel Guarantee Loan Program; Commercial Lending Practices and Re-Opening of Period for Applications

AGENCY: Emergency Steel Guarantee Loan Board.

ACTION: Final rule.

SUMMARY: The Emergency Steel Guarantee Loan Board (Board) is amending the regulations governing the Emergency Steel Guarantee Loan Program (Program). These changes are meant to harmonize certain program requirements with commercial lending practices and to open a second period for the submission of applications. The intent of these changes is to streamline program administration both for the Board and the lenders and to allow submission of additional applications for loan guarantees.

DATES: This rule is effective November 22, 2000.

FOR FURTHER INFORMATION CONTACT: Marguerite S. Owen, General Counsel, Emergency Steel Guarantee Loan Board, 1099—14th Street, NW., Suite 2600 East, Washington, DC 20005, (202) 219–0584.

SUPPLEMENTARY INFORMATION: On October 27, 1999, the Board published a final rule codifying at Chapter 4, Title 13, Code of Federal Regulations (CFR), regulations implementing the Program, as established in Chapter 1 of Public Law 106–51, the Emergency Steel Loan Guarantee Act of 1999 (64 FR 57932). Since those initial regulations were published the Board has made a number of changes to the regulations meant to conform the regulations to the Guarantee Agreement between the government and the lender and to allow for participations in unguaranteed tranches of loans guaranteed under the Program. Today the Board is making additional changes designed to harmonize certain program requirements with commercial lending practices, streamline program operation, and to open a second period for the submission of applications. In addition, several non-substantive changes are being made to change addresses and allow for certain delegations of authority.

Administrative Law Requirements

Executive Order 12866

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

Administrative Procedure Act

This rule is exempt from the rulemaking requirements contained in 5 U.S.C. 553 pursuant to authority contained in 5 U.S.C. 553(a)(2) as it involves a matter relating to loans. As such, prior notice and an opportunity for public comment and a delay in effective date otherwise required under 5 U.S.C. 553 are inapplicable to this rule.

Regulatory Flexibility Act

Because this rule is not subject to a requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

Congressional Review Act

This rule has been determined to be not major for purposes of the Congressional Review Act, 5 U.S.C. 801 *et seq.*

Intergovernmental Review

No intergovernmental consultations with State and local officials are required because the rule is not subject to the provisions of Executive Order 12372 or Executive Order 12875.

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates, as that term is defined in the Unfunded Mandates Reform Act, on State, local and tribal governments or the private sector.

Executive Order 13132

This rule does not contain policies having federalism implications requiring preparation of a Federalism Summary Impact Statement.

Executive Order 12630

This rule does not contain policies that have takings implications.

List of Subjects in 13 CFR Part 400

Administrative practice and procedure, Freedom of information, Loan programs—steel, Reporting and recordkeeping requirements.

Dated: November 16, 2000.

Daniel J. Rooney,

Executive Secretary, Emergency Steel Guarantee Loan Board.

For the reasons set forth in the preamble, 13 CFR part 400 is amended as follows:

PART 400—EMERGENCY STEEL GUARANTEE LOAN PROGRAM

1. The authority citation for part 400 is revised to read as follows:

Authority: Pub. L. 106–51, 113 Stat. 252 (15 U.S.C. 1841 note); Pub. L. 106–102, 113 Stat. 1338.

2. Section 400.1 is revised to read as follows:

§ 400.1 Purpose.

This part is issued by the Emergency Steel Guarantee Loan Board pursuant to section 552 of title 5 of the United States Code and the Emergency Steel Loan Guarantee Act of 1999, Chapter 1 of Public Law 106–51, 113 Stat. 252, as amended by section 734 of Public Law 106–102, 113 Stat. 1338, the Gramm-Leach-Bliley Financial Modernization Act (1999).

3. Section 400.103 is revised to read as follows:

§ 400.103 Offices.

The principal offices of the Board are located at 1099—14th Street, NW, Suite 2600 East, Washington, DC 20005.

4. Section 400.105 is amended by adding paragraph (d) to read as follows:

§ 400.105 Staff.

* * * * *

(d) An individual may hold more than one staff position.

5. Section 400.107 is amended by revising paragraph (b)(3) to read as follows:

§ 400.107 Freedom of Information Act.

* * * * *

(b) * * *

(3) *Electronic records.* Information available under this section that was created on or after November 1, 1996, shall also be available on the Board's website found at *http://elb.osec.doc.gov* and at *http://elb.commerce.gov*.

* * * * *

6. Section 400.110 is revised to read as follows:

§ 400.110 Amendments.

The Board's rules in this chapter may be adopted or amended, or new rules may be adopted, only by majority vote of the Board.

7. Section 400.200 is amended by revising paragraph (c) to read as follows:

§ 400.200 Eligible Borrower.

* * * * *

(c) The Lender must provide with its application a letter from at least one lending institution other than the Lender to which the Borrower has applied for financial assistance dated within six months of submission of the application, indicating that the Borrower was denied for substantially the same loan it is now applying for, and the reasons the Borrower was unable to obtain the financing for which it applied. In addition, the Lender applying for a guarantee under this Program must certify that it would not make the loan without the Board's guarantee.

8. Section 400.204 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 400.204 Loan terms.

* * * * *

(c) * * *

(2) * * *

(ii) A fully perfected and enforceable security interest and/or lien in any other property of the Borrower's pledged to secure the loan, including accessions, replacements, proceeds, or property given by a third party as Security for the loan.

* * * * *

9. Section 400.205 is amended by revising paragraphs (a), (b)(2), and (b)(6) to read as follows:

§ 400.205 Application process.

(a) *Application process.* An original application and three copies must be received by the Board no later than 5 p.m. EST, April 2, 2001 in the Board's offices at 1099—14th Street, NW, Suite 2600 East, Washington, DC 20005. Applications which have been provided to a delivery service with ''delivery guaranteed'' before 5 p.m. on April 2, 2001 will be accepted for review if the Applicant can document that the application was provided to the delivery service with delivery to the address listed in this section guaranteed prior to the closing date and time. A postmark is not sufficient to meet this deadline as the application must be received by the required date and time. Applications will not be accepted via facsimile machine transmission or electronic mail.

(b) * * *

(2) The information required for the completion of Form ''Environmental Assessment and Compliance Findings for Related Environmental Laws'' and attachments, as required by § 400.206(a)(2)(i)(D);

* * * * *

(6) A certification by the Lender that the Lender meets each of the requirements of the Program as set forth in the Act and the Board's rules in this part;

* * * * *

10. Section 400.206 is amended by revising paragraphs (c)(5)(ii)(C) and (c)(5)(iv) to read as follows:

§ 400.206 Environmental requirements.

* * * * *

(c) * * *

(5) * * *

(ii) * * *

(C) Adopt a previously completed EIS reasonably related to the project for which the proceeds of the loan sought to be guaranteed under the Program will be used, as described in 40 CFR 1506.3.

* * * * *

(iv) If, on the basis of an environmental assessment, it is determined that an EIS is not required, a FONSI, as described in 40 CFR 1508.13 will be prepared. The FONSI will include the environmental assessment or a summary of it and be available to the public from the Board. The Executive Director shall maintain a record of these decisions, making them available to interested parties upon request. Requests should be directed to the Executive Director, Emergency Steel Guarantee Loan Program, 1099—14th Street, NW, Suite 2600 East, Washington, DC 20005. Prior to a final loan guarantee decision, a copy of the NEPA documentation shall be sent to the Board for consideration.

* * * * *

11. Section 400.207 is amended by revising paragraphs (b) introductory text and (c) to read as follows:

§ 400.207 Application evaluation.

* * * * *

(b) *Evaluation criteria.* Applications that are determined to be eligible pursuant to paragraph (a) of this section shall be subject to a substantive review by the Board based upon the following evaluation factors, in order of importance:

* * * * *

(c) *Decisions by the Board.* Upon completion of the evaluation of an application and as soon as possible after its receipt, the Board will approve or deny an eligible application that is timely received under this Program. The Board shall notify the Applicants and the Borrower in writing of the approval or denial of an application as soon as possible. Approvals for loan Guarantees shall be conditioned upon compliance with § 400.208.

12. Section 400.208 is amended by revising paragraph (a)(3) to read as follows:

§ 400.208 Issuance of the Guarantee.

(a) * * *

(3) The Board's receipt of the Loan documents and any related instruments, in form and substance satisfactory to the Board, and the Guarantee, all properly executed by the Lender, Borrower, and any other required party other than the Board; and

* * * * *

13. Section 400.210 is amended by removing paragraph (c)(2), redesignating paragraph (c)(3) as paragraph (c)(2), and revising it, and adding a new paragraph (d), to read as follows:

§ 400.210 Assignment or transfer of loans.

* * * * *

(c) * * *

(2) Transfers by a non-Agent Lender of the non-guaranteed portion of the loan after payment of the guaranteed portion of the loan has been made under the Guarantee.

(d) The Agent must hold and may not assign or transfer an interest in a loan guaranteed under the Program equal to at least the lesser of $25 million or 15 percent of the aggregate amount of the loan. The Agent must hold and may not assign or transfer an interest in the unguaranteed portion of the loan which as a percentage of the Agent's overall interest in the loan is no less than the aggregate percentage of the loan which is not guaranteed. A non-Agent Lender must hold and may not transfer or assign an interest in the unguaranteed portion of the loan representing no less than five percent of such Lender's total interest in the Loan, except as provided paragraph (c)(2) of this section.

14. Section 400.211 is revised to read as follows:

§ 400.211 Lender responsibilities.

The Lender shall have such obligations and duties to the Board as are set forth in the Guarantee.

15. Section 400.212 is revised to read as follows:

§ 400.212 Guarantee.

The Board shall adopt a form of Guarantee to be used by the Board under the Program, and shall publish the Guarantee on its website. Modifications to the provisions of the form of Guarantee must be approved and adopted by the Board.

16. Section 400.213 is revised to read as follows:

§ 400.213 Termination of obligations.

The Board shall have such rights to terminate the Guarantee as are set forth in the Guarantee.

17. Section 400.214 is revised to read as follows:

§ 400.214 Participations in guaranteed loans.

(a) Subject to paragraphs (b), (c) and (d) of this section, a Lender may distribute the risk of a portion of a loan guaranteed under the Program by sale of participations therein if:

(1) Neither the loan note nor the Guarantee is assigned, conveyed, sold, or transferred in whole or in part;

(2) The Lender remains solely responsible for the administration of the loan; and

(3) The Board's ability to assert any and all defenses available to it under the Guarantee and the law is not adversely affected.

(b) The following categories of entities may purchase participations in loans guaranteed under the Program:

(1) Eligible Lenders;

(2) Private investment funds and insurance companies that do not usually invest in commercial loans;

(3) Steel company suppliers or customers, who are interested in participating as a means of commencing or solidifying the supplier or customer relationship with the borrower; or

(4) Any other entity approved by the Board on a case-by-case basis.

(c) The Agent may not grant participations in that portion of its interest in a loan that may not be assigned or transferred under § 400.210(d). A Lender, other than the Agent, may not grant participations in that portion of its interest in a loan that may not be assigned or transferred under § 400.210(d).

(d) At least 5 percent of any participation interest in a loan must be unguaranteed.

[FR Doc. 00–29812 Filed 11–17–00; 2:17 pm]

BILLING CODE 3510–NC–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–265–AD; Amendment 39–11980; AD 2000–23–10]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model 188A and 188C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Lockheed Model 188A and 188C series airplanes, that requires a revision of the Airplane Flight Manual (AFM) to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated. The actions specified by this AD are intended to prevent incapacitation of the flightcrew as a result of lack of oxygen and consequent loss of control of the airplane due to absence of AFM procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

DATE: Effective December 27, 2000.

ADDRESSES: Information pertaining to this amendment 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: Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; 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 all Lockheed Model 188A and 188C series airplanes was published in the **Federal Register** on August 30, 2000 (65 FR 52677). That action proposed to require a revision of the Airplane Flight Manual to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

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

There are approximately 75 Model 188A and 188C series airplanes of the affected design in the worldwide fleet. The FAA estimates that 32 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,920, 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, 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:

2000–23–10 Lockheed: Amendment 39–11980. Docket 2000–NM–265–AD.

Applicability: All Model 188A and 188C series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew and consequent loss of control of the airplane due to delays in donning oxygen masks in response to the activation of the cabin altitude warning horn; accomplish the following:

Revision to the Airplane Flight Manual

(a) Within 90 days after the effective date of this AD, revise the Emergency Procedures Section of the FAA-Approved Airplane Flight Manual (AFM) to include the following (which may be accomplished by inserting a copy of this AD in the AFM):

''Low Cabin Pressure Warning Light Comes On and Horn Starts Blowing

a. Oxygen Masks—Don. Select 100% oxygen.

b. If conditions dictate, initiate emergency descent.

c. Check cabin differential pressure gage.

1. If differential pressure is below 13.34 + 0.30 in. Hg, lower cabin altitude selector wheel.

2. If differential pressure is at 13.34 + 0.30 in. Hg, descend to lower aircraft altitude.

Note: Warning horn can be silenced with cabin altitude warning horn switch.''

Alternative Methods of Compliance

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

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permit

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

Effective Date

(d) This amendment becomes effective on December 27, 2000.

Issued in Renton, Washington, on November 6, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–28963 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–213–AD; Amendment 39–11987; AD 2000–23–15]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that requires inspecting the connector on the refuel/defuel panel and the electrical connector on the illuminated placard to detect signs of fluid ingression or corrosion, and corrective actions. The actions specified by this AD are intended to prevent electrical shorts or arcing at the illuminated placard connector at the refuel/defuel panel, which could result in a potential ignition source for fuel vapors during fueling procedures. This action is intended to address the identified unsafe condition.

DATES: Effective December 27, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 27, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkping, Sweden. 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 Saab Model SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on September 19, 2000 (65 FR 56507). That action proposed to require inspecting the connector on the refuel/defuel panel and the electrical connector on the illuminated placard to detect signs of fluid ingression or corrosion, and corrective actions.

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 289 Model SAAB SF340A and SAAB 340B series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $69,360, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–23–15 **Saab Aircraft AB:** Amendment 39–11987. Docket 2000–NM–213–AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers –004 through –159 inclusive; and Model SAAB 340B series airplanes, serial numbers –160 through –459 inclusive; certificated in any category; on which a refuel/defuel panel having part number 7239160–505 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical shorts or arcing at the illuminated panel connector at the refuel/defuel panel, which could result in a potential ignition source for fuel vapors during fueling procedures, accomplish the following:

Inspection and Corrective Actions

(a) Within 6 months after the effective date of this AD, inspect the electrical connector on the refuel/defuel panel and the electrical connector on the illuminated placard to detect signs of fluid ingression or corrosion; and accomplish applicable corrective actions (including a sealing procedure, a cleaning/sealing procedure, and repair of corrosion on the refuel/defuel panel mounting plate); in accordance with Saab Service Bulletin 340–28–022, dated February 25, 2000.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. 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 2: 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Saab Service Bulletin 340–28–022, dated February 25, 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 Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. 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 3: The subject of this AD is addressed in Swedish airworthiness directive 1–156, dated February 28, 2000.

Effective Date

(e) This amendment becomes effective on December 27, 2000.

Issued in Renton, Washington, on November 8, 2000.

Donald L. Riggin,

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

[FR Doc. 00–29213 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–243–AD; Amendment 39–11990; AD 2000–23–17]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes, that currently requires opening the circuit breaker of the pneumatic sense line heater tape, installing an inoperative ring, and coiling and stowing the electrical wire to the circuit breaker of the pneumatic sense line heater tape. That AD also provides for an optional inspection, which, if accomplished, constitutes terminating action for deactivation of the pneumatic sense line heater tape. This amendment requires repetitive inspections of the subject area and corrective actions, if necessary, and provides for an optional terminating modification(s) for the repetitive inspection requirements. This amendment is prompted by the FAA's determination that the one-time optional terminating inspection in the existing AD does not adequately detect chafing, electrical arcing, or inadequate clearance of the subject area. The actions specified by this AD are intended to detect and correct such inadequate clearance, which could result in a hole in the fuel feed pipe caused by electrical arcing, and consequent fuel leakage and possible ignition of the fuel vapors.

DATES: Effective December 27, 2000.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of December 27, 2000.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11–36A030, dated April 2, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of April 28, 1998 (63 FR 20066, April 23, 1998).

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the 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: Stephen Kolb, Senior Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5244; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–08–11, amendment 39–10491 (63 FR 20066, April 23, 1998), which is applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes, was published in the **Federal Register** on July 13, 2000 (65 FR 43265). The action proposed to continue to require opening the circuit breaker of the pneumatic sense line heater tape, installing an inoperative ring, and coiling and stowing the electrical wire to the circuit breaker of the pneumatic sense line heater tape. The action also proposed to require repetitive inspections of the subject area and corrective actions, if necessary, and would provide for an optional terminating modification(s) for the repetitive inspection requirements.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter states no objection to the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air

safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 174 Model MD–11 and MD–11F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 67 airplanes of U.S. registry will be affected by this AD.

The modification that is currently required by AD 98–08–11, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $4,020, or $60 per airplane.

The new inspection required by this AD action will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new inspection required by this AD on U.S. operators is estimated to be $4,020, or $60 per airplane, per inspection cycle.

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 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.

Should an operator elect to accomplish the optional terminating action provided by paragraph (d)(1) of this AD, it would take approximately 4 work hours to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $4,500 per airplane. Based on these figures, the cost impact of this optional terminating action would be $4,740 per airplane.

Should an operator elect to accomplish the optional terminating action provided by paragraph (d)(2) of this AD, it would take approximately 1 work hour to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $50 per airplane. Based on these figures, the cost impact of this optional terminating action would be $110 per airplane.

Should an operator elect to accomplish the optional terminating action provided by paragraph (d)(3) of this AD, it would take approximately 2 work hours to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $2,500 per airplane. Based on these figures, the cost impact of this optional terminating action would be $2,620 per airplane.

Should an operator elect to accomplish the optional terminating action provided by paragraph (d)(4) of this AD, it would take approximately 4 work hours to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $50 per airplane. Based on these figures, the cost impact of this optional terminating action would be $290 per airplane.

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 removing amendment 39–10491 (63 FR 20066, April 23, 1998), and by adding a new airworthiness directive (AD), amendment 39–11990, to read as follows:

2000–23–17 **McDonnell Douglas:** Amendment 39–11990. Docket 99–NM–243–AD. Supersedes AD 98–08–11, Amendment 39–10491.

Applicability: Model MD–11 and MD–11F series airplanes, having manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0620 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 (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct inadequate clearance between the fuel feed pipe of the number 2 engine and the pneumatic sense line heater tape, which could result in a hole in the fuel feed pipe caused by electrical arcing, and consequent fuel leakage and possible ignition of the fuel vapors, accomplish the following:

Restatement of Requirements of AD 98–08–11

Modification

(a) Within 7 days after April 28, 1998 (the effective date of AD 98–08–11, amendment 39–10491), open the circuit breaker of the pneumatic sense line heater tape, install an inoperative ring, and coil and stow the electrical wire to the circuit breaker of the pneumatic sense line heater tape, in accordance with Phase 1 of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–36A030, dated April 2, 1998; Revision 01, dated September 28, 1998; Revision 02, dated July 27, 1999; or Revision 03, dated December 14, 1999. Accomplishment of these actions deactivates the pneumatic sense line heater tape.

Note 2: The pneumatic sense line heater tape of the number 2 engine has been deactivated. This deactivation may cause a nuisance shutdown of the bleed air system of the number 2 engine at top of descent.

New Requirements of This AD

Repetitive Inspections

(b) Except as provided in paragraph (d) of this AD, within 6 months after the effective date of this AD, perform a detailed visual

inspection to detect chafing, electrical arcing, or inadequate clearance of the pneumatic sense lines and fuel feed pipe of the number 2 engine, in accordance with Phase 2 of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 03, dated December 14, 1999. Repeat the inspection thereafter at intervals not to exceed 5,000 flight hours or 18 months, whichever occurs later. Accomplishment of the detailed visual inspection constitutes terminating action for the deactivation requirements of paragraph (a) of this AD.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.''

Note 4: Detailed visual inspections accomplished before the effective date of this AD in accordance with McDonnell Douglas Alert Service Bulletin MD11–36A030, dated April 2, 1998, Revision 01, dated September 28, 1998, or Revision 02, dated July 27, 1999; are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

Corrective Actions

(c) If any discrepancy (*i.e.,* as identified in Conditions 1, 2, 3, 4, and 5 of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 03, dated December 14, 1999) is detected during any inspection required by paragraph (b) of this AD, before further flight, perform the applicable corrective actions in accordance with Conditions 1, 2, 3, 4, or 5 of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 03, dated December 14, 1999, except as indicated in paragraphs (c)(1) and (c)(2) of this AD.

(1) Accomplishment of the modification of the high stage pilot valve of the left and right wings in accordance with McDonnell Douglas Service Bulletin MD11–36–018 R01, Revision 1, dated July 18, 1995, is NOT necessary to comply with the applicable corrective action in Condition 5 of the Accomplishment Instructions of the service bulletin.

(2) Accomplishment of the modification and reidentification of the pilot pressure regulator valve of the left and right wings in accordance with McDonnell Douglas Service Bulletin MD11–36–025 R01, Revision 01, dated July 31, 1997, is NOT necessary to comply with the applicable corrective action in Condition 5 of the Accomplishment Instructions of the service bulletin.

Optional Actions

(d) Accomplishment of the action(s) specified in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this AD, as applicable, constitutes terminating action for the repetitive inspection requirements of paragraph (b) of this AD.

(1) For airplanes having manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0573 inclusive: Before or in conjunction with the actions specified in paragraph (d)(2) of this AD, modify the high stage pilot valve located in the aft accessory compartment (including purging the sense lines and revising wiring of the high stage pilot valve), in accordance with McDonnell Douglas Service Bulletin MD11–36–018 R01, Revision 1, dated July 18, 1995.

Note 5: In addition to the procedures for modification of the high stage pilot valve located in the aft accessory compartment, McDonnell Douglas Service Bulletin MD11–36–018 R01, Revision 1, dated July 18, 1995, also describes procedures for modification of the high stage pilot valve of the left and right wings. Accomplishment of modification of the high stage pilot valve of the left and right wings is NOT necessary to comply with the optional action provided by paragraph (d)(1) of this AD.

Note 6: Modification of the high stage pilot valve of the aft accessory compartment accomplished before the effective date of this AD in accordance with McDonnell Douglas Service Bulletin MD11–36–018, dated March 28, 1995, is considered acceptable for compliance with the actions specified in paragraph (d)(1) of this AD.

(2) For airplanes having manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0608 inclusive: Disconnect and splice together the heater tape wires of the pneumatic sense lines for the high stage and fan air valves from the terminals strips in the lower vertical stabilizer, in accordance with McDonnell Douglas Service Bulletin MD11–36–026, dated September 30, 1996.

(3) For airplanes having manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0608 inclusive: Before or in conjunction with the actions specified in paragraph (d)(4) of this AD, modify and reidentify the pilot pressure regulator valve located in the aft accessory compartment (including purging the sense lines and revising the wiring of the pilot pressure regulator valve), in accordance with McDonnell Douglas Service Bulletin MD11–36–025 R01, Revision 01, dated July 31, 1997.

Note 7: In addition to the procedures for modification and reidentification of the pilot pressure regulator valve located in the aft accessory compartment, McDonnell Douglas Service Bulletin MD11–36–025 R01, Revision 01, dated July 31, 1997, also describes procedures for modification and reidentification of the pilot pressure regulator valve of the left and right wings. Accomplishment of the modification and reidentification of the pilot pressure regulator valve of the left and right wings is NOT necessary to comply with the optional action provided by paragraph (d)(3) of this AD.

Note 8: Modification and reidentification of the pilot pressure regulator valve of the aft accessory compartment accomplished before the effective date of this AD in accordance with McDonnell Douglas Service Bulletin MD11–36–025, dated February 14, 1997; is considered acceptable for compliance with the actions specified in paragraph (d)(3) of this AD.

(4) For airplanes having manufacturer's fuselage numbers 0447 through 0464 inclusive, 0466 through 0552 inclusive, and 0554 through 0620 inclusive: Disconnect the heater tape wires from their respective terminal strips and splice the wire ends together, in accordance with McDonnell Douglas Service Bulletin MD11–36–028, dated December 7, 1998.

Reporting

(e) Within 10 days after accomplishing any inspection required by paragraph (b) of this AD, submit a report of the inspection results (only negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, 3960 Paramount Boulevard, Lakewood, California 90712–4137; fax (562) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

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

Note 9: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(h) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–36A030, dated April 2, 1998; McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 01, dated September 28, 1998; McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 02, dated July 27, 1999; McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 03, dated December 14, 1999; McDonnell Douglas Service Bulletin MD11–36–018 R01, Revision 1, dated July 18, 1995; McDonnell Douglas Service Bulletin MD11–36–026, dated September 30, 1996; McDonnell Douglas Service Bulletin MD11–36–025 R01, Revision 01, dated July 31, 1997; and McDonnell Douglas Service Bulletin MD11–36–028, dated December 7, 1998; as applicable.

(1) The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 01, dated

September 28, 1998; McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 02, dated July 27, 1999; McDonnell Douglas Alert Service Bulletin MD11–36A030, Revision 03, dated December 14, 1999; McDonnell Douglas Service Bulletin MD11–36–018 R01, Revision 1, dated July 18, 1995; McDonnell Douglas Service Bulletin MD11–36–026, dated September 30, 1996; McDonnell Douglas Service Bulletin MD11–36–025 R01, Revision 01, dated July 31, 1997; and McDonnell Douglas Service Bulletin MD11–36–028, dated December 7, 1998; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11–36A030, dated April 2, 1998, was approved previously by the Director of the Federal Register as of April 28, 1998 (63 FR 20066, April 23, 1998).

(3) Copies 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). Copies may be inspected at FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the 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.

Effective Date

(i) This amendment becomes effective on December 27, 2000.

Issued in Renton, Washington, on November 9, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–29377 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–13–AD; Amendment 39–12002; AD 2000–23–29]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 340B series airplanes, that requires a one-time inspection to detect discrepancies of the flight idle stop override mechanism, and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent increased braking distance for landings that require the flight idle stop override, resulting from the combination of failure of the override mechanism and inability of the power levers to be moved below the flight idle position after touchdown.

DATES: Effective December 27, 2000. The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of May 19, 1998 (63 FR 18118, April 14, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. 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 Saab Model SAAB 340B series airplanes was published in the **Federal Register** on March 15, 2000 (65 FR 13921). That action proposed to require a one-time inspection to detect discrepancies of the flight idle stop override mechanism, and corrective action, if necessary.

Comment Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

Objection to the Proposal

One commenter, an operator, states that mandating the inspection proposed in this AD has no value and will not contribute to safety. The commenter offers several reasons, described below, for this assertion.

1. The commenter states that the cable that originally stuck [prompting issuance of a related FAA AD, AD 98–08–16, amendment 39–10465 (63 FR 18118, April 14, 1998)], along with the uplock switch and knob, is fully contained within the control quadrant installed on each airplane, and the quadrants are interchangeable among airplanes. The commenter considers it extremely doubtful that the same quadrants are still installed in the airplanes that are specified in the applicability of the proposed AD.

2. The commenter states that the proposed AD does not cover quadrants installed in airplanes with serial numbers above 413, nor does it cover quadrants installed in airplanes that were listed in the original applicability of AD 98–08–16. Yet those quadrants, although not covered in that AD, have the same flight idle stop override mechanism as those installed on airplanes specified in the applicability of the proposed AD, and the commenter asserts that the same safety concern should exist on those airplanes as well.

3. Additionally, the commenter notes the issuance of two other FAA AD's, AD 99–21–31, amendment 39–11377 (64 FR 56426, October 20, 1999), and AD 99–27–08, amendment 39–11489 (65 FR 209, January 4, 2000), that also address the control quadrants. In order to comply with the terminating action for those AD's, operators must remove the quadrant from the airplane, and the quadrant must be modified or replaced. The commenter therefore asserts that a quadrant installed on an airplane when AD 98–08–16 was issued would no longer be installed in its original, unmodified condition.

4. The commenter also states that a Maintenance Review Board (MRB) task already exists to perform a periodic operational check of the flight idle stop override mechanism on all airplanes. The commenter states that this check would find any stiff or frozen cables in the override system; therefore, the intent of the proposed AD is already being met.

FAA Response

The FAA infers that the commenter is requesting that the proposed AD be withdrawn. The FAA does not concur, for the reasons set forth below. Further, the FAA considers that reiteration of the requirements for compliance with airworthiness directives is necessary. After the compliance time specified in an AD has passed, all corrective actions required by that AD must have been accomplished in order to correct the unsafe condition. If an airplane is returned to a configuration that allows the unsafe condition to exist, that airplane is being operated contrary to the requirements of the AD, which is prohibited per section 39.3 of the

Federal Aviation Regulations (14 CFR 39.3). The FAA provides specific responses below to each of the commenter's assertions (numbered to correspond with the commenter's issues).

1. AD 98–08–16 refers to Saab Service Bulletin 340–76–041, dated May 29, 1997, and Revision 01, dated July 2, 1997, as the appropriate source of service information for the actions required by that AD. That service bulletin specifies that certain control quadrants (including those held as spares) are to be inspected, and repaired if necessary. Therefore, although control quadrants may have subsequently been interchanged among airplanes, the inspection and corrective actions required by AD 98–08–16 should have been accomplished for all affected quadrants. Additionally, the compliance time for that AD has already passed. If a quadrant is installed on an affected airplane after that date, and the quadrant has not been inspected per the requirements of AD 98–08–16, the airplane is being operated contrary to the requirements of that AD. No change to the final rule is necessary in this regard.

2. The FAA does not concur that additional airplanes are subject to the identified unsafe condition. Saab Service Bulletin 340–76–041 lists airplanes only through serial number (S/N) 413 in the effectivity; airplanes having higher S/N's did not need to be included in this effectivity because they were delivered with correctly functioning control quadrants installed. And, as stated above, for airplanes having higher S/N's that were affected by the requirements of AD 98–08–16, any quadrant installed after the compliance time should have been inspected according to the requirements of that AD. No change to the final rule is necessary in this regard.

3. The FAA acknowledges that other existing AD's may have required replacement of control quadrants with other quadrants. However, as stated above, after the compliance time for each AD has passed, the required corrective actions specified in each AD must have been accomplished for the affected airplanes, and for control quadrants subsequently installed on those airplanes. The FAA acknowledges that the one-time inspection required by this AD may have been previously accomplished as part of compliance with other AD's. In those cases, the requirements of this AD have been complied with, and no further action is required. No change to the final rule is necessary in this regard.

4. The FAA does not concur that the existing MRB task alone is adequate to address the unsafe condition identified in this AD, because the compliance time in the AD is much shorter than the time interval specified for the task in the MRB. However, the FAA has determined that the procedures specified in the MRB task for the operational check may also be used for compliance with the requirements of this AD. A **Note** has been added to the AD to give credit to operators that may have accomplished the MRB task prior to the effective date of this AD.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,860, 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.

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:

2000–23–29 SAAB Aircraft AB: Amendment 39–12002. Docket 2000–NM–13–AD.

Applicability: Model SAAB 340B series airplanes, certificated in any category; serial numbers –380 through –404 inclusive, –406 through –408 inclusive, and –410 through –413 inclusive.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent increased braking distance for landings that require the flight idle stop override, resulting from the combination of failure of the override mechanism and inability of the power levers to be moved below the flight idle position after touchdown, accomplish the following:

Inspection

(a) Within 30 days after the effective date of this AD, perform a one-time inspection of the flight idle stop override mechanism to detect any discrepancy, in accordance with Saab Service Bulletin 340–76–041, dated May 29, 1997, or Revision 01, dated July 2,

1997. If any discrepancy is found, prior to further flight, replace the control quadrant with a new or serviceable control quadrant in accordance with the service bulletin.

Note 2: Accomplishment, prior to the effective date of this AD, of an operational check, as specified in SAAB 340 Maintenance Review Board (MRB) task 761501, is an acceptable method of compliance with the one-time inspection requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Saab Service Bulletin 340–76–041, dated May 29, 1997; or Saab Service Bulletin 340–76–041, Revision 01, dated July 2, 1997. This incorporation by reference was approved previously by the Director of the Federal Register as of May 19, 1998 (63 FR 18118, April 14, 1998). Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkping, Sweden. 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 Swedish airworthiness directive 1–148, dated November 18, 1999.

Effective Date

(e) This amendment becomes effective on December 27, 2000.

Issued in Renton, Washington, on November 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–29800 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWA–2]

RIN 2120–AA66

Revision to the Legal Description of the Shaw Air Force Base Class C Airspace Area; SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the legal description of the Shaw Air Force Base (AFB), SC, Class C airspace area by changing the hours of area operation to be consistent with current operational requirements. This action designates the Class C airspace area to be effective during the specific days and hours of operation of the Shaw AFB Airport Traffic Control Tower (ATCT) as established in advance by a Notice to Airmen (NOTAM). The effective days and times will thereafter be continuously published in the Airport/Facility Directory. Additionally, the coordinates for the Sumter Municipal Airport, as published in the notice of proposed rulemaking for this action, were inadvertently listed in error. This action corrects the coordinates for the airport listed in the legal description for the Shaw AFB, SC, Class C airspace area. This action does not change the actual dimensions, configuration, or operating requirements of the Shaw AFB Class C airspace area.

EFFECTIVE DATE: January 25, 2001.

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

SUPPLEMENTARY INFORMATION:

Background

On April 25, 2000, the FAA proposed to revise the published effective times for the Shaw AFB Class C airspace area (65 FR 24136). Because the Shaw AFB ATCT has reduced its hours of operation, it is necessary to revise the Class C airspace effective times to coincide with the times that Class C air traffic control services are available.

Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. However, an error was discovered in coordinates for Sumter Municipal Airport as published in the legal description. Except for the correction to those coordinates, this amendment is the same as that proposed in the notice.

The Rule

This action amends 14 CFR part 71 by revising the legal description of the Shaw AFB Class C airspace area located at Shaw AFB, SC. This action revises the hours of operation for the Class C airspace area to align them with current airfield operations. The Shaw AFB Class C airspace area is designated effective during the specific days and hours of operation of the Shaw AFB ATCT as established in advance by NOTAM. This action is a technical amendment to the legal description and does not change the actual dimensions, configuration, or operating requirements of the Shaw AFB Class C airspace area. During the times that Shaw ATCT is not operational, the airspace reverts to Class E airspace since one of the requirements for Class C airspace is an operational ATCT. The radar approach control operating hours remain unchanged. Jacksonville Center assumes the airspace when Shaw radar approach control closes. In addition, this amendment corrects the coordinates, as published in the notice of proposed rulemaking for this action, for the Sumter Municipal Airport, which were inadvertently listed in error in the legal description for the Shaw AFB, SC, Class C airspace area.

The coordinates for this airspace docket are based on North American Datum 83. Class C airspace areas are published in paragraph 4000 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class C airspace area listed in this document will be published subsequently in the Order.

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

number of small entities under the criteria of the Regulatory Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 4000 Subpart C—Class C Airspace

* * * * *

Shaw AFB, SC [Revised]

Shaw AFB, SC
(Lat. 33°58′23″ N., long. 80°28′22″ W.)
Sumter Municipal Airport
(Lat. 33°59′45″ N., long. 80°21′41″ W.)

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Shaw AFB, excluding that airspace below 1,500 feet MSL within a 2-mile radius of the Sumter Municipal Airport; and that airspace extending upward from 1,500 feet MSL to and including 4,200 feet MSL within a 10-mile radius of Shaw AFB; excluding that airspace contained within Restricted Area R–6002 when it is in use. This Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Washington, DC, on November 15, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–29907 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–40]

Removal of Class E4 Airspace; Meridian NAS—McCain Field, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes the Class E4 Airspace at Meridian NAS—McCain Field, MS, as there are no longer Standard Instrument Approach Procedures (SIAP) for Meridian NAS—McCain Field requiring an extension to the Class D surface area airspace.

EFFECTIVE DATE: 0901 UTC, January 25, 2001.

FOR FURTHER INFORMATION CONTACT: Wade T. Carpenter, Jr., Manager Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

A review of the controlled airspace for Meridian NAS—McCain Field revealed the existence of an extension to the Class D surface area airspace, although there are no longer SIAPs requiring such an extension. Therefore, the Class E4 airspace area must be removed. This rule will become effective on the date specified in the **DATES** section. Since this action eliminates the impact of controlled airspace on users of the airspace in the vicinity of the Meridian NAS—McCain Field, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Class E4 airspace designations for airspace areas designated as an extension to a Class D airspace area are published in FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) removes Class E4 airspace at Meridian NAS—McCain Field, MS.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6004 Class E4 Airspace Areas Designated as an Extension to Class D Airspace Area.

* * * * *

ASO MS E4 Meridian NAS—McCain Field, MS [Remove]

* * * * *

Issued in College Park, Georgia, on November 16, 2000.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–29909 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–41]

Amendment of Class E Airspace; New Bern, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E2 airspace at New Bern, NC, from continuous to part time. A Federal Contract Tower is operational at Craven County Regional Airport, NC. Class D airspace has been established for the airport during the tower hours of operation. Therefore, the Class E2 airspace is amended from continuous to part time.

EFFECTIVE DATE: 0901 UTC, January 25, 2001.

FOR FURTHER INFORMATION CONTACT: Wade T. Carpenter, Jr., Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On August 28, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class D airspace at New Bern, NC, (65 FR 52375) as a Federal Contract Tower has opened. This action will provide Class D airspace designated as surface area to accommodate IFR operations at Craven County Regional Airport when the control tower is open. Therefore, the Class E2 airspace at New Bern, NC, must be amended from continuous to part time. Class E airspace designations are published in Paragraph 6002 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1, dated September 1, 1999. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E2 airspace at New Bern, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ASO NC E2 New Bern, NC [Revised]

Craven County Regional Airport, NC
(Lat. 35°04′23″N, long. 77°02′35″W)

New Bern, VOR/DME

(Lat. 35°04′23″N, long. 77°02′42″W)

Within a 4-mile radius of Craven County Regional Airport and within 2.4-miles each side of New Bern VOR/DME 038° and 210° radials, extending from the 4-mile radius to 7 miles northeast and southwest of the VOR/DME. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on November 16, 2000.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–29908 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AAL–02]

RIN: 2120–AA66

Establishment of VOR Federal Airway; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Very High Frequency Omnidirectional Range (VOR) Federal airway (V–457) in Alaska. The FAA is establishing this Federal airway for the following reasons: (1) The conversion of this uncharted nonregulatory route to a VOR Federal airway will add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots will be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment establishes controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) the addition of this route improves the management of air traffic operations and thereby enhances safety.

EFFECTIVE DATE: 0901 UTC, January 25, 2001.

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

SUPPLEMENTARY INFORMATION:

Background

On June 28, 2000, the FAA proposed to amend Title 14 of the Code of Federal Regulations part 71 (part 71) to establish VOR Federal Airway, V–457, in Alaska (65 FR 39834). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This action amends part 71 by establishing VOR Federal Airway V–457 in Alaska. Presently, there is an uncharted nonregulatory route using the same routings as the V–457 which becomes effective January 25, 2001. The FAA is establishing V–457 for the following reasons: (1) The conversion of this uncharted nonregulatory route to a VOR Federal airway adds to the IFR airway and route infrastructure in Alaska; (2) pilots will be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment establishes controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) the addition of this route improves the management of air traffic operations and thereby enhance safety.

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Rule

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(b) Alaskan VOR Federal Airways

* * * * *

V–457 [New]

From Iliamna, AK, NDB; to Kenai, AK.

* * * * *

Issued in Washington, DC, on November 15, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–29906 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. 00N–1565]

Immunology and Microbiology Devices; Classification of Anti-Saccharomyces cerevisiae (S. cerevisiae) Antibody (ASCA) Test Systems

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibody (ASCA) test system into class II (special controls). The special control that will apply to this device is a guidance document entitled ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications.'' Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of this guidance document. The agency is taking this action in response to a petition submitted under the Federal Food, Drug, and Cosmetic Act (the act) as amended by the Medical Device Amendments of 1976, the Safe Medical Devices Act of 1990, and the Food and Drug Administration Modernization Act of 1997. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of the safety and effectiveness of the devices.

DATES: This rule is effective December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Deborah M. Moore, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976, generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the FDA regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification.

In accordance with section 513(f)(1) of the act, FDA issued an order on July 11, 2000, classifying the QUANTA Lite™ ASCA (*S. cerevisiae*) IgG ELISA in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On July 18, 2000, FDA filed a petition submitted by INOVA Diagnostics, Inc., requesting classification of the QUANTA Lite™ ASCA (*S. cerevisiae*) IgG ELISA into class II under section 513(f)(2) of the act.

After review of the information submitted in the petition, FDA determined that the INOVA Diagnostics QUANTA Lite™ ASCA (*S. cerevisiae*) IgG ELISA can be classified in class II with the establishment of special controls. This device is intended for use in the semi-quantitative in vitro determination of anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibodies (ASCA) in human serum as an aid in the diagnosis of Crohn's disease. FDA believes that class II special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

In addition to the general controls of the act, the INOVA Diagnostics QUANTA Lite™ ASCA (*S. cerevisiae*) IgG ELISA is subject to a special control guidance document entitled ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications.''

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of this type of device and, therefore, the device is not exempt from the premarket notification requirements. The test is used in the diagnosis of Crohn's disease and FDA review of data sets and labeling ensure that minimum levels of performance are obtained before marketing and are subject to impartial external quality control before labeling is put into place. Thus, persons who intend to market this device must submit to FDA a premarket notification submission containing information on the anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibody (ASCA) test system before marketing the device.

On August 16, 2000, FDA issued an order to the petitioner classifying the INOVA Diagnostics QUANTA Lite™ ASCA (*S. cerevisiae*) IgG ELISA, and substantially equivalent devices of this generic type, into class II under the generic name, anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibody (ASCA) test system. FDA identifies this generic type of device as an anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibody (ASCA) test system, which is intended to measure *Saccharomyces cerevisiae* (*S. cerevisiae*) antibodies (ASCA) in human serum or plasma as an aid in the diagnosis of Crohn's disease. FDA is codifying this device by adding § 866.5785. This order also identified a special control applicable to this device entitled ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications.''

II. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Analysis Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. FDA knows of only one manufacturer of this type of device. Classification of these devices in class II will relieve this manufacturer of the device of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e) and may permit small potential competitors to enter the market place by lowering their costs. The agency, therefore, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

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

IV. Federalism

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

V. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

1. The authority citation for 21 CFR part 866 continues to read as follows:

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

2. Section 866.5785 is added to subpart F to read as follows:

§ 866.5785 Anti-Saccharomyces cerevisiae (S. cerevisiae) antibody (ASCA) test systems.

(a) *Identification.* The Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) antibody (ASCA) test system is an in vitro diagnostic device that consists of the reagents used to measure, by immunochemical techniques, antibodies to *S. cerevisiae* (baker's or brewer's yeast) in human serum or plasma. Detection of *S. cerevisiae* antibodies may aid in the diagnosis of Crohn's disease.

(b) *Classification.* Class II (special controls). The special control is FDA's ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications.''

Dated: November 9, 2000.

Linda S. Kahan,

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

[FR Doc. 00–29841 Filed 11–21–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 645

[FHWA Docket No. FHWA–99–6232]

RIN 2125–AE68

Utilities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is issuing a final rule amending its regulation prescribing policies, procedures, and reimbursement provisions for the relocation and adjustment of existing utility facilities, and for the accommodation of new utility facilities and private lines on the right-of-way of Federal-aid and direct Federal highway projects. These amendments will bring the FHWA's utilities regulation into conformance with recent laws, regulations, or guidance, and will provide State transportation departments (STDs) clarification and more flexibility in implementing it.

DATES: This final rule is effective January 22, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scott, Office of Program Administration, HIPA–20, (202) 366–4104; or Mr. Reid Alsop, Office of the Chief Counsel, HCC–31, (202) 366–0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

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

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

Background

The amendments in this final rule are based primarily on the notice of proposed rulemaking (NPRM) published at 65 FR 6344 on February 9, 2000 (FHWA Docket No. FHWA–99–6232). All comments received in response to this NPRM have been considered in adopting these amendments.

Present FHWA regulations regarding utility relocation and accommodation matters have evolved from basic principles established decades ago, with many of the policies remaining unchanged. The present regulations are found at 23 CFR part 645. Subpart A of this part pertains to utility relocations, adjustments, and reimbursement. Subpart B pertains to the accommodation of utilities.

The utility regulations were revised on May 15, 1985, when a final rule was published at 50 FR 20344. Three significant changes have occurred since then, on February 2 and July 1, 1988, when amendments to the regulation were published at 53 FR 2829 and 53 FR 24932; and on July 5, 1995, when a final rule was published at 60 FR 34846.

The February 2, 1988, amendment provided that each State must decide, as part of its utility accommodation plan, whether to allow longitudinal utility installations within the access control limits of freeways and if allowed under what circumstances.

The July 1, 1988, amendment clarified that costs incurred by highway agencies in implementing projects solely for safety corrective measures to reduce the hazards of utilities to highway users are eligible for Federal-aid participation.

The July 5, 1995, amendment eliminated the requirement for FHWA pre-award review and/or approval of consultant contracts for preliminary engineering; increased the ceiling for lump sum agreements from $25,000 to $100,000; clarified the meaning of the term ''approved program'' and the methodology to be used to compute indirect or overhead rates; required utilities to submit final billings within one year following completion of the utility relocation work; eliminated the certification of completed utility work and the requirement for evidence of payment prior to reimbursement; brought the definition of ''clear zone'' into conformance with the American Association of State Highway and Transportation Officials (AASHTO) ''Roadside Design Guide''; and conformed the utilities regulations to the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102–240, 105 Stat. 1914.

This final rule amends the regulation as follows:

- Incorporates an amendment conforming the utilities regulations to the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107.
- Eliminates the $100,000 upper limit for lump-sum agreements.
- Allows reimbursement for utility relocations to be based upon unit costs.
- Clarifies the intent of the regulation requiring utilities to submit final billings within one year following completion of work.
- Deletes the provision encouraging STDs to adopt the alternate procedure for utilities.
- States that the most important consideration in determining whether a proposed facility is a utility or not, is how the STD views it under its own State laws and/or regulations.
- Eliminates a confusing provision to clarify the intent that the utility regulations are not applicable to longitudinal installations of private lines.

Discussion of Comments

Interested persons were invited to participate in the development of this final rule by submitting written comments in response to the NPRM in Docket No. FHWA–99–6232 on or before April 10, 2000. Comments were received from 6 STDs and 1 utility company. A summary of the comments

received relative to each proposed amendment follows.

Section 645.101 Purpose

In § 645.101, it was proposed to change the term ''utility facilities'' to ''utilities'' in an effort to more clearly set forth the intent to include utility lines and systems, as well as facilities. There was no opposition to this proposed amendment. A favorable comment was received from one STD. Even so, the FHWA has considered this comment, and other informal input, and has decided not to pursue this proposed amendment. The terms ''utilities'' and ''utility facilities'' have come to mean essentially the same thing. The Congress even uses the terms interchangeably in authorizing legislation contained in 23 U.S.C. 123.

Section 645.105 Definitions

In § 645.105, paragraph designations are removed from all definitions and all definitions are placed in alphabetical order to conform subpart A to the existing format in subpart B. Also, the definitions ''State highway agency'' and ''Highway agency (HA)'' are changed to ''State transportation department'' and ''Transportation department,'' respectively, to conform the utilities regulation to section 1212(a) of the TEA–21.

Section 645.109 Preliminary Engineering

In § 645.109, paragraph (c) is amended to reflect the correct title for 23 CFR part 172. It is presently shown as ''Administration of Negotiated Contracts.'' It should be ''Administration of Engineering and Design Related Service Contracts.'' This was not addressed in the NPRM.

Section 645.113 Agreements and Authorizations

In § 645.113, paragraph (f) is amended to eliminate the $100,000 ceiling for using the lump sum payment arrangement for reimbursement for utility adjustments on Federal-aid and direct Federal highway projects. There was no opposition to this amendment. Favorable comments were received from four STDs and one utility. The amendment will provide the States greater flexibility in utilizing the lump sum payment arrangement should they so desire. The purpose of allowing lump sum agreements, in lieu of agreements based on an accounting of actual costs, is to reduce the administrative burden associated with utility relocation projects. Under the lump sum process, cost accounting is easier, project billings are simplified, and a final audit of detailed cost records is not required. The FHWA believes the small degree of accuracy that might be realized if more detailed cost accounting methods were followed does not justify the extra cost involved in carrying out detailed audits. This revision will increase the number of utility relocations potentially eligible for lump sum payment.

Section 645.117 Cost Development and Reimbursement

In § 645.117, paragraph (a)(3) is added in order to allow reimbursement for utility relocations to be based upon unit costs for labor, materials and supplies, equipment, and other related costs, in lieu of actual costs. There was no opposition to this amendment. Favorable comments were received from three STDs and one utility. This amendment will provide the States greater flexibility in utilizing the lump sum payment arrangement, and will also decrease unnecessary paperwork and encourage innovation.

In § 645.117, paragraph (i)(2) is amended to clarify the intent of the regulation requiring utilities to submit final billings within one year following completion of work. There was no opposition to this amendment. Favorable comments were received from three STDs and one utility. The intent is to authorize STDs to require utilities to submit final bills for utility relocation work within one year of completion of the work, and if final bills are not submitted within that time frame, to consider previous payments made to the utility to be final. This regulation is intended to be a tool to help STDs close out projects in a timely manner, but it does allow exceptions to be made. If they desire, STDs may pay bills received from utilities more than one year following completion of the work and be reimbursed with Federal-aid highway funds for eligible items.

Section 645.119 Alternate Procedure

In § 645.119, the first sentence in paragraph (c) is amended to delete the provision encouraging STDs to adopt the alternate procedure for utilities, but continues to indicate that if they want to adopt the alternate procedure, they may do so by filing a formal application to the FHWA for approval. There was no opposition to this amendment. A favorable comment was received from one STD. The alternate procedure was a forerunner of the certification acceptance process and was similar in many ways. But, with passage of the TEA–21, the States were given the option of exempting the FHWA from oversight on many Federal-aid projects under the provisions of 23 U.S.C. 106(b). As a result, there became limited interest in using the alternate procedure for utilities. The alternate procedure will remain available for STDs that want to use it, but the FHWA will no longer encourage STDs to use it.

Section 645.201 Purpose

In § 645.201, it was proposed to change the term ''utility facilities'' to ''utilities'' in an effort to more clearly set forth the intent to include utility lines and systems, as well as facilities. There was no opposition to this proposed amendment. Even so, the FHWA has decided not to pursue this proposed amendment. The terms ''utilities'' and ''utility facilities'' have come to mean essentially the same thing. Furthermore, authorizing legislation in 23 U.S.C. 109(l)(1) uses the term ''utility facilities'' throughout in regard to accommodating utilities on highway rights-of-way.

Section 645.203 Applicability

In § 645.203, it was proposed to add a new paragraph, paragraph (e), in order to apply the utility accommodation regulations to facilities similar to utilities (*i.e.,* facilities, such as fiber optics and wireless telecommunications, that are considered by the FHWA to be included in the definition of ''utility facility'' in this subpart, and are considered to be utilities by many, but not all, of the States). Comments were received from two STDs, one in favor of the proposed amendment and one opposed. The Minnesota DOT was opposed because it believed the amendment would serve to define wireless telecommunications as a utility and would unduly influence State policies.

The FHWA has considered these comments, and other informal input, and has decided not to pursue this proposed amendment. While it would have provided uniformity and simplicity (by avoiding fiber optics, wireless telecommunications, and similar facilities, from being accommodated under one FHWA procedure in one State and a different FHWA procedure in another State), it would have conflicted with the FHWA's longstanding policy that the most important consideration in determining whether a proposed installation is a utility or not is how the STD views it under its own State laws and/or regulations. There was also the appearance that accommodating non-utilities under regulations in this subpart might interfere with other requirements currently in effect for accommodating non-utilities, particularly in regard to fair market

value, use of revenues for title 23 purposes, and the environment.

Section 645.205 Policy

In § 645.205, it was proposed to add a new paragraph (e), in order to indicate States may charge a fee for utility use of highway rights-of-way on Federal-aid highway projects, and to suggest that if they do the proceeds should be used for title 23, U.S.C., purposes. Comments were received from four STDs and one utility company. Two STDs were in favor of this proposed amendment, but two other STDs and one utility company expressed some concern and/or requested clarification. The Arkansas Department of Transportation (DOT) indicated its State law might not allow fees to be charged for utility use of its rights-of-way. The Wisconsin DOT suggested revised wording. The Mid American Energy Company requested further clarification.

The FHWA has considered these comments, and other informal input, and has decided not to pursue this proposed amendment. It has been the FHWA's policy for many years to allow States to charge fees for utility use of highway right-of-way if they desire, and to allow them to use the proceeds as they see fit. In the past, fees charged for utility use were generally just enough to cover the cost of processing permits. Now, with the advent of fiber optics and wireless telecommunications, opportunities exist for the States to make substantial profits. In such cases, the FHWA has informally encouraged the States to use such proceeds for transportation purposes. This proposed amendment would have formally established the FHWA's desire for proceeds from fees charged for utility use of highway right-of-way to be used for transportation purposes. Although this is a valid desire, the utility regulations are probably not the best place to express it. This is because Federal law is silent on charging fees for utilities, thus leaving it to the States to decide for themselves. The FHWA considers utility use of highway right-of-way to be in the public interest. It therefore has no desire to require the charging of fees, and since Federal law does not require such, there is no real reason to try to regulate a practice that is working well. Relative to the use of fees obtained for the use of highway right-of-way, the FHWA only desires to encourage the States to use such proceeds for transportation purposes. Again, since there is no desire at this time to regulate this activity, a statement to this effect in FHWA's guidance literature is considered to be sufficient.

Section 645.207 Definitions

In § 645.207, the definitions ''State highway agency'' and ''Highway agency'' are changed to ''State transportation department'' and ''transportation department,'' respectively, to conform the utilities regulation to section 1212(a) of the TEA–21. The definition of ''clear zone'' is amended to remove the date of the referenced publication and to indicate that the most current edition should be used, and to remove the reference to FHWA Regional Offices. The purpose for deleting the date of the publication and making reference to ''the most current edition'' is to ensure the most recent information is used. Reference to FHWA Regional Offices is deleted because in a recent reorganization all FHWA Regional Offices were abolished. All utility-related responsibilities of the FHWA Regional Offices have been delegated to FHWA Division Offices. There was no opposition to these amendments. No comments were received.

Section 645.209 General Requirements

In § 645.209, it was proposed to amend paragraph (d) to clarify the intent that STDs control utility use of highway right-of-way on Federal-aid highway projects within the State and its political subdivisions, but not necessarily on all Federal-aid highways. Comments were received from two STDs, one was in favor of the proposed amendment, and the other questioned the definition of the term ''project.''

The FHWA has considered these comments and decided not to pursue this amendment. Upon further consideration of the existing regulations it was found that the term ''highway'' used in this subpart, and as defined in § 645.207, means any public way for vehicular travel constructed or improved in whole or part with Federal-aid highway funds. It was the intent of the amendment to clarify the distinction between highways actually constructed or improved using Federal-aid highway funds, and highways eligible for construction or improvement with Federal-aid highway funds. It may be a moot point. Even though STDs may only be required to regulate utility use on highways where Federal-aid highway funds have been used, as a practical matter it is difficult for them to adopt one policy for federally funded highways versus a different policy for adjoining State funded highways. As a result, STDs normally adopt a utility accommodation policy that covers highway routes under their jurisdiction as a group. Even so, the distinction in this regard between highways constructed or improved using Federal-aid highway funds, and highways eligible for construction of improvement using Federal-aid highway funds, is considered to be sufficiently covered in the existing utility regulations.

In § 645.209, paragraph (j) is amended to remove the date of the referenced publication and indicate the most current edition should be used, and to remove the reference to FHWA Regional Offices. The reasons for doing this are the same as discussed in § 645.207 above. There was no opposition to these amendments. Comments were received from one STD, and it was in favor of the changes.

In § 645.209, paragraph (m) is added to clarify existing policy that the most important consideration in determining whether a proposed installation is a utility or not is how the STD views it under its own State laws and/or regulations. There was no opposition to this amendment. A favorable comment was received from one STD. This determination is important because utilities are handled under this regulation; whereas, private lines and other non-utilities are handled under other regulations. As in many utility-related matters, the FHWA policy is broad enough in this instance to cover most situations, but nonetheless, in States where the State policy is more restrictive, and sometimes more liberal, than the FHWA policy, the FHWA will normally look upon a particular situation in the same manner the State does.

In § 645.209, we proposed to add a new paragraph (n), in order to: (1) Encourage STDs, when they intend to permit utilities to use and occupy the right-of-way on a Federal-aid highway project, to consider such potential use in determining the extent and adequacy of the right-of-way needed for the project; and (2) encourage STDs, in consultation with the utilities, to consider acquiring the right-of-way needed to accommodate the utilities, with the understanding they may keep the acquired right-of-way, or may sell, lease, or somehow convey it to the utilities. Comments were received from six STDs concerning this proposal. Two STDs were in favor of this proposed amendment, but four STDs expressed some concerns. The Oregon DOT found the proposed amendment to be very disturbing because it would conflict with State law prohibiting the use of State highway funds for utility purposes. The Wisconsin DOT was concerned about conveying property to utilities and made several suggestions for clarification and improvement of the

proposed amendment. The Pennsylvania DOT recommended changing the language to indicate STDs ''may,'' rather than ''should'' take certain actions. The Minnesota DOT was unclear as to the use of some of the words in the proposed amendment.

The FHWA has considered these comments, and other informal input, and has decided not to pursue the proposed amendment in § 645.209. The intent was to encourage STDs to consider utility right-of-way needs during the development of projects, and to subsequently consider acquiring right-of-way for utilities. Many STDs are already doing these things. The FHWA would like to encourage other STDs to do the same, but has no desire at this time to require them to do so. However, within the context of a regulation, the difference between encouragement and requirements may become blurred. In addition, there are many underlying issues within the broad scope of the proposed amendments that cannot be addressed adequately in a regulation to satisfy the needs and constraints of individual States. The FHWA, therefore, deems it more appropriate to make its desires known in its guidance literature.

Section 645.211 State Highway Agency Accommodation Policies

In § 645.211, the section heading is changed to reflect the statutory name change from ''State highway agency'' to ''State transportation department.'' The introductory paragraph is amended to remove the dates of the referenced publications and indicate that the most current editions should be used, and to remove the reference to FHWA Regional Offices. This is for the same reasons discussed in § 645.207 above. There was no opposition to these amendments. No comments were received.

Section 645.215 Approvals

In § 645.215, paragraph (d) is amended to remove all references to the approval of longitudinal installations of private lines. There was no opposition to this amendment. No comments were received. In § 645.203, it is indicated that private lines installed longitudinally on highway right-of-way are to be approved under the provisions of § 1.23(c), which covers the use of highway right-of-way, including air space, for non-highway purposes. This provision excludes longitudinal private line installations from coverage under the utility regulations. It was not originally intended for longitudinal private lines to be handled under the FHWA's right-of-way provisions, but it has become common practice to include them in this category. Not knowing this would happen when § 645.203 was written, another reference was made to longitudinal private lines in § 645.215(d)(2) relative to approvals. This reference is no longer applicable and conflicts with existing requirements for handling right-of-way items.

Rulemaking Analyses and Notices

All comments received before the close of business on April 10, 2000, were considered in developing the final rule. The comments are available for examination using FHWA docket number 99–6232 in the docket room at the above address or via the electronic addresses provided above.

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

The FHWA has determined this action is not a significant regulatory action within the meaning of Executive Order 12866, nor a significant regulatory action within the Department of Transportation's regulatory policies and procedures. The amendments simply make minor changes to update the utilities regulations to conform to recent laws, regulations or guidance, and to clarify existing policies. It is anticipated that the economic impact of this rulemaking will be minimal because the amendments would only simplify or clarify procedures presently being used by STDs and utilities. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities. This is because the amendments only clarify or simplify procedures used by STDs and utilities in accordance with existing laws, regulations, or guidance.

National Environmental Policy Act

The FHWA has also analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and has determined that this action would not have any effect on the quality of the human and natural environment.

Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined this rule does not have a substantial direct effect or sufficient Federalism implications on States that would limit the policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation. This rule merely reduces the level of Federal approval actions by placing greater responsibility at the State or local level. Throughout the regulation there is an effort to keep administrative burdens to a minimum.

Executive Order 12372 (Intergovernmental Review)

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

Unfunded Mandates Reform Act of 1995

This rule does not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1531 *et seq.*).

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must determine whether requirements contained in rulemakings are subject to the information collection provisions of the PRA. The FHWA has determined that this action would not constitute an information collection within the scope or meaning of the PRA. Implementation of this rule would impose no burden on the States and private entities because it merely provides clarification and more flexibility to STDs in implementing the FHWA's utilities regulations contained at 23 CFR 645. As a result, no additional information collection burdens are imposed on the States, the local governments, or the private sector.

At present, the FHWA sponsors four information collections that are related to public utilities requirements. Each of these collections is currently cleared by the Office of Management and Budget (OMB). These FHWA collections are as follows: (1) Develop and Submit Utility Accommodation Policies, OMB Control No. 2125–0514; (2) Eligibility Statement for Utility Adjustments, OMB Control No. 2125–0515; (3) Developing and Recording Costs for Utility Adjustments, OMB Control No. 2125–0519; and (4) Utility Use and Occupancy Agreements, OMB Control No. 2125–0522. The currently approved burden hours for

these collections would not be affected by implementation of this rule.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

We have analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Regulation Identification Number

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

List of Subjects in 23 CFR Part 645

Grant Programs—Transportation, Highways and roads, Utilities.

In consideration of the foregoing, the FHWA amends title 23, Code of Federal Regulations, part 645 as follows:

Issued on: November 9, 2000.

Kenneth R. Wykle,

Federal Highway Administrator.

PART 645—UTILITIES

1. The authority citation for part 645 continues to read as follows:

Authority: 23 U.S.C. 101, 109, 111, 116, 123, and 315; 23 CFR 1.23 and 1.27; 49 CFR 1.48(b); and E.O. 11990, 42 FR 26961 (May 24, 1977).

2. In part 645, wherever they appear, remove the words indicated in the first column in the table below and add in their place the words indicated in the second column:

Remove	Add
Highway agency	Transportation department.
Highway agencies	Transportation departments.
State highway agency	State transportation department.
State highway agencies.	State transportation departments.
HA	TD.
SHA	STD.

§ 645.105 [Amended]

3. Amend § 645.105 by removing the paragraph designations from all definitions and by placing all definitions in alphabetical order.

4. Revise § 645.109(c) to read as follows:

§ 645.109 Preliminary engineering.

* * * * *

(c) The procedures in 23 CFR part 172, Administration of Engineering and Design Related Service Contracts, may be used as a guide for reviewing proposed consultant contracts.

5. Revise § 645.113(f) to read as follows:

§ 645.113 Agreements and authorizations.

* * * * *

(f) When proposed utility relocation and adjustment work on a project for a specific utility company can be clearly defined and the cost can be accurately estimated, the FHWA may approve an agreement between the TD and the utility company for a lump-sum payment without later confirmation by audit of actual costs.

* * * * *

6. Amend § 645.117 to add paragraph (a)(3) and to revise paragraph (i)(2) to read as follows:

§ 645.117 Cost development and reimbursement.

(a) * * *

(3) The STD may develop, or work in concert with utility companies to develop, other acceptable costing methods, such as unit costs, to estimate and reimburse utility relocation expenditures. Such other methods shall be founded in generally accepted industry practices and be reasonably supported by recent actual expenditures. Unit costs should be developed periodically and supported annually by a maintained data base of relocation expenses. Development of any alternate costing method should consider the factors listed in paragraphs (b) through (g) of this section. Streamlining of the cost development and reimbursement procedures is encouraged so long as adequate accountability for Federal expenditures is maintained. Concurrence by the FHWA is required for any costing method used other than actual cost.

* * * * *

(i) * * *

(2) The utility shall provide one final and complete billing of all costs incurred, or of the agreed-to lump-sum, within one year following completion of the utility relocation work, otherwise previous payments to the utility may be considered final, except as agreed to between the STD and the utility. Billings received from utilities more than one year following completion of the utility relocation work may be paid if the STD so desires, and Federal-aid highway funds may participate in these payments.

* * * * *

7. Revise the introductory text of § 645.119(c) to read as follows:

§ 645.119 Alternate procedure.

* * * * *

(c) To adopt the alternate procedure, the STD must file a formal application for approval by the FHWA. The application must include the following:

* * * * *

8. Amend § 645.207 by revising the definition for ''clear zone'' to read as follows:

§ 645.207 Definitions.

* * * * *

Clear zone—the total roadside border area starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or the area at the toe of a non-recoverable slope available for safe use by an errant vehicle. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. The current edition of the AASHTO ''Roadside Design Guide'' should be used as a guide for establishing clear zones for various types of highways and operating conditions. This publication is available for inspection and copying from the FHWA Washington Headquarters and all FHWA Division Offices as prescribed in 49 CFR part 7. Copies of current AASHTO publications are available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001, or electronically at *http://www.aashto.org.*

* * * * *

9. In § 645.209, revise paragraph (j) and add paragraph (m) to read as follows:

§ 645.209 General requirements.

* * * * *

(j) *Traffic control plan.* Whenever a utility installation, adjustment or maintenance activity will affect the movement of traffic or traffic safety, the utility shall implement a traffic control plan and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around the work site and the safety of the utility work force in accordance with procedures established by the transportation department. The traffic control plan and the application of traffic control devices shall conform to the standards set forth in the current edition of the ''Manual on Uniform Traffic Control Devices'' (MUTCD) and 23 CFR part 630, subpart J. This publication is available for inspection and copying from the FHWA Washington Headquarters and all FHWA Division Offices as prescribed in 49 CFR part 7.

* * * * *

(m) *Utility determination.* In determining whether a proposed installation is a utility or not, the most important consideration is how the STD views it under its own State laws and/or regulations.

10. Amend § 645.211 by revising the introductory text of the section to read as follows:

§ 645.211 State transportation department accommodation policies.

The FHWA should use the current editions of the AASHTO publications, ''A Guide for Accommodating Utilities Within Highway Right-of-Way'' and ''Roadside Design Guide'' to assist in the evaluation of adequacy of STD utility accommodation policies. These publications are available for inspection from the FHWA Washington Headquarters and all FHWA Division Offices as prescribed in 49 CFR part 7. Copies of current AASHTO publications are available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street NW., Washington, DC 20001, or electronically at http://www.aashto.org. At a minimum, such policies shall make adequate provisions with respect to the following:

* * * * *

11. Revise § 645.215(d) to read as follows:

§ 645.215 Approvals.

* * * * *

(d) When a utility files a notice or makes an individual application or request to a STD to use or occupy the right-of-way of a Federal-aid highway project, the STD is not required to submit the matter to the FHWA for prior concurrence, except when the proposed installation is not in accordance with this regulation or with the STD's utility accommodation policy approved by the FHWA for use on Federal-aid highway projects.

* * * * *

[FR Doc. 00–29572 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–22–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6859–3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final deletion of the John Deere Ottumwa Works Site (Site) from the National Priorities List (NPL).

SUMMARY: EPA Region VII announces the deletion of the John Deere Ottumwa Works Site (Site) from the NPL and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended (CERCLA). EPA and the Iowa Department of Natural Resources (IDNR) have determined that all appropriate response actions have been implemented and remedial actions conducted at the site to date remain protective of human health and the environment.

DATES: This ''direct final'' action will be effective January 22, 2001 unless EPA receives significant adverse or critical comments by December 22, 2000. If written dissenting comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Debra L. Kring, Environmental Protection Specialist, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, KS 66101. Comprehensive information on this Site is available through the public docket which is available for viewing at the U.S. EPA Region VII Superfund Division Records Center, 901 North 5th Street, Kansas City, KS 66101.

FOR FURTHER INFORMATION CONTACT: Debra L. Kring, U.S. Environmental Protection Agency, Superfund Division, 901 North 5th Street, Kansas City, KS 66101, (913) 551–7725, fax (913) 551–7063.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion
V. Action

I. Introduction

The Environmental Protection Agency (EPA), Region VII announces the deletion of the John Deere Ottumwa Works site, Ottumwa, Iowa from the NPL, Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. EPA and the Iowa Department of Natural Resources (IDNR) have determined that the remedial action at the Site has been successfully executed. EPA will accept comments on this notice thirty days after publication of this document in the **Federal Register**.

Section II of this action explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the history of the John Deere Ottumwa Site and explains how the Site meets the deletion criteria. Section V states EPA's action to delete the releases of the Site from the NPL unless dissenting comments are received during the comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the

environment and, therefore, taking of remedial measures is not appropriate.

Even if the site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the remedy remains protective of public health and the environment. A five-year review was conducted at the John Deere Ottumwa Works Site in 1998. Based on that review, EPA in consultation with the State, determined that conditions at the site remain protective of human health and the environment. As explained below, the Site meets the NCP's deletion criteria listed above. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without the application of the Hazard Ranking System (HRS).

III. Deletion Procedures

The following procedures were used for the intended deletion of the release from this Site: (1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; (2) The Iowa Department of Natural Resources concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day dissenting public review. The EPA is requesting only dissenting comments on the Direct Final Action to Delete.

For deletion of the release from the Site, EPA's Regional Office will accept and evaluate public comments on EPA's Final Notice before making a final decision to delete. If necessary the Agency will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period. Deletion of the site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designated primarily for informational purposes and to assist Agency management. As mentioned in Section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a release from a site from the NPL does not preclude eligibility for future response actions.

IV. Basis of Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this site from the NPL.

Site Background and History

The John Deere Ottumwa Works Site is located in Ottumwa, Iowa, Wapello County, and includes a 118-acre tract of land which has been used for the manufacture of farm implements since 1946. From 1911 until 1973, the company disposed of approximately 3,000 tons of solvents, paint sludges, acids, heavy metals, and cyanide on site. The site is located 200 feet from prime agricultural land. Approximately 700 people obtain drinking water from private wells located within 3 miles of the site. The main water supply for Ottumwa, population 27,000, is the Des Moines River; the intake is 4,000 feet upstream from the John Deere landfills. The river also is used for recreational activities. The city's secondary water supply, which is used intermittently throughout the year, is the Black Lake. It is located 500 feet down gradient of the on-site landfills. Low levels of various heavy metals from site disposal activities were detected in the soil, surface water, and sediments. Also, low levels of methylene chloride, a volatile organic compound (VOC), were detected in the soil and sediments. Potential risks may have existed for individuals who accidently ingested or came into direct contact with the contaminated soil and surface water.

The John Deere Ottumwa Works Site was placed on the National Priorities List (NPL) on February 21, 1990. Under EPA oversight, the John Deere Company began remedial investigation activities in 1990 to determine the type and extent of contamination. Field work was completed in late 1990, and the investigation was completed in late 1991. Based on the results of this investigation, the EPA selected a remedy requiring the John Deere Company to maintain the existing fence around the site and to continue monitoring the groundwater to ensure that it remains safe. In addition, the property and State Highway right-of-way deed restrictions now limit site use to non-residential activities. A Record of Decision (ROD) explaining the remedy selected for this site was signed by EPA on September 23, 1991.

In September 1992, the John Deere Company and the Department of Transportation entered into a Consent Decree with EPA to implement the selected remedy. Since that time, EPA has continued to conduct oversight activities, as well as reviewing and evaluating sampling data provided by the John Deere Company. In January 1998, a Five-Year Review Report was signed by EPA which defined current site conditions, remedy protectiveness, and recommendations for next steps. As one of the recommendations, EPA responded to a September 1997 Deere Company request that certain monitoring wells be abandoned in accordance with State and federal regulations. The EPA requested that one full round of sampling be conducted prior to the abandonment exercise to discern compound levels and evaluate which wells would remain as background wells to prevent off-site migration of contamination. Sampling was conducted in March 1999 at 11 monitoring wells and 2 piezometers for total arsenic, barium, cadmium, chromium, lead, VOCs, and semi-volatiles. Sampling results showed no levels above MCLs. Based on this outcome, eight (8) wells and 1 piezometer were abandoned in January 2000 in accordance with State and federal regulations.

The Five-Year Review was completed in January 1998 and indicated that remedial objectives had been met. These objectives include institutional controls which require the maintenance of an eight-foot high chain-link fence topped with barbed wire, and the lodging of deed restrictions which prevent the future development of residences or other similar exposure situations on site. Groundwater and surface water monitoring will hereby be discontinued subsequent to future Five-Year Reviews which may reveal the need for additional monitoring. The selected remedy does not reduce toxicity, mobility, or volume through treatment, however, it has been determined by EPA to represent the maximum extent required to protect human health and the environment. The remedy selection also ensures on a long-term basis that the sensitive population, children, are not exposed to site waste, thereby preventing the only potentially unacceptable exposure scenario from occurring. The Hazard Index (HI) associated with children directly contacting waste material is slightly above one. No unacceptable site-related cancer risks were identified. There were no Federal or State ARARs to be considered for this remedy.

Operations and Maintenance

Limited maintenance is required at this site. Long-term maintenance and groundwater monitoring have been conducted by the John Deere Ottumwa Company. This site is also an active RCRA facility and is monitored by

RCRA as well as the Superfund Program.

Five-Year Review

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires five-year review of all sites where hazardous substances remain above health-based levels for unrestricted use of the site. Under CERCLA Section 121(c), a review is also conducted to ensure that the selected remedy continues to be protective of human health and the environment. The next five-year review at this site is scheduled for the year 2003.

V. Action

The remedy selected for this site has been implemented in accordance with the Record of Decision. Therefore, no further response action is necessary. The remedy has resulted in the significant reduction of the long-term potential for release of contaminants, therefore, human health and potential environmental impacts have been minimized. The EPA and the Iowa Department of Natural Resources find that the remedy implemented continues to provide adequate protection of human health and the environment.

The EPA, with concurrence of the State of Iowa, has determined that the criteria for deletion of the release have been met. Therefore, EPA is deleting the site from the NPL.

This action will be effective January 22, 2001. However, if EPA receives dissenting comments by December 22, 2000, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

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

Dated: August 17, 2000.

William Rice,

Acting Regional Administrator, Region VII.

Part 300, title 40 of chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B [Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for ''John Deere Ottumwa Works Landfills, Ottumwa, Iowa''.

[FR Doc. 00–29642 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 444

[FRL–6866–7]

RIN 2040–AC23

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: The Environmental Protection Agency promulgated regulations establishing effluent limitations and pretreatment standards for the Commercial Hazardous Waste Subcategory of the Waste Combustors Point Source Category. The final rule was published in the **Federal Register** on January 27, 2000. Due to a formatting error, the published text includes two references on the wrong line of text. Also, a formatting error caused part of § 444.12(b)(1) to be misidentified as § 444.12(b)(2). This document places the references in the correct location and removes the incorrect section identification.

DATES: Effective on November 22, 2000.

FOR FURTHER INFORMATION CONTACT: Samantha Lewis, 202–260–7149.

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(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 the corrections are non-substantive, formatting revisions. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

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, 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, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction 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). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying

rule is discussed in the January 27, 2000 **Federal Register** document.

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of November 22, 2000. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 444

Environmental protection, Hazardous waste, Incineration, Waste treatment and disposal, Water pollution control.

Dated: August 31, 2000.

J. Charles Fox,

Assistant Administrator for Water.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 444 continues to read as follows:

Authority: Secs. 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended; 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

§ 444.12 [Amended]

2. Section 444.12 is amended by:

a. Removing the paragraph designation for the first paragraph (b)(2) and designating the text as the last two sentences of paragraph (b)(1).

b. Redesignating the table entitled ''List of Approved Inorganic Test Procedures'' to paragraph (b)(1).

c. Amending the entry ''2. Cadmium'' in the table to paragraph (b)(1) by transferring ''D3557–90(D)'' from the entry for ICP/AES to the entry for AA furnace in the 4th column of the table.

d. Amending the entry ''11. Zinc'' in the table to paragraph (b)(1) by transferring ''D4190–82(88)'' from the entry for Colorimetric (Dithizone) to the entry for DCP in the 4th column of the table.

[FR Doc. 00–29873 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852

Risk Management

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule adopted as final with changes.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to emphasize considerations of risk management, including safety, security (including information technology security), health, export control, and damage to the environment, within the acquisition process. This final rule addresses risk management within the context of acquisition planning, selecting sources, choosing contract type, structuring award fee incentives, administering contracts, and conducting contractor surveillance.

EFFECTIVE DATE: November 22, 2000.

FOR FURTHER INFORMATION CONTACT: James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), (202) 358–1279, email: jdolvin1@mail.hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

NASA is adopting as final, with changes, the interim rule published in the **Federal Register** (65 FR 37057–37061, June 13, 2000) that revised various NFS Parts to refocus on risk as a core acquisition concern as part of NASA's risk-based acquisition management initiative. Comments were received from one company and an industry association. All comments were considered in the development of the final rule. Revisions primarily affect internal procedures and include the following: (1) In section 1807.105 the reference to a NASA document is revised; (2) in section 1815.203–72, the words ''and RFOs'' are added after ''RFPs'' to make it clear that the section applies to MidRange procurements; (3) in section 1816.405–274 and new section 1849.102–71, language is added to require the contracting officer to notify the Associate Administrator for Procurement prior to the determination of a zero award fee in accordance with NFS 1816.405–274, and prior to exercising remedies under NFS clause 1852.223–75; (4) in section 1823.7001, the word at the end of paragraph (b)(1) is changed from ''or'' to ''and'', and the word ''concurrence'' in paragraph (b)(2) is changed to ''approval'', to enhance the role of installation safety officials in the application of the Safety and Health clause; and (5) in section 1852.223–75, the words ''or mission failure'' are added after ''fatality'' in paragraph (a), to achieve consistency with similar language in section 1816.405–274(c)(2).

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because this rule simply focuses attention on risk management, an existing business practice, and does not impose any significant new requirements which might have an economic impact.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 41 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Interim Rule Adopted as Final With Changes.

Accordingly, the interim rule published at 65 FR 37057–37061, June 13, 2000, is hereby adopted as final with the following changes:

1. The authority citation for 48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852 continues to read as follows:

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

PART 1807—ACQUISITION PLANNING

2. In section 1807.105, revise paragraph (a)(7) to read as follows:

1807.105 Contents of written acquisition plans.

* * * * *

(a) * * *

(7) Discuss project/program risks (see NPG 7120.5, NASA Program and Project

Management Processes and Requirements). In addition to technical, schedule, and cost risks, the discussion shall include such considerations as: safety and security (including personnel, information technology, and facilities/property); the need to involve foreign sources (contractor and/or governmental), and risks of unauthorized technology transfer (see NPD 2110.1D and Export Control Program (http://www.hq.nasa.gov/office/codei/nasaecp/ecpolicy.html)); and resource risk, including the necessary level and expertise of NASA personnel resources available to manage the project/program. For each area of risk identified, the discussion shall include a quantification of the relative magnitude (*e.g.*, high, medium, low) together with the specific actions taken to structure the acquisition approach to manage the risks throughout the acquisition process. For example, this discussion would identify those areas that have safety risk, discuss how safety is addressed in contract requirements and evaluated in the source selection, and how it will be managed and incentivized during contract performance. Decisions to accept, mitigate, track, and/or research risk factors shall be identified and documented as part of acquisition planning.

* * * * *

PART 1815—CONTRACTING BY NEGOTIATION

3. Revise section 1815.203–72 to read as follows:

1815.203–72 Risk management.

In all RFPs and RFOs for supplies or services for which a technical proposal is required, proposal instructions shall require offerors to identify and discuss risk factors and issues throughout the proposal where they are relevant, and describe their approach to managing these risks.

PART 1816—TYPES OF CONTRACTS

4. In section 1816.405–274, add paragraph (c)(4) to read as follows:

1816.405–274 Award fee evaluation factors.

* * * * *

(c) * * *

(4) The Associate Administrator for Procurement (Code HS) shall be notified prior to the determination of a zero award fee because of a major breach of safety or security.

* * * * *

PART 1823—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG–FREE WORKPLACE

5. In section 1823.7001, revise paragraphs (b)(1) and (b)(2) to read as follows:

1823.7001 NASA solicitation provisions and contract clauses.

(b) * * *

(1) From any contract subject to the Walsh-Healey Public Contracts Act (see FAR subpart 22.6) or the Service Contract Act of 1965 (see FAR subpart 22.10) in which the application of either act and its implementing regulations constitute adequate safety and occupational health protection; and

(2) When the contracting officer, with the approval of the installation official(s) responsible for matters of safety and occupational health, makes a written determination that the clause is not necessary under the circumstances of the acquisition.

* * * * *

PART 1849—TERMINATION OF CONTRACTS

6. Add section 1849.102–71 to read as follows:

1849.102–71 Prior clearance of contract terminations resulting from a major breach of safety or security.

The Associate Administrator for Procurement (Code HS) must be notified prior to taking any action to terminate because of a major breach of safety or security.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. In section 1852.223–70, revise the date of the clause and paragraph (c) to read as follows:

1852.223–70 Safety and Health.

* * * * *

Safety and Health, November 2000

* * * * *

(c) The Contractor shall immediately notify and promptly report to the Contracting Officer or a designee any accident, incident, or exposure resulting in fatality, lost-time occupational injury, occupational disease, contamination of property beyond any stated acceptable limits set forth in the contract Schedule; or property loss of $25,000 or more, or Close Call (a situation or occurrence with no injury, no damage or only minor damage (less than $1,000) but possesses the potential to cause any type mishap, or any injury, damage, or negative mission impact) that may be of immediate interest to NASA, arising out of work performed under this contract. The Contractor is not required to include in any report an expression of opinion as to the fault or negligence of any employee. In addition, service contractors (excluding construction contracts) shall provide quarterly reports specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses as specified in the contract Schedule.

* * * * *

8. In section 1852.223–75, revise the date of the clause and paragraph (a) to read as follows:

1852.223–75 Major Breach of Safety or Security.

* * * * *

Major Breach of Safety or Security, November 2000

(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to NASA and is a material part of this contract. A major breach of safety may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of safety must be related directly to the work on the contract. A major breach of safety is an act or omission of the Contractor that consists of an accident, incident, or exposure resulting in a fatality or mission failure; or in damage to equipment or property equal to or greater than $1 million; or in any ''willful'' or ''repeat'' violation cited by the Occupational Health and Safety Administration (OSHA) or by a state agency operating under an OSHA approved plan.

* * * * *

[FR Doc. 00–29899 Filed 11–21–00; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 991222346-0312-03; I.D. 111300E]

RIN 0648-AN40

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Remove and Reserve Gear Marking Requirements for Northeast U.S. Fisheries

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

ACTION: Final rule.

SUMMARY: This final rule removes and reserves the northeast U.S. fisheries gear

marking requirements implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP). These requirements were suspended until November 1, 2000. It was the agency's intent to extend that suspension indefinitely until a modified gear marking program is implemented. Because of a delay in preparing an extension of the suspension, these gear marking requirements inadvertently went into effect. The intent of this action is to remove the existing requirements.

DATES: Effective November 21, 2000.

FOR FURTHER INFORMATION CONTACT: Douglas Beach, NMFS, Northeast Region, 978-281-9254; or Patricia Lawson, NMFS, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 1999, NMFS published a final rule (64 FR 7529) implementing the ALWTRP. Among other measures, the final rule required gear marking in all fisheries covered by the ALWTRP by April 1, 1999.

The Atlantic Large Whale Take Reduction Team (ALWTRT) met on February 8-10, 1999, discussed the gear marking program in detail, found that the plan would not meet ALWTRT and NMFS goals and recommended by consensus that NMFS suspend the implementation of the gear marking requirement until November 1, 1999, or until a better system was designed. On April 9, 1999 (64 FR 17292), NMFS issued a final rule that suspended the gear marking program until November 1, 1999. On December 30, 1999 (64 FR 73434), NMFS extended the suspension until November 1, 2000. Because of a delay in preparing an extension of this suspension, these gear marking requirements went into effect. It was not the intent of the agency for this to happen. A new gear marking program will be implemented by an interim final rule currently in preparation. In order to spare fishermen the expense of having to adhere for a short period of time to gear marking requirements that will be modified in the near future, NMFS is removing and reserving these requirements. The other provisions of this final rule implementing the ALWTRP, including the gear marking requirements for the Southeast U.S. fisheries covered by the ALWTRP, remain in effect.

Classification

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

NMFS prepared a Supplemental Environmental Assessment (EA) for the final rule (64 FR 73434) extending the suspension of the effective dates of the gear marking requirements and found that action not to have a significant environmental impact. Since this final rule addresses an action previously analyzed in an EA, it is categorically excluded from further environmental review under section 5.05b of NOAA Administrative Order 216-6.

A biological opinion (BO) on the ALWTRP was completed on July 15, 1997. That BO concluded that implementation of the ALWTRP and continued operation of fisheries conducted under the American Lobster and Northeast Multispecies Fishery Management Plans (FMPs), and southeastern shark gillnet component of the Shark FMP, may adversely affect, but were not likely to jeopardize the continued existence of, any listed species of large whale or sea turtle under NMFS jurisdiction. NMFS conducted an informal consultation and made the determination that the April 9, 1999, final rule (64 FR 17292), did not change the basis for that BO. Therefore, NMFS also found this action does not change the basis for that BO.

Removing the ALWTRP gear marking requirement for northeast U.S. fisheries will have no adverse impacts on marine mammals. (EA, 1999) In addition, this final rule does not affect the determination that the ALWTRP will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management programs of the Atlantic states.

The Assistant Administrator for Fisheries Noaa, (AA), for good cause, finds, under 5 U.S.C. 553(b)(B), that delaying this final rule to allow for prior notice and an opportunity for public comment would be contrary to the public interest. It would not be fair to subject fishermen to the expense of having to comply with gear marking requirements that do not meet the goals of the ALWTRP in which the agency intends to replace in the immediate near future with a new gear marking program. For the same reason, the AA finds, for good cause under 5 U.S.C. 553(d)(3) that delaying the effectiveness of this final rule for 30 days would be contrary to the public interest. Furthermore, since this final rule relieves a restriction, under 5 U.S.C. 553(d)(1) it is not subject to a 30-day delay in effective date.

Because publishing a general notice of proposed rulemaking is not required for this action by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

This final rule removes a collection-of-information requirement previously approved by OMB (OMB control number: 0648-0364).

List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine Mammals, Reporting and record-keeping requirements.

Dated: November 16, 2000.

W.T. Hogarth,

Deputy Assistant Administrator, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 229 is amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

1. The authority citation for part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

§ 229.32 [Amended]

2. In § 229.32, paragraphs (b), (c)(3)(ii), (c)(4)(ii), (c)(5)(ii), (d)(2)(ii), (d)(3)(ii), (d)(4)(ii), and (d)(5)(ii) are removed and reserved.

FR Doc. 00–29923 Filed 11–21–00; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991008273–0070–02; I.D. 111600A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the northern Florida west coast subzone. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: The closure is effective 12:01 a.m., local time, November 19, 2000, through June 30, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone 727–570–5305; fax 727–570–5583; e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP on February 19, 1998 (63 FR 8353), NMFS implemented a commercial quota of 2.34 million lb (1.06 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. On April 27, 2000, NMFS' implemented final rule (65 FR 16336, March 28, 2000) divided the Florida west coast subzone of the eastern zone into northern and southern subzones and established a separate quota for the northern Florida west coast subzone of 175,500 lb (79,606 kg)(50 CFR 622.42(c)(1)(i)(A)(*2*)(*ii*)).

Under 50 CFR 622.43(a)(3), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined that the commercial quota of 175,500 lb (79,606 kg) for Gulf group king mackerel in the northern Florida west coast subzone was reached on November 15, 2000. Accordingly, the commercial fishery for king mackerel in the northern Florida west coast subzone is closed at 12:01 a.m., local time, November 19, 2000, through June 30, 2001, the end of the fishing year.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat. (a line directly east from the Miami-Dade County, FL, boundary). The Florida west coast subzone is further divided into northern and southern subzones. The northern subzone is that part of the Florida west coast subzone that is between 26°19.8' N. lat. (a line directly west from the Lee/Collier County, FL, boundary) and 87°31'06' W. long. (a line directly south from the Alabama/Florida boundary).

NMFS previously determined that the commercial quota for king mackerel from the western zone of the Gulf of Mexico was reached and closed that segment of the fishery on August 26, 2000 (65 FR 52350, August 29, 2000). Thus, with this closure, all commercial fisheries for Gulf group king mackerel in the EEZ are closed from the U.S./Mexico border through the northern Florida west coast subzone through June 30, 2001.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. Note, however, that the bag limit for an operator or crew member of a charter vessel or headboat is zero. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

Classification

This action responds to the best available information recently obtained from the fishery. The closure must be implemented immediately to prevent an overrun of the commercial quota (50 CFR 622.42(c)(1)) of Gulf group king mackerel, given the capacity of the fishing fleet to harvest the quota quickly. Overruns could potentially lead to further overfishing and unnecessary delays in rebuilding this overfished resource. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds, for good cause, that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: November 17, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–29882 Filed 11–17–00; 4:20 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 65, No. 226
Wednesday, November 22, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 704

Corporate Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: NCUA requests public comment on revisions to the rule governing corporate credit unions (corporates). As part of its regulatory review process and in conjunction with a prior advance notice of proposed rulemaking, NCUA has identified provisions for further clarification or revision. Comments from interested parties on these issues will assist NCUA in its regulatory review process.

DATES: Comments must be received on or before February 20, 2001.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. You may fax comments to (703) 518-6319. Please send comments by one method only.

FOR FURTHER INFORMATION CONTACT: Robert F. Schafer, Director, Office of Corporate Credit Unions, at the above address or telephone (703) 518–6640; or Mary Rupp, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

On July 28, 1999, NCUA issued an advance notice of proposed rulemaking that requested comment on several issues the Board identified as areas of the corporate rule it was interested in clarifying or revising. 64 FR 40787 (July 28, 1999). In addition, the Board welcomed comment on other sections of part 704 not addressed in the advanced notice. *Id.* As a result of those comments, the Board has identified additional areas of part 704 it is interested in revising or clarifying. Before issuing a proposed rule, the Board believes it would be helpful to receive additional comment and guidance on those issues not identified in the July 28, 1999, advance notice. The Board again welcomes comment on other sections of part 704 not addressed in its advance notice. Upon receipt of comments to this advance notice, the Board plans to issue a proposed rule that incorporates the comments to both this advance notice and the July 28, 1999, advance notice.

B. Specific Areas for Review

As explained more fully below, the Board is seeking comment on the following issues: capital; credit concentration; asset liability management; aggregate investment by federal credit unions in paid-in capital and membership capital in corporate credit unions; and corporate credit union service organizations.

Capital

Based on previous comments, the Board is considering eliminating the distinction between capital and the components of capital that are available for determining credit concentration limits. The following questions on capital relate either directly or indirectly to this proposed change.

1. Would a Change of Our Capital Definitions So That They Are Analogous to Those Used by Other Financial Regulators Provide Benefits to Corporate Credit Unions and Their Members?

Currently, capital includes reserves and undivided earnings (RUDE), paid-in capital (PIC) and membership capital (MC), but for purposes of establishing credit concentration limits, MC is not included in capital. 12 CFR 704.2 and 704.6. Thus, corporate credit unions have two capital measurements: one that includes all capital; and one that includes only specific components of capital for credit concentration limits. NCUA is considering changes that would result in one measure of capital. These changes, for the purpose of credit concentration limits, would permit a portion or possibly all PIC and MC (under certain conditions) to be included. Overall, NCUA believes these changes would result in corporates having more capital for purposes of credit concentration limits.

Generally, a corporate's capital includes PIC with a stated maturity date (term PIC) that is reduced monthly from five years to three years of maturity and all MC. Comparable components of a bank's total risk-based capital are scaled down by 20 percent per year within 5 years of maturity. The result of this difference is that banks may have a more restrictive measure of total risk-based capital.

The Board is considering amending the definition of reserve ratio to include only PIC that would qualify as capital under Generally Accepted Accounting Principles (GAAP), that is, non-cumulative dividend, perpetual maturity PIC. Existing PIC, for example, term PIC, could be ''grandfathered'' into the reserve ratio computation, subject to a reduction for term PIC of 20 percent per year for each year within 5 years of maturity. Thus, term PIC would be fully amortized when there was a remaining maturity of less than 1 year, rather than the 3-year remaining maturity provision of the current rule.

Similarly, the Board is considering revising the definition of capital ratio, so that, MC and PIC not qualifying as capital under GAAP would be subject to a reduction of 20 percent per year as illustrated in the second chart below.

ILLUSTRATIVE CHANGES TO CAPITAL DEFINITIONS

Current provision	Current definition	Illustrative change to definition	Analogous provision of depository institution regulators
RUDE	Retained earnings	None	Undivided profits and capital reserves.
Reserve ratio	Sum of RUDE and PIC divided by DANA.	Sum of RUDE and PIC qualifying as GAAP capital divided by DANA.	Core (Tier 1) capital ratio.
Capital	Sum of RUDE, PIC, and MC	Sum of RUDE, eligible PIC, and eligible MC.	Total capital (risk based).

Abbreviations used in table: DANA = moving daily average net assets; GAAP = generally accepted accounting principles; MC = membership capital; PIC = paid in capital; and RUDE = reserves and undivided earnings.

ILLUSTRATIVE REDUCTION OF MC AND TERM PIC

Shorter of remaining maturity or any minimum withdrawal notice period	Reduction in MC or PIC (percent)	Percentage of MC or PIC eligible as capital
5 or more years	0	100
4 to less than 5 years	20	80
3 to less than 4 years	40	60
2 to less than 3 years	60	40
1 to less than 2 years	80	20
Less than 1 year	100	0

NCUA's intent is to retain the current capital ratio requirement of at least 4 percent. Although the proposed change to the definition of capital ratio would result in a reduction in eligible capital, it would increase capital used for credit and concentration limits. For example, only 60 percent of MC with a 3-year notice would be eligible for inclusion in the capital ratio. This change would not affect the level of MC counted as capital if a corporate credit union replaced existing MC with newly issued MC having a minimum notice period and a term of 5 years. In addition, NCUA's intent is to remove the current restriction that eligible PIC not exceed RUDE. 12 CFR 704.2.

2. Should the Rule Require That the Measure for Adjusted Balance MC Accounts Be Based on a 12-Month Average, Rather Than a Measure Based on a Particular Point in Time? Further, Is There a Need for Adjusted Balance MC Accounts?

Currently, the rule provides that an adjusted balance MC account may be adjusted in relation to a measure and gives as an example one percent of a member credit union's assets. 12 CFR 704.2. Depending on the measure used, there is the potential for dramatic increases or decreases in the adjusted balance MC account. To avoid this result, the Board is considering requiring that the adjustment be based on a percentage of the measure's average balance for the preceding 12 months.

If adjusted balance MC accounts are included in capital for credit concentration and interest rate risk limits, the Board is concerned that these accounts may lack the appropriate degree of permanency. The current definition of MC does not restrict the measure used to adjust the MC balance. It gives one percent of a member credit union's assets as an example. Rather than using assets, a corporate may use the dollar amount that a natural person member credit union has invested in the corporate as the basis for calculating adjusted balance MC accounts. In that case, a member could receive all of its MC account simply by withdrawing its investments.

3. Should There Be a Minimum RUDE Ratio (Defined as RUDE Divided by DANA) of 2 Percent for All Corporate Credit Unions?

The Board believes a minimum RUDE ratio requirement would ensure stability of corporate credit union capital. Further, it would ensure a minimum component of the corporate's capital is not also reflected in the net worth of member credit unions.

4. Should There Be a Credit-Risk Weighted Capital Requirement?

NCUA believes corporates have capital in relation to risk that is comparable to the (risked-based) total capital of other financial institutions, but, because of current definitions and lack of a required measurement, this comparability may not be evident. 12 CFR part 3, Appendix A.

NCUA is considering a credit-risk weighted capital requirement for corporate credit unions. While corporate credit unions must comply with stringent interest rate risk regulations, corporate credit unions are not currently subject to credit-risk weighted capital requirements. Some corporates have expressed an interest in reinstituting this requirement because it would provide a risk-based capital ratio that is comparable to that used by other financial institutions.

Credit Concentration

1. Should Credit Concentration Limits Be Set as a Percentage of Capital?

Currently, credit concentration limits are based on percentages of RUDE and PIC, rather than a broader measure such as capital. As part of its changes to the capital requirements, the Board is considering changing this requirement, so that credit concentration limits are based on a percentage of capital. This change would enable the Board to use a uniform measure of capital for all purposes.

2. Should Credit Concentration Limits Vary Depending Upon the Credit Rating of an Investment, for Example, the Lower the Credit Rating, the More Restrictive the Credit Concentration Limit?

In conjunction with the previously discussed changes to capital, NCUA is considering lowering the minimum

credit rating requirements for investments to permit corporates to be more competitive with other depository institutions that are permitted to invest in the full range of investment grade securities. NCUA recognizes the increased quality of corporates' credit analysis skills and improved capital levels. The effect of lowering the minimum credit rating requirements would be to allow additional permissible investments. As illustrated in the table below, the requirements are linked to the corporate's level of expanded authority.

Example Minimum Credit Rating Requirements

MINIMUM CREDIT RATINGS FOR LONG-TERM AND SHORT-TERM INVESTMENTS

[Stated in terms of Standard & Poor's Ratings or Equivalents]

	Base and base plus	Part I expanded authority	Part II expanded authority
Long-term Investments	No lower than AA–	No lower than A–	No lower than BBB (flat).
Short-term Investments	No lower than A–1	No lower than A–2, with a minimum long-term debt rating of the obligor of A–.	No lower than A–2, with a minimum long-term debt rating of the obligor of BBB (flat).

With the contemplated inclusion of eligible MC as part of the capital base for credit concentration limits and the permissibility of lower rated investments, the current credit concentration limits are too high. NCUA is considering reducing the existing percentages and reorganizing the limits into the categories of long-term and short-term investments, as illustrated in the tables below.

Example Credit Concentration Limits

LONG-TERM INVESTMENT CREDIT CONCENTRATION LIMITS

[As percentage of capital]

	Limits by Obligor			
Long-term investments: Credit Rating	AAA– and higher	AA– and higher	A– and higher	BBB (flat) and higher.
Concentration Limits	25%	20%	15%	10%.

SHORT-TERM INVESTMENT CREDIT CONCENTRATION LIMITS

[As percentage of capital]

	Limits by Obligor		
Short-term investments: Credit Rating	A–1	A–2, with a minimum long-term rating of the obligor of A–.	A–2, with a minimum long-term rating of the obligor of BBB (flat).
Concentration Limits	25%	15%	10%.
Repurchase Transaction Concentration Limits	50%	30%	20%.

3. NCUA Seeks Comment on Establishing a Limit for the Aggregate Credit Exposure to a Single Obligor That Has Issued Debt Obligations Across Multiple Rating Categories. The Proposed Limits Are Listed in the Two Tables Above

4. Should Corporate Credit Unions Be Exempt From Credit Concentration Limits When Investing in Other Corporate Credit Unions?

Exemptions to the current credit concentration limits only apply to investments in a wholesale corporate credit union. NCUA believes extension of these exemptions to all corporate credit unions will facilitate more efficient movement of liquidity throughout the system.

5. Should There Be a De Minimis Exemption From Credit Concentration Limits and, if so, What Amount?

NCUA is considering a de minimis exemption from credit concentration limits (such as $5 million) to permit smaller corporate credit unions to execute institutional block size transactions, such as Fed Funds.

Asset Liability Management

1. NCUA Seeks Comment on Changing the Definition of Net Economic Value (NEV)

NEV means the fair value of assets minus the fair value of liabilities. 12 CFR 704.2. Currently, the definition of NEV treats MC as a liability for purposes of the NEV calculation. NCUA intends to change the definition of NEV to exclude eligible MC and eligible PIC (including grandfathered PIC) from liabilities. The proposed definitions of eligible MC and eligible PIC are reflected in the chart entitled Illustrative Reduction of MC and Term PIC. In turn, noneligible MC and noneligible PIC are treated as liabilities for purposes of the NEV calculation. This change would tend to increase the reported base case NEV ratio.

2. NCUA Seeks Comment on Increasing the Minimum NEV Ratio to 2 Percent

In conjunction with the proposed change to the definition of NEV, NCUA proposes increasing the minimum NEV ratio to 2 percent. Section 704.8(d)(1)(ii) requires a NEV ratio of 1 percent. 12 CFR 704.8(d)(1)(ii). By increasing the base case NEV through inclusion of eligible MCs, larger dollar amounts could be exposed to interest rate risk.

Under the current rule, for example, if a corporate credit union has base-plus expanded authority and a base case NEV ratio of 1.40 percent, the rule permits the NEV ratio to decline 25 percent. This would be a decline of 35 basis points. Under the proposal, with the inclusion of eligible MC, the corporate credit union would have a base case NEV ratio of 2.40 percent and the permissible decline would increase to 60 basis points. This decline is large in relation to the low level of base case NEV. By increasing the minimum NEV ratio from 1 percent to 2 percent, the decline would be limited to no more than 40 basis points.

Example of Including Eligible MCs and Increasing Minimum NEV Ratio

IMPACT OF CHANGE TO MINIMUM NEV RATIO ON HYPOTHETICAL CORPORATE CREDIT UNION

	Current rule	Including eligible MCs in NEV	Including eligible MCs in NEV and increasing minimum NEV ratio to 2%
Base case NEV ratio	1.4%	2.4%	2.4%.
Permitted decline (25 percent of base case)	35 basis points	60 basis points	Limited to 40 basis points by minimum NEV ratio.
Resulting NEV ratio (not less than minimum NEV ratio)	1.05%	1.8%	2%.
Minimum NEV ratio	1%	1%	2%.

3. Should the Minimum NEV Ratio That Triggers Monthly Interest Rate Sensitivity Analysis Testing Be Increased?

Section 704.8(d)(1)(i) currently increases the requirement for testing from quarterly to monthly when the base case NEV ratio falls below 2 percent. The Board is considering raising it to 3 percent because, when the measured minimum NEV ratio is low, it is reasonable to monitor interest rate sensitivity more frequently. The contemplated changes to the NEV definition may increase the level of both the base case NEV and the minimum NEV.

Aggregate Investment by Federal Credit Unions in PIC and MC in Corporate Credit Unions

1. NCUA seeks comment on whether the Board should amend § 703.100(c) to increase the limit on the aggregate purchase of member PIC and MC in one corporate credit union from one percent to two percent. In conjunction with this change, the Board is considering adding a new provision that imposes a four percent limit on the aggregate purchase of member PIC and MC in all corporate credit unions.

Corporate Credit Union Service Organizations (CUSOs)

1. NCUA seeks comment on the definition of a corporate CUSO. Currently, the rule defines a corporate CUSO as an entity that is ''at least partly owned by a corporate credit union'' but does not specify a minimum ownership requirement. 12 CFR 704.11(a)(1). The Board believes that the definition of a corporate CUSO should be amended to ensure that there is a significant ownership interest by corporate credit unions. The Board is considering amending the definition to require that a CUSO be considered a corporate CUSO only if any corporate credit union owns a minimum 25 percent interest or the aggregate interest by all corporate credit unions exceeds 50 percent.

By the National Credit Union Administration Board on November 16, 2000.

Becky Baker,

Secretary of the Board.

[FR Doc. 00–29837 Filed 11–21–00; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–12]

Amendment to Class E Airspace; Culpepper, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E airspace at Culpepper, VA. A helicopter Point in Space approach, has been developed for Culpepper Memorial Hospital, Culpepper, VA. Controlled airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. This action proposes to establish Class E airspace to include the Point in Space approach to Culpepper Memorial Hospital Heliport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 00–AEA–12, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AEA–12''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before

taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica NY, 11434–4809. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Culpepper, VA. A RNAV Point in Space Approach has been developed for Culpepper Memorial Hospital Heliport Culpepper, VA. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the approach. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9F dated September 10, 2000, and effective September 16, 2000, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA VA E5, Culpepper, VA

Culpepper Memorial Hospital Heliport.
(Lat. 3827.900N–long. 07801.110W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of University of Virginia Medical Center Heliport.

* * * * *

Issued in Jamaica, New York, on October 30, 2000.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 00–29911 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–11]

Amendment to Class E Airspace; Charlottesville, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E airspace at Charlottesville, VA. A helicopter Point in Space approach, has been developed for University of Virginia Medical Center, Charlottesville, VA. Controlled airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. This action proposes to establish Class E airspace to include the Point in Space approach to University of Virginia Medical Center Heliport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 00–AEA–11, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AEA–11.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the

Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Charlottesville, VA. A RNAV Point in Space Approach has been developed for University of Virginia Medical Center Heliport, Charlottesville, VA. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the approach. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9F dated September 10, 2000, and effective September 16, 2000, is proposed to be amended as fllows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA VA E5, Charlottesville, VA

University of Virginia Medical Center Heliport
(Lat. 3801.401N–long. 07830.604W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of University of Virginia Medical Center Heliport.

* * * * *

Issued in Jamaica, New York, on October 13, 2000.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 00–29910 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 001116322–0322–01]

RIN 0648–AO74

Amendment to Florida Keys National Marine Sanctuary Regulations Revising the Boundary of the Northernmost Area To Be Avoided Off the Coast of Florida

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; Request for public comments; Notice of hearing.

SUMMARY: NOAA, in cooperation with the U.S. Coast Guard (USCG), proposes to revise the boundary of the northernmost Area To Be Avoided (ATBA) off the coast of the Florida Keys. This change to the boundary is expected to increase maritime safety and to avoid harm to the marine environment and its resources.

DATES: Comments must be received on or before January 8, 2001. Public hearings will be held on:

1. December 12, 2000, 3:30 p.m. to 5 p.m., Key Colony Beach, Florida.

2. December 13, 2000, 10 a.m. to 11:30 a.m., Miami, Florida Submit requests to present oral testimony on or before December 8, 2000.

ADDRESSES: Submit all written comments, requests to present oral testimony, and requests for the Draft Environmental Assessment prepared for this action to Billy Causey, Florida Keys National Marine Sanctuary Headquarters, P.O. Box 500368, Marathon, Florida 33050.

The hearing locations are:

1. Key Colony Beach, Florida—Key Colony Beach City Hall, 600 West Ocean Drive, Key Colony Beach, Florida.

2. Miami, Florida—The Port of Miami Conference Room on the 2nd floor, 1015 N. America Way Miami, FL 33132

FOR FURTHER INFORMATION CONTACT: Billy Causey, Superintendent, Florida Keys National Marine Sanctuary, Florida Keys National Marine Sanctuary Headquarters, P.O. Box 500368, Marathon, Florida 33050, Tel: (305) 743–2357, Email: billy.causey@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

In part, as a result of three large vessel groundings within an 18-day period in the fall of 1989 on the coral reef tract of the Florida Keys, Congress passed the Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA), designating the area as the Florida Keys National Marine Sanctuary (FKNMS). The primary goal of this legislation is to protect the health of the fragile ecosystem of the Florida Keys. Among other things, to accomplish this goal, Congress established four ATBAs where tank vessels and vessels larger than 50 meters are prohibited from entering. Under the FKNMSPA, NOAA and the USCG have the authority to amend the ATBAs.

On April 21, 1998, pursuant to input from the shipping industry, the FKNMS Sanctuary Advisory Council (SAC) recommended a revision to the boundary of the northernmost ATBA to eliminate a small portion of the boundary near ''the Elbow'' which juts

out further than other portions of the ATBA. The proposed ATBA amendment will permit ships in two opposing traffic patterns located just outside the boundary of the ATBA to increase the distance between them, thus increasing maritime safety in the area. The proposed amendment will not result in bringing ship traffic any closer to the reef than the other parts of the ATBA and, by reducing the potential for collisions, the amendment is beneficial for the protection of the marine environment.

The north- and east-bound vessels utilize the Gulf Stream in this area while the south- and west-bound vessels try to take advantage of countercurrents from eddies off of the Gulf Stream. The existing configuration of the ATBA near the coral reef known as ''the Elbow,'' when examined in relation to the axis of the Gulf Stream, results in a potential convergence of northeasterly bound and southwesterly bound traffic. The potential risk of collision increases when the Gulf Stream meanders closer to ''the Elbow.'' The proposed revision of the ATBA boundary will permit ships in these two opposing traffic patterns to increase the distance between them, thus increasing maritime safety in the area. A collision in this area could cause oil and other material to seep into the Florida Keys damaging marine sanctuary resources, the marine environment, and quite possibly, the recreational, tourism and fishing industries of the Florida Keys.

In March 2000, the USCG conducted a survey of mariners, who frequently travel through this area, to see whether they believed ''the Elbow'' of the ATBA to be a safety hazard for vessels traveling in that area. Close to half of the mariners surveyed felt that ''the Elbow'' created a ''pinch point'' for south- and west-bound vessels that attempt to stay out of both the ATBA and the lanes of traffic for the north- and east-bound vessels. The USCG subsequently recommended the revision of the ATBA boundary in order to increase maritime safety in the area.

Based on these recommendations, and its own draft environmental assessment of the recommendations, NOAA proposes to amend the boundary of the northernmost ATBA. This action is not expected to have a significant adverse impact on the environment.

Miscellaneous Requirements

Executive Order 12866

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

Regulatory Flexibility Act

The Chief Counsel for Regulations of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule is not expected to have a significant economic impact on a substantial number of small entities. The existing ATBA and the proposed boundary change do not apply to a substantial number of small entities because the ATBA only applies to tank vessels and those vessels greater than 50 meters in length. Most of the vessels subject to this rule are foreign flagged vessels that are owned or chartered by large corporations. This measure is not expected to have any impact on the small business community. Accordingly, an initial regulatory flexibility analysis was not prepared.

National Environmental Policy Act Requirements

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A draft environmental assessment has been prepared. It is available for comment (see **ADDRESSES**).

Plain Language Requirement

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

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Marine resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Capt. Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth in the preamble, 15 CFR Part 922 is proposed to be amended as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

922 Appendix VII—[AMENDED]

Subpart P—Florida Keys National Marine Sanctuary

2. Appendix VII to subpart P of part 922 is amended in the table by redesignating the entries for points 23 through 51 as 24 through 52, and by revising the entries under ''In the Vicinity of the Florida Keys'' to read as follows:

Appendix VII to Subpart P of Part 922—Areas To Be Avoided Boundary Coordinates

IN THE VINCINITY OF THE FLORIDA KEYS

[Reference Charts: United States 11466, 27th Edition—September 1, 1990 and United States 11450, 4th Edition—August 11, 1990]

Point	Latitude	Longitude
1	25°45.00′N	80°06.10′W.
2	25°38.70′N	80°02.70′W.
3	25°22.00′N	80°03.00′W.
4	25°06.38′N	80°10.48′W.
5	24°56.37′N	80°19.26′W.
6	24°37.90′N	80°47.30′W.
7	24°29.20′N	81°17.30′W.
8	24°22.30′N	81°43.17′W.
9	24°28.00′N	81°43.17′W.
10	24°28.70′N	81°43.50′W.
11	24°29.80′N	81°43.17′W.
12	24°33.10′N	81°35.15′W.
13	24°33.60′N	81°26.00′W.
14	24°38.20′N	81°07.00′W.
15	24°43.20′N	80°53.20′W.
16	24°46.10′N	80°46.15′W.
17	24°51.10′N	80°37.10′W.
18	24°57.50′N	80°27.50′W.
19	25°09.90′N	80°16.20′W.
20	25°24.00′N	80°09.10′W.
21	25°31.50′N	80°07.00′W.
22	25°39.70′N	80°06.85′W.
23	25°45.00′N	80°06.10′W.

* * * * *

[FR Doc. 00–29824 Filed 11–21–00; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 864, 866, 868, 870, 872, 874, 876, 878, 884, 886, and 888

[Docket No. 99N–0035]

Medical Devices; Reclassification of 38 Preamendments Class III Devices into Class II

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening for 90 days the comment period for the submission of comments regarding 3 of the 38 devices proposed for reclassification from class III into class II. The proposed rule was published in the **Federal Register** of March 15, 1999 (64 FR 12774). The agency is taking this action in order to allow more time to submit comments to FDA regarding the guidance documents that were not made available when the March 15, 1999, proposed rule was published. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability for comment of two guidance documents that are special controls for three devices.

DATES: Submit written comments on the proposed rule by February 20, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–827–2974.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 15, 1999 (64 FR 12774), FDA published a proposed rule to reclassify 38 preamendments class III devices into class II and to establish special controls for these devices. Interested persons were given until June 14, 1999, to comment on the proposed rule.

A trade association requested that FDA reopen the comment period for 6 of the 38 devices. The request noted that FDA had not made the guidance documents that were proposed as special controls for these six devices available for comment through the agency's good guidance practices (GGP's). The request further noted that it was impossible to comment on the proposed reclassification without the guidance documents being available. Therefore, the trade association requested that FDA extend the comment period until at least 90 days after the guidance documents became publicly available for comment. In the **Federal Register** of April 19, 2000 (65 FR 20933), FDA reopened the comment period on the proposed reclassification of those six devices.

FDA also identified an additional three devices for which the agency had not issued the guidance documents proposed as special controls for comment in accordance with the GGP policy. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability for comment of two guidance documents that are special controls for three devices. Accordingly, FDA is reopening the comment period for the March 15, 1999, proposed rule to allow additional time for interested persons to comment on the following three devices:

- Indwelling blood carbon dioxide partial pressure (P_{co2}) analyzer (21 CFR 868.1150),
- Indwelling blood hydrogen ion concentration (pH) analyzer (21 CFR 868.1170), and
- Indwelling blood oxygen partial pressure (P_{o2}) analyzer (21 CFR 868.1200).

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the proposed rule only with respect to the three devices listed above by February 20, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 31, 2000.

Linda S. Kahan,

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

[FR Doc. 00–29839 Filed 11–21–00; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[NV–032–FON; FRL–6905–6]

Clean Air Act Reclassification; Nevada—Reno Planning Area; Particulate Matter of 10 Microns or Less (PM–10)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action EPA proposes to find that the Reno (Washoe County) Planning Area (RPA) has not attained the PM–10 national ambient air quality standards (NAAQS) by the Clean Air Act (CAA) mandated attainment date for moderate nonattainment areas. Section 188(c)(1) of the Act established an attainment date of no later than December 31, 1994 for areas classified as moderate nonattainment areas under section 107(d)(4)(B) of the CAA. This proposed finding is based on monitored air quality data for the PM–10 NAAQS during the years 1992–1994. If EPA takes final action on this proposed finding, the RPA will be reclassified by operation of law as a serious nonattainment area under section 188(b)(2)(A) of the CAA.

DATES: Comments on this proposed finding must be received in writing by December 7, 2000.

ADDRESSES: Comments should be addressed to Manny Aquitania, U.S. Environmental Protection Agency, Region 9, Air Division, Planning Office (AIR–2), 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: For monitoring data questions contact Manny Aquitania, U.S. EPA, Region 9, Air Division, Technical Support Office (AIR–7), 75 Hawthorne Street, San Francisco, California 94105; (415) 744–1299, aquitania.manny@epa.gov. For other questions contact Doris Lo, U.S. Environmental Protection Agency, Region 9, Air Division, Planning Office (AIR–2), 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1287, lo.doris@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. CAA Requirements and EPA Actions Concerning Designation and Classification

On November 15, 1990, the date of enactment of the 1990 Clean Air Act Amendments, PM–10 areas meeting the qualifications of section 107(d)(4)(B) of the Act were designated nonattainment by operation of law. Once an area is designated nonattainment, section 188 of the Act outlines the process for classification of the area and establishes the area's attainment date. Pursuant to section 188(a), all PM–10 nonattainment areas were initially classified as moderate by operation of law upon designation as nonattainment. These nonattainment designations and moderate area classifications were codified in 40 CFR part 81 in a **Federal Register** notice published on November 6, 1991 (56 FR 56694). The Reno Planning Area (RPA) was designated nonattainment and classified as moderate. See 40 CFR 81.329.

States containing areas which were designated as moderate nonattainment by operation of law under section 107(d)(4)(B) were to develop and submit state implementation plans (SIPs) to

provide for the attainment of the PM–10 NAAQS. Pursuant to section 189(a)(2), those SIP revisions were to be submitted to EPA by November 15, 1991.

B. Reclassification as Serious Nonattainment

EPA has the responsibility, pursuant to sections 179(c) and 188(b)(2) of the Act, of determining within 6 months of the applicable attainment date, whether PM–10 nonattainment areas have attained the NAAQS. Section 179(c)(1) of the Act provides that these determinations are to be based upon an area's ''air quality as of the attainment date'', and section 188(b)(2) is consistent with this requirement. EPA makes the determinations of whether an area's air quality is meeting the PM–10 NAAQS based upon air quality data gathered at monitoring sites in the nonattainment area. These data are reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR part 50, appendix K.

Pursuant to appendix K, attainment of the annual PM–10 standard is achieved when the annual arithmetic mean PM–10 concentration is equal to or less than 50 μg/m3. Attainment of the 24-hour standard is determined by calculating the expected number of exceedances of the 150 μg/m3 limit per year. The 24-hour standard is attained when the expected number of exceedances is 1.0 or less. A total of 3 consecutive years of clean air quality data is generally necessary to show attainment of the 24-hour and annual standards for PM–10. A complete year of air quality data, as referred to in 40 CFR part 50, appendix K, is comprised of all 4 calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

Under section 188(b)(2)(A), a moderate PM–10 nonattainment area must be reclassified as serious by operation of law after the statutory attainment date if the Administrator finds that the area has failed to attain the NAAQS. Pursuant to section 188(b)(2)(B) of the Act, EPA must publish a notice in the **Federal Register** identifying those areas that failed to attain the standard and the resulting reclassifications.

II. Today's Action

EPA is, by today's action, proposing to find that the RPA did not attain either the 24-hour or annual PM–10 NAAQS by the required attainment date of December 31, 1994. As discussed below, this proposed finding is based upon air quality data which revealed violations of the PM–10 NAAQS during 1992–1994.[1]

A. Ambient Air Monitoring Data

The following table lists each of the monitoring sites in the RPA where the 24-hour and annual PM–10 NAAQS were violated during 1992–1994:

SITES VIOLATING PM–10 NAAQS[2]

Site	24-hour exceedances (micrograms per cubic meter, μg/m³)		Annual averages (micrograms per cubic meter)		
	Concentration	Date	1992	1993	1994
Reno—N. Lake St.	167 48 μg/m³	1/25/93.			
Reno—Galetti Way			48 μg/m³	55 μg/m³	52 μg/m³

The Reno—N. Lake St. monitoring site in the RPA violated the 24-hour PM–10 NAAQS during 1992–1994. This site recorded a concentration of 167 micrograms per cubic meter on January 25, 1993.

The Reno—N. Lake St. monitoring site operates on a one-in-six day sampling schedule. Generally, if PM–10 sampling is scheduled less than every day, EPA requires the adjustment of observed exceedances to account for incomplete sampling. In the case of the Reno—N. Lake St. site, one exceedance of the 24-hour NAAQS was observed in 1993. After adjusting for incomplete sampling, the number of exceedances of the NAAQS in 1993 at this site was 6.4.

According to 40 CFR part 50, the 24-hour NAAQS is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 μg/m³ is equal to or less than one. In the simplest case, the number of expected exceedances at a site is determined by recording the number of exceedances in each calendar year and then averaging them over the past three calendar years. Therefore from 1992–1994, the number of expected exceedances at the the Reno—N. Lake St. monitoring site was 2.1. This exceedance causes the Reno—N. Lake St. site to be in violation of the 24-hour PM–10 NAAQS.

In addition, the annual PM–10 NAAQS was violated at the Reno—Galetti Way site in RPA. Based on the monitoring data collected during 1992–1994, the Reno—Galetti site had an annual average of 52 μg/m³.

B. SIP Requirements for Serious Areas

PM–10 nonattainment areas reclassified as serious under section 188(b)(2) of the CAA are required to submit, within 18 months of the area's reclassification, SIP revisions providing for the implementation of best available control measures (BACM) no later than four years from the date of reclassification. The SIP also must contain, among other things, a demonstration that the implementation of BACM will provide for attainment of the PM–10 NAAQS no later than December 31, 2001.[3] See CAA sections 188(c)(2) and 189(b). EPA has provided specific guidance on developing serious area PM–10 SIP revisions in an addendum to the General Preamble to Title I of the Clean Air Act. See 59 FR 41998 (August 16, 1994).

III. Request for Public Comment

The EPA is requesting comment on all aspects of today's proposal. As indicated at the outset of this notice, EPA will consider any comments received by December 7, 2000.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

[1] The RPA is also not currently attaining the PM–10 NAAQS. A summary of more recent air quality data can be found in the docket.

[2] All violating PM–10 samplers in RPA operated on a 1-in-6 day sampling schedule. Since sampling is not performed every day, any exceedance of the 24-hour NAAQS is adjusted such that the exceedance is now considered a violation. The procedures for calculating the number of violations is specified in 40 CFR part 50, appendix K.

[3] If certain conditions are met, EPA may extend this attainment deadline to no later than December 31, 2006. CAA section 188(e).

Under section 188(b)(2) of the CAA, findings of failure to attain is based solely upon air quality considerations and the subsequent nonattainment area reclassification must occur by operation of law in light of those air quality conditions. These actions do not, in-and-of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities.

Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Similarly, because the proposed finding of failure to attain is a factual determination based on air quality considerations and the resulting reclassification must occur by operation of law and, do not impose any federal intergovernmental mandate, these actions do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this proposed rule also does not significantly or uniquely affect the communities of Indian tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998).

For the same reasons, this proposed finding of failure to attain and resulting reclassification will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). These proposed actions are also not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because they are not economically significant. Finally, for the same reason that this proposed finding of failure to attain is a factual determination based on air quality considerations and the resulting reclassification must occur by operation of law, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

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

List of Subjects in 40 CFR Part 81

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

Authority: 42 U.S.C. 7401–7671q.

Dated: November 13, 2000.

Felicia Marcus,

Regional Administrator, Region 9.

[FR Doc. 00–29879 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6859–2]

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

AGENCY: Environmental Protection Agency.

ACTION: Proposed deletion of the John Deere Ottumwa Works Site (Site) from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region VII proposes to delete the John Deere Ottumwa Works site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to Part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. The EPA has determined that the site poses no significant threat to public health or the environment, as defined by CERCLA, and therefore, further remedial measures pursuant to CERCLA are not appropriate.

We are publishing this rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no dissenting comments. A detailed rationale for this approval is set forth in the direct final rule. If no dissenting comments are received, no further activity is contemplated. If EPA receives dissenting comments, the direct final action will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this Action must be received by December 22, 2000.

ADDRESSES: Comments may be mailed to Debra Kring, Environmental Protection Specialist, Superfund Division, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, KS 66101. Comprehensive information on this site is available through the public docket which is available for viewing at the Site information repository at U.S. EPA Region VII, Superfund Division Records Center, 901 North 5th Street, Kansas City, KS 66101.

FOR FURTHER INFORMATION CONTACT: Debra Kring, Environmental Protection Specialist, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, KS 66101, fax (913) 551–7063.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Action which is located in the Rules Section of this **Federal Register**.

Dated: August 17, 2000.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 00–29643 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. No. 111500B]

Fisheries of the Exclusive Economic Zone Off Alaska; Commencement of Groundfish Fisheries in 2001

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

ACTION: Notification of 2001 total allowable catch specifications for groundfish

SUMMARY: NMFS notifies the public that the 2001 total allowable catch (TAC) specifications for groundfish in the exclusive economic zone in the Bering Sea and Aleutian Islands management area (BSAI) and in the Gulf of Alaska (GOA) will be implemented by emergency rule(s) promulgated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. NMFS has determined that the existing regulatory process for publication of annual groundfish TAC specifications is impracticable for establishing the 2001 TACs because NMFS currently is preparing a biological opinion pursuant to the Endangered Species Act (ESA) evaluating the effects of groundfish fisheries measures, including the specification of TACs, on endangered and threatened species. The intended effect of this action is to inform the public of NMFS' plan to promulgate the 2001 groundfish TAC specifications by emergency rule and to remind fishermen that no groundfish harvest is authorized for the 2001 fishing year until NMFS publishes groundfish TAC specifications for the 2001 fishing year.

FOR FURTHER INFORMATION CONTACT: Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the BSAI and the GOA pursuant to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and the Fishery Management Plan for Groundfish of the Gulf of Alaska, respectively. Each of these fishery management plans (FMPs) was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq*. Regulations implementing the FMPs are codified at 50 CFR part 679. General regulations governing U.S. fisheries are codified at 50 CFR part 600.

NMFS currently is preparing a comprehensive biological opinion evaluating the effects of the Alaska groundfish fisheries measures, including the specification of TACs, on endangered and threatened species and designated critical habitat, as required by section 7 of the ESA, 16 U.S.C. 1536. NMFS is preparing this biological opinion pursuant to an order of the U.S. District Court for the Western District of Washington, issued July 19, 2000, holding NMFS in continuing violation of the ESA until NMFS issues a legally adequate biological opinion evaluating the combined, overall effects of the North Pacific groundfish fisheries on Steller sea lions and their critical habitat. *Greenpeace* v. *NMFS*, 106 F. Supp.2d 1066 (W.D. Wash. 2000).

NMFS expects to complete its biological opinion on the effects of the Alaska groundfish fisheries on threatened and endangered species and designated critical habitat by November 30, 2000. The biological opinion may require implementation of additional fishery management measures, including those affecting specification of TACs, in order to further protect endangered and threatened species and their designated critical habitat from the effects of the groundfish fisheries. Because the need for and type of additional protective measures will not be known until completion of the biological opinion, and because NMFS may need to implement additional protective measures before the start of the 2001 groundfish fisheries, NMFS has determined that it is impracticable to publish proposed, interim, and final TAC specifications for the 2001 Alaska groundfish fisheries pursuant to the regulatory process provided in § 679.20(c). Instead, NMFS intends to publish one or more emergency rules establishing TAC specifications for the 2001 groundfish fisheries and implementing any additional protective measures that may be necessary in accordance with the requirements of the biological opinion. NMFS will endeavor to publish these rules as quickly as possible to diminish disruption to the fisheries. Fishermen are reminded that no groundfish harvest is authorized for the 2001 fishing year until NMFS publishes 2001 TAC specifications.

Dated: November 16, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–29883 Filed 11–17–00; 4:20 pm]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 65, No. 226
Wednesday, November 22, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–085–2]

Aquaculture; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This is to notify the aquaculture industries, interested parties, and the general public that a public meeting will be held to discuss how and to what extent the Animal and Plant Health Inspection Service should regulate aquatic species, and to discuss any other issues concerning possible regulation of aquaculture by the Agency.

DATES: The public meeting will be held on Thursday, January 25, 2001, from 9 a.m. to 3 p.m.

ADDRESSES: The public meeting will be held at the Disney Coronado Springs Resort, 1000 West Buena Vista Drive, Lake Buena Vista, FL, in conjunction with the Aquaculture 2001 Conference.

FOR FURTHER INFORMATION CONTACT: For information about the APHIS public meeting, contact Dr. Otis Miller, Jr., National Aquaculture Coordinator, Center for Planning, Certification, and Monitoring, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737-1231, (301) 734–6188.

Information regarding the Aquaculture 2001 Conference is available on the Internet at *http://www.wasmeetings.org/Pages/Orlando2001_RegBroc.html.*

SUPPLEMENTARY INFORMATION: On May 4, 1999, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** (64 FR 23795–23796, Docket No. 98–085–1) an advance notice of proposed rulemaking (ANPR) titled ''Aquaculture: Farm-Raised Fin Fish.'' We published this ANPR after receiving petitions [1] asking us to regulate aquaculture in various ways. Many petitioners asked us to define farmed aquatic animals as livestock. In general, the petitioners seemed to be interested in receiving the same services that domestic producers of livestock receive for animals moving in interstate and foreign commerce. However, based on the petitions alone, it was difficult for us to determine what segments of the industry want services and exactly what services they want. It was also difficult to determine the objectives sought by the petitioners who were requesting Federal regulation. We published the ANPR in an attempt to clarify the industry's needs, the nature of the services sought, and the concerns the petitioners had with regard to such regulations.

We received 55 comments [2] in response to the ANPR. A majority of the commenters supported the idea of APHIS regulation of cultured fin fish. Unfortunately, the commenters generally did not clearly distinguish between fin fish raised for food and ornamental fin fish. Commenters who wanted regulation were, however, very clear that they want programs to prevent and control disease and to support increased commerce, both domestic and export.

The commenters also suggested that any rulemaking initiated by APHIS be a negotiated rulemaking. In negotiated rulemaking, industry representatives and other interested persons meet with APHIS officials and draft proposed regulations together. The proposed regulations are then published for public comment. Negotiated rulemaking is designed to ensure that all interested persons are involved together from the start to develop regulations.

Unfortunately, negotiated rulemaking is not suitable for all situations. It works well when there is a small number of interested parties and the parties are easy to identify. This is not the case with regard to aquaculture. The aquaculture industry is very large and diverse. It would be difficult for us to identify everyone who should be represented in a negotiated rulemaking. In addition, there are many parties outside aquaculture that would have a substantial interest in such a rulemaking. In our view, the number of people who would need to participate in a negotiated rulemaking would be too large and would suggest that negotiated rulemaking is not appropriate. Furthermore, a large negotiated rulemaking would be expensive, and APHIS does not have adequate funds. Therefore, we have concluded that it would not be appropriate to pursue an aquaculture negotiated rulemaking.

We have not, however, decided whether to pursue aquaculture rulemaking by other means. Before we make that decision, we want to have as much information as possible from all interested persons, and we want to provide the aquaculture industries and other interested persons with as much opportunity as possible to discuss with us and inform us regarding the relevant issues.

Therefore, we are planning to hold a series of public meetings. Public meetings will allow anyone who is interested—industry representatives, producers, consumers, and others—to present their views and to exchange information among themselves and with APHIS.

There will be no set agendas for the meetings. Any issues and concerns related to aquaculture and possible APHIS regulatory action can be discussed. However, there are three specific issues on which we would like more information. These are issues that the people and organizations who commented on our ANPR either did not address or were unclear about. Specifically, if APHIS does propose regulations: (1) Should our program be mandatory or voluntary; (2) should we cover shell fish; and (3) should we cover ornamental fin fish?

Information elicited at the meetings could result in a new APHIS regulatory program, or in changes to aquaculture-related services currently provided by APHIS. We have scheduled the first public meeting for Thursday, January 25, 2001, at Disney's Coronado Springs Resort in Lake Buena Vista, FL.

If you wish to speak at the meeting, please register in advance by calling the Regulatory Analysis and Development

[1] All the petitions and comments we received are a part of the rulemaking record for Docket No. 98–085–1. You may read the petitions and comments 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.

voice mail at (301) 734–8139. Leave a message with your name, telephone number, organization, if any, and an estimate of the time you need to speak. You may also register at the meeting itself. Please register at the meeting room between 8:30 a.m. and 9 a.m., before the meeting officially begins. Starting with the advance registrants, we will call speakers in the order in which they registered.

The meeting will begin at 9 a.m. and is scheduled to end at 3 p.m. We may end the meeting early if all the registered speakers have had a chance to speak and if no one else wants to speak. We may also extend the meeting, or limit the time allowed for each speaker, if necessary, so all interested persons have an opportunity to participate.

An APHIS representative will preside at the meeting. The meeting will be recorded. We encourage speakers to present written statements, though it is not required. If you choose to present a written statement, please provide the chairperson with a copy. The complete record, including the transcript and all written comments, will be available to the public.

This meeting is the first in a planned series of public meetings. We plan to hold additional meetings in Idaho, Illinois (Chicago), Maine, Mississippi, Pennsylvania, and Washington. We will publish a notice or notices in the **Federal Register** announcing the dates, times, and locations of the meetings.

Done in Washington, DC, this 16th day of November 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–29831 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Advisory Committee on Beginning Farmers and Ranchers

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of extension of time limit for requesting additional nominations.

SUMMARY: The Secretary of Agriculture intends to renew the charter of the Advisory Committee on Beginning Farmers and Ranchers (Committee). The Committee provides advice to the Secretary on ways to encourage Federal and State beginning farmer programs to provide joint financing to beginning farmers and ranchers. A notice was published in the **Federal Register** on August 24, 2000, soliciting nominations of persons to serve on the Committee, and a September 25, 2000, deadline was established for accepting nominations. In order to obtain a sufficient pool of nominees, USDA is extending the deadline to December 7, 2000.

DATES: Nominations should be submitted by December 7, 2000 to Mark Falcone, Designated Federal Official (DFO) for the Committee, at the address below.

ADDRESSES: Mark Falcone, DFO for the Advisory Committee on Beginning Farmers and Ranchers, Farm Service Agency, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 5438–S, STOP 0522, Washington, DC 20250–0522; telephone (202) 720–1632; FAX (202) 690–1117; e-mail mark_falcone@wdc.fsa.usda.gov.

FOR FURTHER INFORMATION CONTACT: Mark Falcone at (202) 720–1632.

SUPPLEMENTARY INFORMATION: Section 5 of the Agricultural Credit Improvement Act of 1992 (Pub. L. 102–554) required the Secretary of Agriculture to establish the Committee for the purpose of advising the Secretary on, among other issues, the development of a program of coordinated financial assistance to qualified beginning farmers and ranchers and methods of maximizing the number of new farming and ranching opportunities created through the program.

The law requires that Committee members include representatives from the Farm Service Agency (FSA); State beginning farmer programs (as defined in section 309(i)(5) of the Consolidated Farm and Rural Development Act); commercial lenders; private nonprofit organizations with active beginning farmer or rancher programs; the Cooperative State Research, Education, and Extension Service; community colleges or other educational institutions with demonstrated experience in training beginning farmers or ranchers; and other entities or persons providing lending or technical assistance to qualified beginning farmers or ranchers. The Secretary has also appointed farmers and ranchers to the Committee.

FSA is now accepting nominations of individuals to serve for a 2-year term on the Committee, which is comprised of 18 individuals. One-third of the existing Committee membership will be replaced when the Committee charter expires on November 25, 2000. No member, other than a USDA employee, can serve for more than 6 consecutive years.

Nominations are being sought through the media, the **Federal Register**, and other appropriate methods. Persons nominated for the Committee will be required to complete and submit an Advisory Committee Membership Background Information Questionnaire (Form AD 755). The questionnaire is available on the Internet at http://www.fsa.usda. gov/dafl/LoanForms.htm. Questionnaires can be completed on-line. However, nominees must print their completed forms from an Adobe PDF file and mail or fax them to the above address or fax number. The form may also be requested by telephone, fax, or e-mail. All inquiries and submissions should be made to Mark Falcone at the addresses and numbers listed above.

Appointments to the Committee will be made by the Secretary of Agriculture. Equal opportunity practices, consistent with USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, persons with disabilities, and senior citizens.

Signed in Washington, D.C. on November 9, 2000.

Parks Shackelford,

Acting Administrator, Farm Service Agency.

[FR Doc. 00–29818 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of meeting.

SUMMARY: Executive Order 13168 published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). This meeting will be devoted to reviewing written and oral comments received to establish a list of issues on tobacco and health related issues the Commission will consider in issuing its Reports to the President. This notice announces a public meeting to be conducted by the Commission on December 5, 2000. All meetings are open to the public; however, seating is limited and available on a first-come basis. Written comments may be filed with the committee before or after the

meeting at the contact information listed below.

DATES: The Commission will meet on December 5, 2000, from 9:00 am to 1:00 pm at 2101 L Street, NW, Room 303A, Washington, DC. All times are Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Doug Richardson, Executive Director, Tobacco Commission, United States Department of Agriculture, (USDA), 1400 Independence Avenue,, SW, STOP 0574, Washington, D.C. 20250–0574 or telephone (202) 418–4266 or toll free (886) 804–6694; FAX (202) 418–4270; Internet: *doug__richardson@wdc.usda.fsa.*

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission shall collect and review information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders, and communities dependent on tobacco production pursue new economic opportunities. The Commission may make recommendations concerning these, and any other, changes and initiatives that may be necessary to improve economic opportunity in communities dependent on tobacco production. The Commission shall also consider the public health implications of such changes and initiatives, including the efforts to reduce the number of people who incur tobacco caused diseases. The Commission may also make recommendations about measures needed to reduce the tobacco related health consequences of tobacco use in the United States and abroad. The Commission conducted forums on November 9, 2000, in Raleigh, NC, and on November 10, 2000, in Louisville, KY. Both forums were held to seek comments on tobacco and health related issues the Commission will consider in issuing its Reports to the President.

If special accommodations are required, please contact Doug Richardson, at the address specified above, by COB November 28, 2000.

Signed at Washington, D.C. on November 17, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–29884 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Interface Recreation Trails Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent.

SUMMARY: The Forest Service intends to prepare an environmental impact statement to disclose the environmental consequences of the proposed Interface Recreation Trails Project on the Calaveras Ranger District of the Stanislaus National Forest. The agency proposes to design a system of recreation routes, determine the uses that can occur on each route in the system, and develop measures to protect natural resources on approximately 8,600 acres of National Forest System lands. Hiking, horseback riding, mountain bike riding, off-highway vehicle riding, and street legal vehicle riding are the uses being considered in this analysis. The purpose of the proposal is to provide a variety of recreation opportunities for route users while protecting the natural resources, minimizing conflicts between recreationists and others, and promoting public safety.

DATES: Comments concerning the scope of the analysis should be received in writing on or before January 8, 2001.

ADDRESSES: Send written comments to Calaveras Ranger District, Stanislaus National Forest, USDA Forest Service, P.O. Box 500, Hathaway Pines, California, 95233. Comments may be sent by electronic mail (e-mail) to *mailroom__r5__stanislaus@fs.fed.us.* Please reference the Interface Recreation Trails project on the subject line and include your name and mailing address with your comments.

FOR FURTHER INFORMATION CONTACT: Greg Casselberry, Planning Team Leader, telephone: (209) 795–1381, extension 321.

SUPPLEMENTARY INFORMATION: The Forest Service is preparing an environmental impact statement (EIS) to disclose the environmental consequences of a proposed interface recreation trails project on the Calaveras Ranger District of the Stanislaus National Forest. The proposed project is located in Calaveras County, California, within the Calaveras Ranger District of the Stanislaus National Forest in portions of sections 1, 2, 11, 12, 13, 14, 23, 24, 26, T.4N., R.14E., a portion of section 18, T.4N., R.15E., portions of sections 13, 24, 25, 26, 35, 36, T.5N., R.14E., and portions of sections 7, 8, 17, 18, 19, 20, 29, 30, T.5N., R.15E., MDB&M. It is adjacent to the western boundary of the communities of Hathaway Pines, Avery, Arnold, and White Pines.

Under the current proposal being analyzed, non-motorized and motorized recreation use (multiple use) would continue to be allowed on 19.5 miles of existing trails and roads; 16.6 miles of existing trails and roads would be available for non-motorized recreation use only; 17.4 miles of existing roads would be routes for street legal (highway licensed) vehicles only. Also, there would be 10.0 miles of multiple use routes and 10.7 miles of non-motorized trails constructed and 26.5 miles of existing trails and roads closed. Five gates would be closed to public motorized traffic and one mile of Forest Road 5N95Y would be chipsealed. Parking areas would be established on Forest Road 5N52 and County Road 323 to access the trail system. A low-water crossing and approach would be constructed at Slick Rock Crossing. Street legal vehicle and non-motorized uses only zones that are a minimum of a one-quarter mile wide would be established adjacent to subdivisions. A permanent public easement for the segment of the trail that crosses private land located in the SW1/4 of the NE1/4 of section 30, T.5N., R.15E. would be sought from the landowner. Written orders would be issued to enforce trail use restrictions, trail closures, zone restrictions, and gate closures.

Decision To Be Made

The decision to be made is whether to implement the proposed action as described above, to meet the purpose and need for action through some other combination of activities, or to take no action at this time.

Responsible Official

Robert W. Griffith, District Ranger, Calaveras Ranger District, P.O. Box 500, Hathaway Pines, California, 95233 is the Responsible Official who will decide what actions are to be implemented to provide a variety of recreation opportunities for route users within the project area. He will document his decisions and rationale in a Record of Decision.

Preliminary Issues

Three preliminary issues have been identified: (1) Disturbances by human presence and noise on the trails and

roads may adversely impact wildlife species, (2) sounds of motorized vehicles on the trails and roads may have a negative impact on adjacent landowners and the experiences of other forest visitors, and (3) opportunities for recreation may be affected by the trail and road mileage available as well as by the uses allowed on each route.

Alternatives To Be Considered

A range of alternatives to the proposed action will be considered. The alternatives will be designed to provide different ways to address and respond to significant issues and to fulfill the purpose and need for action. A reasonable range of alternatives will be evaluated and reasons given for eliminating some alternatives from detailed study. A ''no action'' alternative is required, which is that current management practices and the current trail system and uses would continue as they currently exist.

Public Involvement

The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, and other individuals or organizations that may be interested in, or affected by, the proposed action. While public participation in this analysis is welcome at any time, comments received by January 8, 2001, will be especially useful in the preparation of the draft EIS. The scoping process will include identifying potential issues, significant issues to be analyzed in depth, alternatives to the proposed action, and potential environmental effects of the proposal and alternatives.

Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency and to be available for public review in March 2001. At that time, the Environmental Protection Agency will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register. It is very important that those individuals interested in the management of this area participate by providing comment during that time. In the final EIS, tentatively scheduled for May 2001, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS.

The Reviewers Obligation to Comment

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate prior to the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: November 16, 2000.

Ben L. Del Villar,

Forest Supervisor.

[FR Doc. 00–29886 Filed 11–21–00; 8:45 am]

BILLING CODE 3410–11–U

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on Thursday, December 7, 2000, at the Radisson, 201 5th Street North, Fargo, North Dakota 58102. The purpose of the meeting is to review recent local and statewide developments regarding civil rights issues/enforcement and to discuss the impact of the Committee report, ''Civil Rights Enforcement Issues in North Dakota.''

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 15, 2000.

Edward A. Hailes, Jr.,

Acting General Counsel.

[FR Doc. 00–29869 Filed 11–21–00; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Petroleum Wax Candles From the People's Republic of China: 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 Jo-Ann Stores, Inc. (''JAS''), a U.S. importer of the subject merchandise, the Department of Commerce (''Department'') published the notice of initiation of an antidumping duty administrative review on petroleum wax candles from the People's Republic of China (PRC), for the period August 1, 1999 through July 31, 2000. Because the interested party has withdrawn its request for review, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(1).

EFFECTIVE DATE: November 22, 2000.

FOR FURTHER INFORMATION CONTACT: Abdelali Elouaradia or Matthew Renkey,

Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–1374 and 202–482–2312, 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, JAS requested that the Department conduct an administrative review for the period August 1, 1999 through July 31, 2000, of Universal Candle Company, Ltd. (''Universal''), a producer/exporter of the subject merchandise from the PRC. On October 2, 2000, the Department published a notice of initiation of the antidumping administrative review on petroleum wax candles from China, 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 November 1, 2000, JAS withdrew its request for review.

Rescission of Review

Pursuant to our 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 interested party's withdrawal of its 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: November 16, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 00–29903 Filed 11–21–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Notice of Availability of a Financial Assistance Solicitation

AGENCY: National Energy Technology Laboratory, Department of Energy (DOE).

ACTION: Notice of availability of a financial assistance solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–01NT41048 entitled ''Development of Technologies and Capabilities for Developing Coal, Oil and Gas Energy Resources.'' The Department of Energy's (DOE) National Energy Technology Laboratory (NETL) is conducting this solicitation to competitively seek cost-shared applications for research and development of technologies enabling development of energy resources needed to ensure the availability of affordable energy for the Nation's future. This solicitation seeks applications for energy research and development related activities that promote the efficient and sound production and use of fossil fuels (coal, natural gas, and oil).

DATES: The solicitation will be available on or about December 1, 2000.

ADDRESSES: The solicitation along with all amendments will be posted on the NETL Homepage; at http://www.netl.doe.gov/business. Telephone requests, written requests, E-mail requests, or facsimile requests for a copy of the solicitation package and/or amendments will not be accepted and/or honored. Therefore, applicants are encouraged to periodically check the NETL Homepage to ascertain the status of these documents. Related information on the Fossil Energy areas of interest can be found on the ''Technologies'' page of the NETL website (*www.netl.doe.gov*) and on the ''Program Areas'' page on the NPTO website (*www.npto.doe.gov*).

FOR FURTHER INFORMATION CONTACT: Lisa A. Kuzniar, MS I07, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 880, Morgantown, West Virginia 26507–0880, E-mail Address: *lkuzni@netl.doe.gov*, Telephone Number: (304) 285–4242.

SUPPLEMENTARY INFORMATION: Through this solicitation, NETL expects support applications in the following seventeen (17) separate (*i.e.*, stand alone) Areas of Interest:

Coal & Environmental Systems:

- Power Systems Advanced Research
- Gasification Technologies
- Combustion Technologies
- Carbon Sequestration
- Environmental & Water Resources
- Vision 21 Technologies (www.netl.doe.gov/products/power1/vision21frameset.htm)

Fuel Processing

- Natural Gas Processing
- Transportation Fuels & Chemicals
- Fuels Advanced Research

Oil Technologies

- Ultrasonic Oil Well Stimulation
- Reservoir Efficiency Processes
- Oil & Gas Environmental
- Critical Upstream Advanced Diagnostics and Imaging Technologies

Strategic Center for Natural Gas

- Gas Exploration, Production & Storage
- Advanced Turbines & Engines
- Fuel Cells
- Infrastructure Reliability

Applicants must select and target only one (1) Area of Interest per proposal DOE anticipates the award of multiple cost-sharing cooperative agreements under each Area of Interest. Approximately $18 million to $20 million of DOE funds is planned for this solicitation which will cover all Areas of Interest. In accordance with Section 3002 of the Energy Policy Act (EPACT), a minimum of 20% cost share will be required for each project. This solicitation includes multiple closing dates and uses a Two-Step Application process for each closing date. Under Step 1, applicants will submit a pre-application for review. Only those offerors whose pre-applications are selected by DOE will be afforded the opportunity to proceed to Step 2, submittal of a comprehensive application. DOE anticipates the due date for submittal of the pre-application will be December 20, 2000. Offerors are hereby notified that comprehensive applications received on or before the pre-application due date will be discarded prior to evaluation, and will not be evaluated.

Issued in Morgantown, WV on November 9, 2000.

Randolph L. Kesling,

Director, Acquisition and Assistance Division.

[FR Doc. 00–29892 Filed 11–21–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Idaho Operations Office; Testing Fish Passage Characteristics for Low Power and Low Head Hydropower Turbine Technology

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of availability of financial assistance solicitation.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office is soliciting applications from qualified hydropower turbine developers. These applications are for cost-shared testing of new hydropower turbine technology for fish passage characteristics. Qualified developers must own the rights to the new turbine technology. The technology must also be advanced to the stage that hardware exists or can be readily constructed; *i.e.*, design has been completed. The cost-shared testing is to determine the fish passage performance characteristics of the turbine technology. This activity is also limited to turbine technology that falls within the low power (1 MW or less) and the low head (30 feet or less) ranges. This work will be in support of the U.S. DOE Advanced Hydropower Turbine System (AHTS) Program.

The issuance date of Solicitation Number DE–PS07–01ID14011 will be on or about November 17, 2000. The deadline for receipt of applications will be approximately on January 19, 2001.

ADDRESSES: The solicitation in its full text will be available on the Internet at the following URL address: *http://www.id. doe.gov/doeid/PSD/proc-div.html* or *http://e-center.doe.gov.*

Applications should be submitted to: Seb Klein, Procurement Services Division, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Seb Klein, Contract Specialist, kleinsm@id.doe gov.

SUPPLEMENTARY INFORMATION: The statutory authority for the program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Pub. L. 93–577). The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 81.087.

Issued in Idaho Falls on November 6, 2000.

R.J. Hoyles,

Director, Procurement Services Division.

[FR Doc. 00–29889 Filed 11–21–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, December 7, 2000 6 p.m. to 9:30 p.m.

ADDRESSES: Arvada Center for the Arts and Humanities, 6901 Wadsworth Boulevard, Arvada, Colorado.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Quarterly update by Defense Nuclear Facilities Safety Board.
2. Presentations on Radionuclide Soil Action Level reports regarding model analysis, new science, and cleanup levels at other sites.
3. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 9:00 a.m. to 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on November 17, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–29893 Filed 11–21–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. FE C&E 00–32; Certification Notice—193]

Office of Fossil Energy; Notice of Filing of Coal Capability of Jackson County Power, LLC, Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Filing.

SUMMARY: Jackson County Power, LLC submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel.

Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owner/operator of the proposed new baseload powerplant has filed a self-certification in accordance with section 201(d).

Owner: Jackson County Power, LLC (C&E 00–33).

Operator: An indirect subsidiary of Cogentrix Energy, Inc.

Location: Jackson County, OH.

Plant Configuration: Combined-cycle.

Capacity: 1,070 MW.

Fuel: Natural gas.

Purchasing Entities: Power marketer.

In-Service Date: June 1, 2003.

Issued in Washington, DC, November 16, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–29890 Filed 11–21–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–12–000]

Alliance Pipeline, L.P.; Notice of Filing

November 16, 2000.

Take notice that on November 7, 2000, Alliance Pipeline, L.P. filed standards of conduct under Order Nos. 497 *et seq.*,[1] Order Nos. 566 *et seq.*,[2] Order No. 599,[3] and Order No. 637 [4]

Any person desiring to be heard or to ptotest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before December 1, 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 these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29859 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 59878 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707, (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

[4] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, 63 Fed. Reg. 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000) (Order No. 637) and Other No. 637–A, FERC Statutes and Regulations 31,009 (May 19, 2000.)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–14–000, CP00–15–000, and CP00–16–000]

Buccaneer Gas Pipeline Company, L.L.C., Notice of Site Visit

November 16, 2000.

On December 1, 2000, the Office of Energy Projects staff will conduct a site visit at various locations of the proposed facilities of the Buccaneer Gas Pipeline Project in Pasco County, Florida with representatives of Buccaneer Gas Pipeline Company and others. The site visit will start at 9:30 am at the Pasco County Park on Bailey's Bluff Road about one-half mile north of the Anclote Plant Site. Sites to be visited include Gulftrace Subdivision at Milepost (MP) 3.5, State Route 54 near MP 17, a wetland and route near MP 29, route crossing near MP 43, and possibly other locations.

All interested parties may attend. Those planning to attend must provide their own transportation.

For further information, or if attending, please contact Laura Turner in the Office of Energy Projects at (202) 208–0916.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29867 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA01–1–000]

Central Maine Power Company; Notice of Filing

November 16, 2000.

Take notice that on November 9, 2000, Central Maine Power Company (CMP) tendered for filing, pursuant to Section 37.4(c) of the Code of Federal Regulations, 18 CFR 37.4(c), the revised Standards of Conduct to be followed by CMP personnel.

CMP requests that the Standards of Conduct become effective on November 10, 2000.

CMP served copies of the filing upon the Maine Public Utilities Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before December 1, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29853 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–82–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 14, 2000.

Take notice that on November 7, 2000, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, effective December 1, 2000, the following tariff sheets:

Forty-Third Revised Sheet No. 8A
Thirty-Fifth Revised Sheet No. 8A.01
Thirty-Fifth Revised Sheet No. 8A.02
Thirty-Ninth Revised Sheet No. 8B
Thirty-Second Revised Sheet No. 8B.01

FGT states that in Docket No. RP00–519–000 filed on August 31, 2000, FGT filed to establish a Base Fuel Reimbursement Charge Percentage (Base FRCP) of 3.14% to become effective for the six-month Winter Period beginning October 1, 2000 reflecting FGT's actual fuel usage and unaccounted for gas during the immediately preceding Winter Period. Subsequently, in response to lower throughput and resulting lower fuel usage of FGT's system, on October 23, 2000, in Docket No. RP01–61–000, FGT filed a Flex adjustment of (0.39)% to be effective November 1, 2000, which, when combined with the Base FRCP of 3.14%, resulted in an Effective Fuel Reimbursement Charge Percentage of 2.75%. FGT may file Flex adjustments of up to 0.50% from the Base FRCP pursuant to Section 27 of the General Terms and Conditions (''GTC'') of FGT's tariff.

FGT states that in the instant filing, FGT is filing an adjustment to the Base FRCP. Specifically, FGT is filing to reduce the Base FRCP from 3.14% to 2.50%, effective December 1, 2000. FGT is proposing the reduction to the Base FRCP because FGT's current and projected fuel usage and unaccounted for gas is lower than 2.64%, which is the lowest Effective Fuel Reimbursement Charge Percentage permissible under the Flex Provisions with the current Base FRCP of 3.14%. The current Base FRCP of 3.14% was based on actual fuel use and unaccounted for from the last Winter Period. For the period from October 1, 2000 to date, FGT has operated at a much lower throughout than the historically high throughput of the last Winter Period. As of the date of the instant filing, accounting data for October 2000 is not yet available, but FGT's operating data indicates that FGT is significantly over retaining fuel for the Winter Period to date. FGT believes the proposed reduction in the base FRCP is necessary to minimize over retention of fuel. Establishing a Base FRCP of 2.50% provides FGT the flexibility to utilize the Flex provisions of its tariff to establish an Effective FRCP of from 2.00% to 3.00%, a range which should accommodate the low throughput and fuel usage now being experienced as well as a return to the higher throughput levels of last winter and the resulting higher fuel usage. FGT anticipates that it may file a Flex adjustment to be effective December 1, 2000 to establish an effective FRCP at level lower than 2.50%.

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. 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). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29852 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–93–000]

Kern River Gas Transmission Company; Notice of Compliance Filing

November 16, 2000.

Take notice that on November 13, 2000, Kern River Gas Transmission Company (Kern River) tendered for filing and acceptance its compliance filing in response to the Commission's order issued on October 27, 2000, in Docket Nos. RM96–1–014 *et seq.* (Order).

Kern River states that it is in compliance with the Order, which pertains to imbalance netting and trading transactions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions and 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). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29862 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–95–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

November 16, 2000.

Take notice that on November 13, 2000, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to become effective on November 3, 2000:

Third Revised Sheet No. 9

Maritimes states that it is filing the above tariff sheet to implement two negotiated rate agreements pursuant to Rate Schedule MN365 and Section 24 of the General Terms and Conditions of Maritimes' FERC Gas 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). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29864 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–11–000]

Mojave Pipeline Company; Notice of Filing

November 16, 2000.

Take notice that on November 2, 2000, Mojave Pipeline Company filed revised standards of conduct under Order No. 559 [1] and Order No. 637.[2]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding 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 (2000)). All such motions to intervene or protest should be filed on or before December 1, 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 these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29858 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

[1] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

[2] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, 63 FR 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000) (Order No. 637) and Order No. 637–A, FERC Statutes and Regulations 31,099 (May 19, 2000).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–5–000]

Northern Border Pipe Line Company; Notice of Filing

November 16, 2000.

Take notice that on October 23, 2000, Northern Border Pipe Line Company filed revised standards of conduct under Order No. 637.[1]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding 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 to intervene or protest should be filed on or before December 1, 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 these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29857 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–94–000]

Northwest Pipeline Corporation; Notice of Compliance Filing

November 16, 2000.

Take notice that on November 13, 2000, Northwest Pipeline Corporation

[1] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, 63 FR 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000) (Order No. 637) and Order No. 637–A, FERC Statutes and Regulations 31,099 (May 19, 2000).

(Northwest) tendered for filing and acceptance its compliance filing in response to the Commission's order issued on October 27, 2000, in Docket Nos. RM96–1–014 *et seq.* (Order).

Northwest states that it is in compliance with the Order, which pertains to imbalance netting and trading transactions.

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). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29865 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES01–11–001]

Ogden Martin Systems of Fairfax, Inc.; Notice of Amendment

November 16, 2000.

Take notice that on November 9, 2000, Ogden Martin Systems of Fairfax, Inc. submitted an amendment to its application seeking a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before November 24, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29856 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–98–000]

Southern Natural Gas Company; Notice of Compliance Filing

November 16, 2000.

Take notice that on November 13, 2000, Southern Natural Gas Company (Southern) tendered for filing and acceptance its compliance filing in response to the Commission's order issued on October 27, 2000, in Docket Nos. RM96–1–014 *et seq.* (Order).

Southern states that it is in compliance with the Order, which pertains to imbalance netting and trading transactions.

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). 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29863 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–481–000]

Transcontinental Gas Pipe Line Corporation; Notice of Technical Conference

November 16, 2000.

On August 15, 2000, Transcontinental Gas Pipe Line Corporation (Transco) submitted a filing to comply with Order No. 637. Several parties have protested various aspects of Transco's filing.

Take notice that a technical conference to discuss the various issues raised by Transco's filing will be held on Thursday, December 7, 2000, at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Parties protesting aspects of Transco's filing should be prepared to discuss alternatives.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29860 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–96–000]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

November 16, 2000.

Take notice that on November 13, 2000, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets which were enumerated in Appendix A to the filing, to be effective July 1, 2000.

Transco states that the purpose of the instant filing is track rate changes attributable to transportation service purchased from Dominion Transmission, Inc. (Dominion) (formerly CNG Transmission Corporation) under its Rate Schedule GSS the costs of which are included in the rates and charges payable under Transco's Rate Schedules GSS and LSS. This filing is being made pursuant to tracking provisions under Section 3 of Transco's Rate Schedule GSS and Section 4 of the Transco's Rate Schedule LSS. Transco states that included in Appendix B attached to the filing are the explanations and details regarding the computation of the Rate Schedule GSS and LSS rate changes.

Transco states that copies of the filing are being mailed to each of its GSS and LSS customers and interested 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, 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). 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29861 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–2–000]

Notice of Amendment to Complaint

November 16, 2000.

Californians for Renewable Energy, Inc. (CARE), Complainant v. Independent Energy Producers, Inc. and All Sellers of Energy and Ancillary Services Into the Energy and Ancillary Services Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; All Scheduling Coordinators Acting On Behalf of the Above Sellers; California Independent System Operator Corporation; and California Power Exchange Corporation, Respondents; Notice of Amendment to Complaint.

Take notice that on October 31, 2000, Californians for Renewable Energy, Inc. (CARE) filed an amendment to their Complaint filed in the above-referenced proceeding on October 6, 2000.

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 and protests must be filed on or before November 30, 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 amendment of the complaint shall also be due on or before November 30, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29866 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–22–000, et al.]

Ohio Edison Company, et al.; Electric Rate and Corporate Regulation Filings

November 15, 2000.

Take notice that the following filings have been made with the Commission:

1. Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, Pennsylvania Power Company, American Transmission Systems, Inc. and their public utility affiliates and Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company and their public utility affiliates

[Docket No. EC01–22–000]

Take notice that on November 9, 2000 Ohio Edison Company (OE), The Cleveland Electric Illuminating Company (CEI), The Toledo Edison Company (TE), Pennsylvania Power Company (PP), American Transmission Systems, Inc. (ATSI), and their public utility affiliates (the FirstEnergy Companies) and Jersey Central Power & Light Company (JCP&L), Metropolitan Edison Company (MetEd), and Pennsylvania Electric Company (Penelec), and their public utility affiliates (the GPU Companies) (collectively, Applicants), tendered for filing an application pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations, 18 CFR Part 33, for an order approving the proposed merger of the FirstEnergy Companies and the GPU Companies (Application).

Applicants request all authorizations necessary to undertake the proposed merger. Upon consummation of the merger, Applicants will form a registered public utility holding company system.

Comment date: January 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. California Power Exchange Corporation

[Docket Nos. EC96–19–000 and ER96–1663–000]

Take notice that on November 7, 2000, the Compliance Unit of the California Power Exchange Corporation (CalPX) filed a report entitled ''Price Movements in California Power Exchange Markets: Analysis of Price Activity; May-September 2000.'' CalPX states that it has posted the report on its

website (*www.calpx.com*) for downloading. In addition, CalPX has served copies of its transmittal letter upon the parties to these dockets and will make a hard copy of the report available to any party upon request.

Comment date: November 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Consumers Energy Company

[Docket No. EC01–4–000]

Take notice that on November 2, 2000, Consumers Energy Company (CECo) filed an amendment to their Application For Authorization to Transfer Jurisdictional Transmission Assets To Michigan Electric Transmission Company pursuant to Section 203 of the Federal Power Act, which was filed on October 13, 2000 in the above-captioned docket. CECo and Michigan Transco are requesting that the existing one-page pro forma Bill of Sale be removed from Exhibit H(4) and be replaced with the two-page amended pro forma Bill of Sale.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Mobile Energy Services Company, L.L.C.; Mobile Energy Services Holdings, Inc.

[Docket No. EC01–21–000]

Take notice that on November 9, 2000, Mobile Energy Services Company, L.L.C. and Mobile Energy Services Holdings, Inc. filed for authorization of the disposition of jurisdictional facilities pursuant to Section 203 of the Federal Power Act, 16 U.S.C. § 824b (1994).

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Covert Generating Company, LLC

[Docket No. EG01–28–000]

Take notice that on November 9, 2000, Covert Generating Company, LLC (Covert), a limited liability company with its principal place of business at 7500 Old Georgetown Road, Bethesda, Maryland 20814, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Covert proposes to construct, own or lease and operate a natural gas-fired, combined cycle power plant of approximately 1,200 MW capacity in Covert Township, Van Buren County, Michigan. The proposed power plant is expected to commence commercial operation in the first or second quarter of 2003. All output from the plant will be sold by Covert exclusively at wholesale.

Comment date: December 6, 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.

6. STI Capital Company

[Docket No. EG01–29–000]

Take notice that on November 9, 2000, STI Capital Company, 2200 Pacific Coast Highway, San Diego, California 92101 (STI), filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's Regulations and Section 32 of the Public Utility Holding Company Act, as amended (the Application).

The Application seeks a determination that STI qualifies for Exempt Wholesale Generator status. STI is a Delaware Corporation that will own and operate a gas-fired combined cycle cogeneration facility rated at 69 MW. Upon STI's determination as an EWG, the facility will be used for the generation of electricity exclusively for sale at wholesale. Copies of this Application have been served upon the Pennsylvania Public Utility Commission and the Securities and Exchange Commission.

Comment date: December 6, 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.

7. NEV, L.L.C, NEV East, L.L.C., NEV California, L.L.C., NEV Midwest, L.L.C.

[Docket Nos. ER97–4636–011, ER97–4652–011, ER97–4653–011, ER97–4654–011, ER01–429–000]

Take notice that on November 8, 2000, NEV, L.L.C.; NEV East, L.L.C.; NEV California, L.L.C.; and NEV Midwest, L.L.C. (collectively NEV), tendered for filing an updated market power analysis in compliance with the Commission's order, issued on November 12, 1997, in the captioned dockets, NEV, L.L.C., NEV East, L.L.C., NEV California, L.L.C., and NEV Midwest, L.L.C., 81 FERC ¶ 61,186. This filing is a triennial update of the 1997 analysis submitted to the Commission in connection with the initial request for market-based rates by NEV. Also included in this submission are rate schedules and a code of conduct revised to reflect NEV's new corporate affiliations, as more fully described in the submission.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Company

[Docket No. ER00–3742–002]

Take notice that on November 8, 2000, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO), tendered for filing unredacted conformed copies of agreements dated April 10, 2000, which the Companies have agreed to sell and deliver to Constellation Power Source, Inc. (CPS) capacity and energy and associated ancillary services to which the Companies are entitled under sixteen power purchase agreements.

NUSCO requests that the Commission institute a shortened notice period and expedited procedures to allow this filing to be accepted by December 1, 2000.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc.

[Docket No. ER01–178–000]

Take notice that on November 8, 2000, Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc. (Montana-Dakota), tendered for filing a notice of withdrawal of its October 20, 2000 filing herein of a revised Exhibit H to a certain July 1, 1988 ''Contract for Electric Service to Montana-Dakota Utilities Co.'', Contract No. 88–BAO–308, between Montana-Dakota and Western Area Power Administration (Western), that is Montana-Dakota Rate Schedule No. 19.

Copies of the filing were served on Western and on the interested utility regulatory agencies.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Chandler Wind Partners, LLC

[Docket No. ER01–390–000]

Take notice that on November 8, 2000, Chandler Wind Partners, LLC, of 63–655 19th Avenue, P.O. Box 1043, North Palm Springs, California 92258, tendered for filing with the Federal Energy Regulatory Commission an application for market-based rate authorization, waivers and exemptions and a request for an effective date of November 9, 2000 for its market-based rate authorization.

Chandler Wind Partners, LLC, is a Delaware limited liability company that

owns and operates an approximately 1.98 megawatt (nameplate capacity) wind generation facility, comprised of three (3) Vestas V47–660kw wind turbine generators (the Facility). The Facility is located in Murray County, Minnesota. Chandler Wind Partners, LLC, is seeking market-based rate authorization, waivers and exemptions, and a request for an effective date of November 9, 2000 for its market-based rate authorization in order to continue to sell the output of the Facility to the Cooperative Power Association after sale of the Facility to Cinergy Global Chandler I, Inc.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–391–000]

Take notice that on November 8, 2000 Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Service Agreement No. 331 to add Select Energy, Inc. to Allegheny Power's Open Access Transmission Service Tariff.

The proposed effective date under the agreement is November 7, 2000.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: November 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. American Transmission Company LLC

[Docket No. ER01–392–000]

Take notice that on November 9, 2000, American Transmission Company LLC (ATCLLC), tendered for filing a Distribution-Transmission Agreement between ATCLLC and Wisconsin Electric Power Company.

ATCLLC requests an effective date of January 1, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–393–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service, Inc. and Sonat Power Marketing Inc. (now El Paso Merchant Energy, L.P.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 54.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–394–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Rainbow Energy Marketing Corporation, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 16. GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–395–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Stand Energy Corporation, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 15.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–396–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and TransCanada Power Corporation, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 43.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–397–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and KN Marketing, Inc. (now Kinder Morgan, Inc.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 44.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–398–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Industrial Energy Applications, Inc., FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 34.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–399–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service, Inc. and Virginia Electric and Power Company, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 61.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–400–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service, Inc. and V TEC Energy, Inc., FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 59.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–401–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and AIG Trading Corporation (now Sempra Energy Trading Corp.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 63.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–402–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service, Inc. and The Utility-Trade Corp., FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 68.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–403–000]

Take notice that on November 9, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and USGen Power Services, L.P. (now PG&E Energy Trading—Power, LP), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 55.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–404–000]

Take notice that on November 8, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Tenneco Energy Marketing Company (now El Paso Merchant Energy, L.P.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 33.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–405–000]

Take notice that on November 8, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Rochester Gas and Electric Corporation (originally filed as Rochester Gas and Electric Company), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 24.

GPU Energy requests that cancellation be effective January 8, 2001.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. PECO Energy Company

[Docket No. ER01–406–000]

Take notice that on November 8, 2000, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 et seq., an Agreement dated November 8, 2000 with Edison Mission Marketing & Trading, Inc. (EMMT) under PECO's FERC Electric Tariff Original Volume No. 1 (''Tariff'').

PECO requests an effective date of November 8, 2000 for the Agreement.

PECO states that copies of this filing have been supplied to Edison Mission Marketing & Trading, Inc. and to the Pennsylvania Public Utility Commission.

Comment date: November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. Duke Energy Corporation

[Docket No. ER01–407–000]

Take notice that on November 9, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with The Detroit Edison Company, for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on October 10, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: November 30, 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29851 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2016–044 Washington]

City of Tacoma; Notice of Intent To Prepare Environmental Impact Statement

November 16, 2000.

On December 27, 1999, the City of Tacoma (Tacoma) filed an application for a new license for the continued operation of the 462-megawatt Cowlitz River Hydroelectric Project (FERC No. 2016–044). On September 11, 2000, Tacoma filed an Offer of Settlement for the new license. The project is located on the Cowlitz River in Lewis County, Washington. About 5 acres are included within the Gifford Pinchot National Forest and about 59 acres are located on lands owned by the Bureau of Land Management.

In accordance with the National Environmental Policy Act (NEPA) and the Commission's regulations for using the alternative licensing process,[1] Tacoma held public scoping meetings for the Cowlitz River Hydroelectric Project on May 5, 6, and 7, 1998, in Lacey, Chehalis, and Mossyrock, Washington, respectively.[2] Commission staff, state, federal and local agencies, tribes, and the public participated in the meetings. These scoping meetings and an open and extensive collaborative relicensing process were used to define the issues and alternatives addressed in Tacoma's Environmental Assessment and Offer of Settlement. In addition, the Commission solicited comments on the license application and the Offer of Settlement by notice of March 15, 2000, and September 19, 2000, respectively.[3] Following the public scoping process, the Commission staff determined that licensing the Cowlitz Project could constitute a major federal action significantly affecting the quality of the human environment. Therefore, the staff intends to prepare an Environmental Impact Statement for the project in accordance with the NEPA. The staff's EIS will objectively consider both site-specific and cumulative environmental impacts of the projects and reasonable alternatives, and will include economic and engineering analyses.

A draft EIS will be issued and circulated for review by all interested parties. All comments filed on the draft EIS will be analyzed by the staff and considered in the final EIS. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decision.

This notice informs all interested individuals, organizations, and agencies with environmental expertise and concerns, that: (1) the Commission staff has decided to prepare an EIS; and (2) the scoping conducted on the Cowlitz River Hydroelectrical Project by Tacoma and comments filed with the Commission on the application and the Offer of Settlement still apply and will be taken into account in the EIS.

Any questions regarding this notice may be directed to David Turner at (202) 219–2844.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29855 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

[1] 81 FERC ¶61,103 (1997).

[2] 63 FR 19,274 (April 17, 1998).

[3] At the request of the parties to the settlement, the deadline for filing comments on the application was extended twice by notices of March 10, 2000, and July 12, 2000.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

November 16, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11863–000

c. *Dated filed:* October 31, 2000.

d. *Applicant:* The Marseilles Land & Water Company.

e. *Name of Project:* Marseilles Project.

f. *Location:* On Illinois River, in LaSalle County, Illinois. Uses U.S. Army Corps of Engineers Marseilles Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. Lee Mueller, The Marseilles Land & Water Company, 229 S. Main Street, Marseilles, IL 61341, (815) 795–2722.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 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, D.C. 20426. 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.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merit of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilize the existing Corp of Engineers Marseilles Dam and Reservoir and would consist of; (1) the two existing intake canals; (2) two existing head races; (3) a proposed powerhouse containing three generating units with a total installed capacity of 8.4 MW; (4) a proposed 400-foot-long, 4.16 kV transmission line; and (5) appurtenant facilities

The project would have an annual generation of 60 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. 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.

Preliminary Permit—Anyone desiring a file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–29854 Filed 11–21–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6906–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Evaluations of Project XL Innovations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Evaluations of Project XL Innovations (EPA ICR No. 1993.01). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 22, 2001.

ADDRESSES: The public may contact Mr. Eric Marsh in EPA's Office of Environmental Policy Innovation for a paper copy of the ICR (free of charge) or may download a copy of the ICR from the Internet at http://www.epa.gov/ProjectXL/. Mr. Marsh may be reached by mail at the U.S. EPA Office of Environmental Policy Innovation (Mail Code 1802), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone at (202) 260–2782, by email at *marsh.eric@epa.gov*, or by FAX at 202–260–1812.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Dawes in the Office of Environmental Policy Innovation. Ms. Dawes may be reached by phone at (202) 260–8394, by email at *dawes.katherine@epa.gov,* or by FAX at 202–260–3125.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action include XL project sponsors, XL project stakeholders, state, tribal and local regulatory agencies, select members of the business industry, environmental organizations, industry trade associations, academics, and community members.

Title: Evaluations of Project XL Innovations (EPA ICR No.1993.01).

Abstract: In March 1995, the U.S. Environmental Protection Agency initiated Project XL in response to the challenge to transform the environmental regulatory system to

better meet the needs of a rapidly changing society while maintaining the nation's commitment to protect human health and safeguard the natural environment. Through Project XL, which stands for e*X*cellence and *L*eadership, EPA enters into project agreements with public or private sector sponsors to test regulatory, policy, and procedural alternatives that will produce data and experiences to help the Agency make improvements in the current system of environmental protection. The goal of Project XL is to implement projects that will test ways of producing superior environmental performance with improved economic efficiencies, while increasing public participation through active stakeholder processes. EPA currently has 48 XL projects in implementation and expects to achieve the milestone of 50 signed projects by the end of November 2000.

In May 2001, EPA would like to begin in-depth evaluations of different Project XL innovations in order to determine which, if any, innovations have the potential for national application. Currently, EPA has identified more than 65 innovations resulting from projects in implementation. These innovations center around regulations, permitting, environmental information management, compliance and enforcement, environmental stewardship, and stakeholder involvement. From the identified innovations, EPA plans to evaluate a select set the Agency believes has potential for broader application. As more XL projects move into implementation and more innovations emerge, EPA plans to continue this same process of selecting a set of new innovations and then evaluating them.

The evaluation of XL innovations will serve a variety of purposes. First, by learning which innovations are working and which are not, EPA management can better discern which innovations can be applied on a wider-scale, which need further testing and refining before wide-scale adoption, and which should eventually be retired. Second, the evaluations will provide information to state, tribal, and local agencies attempting their own unique efforts to transform their regulatory systems. Third, they will inform industry representatives and the public, allowing them to play an active, creative role in finding solutions to environmental problems. Finally, the evaluations will help set the course for future EPA XL initiatives.

To conduct an evaluation, EPA will select a particular innovation and then identify a list of people EPA could interview to learn more about that particular innovation. EPA will then choose from a set of questions pre-approved by OMB to develop specific interview questionnaires for the different categories of persons to be interviewed. For instance, one interview questionnaire will be developed solely for projects sponsors or persons in similar positions at different companies/facilities that would reasonably be interested in the innovation. Others will be developed for state and local agency officials, academia, community stakeholders, etc. The evaluations will then be analyzed by EPA with the results going into a report. Participation in the evaluations are strictly voluntary and individual responses will be confidential.

As a start, EPA intends to begin evaluating permit innovations from projects that have been in implementation for at least a year. In order to determine which, if any, permit innovations can be applied on a wider-scale, the Agency hopes to learn about the environmental benefits and other incentives the permit innovation has provided; if other facilities/companies are interested in applying for the same type of innovation; if the innovation needs to be tested again before it can be widely adopted; and if the innovation addresses the public's concerns and stakeholder information needs. All interviews will be conducted by phone.

The types of innovation questions that will be asked are discussed in more detail in the ICR supplementary statement. Regarding permit innovations, EPA will use questions to collect data listed below:

- Description of permit innovation (extent to which innovation originally envisioned at start of project matches innovation in implementation)
- Predictability of permit innovation
- Extent to which permit innovation has reduced/increased administrative burden
- Extent to which permit innovation has resulted in environmental benefits
- Extent to which permit innovation has resulted in efficiencies
- Extent to which public has increased access to data as a result of permit innovation
- Extent to which public accepts permit innovation
- Extent to which permit innovation allows for accountability
- Extent to which permit innovation allows for proper compliance and/or enforcement
- Extent to which permit accounts for environmental justice concerns
- Extent to which permit innovation is transferable to other companies/sectors

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of information to be collected: and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submissions of responses.

Burden Statement: It is estimated that there will be two hundred respondents annually to the Project XL innovation interviews requiring 200 burden hours at a total cost of $12,800. EPA estimates that each respondent will spend approximately two hours reviewing the questions before participating in the phone interview, and each respondent will spend one hour on the phone participating during the interview. To fulfill all information collection requirements for respondents, EPA estimates that it will cost each respondent approximately $192 and take approximately three hours. Divided by three years, since ICRs are approved for three year periods, this comes out to approximately $64 and one hour per respondent per year. No capital or start-up costs will be associated with this effort.

It is also estimated that there will be 60 respondents annually to the Project XL permit innovation interviews requiring 60 burden hours at a total cost of $3,840. EPA estimates that each respondent will spend approximately two hours reviewing the questions before participating in the phone interview, and each respondent will spend one hour on the phone participating in the interview. To fulfill all information collection requirements for respondents, EPA estimates that it will cost each respondent approximately $192 and take

approximately three hours. Divided by three years, since ICRs are approved for three year periods, this comes out to approximately $64 and one hour per respondent per year. No capital or start-up costs will be associated with this effort.

Burden means total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: November 13, 2000.

Elizabeth A. Shaw,

Director, Office of Environmental Policy Innovation.

[FR Doc. 00–29881 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6905–8]

Acid Rain NO_X Emission Reduction Program—Permit Modifications for Alternative Emission Limitations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permit modifications adopting alternative emission limitations.

SUMMARY: Under Title IV of the Clean Air Act, EPA established the Acid Rain NO_X Emission Reduction Program to reduce the adverse effects of acidic deposition. EPA adopted nitrogen oxides (NO_X) emission limits and issued permits to affected sources. EPA is issuing and requesting public comment on draft Acid Rain permit modifications. These permit modifications add new NO_X emission limitations (i.e., Alternative Emission Limitations for NO_X emissions for Phase I units in accordance with the Acid Rain Program regulations) to the permits. The Alternative Emission Limitations are less stringent than the standard limit for these type of units but are the minimum rate that the units can achieve during long-term dispatch operation with low NO_X burners.

DATES: *Comments.* EPA must receive comments on this action on or before the later of December 22, 2000 or 30 days after the date on which a similar notice is published in a local newspaper.

Public Hearing. Anyone requesting a public hearing on this action must contract the EPA by the later of December 4, 2000 or 10 days after the date on which a similar notice is published in a local newspaper.

ADDRESSES: *Comments.* Send comments, requests for a public hearing, and requests to receive notice of future actions to EPA Region 3, Air Protection Division, 1650 Arch Street, Philadelphia, PA, 19103, Attn: Linda Miller (3 AP 11). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of the units involved.

Public Hearing. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting the draft permit modification.

Administrative Records. The administrative record for the draft permit modification, except information protected as confidential, may be viewed during normal operating hours at the following location: EPA Region 3, 1650 Arch Street 14th floor, Philadelphia, PA.

FOR FURTHER INFORMATION CONTACT: Linda Miller, EPA Region 3, (215) 814—2068.

SUPPLEMENTARY INFORMATION: In today's action, EPA is issuing and requesting public comment on draft permit modifications that add to permits an Alternative Emission Limitations for NO_X emissions for Phase I units in accordance with Parts 72 and 76 of the Acid Rain Program regulations. EPA will consider all timely comments, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the draft permit modifications. The units involved are Morgantown Units 1 and 2 and Mitchell Units 1 and 2. Morgantown, Units 1 and 2, are in Charles County, Maryland and will be required to meet an annual average emissions limit for NO_X of 0.63 lb/mmBtu and 0.64 lb/mmBtu, respectively, instead of the otherwise applicable standard limit of 0.45 lb/mmBtu. The Morgantown unit's designated representative is James S. Potts. Mitchell, Units 1 and 2, are in Marshall County, West Virginia, and will be required to meet an annual average emissions limit for NO_X of 0.55 lb/mmBtu and 0.53 lb/mmBtu, respectively, instead of the otherwise applicable limit of 0.50 lb/mmBtu. The Mitchell unit's designated representative is John M. McManus.

Dated: November 15, 2000.

Brian J. McLean,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 00–29880 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–42078A; FRL–6751–6]

South Dakota State Plan for Certification of Applicators of Restricted Use Pesticides; Notice of Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the **Federal Register** of July 14, 2000, EPA issued a notice of intent to approve an amended South Dakota Plan for the certification of applicators of restricted use pesticides. In this notice EPA solicited comments from the public on the proposed action to approve the amended South Dakota Plan. The amended Certification Plan South Dakota submitted to EPA permitted the use of M-44 Sodium Cyanide Devices by both commercial and private applicators to control coyotes (Canis latrans) that prey upon livestock and poultry. The amendment establishes new requirements for the training, certification, recertification, and recordkeeping of individuals that use M-44 Sodium Cyanide Devices. No comments were received and EPA hereby approves the amended South Dakota Plan.

ADDRESSES: The amended South Dakota Certification Plan can be reviewed at the locations listed under Unit I.B. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ron Schiller, Environmental Protection Agency, Region VIII (8P–P3T), 999 18th St., Suite 300, Denver, CO 80202; telephone number: (303) 312–6017; e-mail address: schiller.ron@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those involved in agriculture and anyone involved with the distribution and application of pesticides for agricultural purposes. Others involved with pesticides in a non-agricultural setting may also be affected. In addition, it may be of interest to others, such as, those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of the Amended State Plan, Other Related Documents, and Additional Information?

To obtain copies of the amended South Dakota Certification Plan, other related documents, or additional information contact:

1. Ron Schiller at the address listed under **FOR FURTHER INFORMATION CONTACT**.

2. Tim Hagen, South Dakota Department of Agriculture, Division of Agricultural Services, Foss Bldg., 523 East Capitol, Pierre, SD 57501; telephone number: (605) 773–4432; e-mail address: Tim Hagen@state.sd.us

3. John MacDonald, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.; telephone number: (703) 305–7370; e-mail address: macdonald.john@epa.gov.

II. What Action is the Agency Taking?

EPA is approving the amended South Dakota Certification Plan. This approval is based upon the EPA review of the South Dakota Plan and finding it in compliance with FIFRA, 40 CFR part 171 and the specific M-44 Sodium Cyanide Device registration requirements. Further, there were no public comments submitted to the earlier **Federal Register** (65 FR 43750) (FRL–6550–6) notice soliciting comments. The amended South Dakota Certification Plan is therefore approved.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 14, 2000.

William Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 00–29897 Filed 11–21–00 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66281; FRL–6753–9]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by, May 21, 2001, unless indicated otherwise, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Office location for commercial courier delivery, telephone number and e-mail address: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed in the **FOR FURTHER INFORMATION CONTACT**.

B. How can I get additional information or copies of support documents?

1. *Electronically*. You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person*. Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal Mall 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This Notice announces receipt by the Agency of applications from registrants to cancel some 22 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1:

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000241–00297	Squadron Herbicide	N-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine
		3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-
000241–00373	Squadron(R) Dg Herbicide	N-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine
		2-(4,5-Dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-3-
000264–00411	Larvin 90MC Thiodicarb Insecticide	Dimethyl N,N'-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
000279–02659	Thiodan 2 C.O. EC Insecticide	6,7,8,9,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide
000400–00464	Dimilin W–25	1-(4-Chlorophenyl)-3-(2,6-difluorobenzoyl)urea
000524 WA–98–0010	Rodeo Aquatic Herbicide	Isopropylamine glyphosate (N-(phosphonomethyl)glycine)
000802–00235	Miller's Captan 5D	cis-N-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
001448–00094	Busan 1029	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
001448–00249	M–5–26	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
002749–00264	Spud Nic–4	Isopropyl N-(3-chlorophenyl)carbamate
002749–00514	Triflur AT 4	Trifluralin (a,a,a-trifluro-2,6-dinitro-N,N-dipropyl-p-toluidine) (Note: a = alpha)
003876–00157	Dearcide 792	Glutaraldehyde
		5-Chloro-2-methyl-3(2H)-isothiazolone
		2-Methyl-3(2H)-isothiazolone
005481–00172	Alco Trifluralin Emulsifiable Concentrate	Trifluralin (a,a,a-trifluro-2,6-dinitro-N,N-dipropyl-p-toluidine) (Note: a = alpha)
005481 WA–97–0016	Vapam Soil Fumigant Solution for All Crops	Sodium N-methyldithiocarbamate
005481 WA–97–0017	Vapam Soil Fumigant Solution for All Crops	Sodium N-methyldithiocarbamate
007173 CA–77–0015	Rozol Ground Squirrel Bait	2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione
007173 NV–92–0001	Rozol Paraffinized Pellets	2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione
007173 OR–92–0001	Rozol Paraffinized Pellets	2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione
007173 WA–84–0029	Rozol Paraffinized Pellets	2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione
058185–00016	Koban 1.3 G	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
058185–00019	Koban Flowable	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
058185–00020	Truban Flowable	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole

NOTE: Registrant requested a 30–day comment period for EPA Registration Number: 000279–02659.

Unless a request is withdrawn by the registrant within 180 days (30 days when requested by registrant) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant during this comment period.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number:

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000241	BASF Corp., Box 13528, Research Triangle Park, NC 27709.
000264	Aventis Cropscience Usa Lp, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
000279	FMC Corp. Agricultural Products Group, 1735 Market St, Philadelphia, PA 19103.
000400	Uniroyal Chemical Co Inc., 74 Amity Rd., Bethany, CT 06524.
000524	Monsanto Co, Agent For: Monsanto Agricultural Co, 600 13th Street, NW, Suite 660, Washington, DC 20005.
000802	The Garden Grow Co., 6500 Hanna Rd., Box 100, Independence, OR 97351.
001448	Buckman Laboratories Inc., 1256 North Mclean Blvd, Memphis, TN 38108.
002749	Aceto Agriculture Chemicals Corp., One Hollow Lane, Lake Success, NY 11042.
003876	Betzdearborn (Attn: Kevin Manning), Division of Hercules Inc., 4636 Somerton Rd., Trevose, PA 19053.
005481	Amvac Chemical Corp., Attn: Jon C. Wood, 4695 MacArthur Ct., Suite 1250, Newport Beach, CA 92660.
007173	Liphatech, Inc., 3101 W. Custer Ave, Milwaukee, WI 53209.
058185	Scotts-Sierra Crop Protection Co., Attn: Vincent Snyder, Jr, 14111 Scottslawn Rd., Marysville, OH 43041.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before May 21, 2001, unless indicated otherwise. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received by the Agency. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** June 26, 1991; (56 FR 29362) (FRL 3846–4). Exception to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: November 13, 2000.

Richard D. Schmitt,

Associate Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc 00–29896 Filed 11–21–00; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00684; FRL–6750–9]

Pesticides; Draft Guidance for Pesticide Registrants on Bee Precautionary Labeling

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency seeks public comment on a draft Pesticide Registration (PR) Notice entitled ''Guidance for Pesticide Registrants on Bee Precautionary Labeling.'' This draft notice provides guidance to registrants and others concerning EPA's policy on bee labeling statements for pesticide products which are toxic to bees, such as honey bees, alfalfa leaf-cutting bees, alkali bees, and other native and non–indigenous pollinating insects that are important to crop production. The purpose of the proposed label changes is to help ensure that pesticide products used outdoors can be used without posing unnecessary risks of bee mortality. EPA believes that these revisions will make the labeling clearer and more easily understood by pesticide users and by regulatory officials who enforce label provisions.

DATES: Comments, identified by docket control number OPP–00684, must be received on or before January 22, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00684 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Jim Roelofs (7506C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–2964; fax number: (703) 308–1850; e-mail address: roelofs.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to pesticide registrants, pesticide regulatory officials, beekeepers, pesticide users and to the public in general. Although this action may be of particular interest to those persons who have a specific interest in precautionary labeling to protect bees, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document and the PR Notice from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**— Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.access.gpo.gov/sup—docs/.

2. *Fax on demand.* You may request a faxed copy of the draft PR Notice entitled ''Bee Precautionary Labeling Statements,'' by using a faxphone to call (202) 401–0527 and selecting item PR 2000–6133. You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP–00684. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well

as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00684 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by E-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1, Suite 8, or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00684. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

To help determine whether pesticide products used outdoors pose risks of bee mortality, the Agency generally requires acute toxicity data on bees to be submitted with a registration application. See e.g., 40 CFR 158.590(a). Depending on the results of the acute study, EPA may require additional residual toxicity data. EPA pesticide labeling regulations require that ''...pesticides toxic to pollinating insects must bear appropriate label cautions.'' 40 CFR 156.10(h)(2)(ii)(E). In the 1980s, the Agency published a policy which described a set of standard bee precautionary labeling statements it believed appropriate where results from the bee data indicated toxicity. The most recent version of this policy is found in the 1996 Label Review Manual (USEPA, Office of Prevention, Pesticides and Toxic Substances, Label Review Manual, 2nd Ed. (EPA 737–B–96–001) December, 1996). Under the 1980s policy, where a product displayed extended residual toxicity to bees, the label language EPA believed to be appropriate for precautionary purposes stated: ''This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.''

Controversy has continued for many years among beekeepers, growers, commercial applicators and State regulators about the adequacy of these statements. For example, many beekeepers believe that the labeling statements are not adequately protective, while many growers believe that the labeling statements are overly restrictive and prevent them from managing pests adequately during the bloom period. State regulators believe that the labeling statements need to be clarified regarding the obligations of applicators with respect to bees.

III. Summary of the Draft PR Notice

A. What Guidance Does the PR Notice Provide?

The PR Notice states EPA's proposed new policy regarding appropriate standard label language to protect bees. This new language would include a specific statement about the length of time in hours or days that the residues of the pesticide product remain a toxic threat to bees. This new proposed labeling statement is based on a study of residual toxicity to bees for a specific product submitted to the Agency, or, in the absence of such a study, it states a default period of toxicity of 24 hours. The proposed label language provides two conditions under which pesticide application would be allowed without limitation to the label–stated period of toxic hazard to bees. The first of these conditions is if the pesticide application method is such that bees will not be exposed even if they are visiting the crop. An example of such a method would be soil incorporation, which would not produce pesticide residues on the foliage, blooms or nectar producing parts of plants, so that bees would not be exposed. The other condition under which use is allowed during the period of toxicity to bees, is when the user actively participates in and meets all the applicable

requirements of a state–approved bee protection program.

The Agency believes that label precautions should be supplemented by additional efforts to protect bees, and that state programs are appropriate to this purpose. EPA does not intend to set specific criteria or approve state bee protection programs. The PR Notice recommends that state pesticide regulatory agencies consider a variety of regulatory and non–regulatory measures to include in bee–protection efforts. EPA believes that state agencies are in the best position to understand the localized crop–pesticide combinations and other factors that pose the greatest risks to bees, and can implement appropriate measures to mitigate those risks under varying local and geographic conditions.

B. What Questions/Issues Should You Consider?

Commenters are free to raise any issue, but the following questions are of particular interest to the Agency, and comments on them are invited.

1. Should the precautionary labeling language in the new policy allow for an exception from bee precautions for wide–area public health spray programs? In a number of communications to the Agency, officials involved in public health programs have noted that strict interpretation of the current bee precautionary labeling could prevent effective wide–area pest control in an emergency situation. The Agency's proposed new labeling language could also be very restrictive of wide–area spraying, for example, if a state had no bee protection program, or could not operate the program during an emergency. The suggestion has been made that the label language include a clause to the effect that precautions apply ''...except when applications are made to prevent or control a declared public health threat.'' The Agency requests comment on whether such an exception on the label is necessary or appropriate, and if it is appropriate, what authority could invoke the exception. Should an exception be applicable to treatments intended to prevent possible disease outbreaks, or limited to significant emergencies like the aftermath of flooding or a proven outbreak of human or animal disease?

2. Should the new policy described in the PR Notice allow a 24 hour period of toxicity statement on labels in the absence of data as a permanent option, or only temporarily until registrants submit residual toxicity data?

3. From the commenter's perspective as a pesticide user, bee keeper, state regulator, or other interested party, would a specific time period of toxicity to bees on the label be more or less useful than the current policy which includes a label prohibition on applications while bees are visiting the treatment area?

4. Is the label condition that pesticides can be applied if the user participates in a state bee protection program likely to encourage bee–protection efforts? From the commenter's perspective, is such a condition more or less useful in achieving bee protection that the current label prohibition against application when bees are visiting the treatment area?

C. What is the Scope of this PR Notice?

The draft PR Notice discussed in this notice is intended to provide guidance to pesticide registrants, EPA personnel, state regulatory personnel, and to the public. As a guidance document, this policy is not binding on either EPA or any outside parties, and EPA may depart from the guidance where circumstances warrant and without prior notice. Registrants and applicants may propose alternatives to the recommended labeling statements described in the Notice and the Agency will assess them for appropriateness on a case–by–case basis. If a product does not meet the requirements of 40 CFR Part 156, the Agency may find the product to be misbranded. As stated above, the Agency believes that the statements outlined in the Notice should reduce the potential for adverse effects to the environment and are ''appropriate'' within the meaning of 40 CFR 156.10(h)(2)(ii)(E).

EPA will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting this guidance document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of this guidance.

The revised guidance will not be an unalterable document. Once a revised guidance document is issued, EPA will continue to treat it as guidance. Accordingly, on a case–by–case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: November 9, 2000.

Marcia Mulkey,

Director, Office of Pesticide Programs

[FR Doc. 00–29815 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00674; FRL–6736–9]

Pesticides; Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency seeks public comment on a draft Pesticide Registration (PR) Notice titled ''Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides.'' This draft notice provides guidance to registrants concerning the discontinuation of phenol resistance testing as a part of efficacy testing for antimicrobial disinfectants and sanitizers.

DATES: Comments, identified by docket control number OPP–00674, must be received on or before January 8, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00674 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Ibrahim Barsoum, Antimicrobials Division (7510C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6417; fax number: (703) 308–8481; e-mail address: barsoum.ibrahim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide Producers	32532	Pesticide manufacturers Pesticide formulators

Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document and the PR Notice from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *Fax–on–demand.* You may request a faxed copy of the draft PR Notice titled ''Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides,'' by using a faxphone to call (202) 401–0527 and selecting item 6132. You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP–00674. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00674 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by E-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 file format or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00674. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Guidance Does this PR Notice Provide?

The draft PR Notice announces the discontinuation of phenol resistance testing as a part of efficacy testing for antimicrobial disinfectants and sanitizers. When the PR Notice is issued in final form, the Agency will consider registering or reregistering antimicrobial disinfectant or sanitizer pesticides without supporting phenol resistance testing. All other data in support of registration or reregistration, including any required efficacy testing data, would also need to be submitted and then accepted by the Agency.

Phenol resistance testing is a standard that has traditionally been used to estimate the intrinsic resistance or sensitivity of some test bacteria to chemical disinfectants and sanitizers. For years, the Agency has been aware of the lack of standard and uniform resistance levels to phenol expressed by the test cultures used in the existing

Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC) test methods. Historically, the inability to maintain and propagate test cultures that express standard and uniform levels of phenol resistance has been a recognized scientific problem which has persisted for at least 70 years. Furthermore, the inability of many reputable and competent testing facilities to achieve consistent test results with the phenol resistance standard has prompted both concern and action by the Agency.

On September 10, 1997, after internal scientific deliberation, the Agency placed before the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) the following questions regarding phenol resistance:

What scientific direction should be taken regarding the lack of standard and uniform resistance levels to phenol of the test cultures used in the existing AOAC efficacy test methods? Should the Agency:

•Totally eliminate the phenol resistance requirement; or

•Modify the required phenol resistance patterns to provide a broader range of acceptable resistance; or

•Replace the phenol resistance requirements with some other procedures that assure hardiness and equivalence to test cultures, such as standard, quantitative inoculum level?

Briefly, the SAP responded that there is no current relevance to requiring the phenol resistance test and, therefore, the phenol coefficient method should be eliminated and new protocols should be established for defining the conditions for culturing test microorganisms with suitable resistance levels to antimicrobials.

Subdivision G of the Pesticide Assessment Guidelines, part 91–1, describes the general product performance (efficacy) standards for disinfectants and sanitizers. Subsection (b)(3)(I) of part 91–1 refers to the AOAC standard tests that may be used to satisfy the data requirements of 40 CFR 158.640. In turn, these AOAC tests include references to phenol resistance testing.

The Agency concurs with the SAP and has engaged in considerable discussion and deliberation, internally and with members of the scientific and regulated communities, on how to best proceed. Given the inapplicability of a test organism's resistance to phenol when disinfectants or sanitizers are tested for their efficacy performance, the Agency will no longer require submission of testing to demonstrate compliance with AOAC specified levels of expressed phenol resistance by test microorganisms during the efficacy evaluation of disinfectants or sanitizers. However, as an interim measure while method development research continues, the Agency generally will expect a minimum inoculum level of 10^4 colony forming units per carrier for all test microorganisms when the AOAC carrier based tests are used.

B. PR Notices are Guidance Documents

The draft PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers and to pesticide registrants. This notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate or not applicable to a specific pesticide or situation.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: November 9, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00–29895 Filed 11–21–00 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6905–2]

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, (''CERCLA''), 42 U.S.C. 9601–9675, notice is hereby given that a proposed prospective purchaser agreement (''Purchaser Agreement'') associated with the Fischer & Porter Superfund Site in Warminster Township, Bucks County, Pennsylvania was executed by the Environmental Protection Agency and the Department of Justice and is now subject to public comment, after which the United States may modify or withdraw its consent if comments received disclose facts or considerations which indicate that the Purchaser Agreement is inappropriate, improper, or inadequate. The Purchaser Agreement would resolve certain potential EPA claims under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, against Blue Marlin Associates (''Purchasers''). The settlement would require the Purchasers to, among other things, reimburse the Environmental Protection Agency $15,000.00 for response costs incurred and to be incurred at the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Purchaser Agreement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

DATES: Comments must be submitted on or before December 22, 2000.

AVAILABILITY: The Purchaser Agreement and additional background information relating to the Purchaser Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the Purchaser Agreement may be obtained from Suzanne Canning (3RC00), Regional Docket Clerk, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, or ''*Canning.Suzanne@epamail.epa.gov*''. Comments should reference the ''Fischer & Porter Superfund Site, Prospective Purchaser Agreement'' and ''EPA Docket No. CERC–PPA–2000–0007,'' and should be forwarded to Elizabeth Lukens at the address below.

FOR FURTHER INFORMATION CONTACT: Elizabeth B Lukens (3RC44), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, Phone: (215) 814–2661.

Dated: November 15, 2000.

Thomas C. Voltaggio,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 00–29878 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6905–7]

Proposed Settlement Agreement, Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in the following case: Earth Island Institute v. U.S. Environmental Protection Agency, Civ. No. 00–1065 (D.C. Cir.). This action was filed pursuant to section 307(b) of the Act, 42 U.S.C. 7607(b), contesting EPA's final regulations for New Marine Compression-Ignition Engines at or Above 37kW. The final rules were issued under section 213(a)(3) of the Act and published at 64 FR 73300 (December 29, 1999).

DATES: Written comments on the proposed settlement agreement must be received by December 22, 2000.

ADDRESSES: Written comments should be sent to Mark M. Kataoka, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the proposed settlement agreement are available from Phyllis J. Cochran, (202) 564–5566.

SUPPLEMENTARY INFORMATION: Earth Island Institute alleges in their lawsuit that EPA's final rule failed to establish emission standards for certain marine compression-ignition engines and thereby violated the Act. The proposed settlement agreement provides, in part, a schedule by which EPA will propose and take final action on a NO_X emission standard for certain new marine compression-ignition engines. The proposed settlement agreement also provides that if EPA accomplishes certain actions including the rulemaking described above, Earth Island Institute will agree to dismissal with prejudice of its petition for review.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the settlement agreement will then be executed by the parties.

Dated: November 14, 2000.

Gary S. Guzy,

General Counsel.

[FR Doc. 00–29874 Filed 11–21–00; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011587–008.

Title: United States South Europe Conference.

Parties: A.P. Moller-Maersk Sealand, P&O Nedlloyd Limited.

Synopsis: The proposed amendment adds Greece, Cyprus, and Crete to the geographic scope of the agreement.

Agreement No.: 201111.

Title: Broward County-Seaescape Passenger Cruise Wharfage Agreement.

Parties: Broward County, Seaescape Entertainment, Inc.

Synopsis: The agreement is a daily passenger cruise wharfage agreement for certain facilities in Port Everglades. The agreement runs through September 30, 2010.

By Order of the Federal Maritime Commission.

Dated: November 16, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–29822 Filed 11–21–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 16790F.
Name: Atlantic Pacific Container Line L.L.C. d/b/a APC Line L.L.C.
Address: 333 Hamilton Blvd., Bldg. #10, South Plainfield, NJ 07080.
Date Revoked: September 8, 2000.
Reason: Failed to maintain a valid bond.

License Number: 7452N.
Name: Pacific-Trans, Inc.
Address: 1790 N.W. 82nd Avenue, Miami, FL 33126.
Date Revoked: November 2, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3276NF.
Name: Rhein Express International Ltd.
Address: 1880 S. Elmhurst Road, Mt. Prospect, IL 60056.
Date Revoked: October 21, 2000 (NVOCC); October 25, 2000 (Freight Forwarder).
Reason: Failed to maintain valid bonds.

License Number: 12553N.
Name: Saga (U.S.A.), Inc.
Address: 16115 Rockaway Blvd., Suite 305, Jamaica, NY 11422.
Date Revoked: November 4, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3384.
Name: TCI Worldwide, Inc.
Address: 312 South Avenue, Staten Island, NY 10303.
Date Revoked: September 12, 2000.
Reason: Surrendered license voluntarily.

License Number: 1910.
Name: Vene-Embarques, Inc.
Address: P.O. Box 521127, Miami, FL 33152.
Date Revoked: October 26, 2000.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 00–29821 Filed 11–21–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission an

application for license as Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicant should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant: MTS Logistics, Inc., 390 Fifth Avenue, Suite 701, New York, NY 10018, Officers: Sedat Saka, President (Qualifying Individual), Timur Fidan, Secretary.

Dated: November 16, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–29820 Filed 11–21–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, November 27, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: November 17, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–29942 Filed 11–17–00; 4:12 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0040]

Submission for OMB Review; Comment Request Entitled Application for Shipping Instructions and Notice of Availability

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (3090–0040).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Application for Shipping Instructions and Notice of Availability.

DATES: Comment Due Date: January 22, 2001.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Marcia Crockett, Acquisition Operations & Electronic Commerce Center, Supply Management Division, (703) 305–7551.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to approve information collection, 3090–0400, concerning Application for Shipping Instructions and Notice of Availability. This information collection supports and justifies the markup of the six percent surcharge for the GSA export reimbursable program. It also is used to evaluate and obtain the best cube utilization of shipping vans and containers for export direct delivery shipments. The form contains data necessary to prepare Transportation Control and Movement Documents (TCMD) which are required when material enters the Defense Transportation System.

B. Annual Reporting Burden

Respondents: 360; *Annual responses:* 3,000; *average hours per response:* .20; *burden hours:* 1,000.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW., Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: November 15, 2000.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 00–29850 Filed 11–21–00; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1566]

Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-Saccharomyces cerevisiae (S. cerevisiae) Antibody (ASCA) Premarket Notifications; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance document entitled ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications.'' Elsewhere in this issue of the **Federal Register**, FDA is issuing a final rule classifying ASCA devices into class II. FDA is issuing this guidance to provide a means by which ASCA devices may comply with the requirements of class II special controls.

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the

docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Deborah M. Moore, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293.

SUPPLEMENTARY INFORMATION:

I. Background

ASCA is a test system intended to measure *S. cerevisiae* antibodies in human serum or plasma as an aid in the diagnosis of Crohn's disease. The guidance sets forth the risk associated with this generic type of device, and lists recommendations for submission of a premarket notification. Designation of this guidance as a special control means that manufacturers of ASCA devices who comply with either the recommendations of this guidance or some alternate means that provide equivalent assurance of safety and effectiveness will be able to market their device after they have submitted a premarket notification (510(k)) and received a finding of substantial equivalence for their device. The guidance focuses on the following issues: Labeling, design controls, and clinical information. FDA believes that this special control, when combined with the general controls of the act, will provide reasonable assurance of the safety and effectiveness for this type of device.

II. Significance of Guidance

This guidance document represents the agency's current thinking on the submission of premarket notifications for ASCA test systems. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This guidance document is issued as a Level 2 guidance consistent with GGP's.

III. Electronic Access

In order to receive ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for Anti-*Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications'' via your fax machine, call the CDRH Facts-on-Demand system at 800–899–0381 or 301–827–0111 from a touchtone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number (1183) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes ''Guidance for Industry and FDA Reviewers: Class II Special Control Guidance Document for *Anti-Saccharomyces cerevisiae* (*S. cerevisiae*) Antibody (ASCA) Premarket Notifications,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may, at any time, submit written comments regarding the guidance to the Dockets Management Branch (address above). Such comments will be considered when determining whether to amend the current guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 9, 2000.

Linda S. Kahan,

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

[FR Doc. 00–29842 Filed 11–21–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 00D–1557 and 00D–1558]

Guidance Documents for Premarket Notification (510(k)) Submissions for Indwelling Blood Gas Analyzers; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of two guidance documents. These two guidance documents are intended to serve as special controls for three devices that FDA has proposed previously to reclassify from class III (premarket approval) to class II (special controls). Elsewhere in this issue of the **Federal Register**, FDA is reopening the comment period on the proposed reclassification of the three devices. FDA is now inviting comment on these two guidance documents because they were not available for comment at the time of the publication of the proposed reclassification.

DATES: Submit written comments on the agency guidances by February 20, 2001.

ADDRESSES: Submit written comments on the agency guidances to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number for the appropriate guidance document found in table 1. Submit written requests for single copies on a 3.5″ diskette of one or both of these guidance documents to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance documents.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–827–2974.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 15, 1999 (64 FR 12774), FDA published a proposed rule to reclassify 38

preamendments class III devices into class II and to establish special controls for these devices. FDA invited interested persons to comment on the proposed rule by June 14, 1999. FDA received one request to reopen the comment period for six devices. The request noted that FDA had not made the guidance documents that were proposed as special controls for these six devices available for comment through FDA's good guidance practices (GGP's) (65 FR 56468, September 19, 2000). The request further noted that it was impossible to comment on the proposed reclassification without the guidance documents being available. Therefore, the requester asked that FDA extend the comment period until at least 90 days after the guidance documents are publicly available. FDA agreed with the request. FDA also identified three additional devices for which the agency had not issued the guidance documents proposed as special controls in accordance with the GGP policy. These three devices are the Indwelling Blood Carbon Dioxide Partial Pressure (P_{co2}) Analyzer (21 CFR 868.1150), the Indwelling Blood Hydrogen Ion Concentration (pH) Analyzer (21 CFR 868.1170), and the Indwelling Blood Oxygen Partial Pressure (P_{02}) Analyzer (21 CFR 868.1200).

The agency is announcing the availability of the two guidance documents (with separate docket numbers) for these three additional devices; the guidance documents, with their docket numbers, and Facts-on-Demand (FOD) numbers are as follows:

TABLE 1.

Name of Guidance	Docket Number	Facts-on-Demand Number
Guidance for Indwelling Blood Gas Analyzer 510(k) Submissions	00D–1557	1126
Guidance for Electrical Safety, Electromagnetic Compatibility and Mechanical Testing for Indwelling Blood Gas Analyzer Premarket Notification Submissions	00D–1558	1161

II. Significance of Guidance Documents

These guidance documents represent the agency's current thinking on premarket notifications for these devices. These guidance documents do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both. Under FDA's GGP policy, each of these guidance documents is a Level 2 guidance.

III. Electronic Access

In order to receive these guidance documents via your fax machine, call the CDRH FOD system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number listed above followed by the pound sign (#). Follow the remaining voice prompts to complete your request. Persons interested in obtaining a copy of these guidance documents may do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes these guidance documents, device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding these guidance documents by February 20, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number for the guidance document as listed in table 1. If you wish to comment on more than one guidance document, please submit your comments separately for each guidance document. The guidance documents and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 31, 2000.

Linda S. Kahan,

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

[FR Doc. 00–29840 Filed 11–21–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (60 FR 56605 as amended November 6, 1995, as last amended at 65 FR 48007, dated August 4, 2000).

This notice reflects the change in the organizational structure of the Maternal and Child Health Bureau (RM).

Establish the Office of Communications (RM8)

The Office of Communications plans, designs, executes and evaluates national and international communication and information dissemination programs which include the development of written and broadcast materials conveying complex information about the Maternal and Child Health Bureau, the maintenance of effective working relationships with high-level public and private sector policy makers and development of recommendations to improve MCHB program effectiveness. Specifically: (1) From various public and private sources, collects, translates, interprets and distributes for public use, information on maternal and child health care legislation, innovations, research and data trends; (2) develops and provides information materials to MCHB health program planners, providers, consumers and others to assist in decision making and maintaining effective, efficient operations; (3) develops and produces in-house communications to help ensure the understanding of current maternal and child health issues and Bureau program objectives; (4) fosters and maintains relationships with and provides a referral service to Federal agencies, State and local governmental units, private health and medical organizations, and other organizations with which the Bureau has mutual interests; (5) provides technical assistance to Bureau program managers and project officers in identifying maternal and child health information

needs and developing information products; (6) provides technical assistance to Bureau program managers in information and communications product packaging, desktop publishing, and media relations; (7) produces reports, articles, briefings, speeches, exhibits and other multi-media communications on Bureau programs; (8) develops and implements new and innovative communication strategies including utilization of automated methods and electronic media in carrying out its responsibilities including managing and maintaining content of the Bureau's electronic web site, and liaison with the HRSA webmaster for technical support and design; and participation, coordination and content development in use of technologies such as satellite transmission and distance learning; (9) functions as media advisor to the Bureau Associate Administrator and other senior program staff; (10) reviews federal, state, and local legislation, issues, programs and policies and their impact on health care organization financing and service delivery to special populations served by Bureau programs; (11) identifies issues and problems and conducts appropriate analyses and studies in order to develop technical assistance products, presentations, seminars, and communications for the information and service needs of the intended audience; and (12) serves as principal liaison on behalf of MCHB in coordinating with HRSA's Office of Communications; through appropriate channels with other agency information, communications, and/or clearinghouses; with national constituency organizations such as the Association of Maternal and Child Health Programs, the American Academy of Pediatrics; with international organizations such as the World Health Organization and the Pan American Health Organization, and with health planners, service providers, and consumers, with respect to the development and dissemination of information on current and emerging health care issues, trends and problems affecting the services, program and populations served by the MCHB.

Delegations of Authority

All delegations and redelegations of authority which were in effect immediately prior to the effective date hereof have been continued in effect in them or their successors pending further redelegations.

This reorganization is effective upon date of signature.

Dated: October 12, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00–29843 Filed 11–21–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Harding Property, Douglas County, CO

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Susan K. Harding (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended. The Service proposes to issue a 3-year permit to the Applicant that would authorize the incidental take of the Preble's meadow jumping mouse (Preble's) (*Zapus hudsonius preblei*), federally listed as threatened, and loss and modification of its habitat associated with construction of a single-family residence in Douglas County, Colorado. Construction of the single family residence will result in the loss of up to 0.294 acres of grassland that provides potential foraging and hibernation habitat for the mouse. The permit application includes a combined Environmental Assessment/Habitat Conservation Plan (EA/HCP), which is available for public review and comment. The HCP fully describes the proposed project and the measures the Applicant would undertake to minimize and mitigate project impacts to the Preble's.

The Service requests comments on the EA/HCP for the proposed issuance of the incidental take permit. We provide this notice pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments on the EA and permit application will become part of the administrative record and will be available to the public.

DATES: Written comments on the permit application and EA/HCP should be received on or before December 22, 2000.

ADDRESSES: Comments regarding the permit application or the EA/HCP, or requests for the documents, should be addressed to LeRoy Carlson, Field Supervisor, Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215. Comments may be sent by facsimile to (303) 275–2371. Please reference permit number PRT–TE035844–0 in any comments submitted.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Linder, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275–2370.

SUPPLEMENTARY INFORMATION:

Document Availability

Individuals wishing copies of the EA/HCP and associated documents for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Endangered Species Act and Federal regulation prohibit the ''take'' of a species listed as endangered or threatened (take is defined under the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct). However, the Service may issue permits to authorize ''incidental take'' (defined by the Endangered Species Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity) of listed species under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

The proposed action is the issuance of a permit under section 10(a)(1)(B) of the Endangered Species Act to allow the incidental take of Preble's during the construction of a single family residence at the site. The proposed project will directly affect approximately 0.294 acres of potential habitat for Preble's. An HCP has been developed as part of the preferred alternative. The proposed HCP will allow for the incidental take of the Preble's by permitting a single family residence to be constructed in an area that may be periodically used as foraging or hibernation habitat. Construction will result in about 0.12 acres of permanent habitat loss and another 0.18 acres of temporary effects to the habitat associated with this localized disturbance.

Alternatives considered in addition to the proposed action were; building at an alternate location, waiting for the

Douglas County Regional 10(a)(1)(B) Permit, and no action. The draft EA analyzes the onsite, offsite, and cumulative impacts of the proposed project and all associated development and construction activities and mitigation activities on the Preble's, other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, or cultural resources. None of the proposed impacts occur within the riparian corridor. All of the proposed impacts are in upland areas outside of the 100-year floodplain. The Applicant, using the Service's definition of Preble's habitat, has determined that the proposed project would impact approximately 0.294 acres of potential Preble's habitat. The mitigation for the identified impacts may provide a net benefit to the Preble's and other wildlife by improving riparian habitat through planting of additional shrub vegetation.

The Preble's is the only known federally listed species that occurs on site and has the potential to be directly affected by the proposed project. The Applicant has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of Preble's:

In order to compensate for the loss of Preble's habitat, a 0.59-acre area in the northeast corner of the property will be preserved and enhanced at a ratio of 2.0 to 1 by planting shrubs.

This notice is provided pursuant to section 10(c) of the Endangered Species Act. The Service will evaluate the permit application, the EA/HCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of Preble's. The final permit decision will be made no sooner than December 22, 2000.

Dated: November 15, 2000.

Elliott Sutta,

Acting Regional Director, Denver, Colorado.

[FR Doc. 00–29830 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–023–00–1310-MQ–029L–241A]

Establishment of the National Petroleum Reserve—Alaska Research and Monitoring Advisory Team

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Establishment of the National Petroleum Reserve—Alaska Research and Monitoring Advisory Team

SUMMARY: This notice is published in accordance with section 9(a) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior has established the National Petroleum Reserve—Alaska Research and Monitoring Advisory Team. The purpose of the Team will be to advise and assist the Manager of the Bureau of Land Management's Northern Field Office on issues pertaining to the adequacy and appropriateness of mitigative stipulations established in the Northeast National Petroleum Reserve—Alaska Integrated Activity Plan/Environmental Impact Statement, Record of Decision of 1998.

The Team will be comprised of 11 members from the Bureau of Land Management; Minerals Management Service; Department of Energy, Office of Fossil Energy; U.S. Fish & Wildlife Service; U.S. Geological Survey—Biological Resources Division; Alaska Department of Fish and Game; North Slope Borough, Department of Wildlife Management; oil and gas, or related, industry; nationally or regionally recognized environmental or resource conservation organization; academicians employed in natural resource management or the natural sciences; and the public at large.

The duties of the Team will include identification of research and monitoring needs; recommendations on priorities for these needs; recommendations on standards and guidance as to what constitutes acceptable, valid studies; review of proposals for studies or actions to meet identified needs; review and evaluation of results and interpretations of ongoing and recently completed studies; synthesis of information gained; review of the BLM's mitigation plan for effectiveness and appropriateness; recommendations to the BLM on mitigation plan improvement; and evaluation of the adequacy of compliance with stipulations, determination of the reasons for observed inadequacies, and recommendations for change to the BLM.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Yokel, Bureau of Land Management, Northern Field Office, 1150 University Avenue, Fairbanks, Alaska 99709, (907) 474–2314.

Certification Statement: I hereby certify that the National Petroleum Reserve—Alaska Research and Monitoring Advisory Team is in the public interest in connection with the Secretary of the Interior's responsibilities to manage the National Petroleum Reserve—Alaska, administered by the Bureau of Land Management.

Dated: November 6, 2000.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 00–29922 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–056–1430–ES; N–60868]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation terminated, recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on September 10, 1991 under serial number N–54981; on September 9, 1993 under serial number N–57773; on October 19, 1995 under serial number N–60073; on July 23, 1997 under serial number N–61855; and on July 23, 1997 under serial number N–66364. These exchange segregations will be terminated on November 22, 2001. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County School District proposes to use the land for a high school.

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 34, S½NW¼SW¼, N½N½SW¼SW¼, SW¼NE¼SW¼, N½NW¼SE¼SW¼.

Containing 45.0 acres, more or less, located at Bermuda Road and W. Maryland Parkway.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will

contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for water pipeline purposes which have been granted to Las Vegas Valley Water District by Permit No. N–61268 under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for highway purposes which have been granted to Nevada Department of Transportation by Permit Nev–031066 under the Act of November 9, 1921 (42 Stat. 0216).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada.

On November 22, 2000, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

On or before January 8, 2001, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a high school. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a high school. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective on January 22, 2001. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: November 14, 2000.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 00–29797 Filed 11–21–00; 8:45 am]

BILLING CODE 4510–HC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Intent To Prepare an Environmental Impact Statement on Exploratory Drilling Activities in Federal Waters Offshore Santa Barbara County, California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement and announcement of public scoping meetings.

SUMMARY: In accordance with section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the Minerals Management Service (MMS) is preparing an Environmental Impact Statement (EIS) to identify and assess potential impacts and mitigation measures associated with multiple projects. The projects include the sequential drilling of 5–8 delineation wells from a single mobile offshore drilling unit on existing leases in Federal Outer Continental Shelf (OCS) waters in the Santa Maria Basin and western Santa Barbara Channel. Previously, 28 exploration wells have been drilled in the area where activities are proposed. The purpose of the proposed drilling is to further delineate oil and gas resources on leases or units that have previous commercial discoveries of oil and gas. Delineation wells are a type of exploration well. Notice is hereby given that the public scoping process has been initiated to prepare an EIS that will address the impacts of and alternatives to the proposal. The purpose of the scoping process is to solicit public comment regarding the full spectrum of issues and concerns, including a suitable range of alternatives, and the nature and extent of potential environmental impacts and appropriate mitigation measures that should be addressed in the EIS process. It is anticipated that a draft EIS will be available in Summer 2001.

FOR FURTHER INFORMATION: Questions concerning the draft EIS should be directed to Mr. Maurice Hill, Office of Environmental Evaluation, Pacific OCS Region, Minerals Management Service, 770 Paseo Camarillo, Camarillo, California 93010–6064; phone 805.389.7815.

Background

Pursuant to the OCS Lands Act, as amended, and the implementing regulations at 30 Code of Federal Regulations, § 250.203 (Exploration Plan), the MMS reviews Exploration Plans (EP's) and revisions to those EP's to decide whether those plans or revisions should be approved; should be modified to be consistent with the provisions of the lease, the OCS Lands Act, and the implementing regulations; or should be disapproved. To meet the agency's responsibilities under the National Environmental Policy Act (NEPA), MMS is preparing an EIS that will provide an assessment of the environmental effects of drilling 5–8 delineation wells offshore the Santa Barbara County coast in Federal waters.

Proposed Action

In accordance with 30 Code of Federal Regulations (CFR), § 250.110(a)(1) (Suspension of Production or Other Operations), the MMS approved the lease operator's requests for suspension of production or operations and established milestones for the operators to submit revisions to their existing EP's by September 2001. All of the leases on which drilling could occur have EP's that have been previously approved by the MMS and granted consistency by the California Coastal Commission (CCC) according to 15 CFR 930.79. The approved EP's identify proposed well locations that have received CCC consistency concurrence but, to date, have not been drilled. Because a number of years have elapsed since these approvals, the MMS has established milestones for the operators of the leases to update their previously approved EP's through revisions. The EIS will address all the proposed delineation drilling activities on several leases. The multi-project activities will be subject to existing laws, regulations, and other requirements. The activities include sequential drilling of 5–8 delineation wells by a single mobile offshore drilling unit. The operators need the information from these wells to identify oil and gas characteristics, reservoir characteristics, and reservoir extent in

order to determine the location, size, and type of facilities that may be required to develop the resources and thus could be proposed at a future time.

The delineation drilling would occur on units where there have been commercial oil and gas discoveries, and where MMS believes that development could occur in the future. Therefore, the EIS will also include a discussion of the potential impacts of the buildout of production facilities as part of the cumulative analysis. The cumulative analysis will also cover other past, present, and reasonably foreseeable activities in the area of the proposed exploratory drilling. Subsequent to the delineation drilling, detailed Development and Production Plans (DPP's) would be prepared by the operators for the development of the leases in the future and are expected to be submitted to the MMS and subjected to separate NEPA analyses. The DPP's would also be submitted to the California Coastal Commission to ensure their consistency with the California Coastal Management Plan.

Alternatives

Alternatives will include (1) the action of drilling 5–8 delineation wells on undeveloped leases in the Santa Maria Basin and western Santa Barbara Channel, and (2) no action. Other possible alternatives that may be considered include variations on the proposed action and alternatives identified during the scoping process.

Scoping

Scoping is an open process for determining the scope of the EIS and for identifying significant issues related to the proposed action. Scoping also provides an opportunity to identify alternatives to the proposed action and appropriate mitigation measures. All interested persons, organizations and agencies wishing to provide comments, suggestions, or relevant information on the activities may do so as follows:

(1) Send input to Minerals Management Service, Attn: Exploratory Activities EIS, Office of Environmental Evaluation, 770 Paseo Camarillo, Camarillo, CA 93010–6064;

(2) Attend and provide comment at the public scoping meetings the MMS will conduct in Santa Barbara County as follows: (a) December 6, 2000, 5:30 p.m.–9:00 p.m. at Fess Parker's DoubleTree Resort, 633 East Cabrillo Blvd., Sierra Madre Room, Santa Barbara, California; (b) January 22, 2001, 5:30 p.m.–9:00 p.m. at Allan Hancock College, Marian Theatre, Bldg. D, 800 S. College Drive, Santa Maria, California. Further details of the meetings will be posted on the MMS, Pacific Region, homepage at *http://www.mms.gov/omm/pacific* and will be advertised in the local media; and

(3) Email input to ExplorationEIS@mms.gov.

A Notice of Availability of the draft EIS for public review and comment will be announced by the MMS and the Environmental Protection Agency in the **Federal Register**; on the MMS, Pacific Region, homepage; and in the local media. We anticipate that a draft EIS will be available for review in Summer 2001, and a final EIS will be completed in Fall 2001. Public hearings will be held in the local area following release of the draft EIS. Dates and locations are to be determined.

Dated: November 17, 2000.

Carolita U. Kallaur,

Associate Director, Offshore Minerals Management.

[FR Doc. 00–29921 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–MR–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 Palmer Foundation for Chiropractic History, Palmer College of Chiropractic, Davenport, IA

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 Palmer Foundation for Chiropractic History, Davenport, IA.

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 Palmer Foundation for Chiropractic History professional staff in consultation with representatives of the Onondaga Nation of New York and the Haudenosaunee Standing Committee on Burials and Regulations.

At an unknown time prior to 1960, human remains representing one individual were removed from an unknown location in Clifton Springs, NY, by unknown persons. They were donated to the Palmer School of Chiropractic prior to 1960 by an unknown person. No known individual was identified. No associated funerary objects are present.

Museum records and osteological characteristics identify these human remains as Native American. The degree of preservation of these remains indicates a date of burial within the last millennium. Consultation with representatives of the Onondaga Nation of New York indicates that Clifton Springs, NY, is located within the traditional territory of the Onondaga Nation of New York, and indicates that a relationship exists between these human remains and the Onondaga Nation of New York. Officials of the Palmer Foundation for Chiropractic History have found it reasonable to affiliate these human remains, based on consultation results, with the Onondaga Nation of New York.

Based on the above-mentioned information, officials of the Palmer Foundation for Chiropractic History 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. Officials of the Palmer Foundation for Chiropractic History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Onondaga Nation of New York.

This notice has been sent to officials of the Onondaga Nation of New York and the Haudenosaunee Standing Committee on Burials and Regulations. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Alana Callender, Palmer Foundation for Chiropractic History, Palmer College of Chiropractic, 1000 Brady Street, Davenport, IA 52803, telephone (319) 884-5404, before December 22, 2000. Repatriation of the human remains to the Onondaga Nation of New York may begin after that date if no additional claimants come forward.

Dated: November 16, 2000.

John Robbins,

Assistant Director, Cultural Resources, Stewardship, and Partnerships.

[FR Doc. 00–29814 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–70–F

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 Peabody Essex Museum, Salem, MA

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 Peabody Essex Museum, Salem, MA.

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 Peabody Essex Museum professional staff in consultation with representatives of the Cayuga Nation of New York.

Before 1868, human remains representing one individual came into the collections of the Essex Institute following their collection by Mr. C.L. Allen. In 1868, these human remains were transferred to the Peabody Academy of Sciences from the Essex Institute (both now constitute the Peabody Essex Museum). No known individual was identified.

Catalogue data at the Peabody Essex Museum lists these human remains as ''Indian, from Cayuga County, New York.'' Based on the provenance listed in the catalogue, representatives of the Cayuga Nation of New York have identified these human remains as Cayuga. In the absence of associated cultural material, the Peabody Essex Museum has been unable to ascertain the precise age of the human remains. Based on historic sources and treaties, Cayuga County, NY lies within the historically known area in which the Cayuga had villages. Lacking any evidence to the contrary, the Peabody Essex Museum is accepting these human remains as having Cayuga origin.

Based on the above-mentioned information, officials of the Peabody Essex Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individuals of Native American ancestry. Officials of the Peabody Essex Museum 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 Cayuga Nation of New York.

This notice has been sent to officials of the Cayuga Nation of New York. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact John R. Grimes, Curator of Native American Art and Culture, Peabody Essex Museum, East Indian Square, Salem, MA 01970, telephone (978) 745–9500, before December 22, 2000. Repatriation of the human remains to the Cayuga Nation of New York may begin after that date if no additional claimants come forward.

Dated: November 2, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–29833 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–70–F

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 Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

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 Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

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 Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California.

In 1908, human remains representing one individual were collected by Grace A. Nicholson, and donated to the Peabody Museum of Archaeology and Ethnology by Lewis H. Farlow. This individual has been identified as Captain Posh-ka of the Kuh-lah-na-pi Tribe of Pomo Indians. The 115 associated funerary objects are 10 lots of shell beads, 10 stone beads, 30 clam shells, 5 stone chips, 9 stone knives, 5 bone fragments, 3 ceramic fragments, 29 buttons, 9 nails, 3 metal toy fragments, and 2 obsidian fragments.

Museum records indicate that the gravesite of Captain Posh-ka was located near Kelseyville, Lake County, CA. In 1906, in an effort to salvage it from road construction, the grave was excavated by Wiliam Benson, a Pomo contact of Ms. Nicholson and a nephew of Captain Posh-ka. According to Mr. Benson, Captain Posh-ka was buried in 1870, a date consistent with the types of associated funerary objects. The Peabody Museum of Archaeology and Ethnology and representatives of the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California have been unable to identify lineal descendents of Captain Posh-ka, and Ms. Nicholson's notes indicate that he had no children.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology 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. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 115 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between the remains of Captain Posh-ka and associated funerary objects and the Big Valley Band of Pomo Indians of the Big

Valley Rancheria, California. This notice has been sent to officials of the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California and the Lake County Intertribal NAGPRA Consortium. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before December 22, 2000. Repatriation of the human remains and associated funerary objects to the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California may begin after that date if no additional claimants come forward.

Dated: November 2, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–29834 Filed 11–21–00; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–404–408 (Preliminary) and 731–TA–898–908 (Preliminary)]

Hot-Rolled Steel Products From Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty investigations Nos. 701–TA–404–408 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Argentina, India, Indonesia, South Africa, and Thailand of hot-rolled steel products, provided for in headings 7208, 7210, 7211, 7212, 7225, and 7226 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Governments of Argentina, India, Indonesia, South Africa, and Thailand. Notice is also hereby given of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731–TA–898–908 (Preliminary) under section 733(a) of the Act to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine of hot-rolled steel products that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 19 U.S.C. 1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by December 28, 2000. The Commission's views are due at the Department of Commerce within five business days thereafter, or by January 5, 2001.

For further information concerning the conduct of these investigations 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 and B (19 CFR part 207).

EFFECTIVE DATE: November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), 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.—These investigations are being instituted in response to a petition filed on November 13, 2000, by Bethlehem Steel Corp. (Bethlehem, PA); Gallantin Steel Corp. (Ghent, KY); IPSCO Steel, Inc. (Lisle, IL); LTV Steel Company, Inc. (Cleveland, OH); National Steel Corp. (Mishawaka, IN); Nucor Corp. (Darlington, SC); Steel Dynamics, Inc. (Butler, IN); U.S. Steel Group (a unit of USX Corp.) (Pittsburgh, PA); Weirton Steel Corp. (Weirton, WV); and the Independent Steel Workers Union, a labor union representing the organized workers at Weirton Steel Corp.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

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 investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. § 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on December 4, 2000, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202–205–3188) not later than November 29, 2000, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request

permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before December 7, 2000, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must 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 rules, each document filed by a party to the investigations must be served on all other parties to the investigations (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 investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: November 15, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–29894 Filed 11–21–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations: Certificate of Electrical/Noise Training

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before January 22, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 609A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice) or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

MSHA qualifies mine electricians and certifies persons to take noise level measurements in coal mines. MSHA Form 5000–1 is used to report to MSHA those miners who have satisfactorily completed (1) a coal mine electrical training program; or (2) a noise training course. Based on the information submitted on Form 5000–1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine. Title 30 CFR 75.153(a)(2) and 77.103(a)(2) require that a program be provided for the qualification of certain experienced personnel as mine electricians. Title 30 CFR 70.504 and 71.801 require that mine operators measure the noise levels to which each miner is exposed and that these measurements be taken by a person who has been certified by the Assistant Secretary of Labor for Mine Safety and Health as qualified. A qualified person is one who has been certified by MSHA as an instructor in noise measurement training programs; or has completed a noise training course conducted by and approved by MSHA.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Certificate of Electrical/Noise Training. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

MSHA uses the information from MSHA Form 5000–1 to issue certification cards to those persons who are qualified. MSHA inspectors may ask to see the cards to determine compliance with regulations during routine inspections. Mine operators use the cards to determine a person's qualifications to perform certain tasks and when hiring new personnel. The information is also used by MSHA to determine mine operators' compliance with approved training plans, to monitor safety training programs, and in reporting to Congress.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Certificate of Electrical/Noise Training.

OMB Number: 1219–0001.

Agency Number: MSHA Form 5000–1.

Affected Public: Business or other for-profit institutions.

Total Respondents: 5,605.

Frequency: On occasion.

Total Responses: 5,605.

Average Time per Response: 4.59 hours.

Total Burden Hours: 25,710.

Total Burden Hour Cost: $795,009.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $1,349,004.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of

Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 16, 2000.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 00–29844 Filed 11–21–00; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–3–90]

Southwest Research Institute, Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of Southwest Research Institute (SwRI) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATES: This recognition becomes effective on November 22, 2000 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while SwRI remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of Southwest Research Institute (SwRI) as a Nationally Recognized Testing Laboratory (NRTL). SwRI's expansion request covers the use of an additional test standard.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products ''properly certified'' by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

When first recognized, OSHA identified the Department of Fire Technology as the SwRI unit to which the recognition would apply. OSHA will no longer identify solely this department for purposes of recognition since other organizational units of SwRI participate in its NRTL-related activities.

SwRI submitted a request, dated April 5, 2000 (see Exhibit 10), to expand its recognition as an NRTL for one additional test standard. The NRTL included adequate information in support of its request. In its cover letter, SwRI stated that its Electromagnetic Compatibility (EMCR) Section and its Environmental Testing Section would participate in testing products to the requested test standard.

OSHA published the required notice in the **Federal Register** (65 FR 46078, 07/26/2000) to announce the SwRI expansion request. The notice included a preliminary finding that SwRI could meet the requirements for expansion of its recognition, and OSHA invited public comment on the application by September 25, 2000. OSHA received no comments concerning this application.

In processing SwRI's request, OSHA did perform an on-site review of SwRI's NRTL testing facilities. In a memo dated June 12, 2000 (see Exhibit 11), NRTL Program assessment staff recommended the expansion of SwRI's recognition to include the additional test standard.

The most recent notices published by OSHA for the SwRI recognition covered the NRTL's renewal and expansion of recognition, which the Agency announced on November 10, 1998 (63 FR 63086) and granted on March 9, 1999 (64 FR 11503).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N2625, Washington, D.C. 20210, telephone: (202) 693–2350. You should refer to Docket No. NRTL–3–90, the permanent records of public information on the SwRI recognition.

The current address of the SwRI facility (site) that OSHA recognizes for SwRI is: Southwest Research Institute, 6620 Culebra Road, Post Office Drawer 28510, San Antonio, Texas 78228.

Final Decision and Order

The NRTL Program staff has examined the application and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that SwRI has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standard, listed below, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of SwRI, subject to these limitations and conditions.

Limitations

OSHA hereby expands the recognition of SwRI for testing and certification of products to demonstrate conformance to the following additional test standard: UL 1950 Technology Equipment Including Electrical Business Equipment. OSHA has determined that this test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

The Agency's recognition of SwRI, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

The above test standard is approved as an American National Standard by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization (*e.g.,* UL 22) for the standard, as opposed to the ANSI designation (*e.g.,* ANSI/UL 22). Under our procedures, an NRTL recognized for an ANSI approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

The above standard had not been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

Conditions

SwRI must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to the SwRI facilities and records for purposes of ascertaining continuing compliance

with the terms of its recognition and to investigate as OSHA deems necessary;

If SwRI has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

SwRI must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, SwRI agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

SwRI must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

SwRI will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

SwRI will continue to meet the requirements for recognition in all areas where it has been recognized; and

SwRI will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, DC, this 3rd day of November, 2000.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 00–29845 Filed 11–21–00; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before December 22, 2000 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Brook Dickson, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–713–6730 or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on September 13, 2000 (65 FR 55304 and 55305). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed collection informations are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

1. Title: Customer Comment Form.
OMB number: 3095–0007.
Agency form number: NA Form 14045.
Type of review: Regular.
Affected public: Individuals.
Estimated number of respondents: 1,925.
Estimated time per response: 5 minutes.
Frequency of response: On occasion.
Estimated total annual burden hours: 160 hours.
Abstract: The information collection is a customer comment form made available to persons who use NARA services or visit NARA museums. The form is voluntary and is used to record comments, complaints, and suggestions from NARA customers. NARA uses the information to correct problems and improve service.

2. Title: NHPRC Subvention Grant Guidelines and Application.
OMB number: 3095–0021.
Agency form number: N/A.
Type of review: Regular.
Affected public: Universities and non-profit presses.
Estimated number of respondents: 18.
Estimated time per response: 6 hours.
Frequency of response: On occasion. On the average, a press submits two subvention applications per year.
Estimated total annual burden hours: 216 hours.
Abstract: The information collection is prescribed by 36 CFR 1206. The application is submitted by university and other non-profit presses applying to the NHPRC grant program for subvention of part of the costs of manufacturing and distributing volumes published by NHPRC-supported editorial projects.

3. Title: NHPRC Annual Sales Reports for Subvention Grants.
OMB number: 3095–0022.
Agency form number: None.
Type of review: Regular.
Affected public: Non-profit presses that have received an NHPRC subvention grant.
Estimated number of respondents: 18.
Estimated time per response: 1 hour.
Frequency of response: One time only. On the average, a press has two on-going subvention grants and therefore submits two sales reports per year.
Estimated total annual burden hours: 36 hours.
Abstract: The information collection is prescribed by 36 CFR 1206. The sales information provided by non-profit presses is used by Commission staff to gauge interest among scholars and the general public in documentary editions supported by Commission grants.

Dated: November 15, 2000.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 00–29872 Filed 11–21–00; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–21059; License No. 22–16537–02; EA–00–147]

In the Matter of Braun Intertec Corporation, Minneapolis, Minnesota; Order Imposing Civil Monetary Penalty

I

Braun Intertec Corporation (Licensee) is the holder of Materials License No. 22–16537–02 issued by the Nuclear

Regulatory Commission (NRC or Commission) on September 29, 1999, and amended in its entirety on July 21, 2000. The license authorizes the Licensee to perform industrial radiography in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted January 26 through February 24, 2000, and an investigation was initiated on February 7, 2000. The results of the inspection and investigation indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated August 14, 2000. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in a letter dated September 12, 2000. In its response, the Licensee agreed with the violation, but disputed that the violation was willful or was caused by ''careless disregard'' on the part of licensee personnel.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the letter forwarding this Order, that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The Licensee pay a civil penalty in the amount of $5,500 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. In addition, at the time of making the payment, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois, 60532.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be whether, on the basis of the findings made by the staff, this Order should be sustained.

Dated this 14th day of November 2000.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 00–29836 Filed 11–21–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 70–7001]

Notice of Receipt of Amendment Application to Certificate of Compliance GDP–1 for the U.S. Enrichment Corporation, Paducah Gaseous Diffusion Plant, Paducah, KY; Notice of Comment Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has received an amendment application from the United States Enrichment Corporation that is considered to be a major change in the facility and/or the operating procedures which could substantially increase the risk. Any interested party may submit written comments on the application for amendment for consideration by the staff. To be certain of consideration, comments must be received by December 22, 2000. Comments received after the due date will be considered if it is practical to do so. The Commission is able to assure consideration only for comments received on or before this date.

Written comments on the amendment application should be mailed to the Chief, Rules Review and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be hand delivered to 11545 Rockville Pike, Rockville, MD, 20854, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Comments should be legible and reproducible, and include the name, affiliation (if any), and address of the submitter at the Commission's Public Document Room and the Local Public Document Room. In accordance with 10 CFR 76.62 and 76.64, a member of the public must submit written comments to petition the Commission requesting review of the Director's Decision on the amendment request.

For further details with respect to the action, see the application for amendment. The application is available for public inspection at the Commission's Public Document Room, NRC's Headquarters Building, One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852, and electronically from the Publicly Available Records (PARS) component of NRC's document management system (ADAMS), which is accessible from the NRC Web Site at: *http://www.nrc.gov/NRC/ADAMS/index.html.*

Date of amendment request: October 20, 2000.

Brief description of amendment: The U.S. Enrichment Corporation is requesting that the assay limit for the Paducah facility be increased from the current 2.75 wt% ^{235}U up to 5.5 wt% ^{235}U. The proposed amendment, if approved, would allow the Paducah facility to withdraw from the cascade and ship 5.0 wt% enriched uranium hexafluoride (UF_6).

Certificate of Compliance No. GDP–1: USEC, in its proposed amendment, is providing revision number 52 to the certificate to allow the higher enrichment. This amendment also proposes changes to the Technical Safety Requirements Basis Statements.

Dated at Rockville, Maryland, this 15th day of November 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. 00–29835 Filed 11–21–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of November 20, 27, December 4, 11, 18, and 25, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of November 20

There are no meetings scheduled for the Week of November 20.

Week of November 27—Tentative

Monday, November 27, 2000

9 a.m.—Briefing by DOE on Plutonium Disposition Program and MOX Fuel Fabrication Facility Licensing (Public Meeting), (Contact: Drew Persinko, 301–415–6522)

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*

Week of December 4—Tentative

Monday, December 4, 2000

1:55 p.m.—Affirmation Session (Public Meeting) (If needed).

2 p.m.—Briefing on License Renewal Generic Aging Lessons Learned (GALL) Report, Standard Review Plan (SRP), and Regulatory Guide (Public Meeting) (Contact: Chris Grimes, 301–415–1183).

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*

Week of December 11—Tentative

There are no meetings scheduled for the Week of December 11.

Week of December 18—Tentative

Wednesday, December 20, 2000

9:25 a.m.—Affirmation Session (Public Meeting) (If needed).

9:30 a.m.—Briefing on the Status of the Fuel Cycle Facility Oversight Program Revision (Public Meeting) (Contact: Walt Schwink, 301–415–7253).

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html*

Week of December 25—Tentative

There are no meetings scheduled for the Week of December 25.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

Additional Information: By a vote of 5–0 on November 17, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of PRIVATE FUEL STORAGE, L.L.C., Appeal of Licensing Board's Order, Denying Motion for Reconsideration/Intervention Petition'' be held on November 17, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: November 17, 2000.

William M. Hill, Jr.,

Secretary Tracking Officer, Office of the Secretary.

[FR Doc. 00–29966 Filed 11–20–00; 11:44 am]

BILLING CODE 7590–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

TIME AND DATE: 2:00 pm, Thursday, December 7, 2000.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing open to the Public at 2:00 pm.

PURPOSE: In conjunction with the quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Procedure: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 PM, December 6, 2000. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 PM, December 6, 2000. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 408–0297, or via email at cdown@opic.gov.

Dated: November 20, 2000.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 00–30030 Filed 11–20–00; 3:03 pm]

BILLING CODE 3210–01–M

OFFICE OF PERSONNEL MANAGEMENT

The Presidential Advisory Committee on Expanding Training Opportunities

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

Time and Date: 8:30 a.m., Friday, December 8, 2000.

Place: Office of Personnel Management, 1900 E Street, NW., Room 1350, Washington, DC 20415.

Status: This meeting will be open to the public. Seating is limited and will be available on a first-come, first-served basis. Individuals with special access needs wishing to attend should contact the Office of Personnel Management through the information shown below to

obtain appropriate accommodation. Any member of the public wishing further information about the meeting or wishing to submit oral or written comments should contact the Designated Federal Official through the information shown below. Requests for oral comments must be in writing and received no later than 5:00 p.m. Eastern Daylight Savings Time on Monday, December 4, 2000. Each individual or group making an oral presentation will be limited in time based on the agenda and the number of people requesting to speak. Remarks may be submitted for the record. Written comments (30 copies) which are received in enough time will be shared with the Committee prior to the meeting. Comments received close to the meeting date will be shared with the Committee at the meeting.

Matters To Be Considered: Executive Order 13111, Using Technology to Improve Training Opportunities for Federal Government Employees, was issued by the President on January 12, 1999, and established the Presidential Advisory Committee on Expanding Training Opportunities. At its third meeting, the Committee will discuss a variety of topics related to their tasks: work group progress; structured interview results; chronicle report review and discussion; and transition issues. The Committee will also discuss their overall approach, timeline, and plans to accomplish their tasks. Committee functions include (1) providing an independent assessment of (a) progress made by the Federal Government in its use and integration of technology in training programs; (b) how Federal Government programs, initiatives, and policies can encourage or accelerate training technology to provide more accessible, timely, and cost-effective training opportunities for all Americans; (c) mechanisms for the Federal Government to encourage private sector investment in the development of high quality instructional software and wider deployment and use of technology-mediated instruction so that all Americans may take advantage of the opportunities provided by learning technology; and (d) the appropriate Federal Government role in research and development for learning technologies and their applications in order to develop high quality training and education opportunities for all Americans and (2) an analysis of options for helping adult Americans finance the training and post-secondary education needed to upgrade skills and gain new knowledge.

FOR FURTHER INFORMATION: Please contact Barbara Swanson, Designated Federal Officer for the Presidential Advisory Committee on Expanding Training Opportunities, at U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415; at telephone (202) 606–2721; or fax (202) 606–5231.

Office of Personnel Management

Janice R. Lachance,

Director.

[FR Doc. 00–29819 Filed 11–21–00; 8:45 am]

BILLING CODE 6325–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43566; File No. SR–GSCC–00–01]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Financing Necessary for the Provision of Securities Settlement Services

November 15, 2000.

On March 7, 2000, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–GSCC–00–01) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the Federal Register on July 11, 2000.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

According to GSCC, it occasionally is required to obtain financing in connection with its securities settlement process. For example, a member with a net short position may deliver securities so near the close of the securities Fedwire that GSCC is unable to redeliver the securities to member(s) with the net long position(s). Currently, GSCC's rules provide for GSCC to obtain financing under these circumstances in the form of loans because the rules expressly permit GSCC to grant security interests in the securities in question.[3] The costs or expenses that GSCC incurs in obtaining such financing are generally allocated pro rata among all netting members based upon usage of GSCC's services.[4]

Another situation where GSCC might need to obtain financing is when a GCF inter-dealer broker[5] has a GCF net settlement position as the result of a data submission error. As a result, GSCC is required to finance the settlement of the other-side of the transaction. Again, GSCC's rules currently contemplate that GSCC will obtain the requisite cash or securities through loans or securities borrowing/lending transactions. The rule change gives GSCC the option to obtain the requisite financing in the situations such as the ones described above by entering into repurchase transactions with GSCC netting members and clearing agent bank members.[6]

The rule change also addresses the situation where an inter-dealer broker netting member obtains financing of a net settlement position. For example, an inter-dealer broker may have a net settlement position as the result of an uncompared trade. Under the proposed rule change, if the inter-dealer broker-netting member obtains financing of a net settlement position, it must obtain such financing by entering into overnight repurchase transactions only with GSCC netting members or clearing agent bank members. GSCC may reimburse the inter-dealer broker for the costs of such financing if the net settlement position was incurred through no fault of the inter-dealer broker.[7]

II. Discussion

Section 17A(b)(3)(F)[8] of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 42997, (June 30, 2000), 65 FR 42739.

[3] GSCC Rule 12, section 8.

[4] GSCC's rules also provide that if the GSCC Board determines in its sole discretion that a netting member has on a frequent basis and without good cause caused GSCC to incur such financing costs, the member can become obligated to pay for or to reimburse GSCC for the entire amount of the financing costs.

[5] GCF inter-dealer broker netting member that GSCC has: (1) determined to be eligible to participate in GSCC's netting system services for repo transactions pursuant to GSCC Rule 18 and (2) designated as eligible to submit to GSCC data on GCF repo transactions on a locked-in basis.

[6] GSCC already has the authority to enter into repurchase agreements in connection with clearing fund deposits and proprietary funds.

[7] GSCC may also reimburse certain dealer netting members in a similar situation. This additional possibility for reimbursement would apply to a division or other separate operating unit within a dealer netting member that GSCC has determined: (a) operates in the same manner as a broker and (b) has agreed to and does participate in the repo netting service pursuant to the same requirements imposed under GSCC's rules on inter-dealer broker netting members that participate in that service.

[8] 15 U.S.C. 78q–1(b)(3)(F).

the clearing agency or for which it is responsible. For the reasons set forth below, the Commission believes that GSCC's proposed rule change is consistent with GSCC's obligations under the Act.

By allowing GSCC to enter into repurchase transactions with its highly creditworthy netting members and clearing agent bank members, GSCC should be able to obtain more favorable financing terms that should result in lower financing costs being allocated to members. As repurchase transactions are safe, widely accepted financing mechanisms, there should be no reduction in GSCC's ability to safeguard securities and funds which are in the custody or control of GSCC or for which it is responsible.

Accordingly, the Commission finds that the ability to enter into repurchase transactions with GSCC netting members and/or clearing agent bank members satisfies GSCC's obligations to assure the safeguarding of securities and funds which are in the custody or control of GSCC or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–00–01) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority. [9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–29887 Filed 11–21–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43568; File No. SR–MSRB–00–02]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Rules G–8 and G–38 and Form G–37/G–38

November 15, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 2000, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Board. The Board filed Amendment No. 1 to the proposed rule change on November 15, 2000.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board proposes to amend Rule G–38, on consultants, Rule G–8, on books and records, and revise Section IV of Form G–37/G–38 and the attachment page to the form. The text of the proposed rule change is available at the MSRB and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Board has received inquiries from dealers that have indicated that there is confusion about certain information required to be reported in Section IV of Form G–37/G–38 as well as the attachment page to the form.[4] One area of confusion concerns whether an individual's name must be disclosed on Form G–37/G–38 in each instance in which the dealer lists a consultant. Part of this confusion is due to the format of Section IV of the form as well as the attachment page. Dealers list their consultants in Section IV of Form G–37/G–38 and they must provide additional information about each consultant on separate attachment pages. Under Section IV, there is one column labeled ''Name of Consultant'' and another column labeled ''Consultant Company Name.'' On the attachment page to the form, the first line indicates that a dealer is to report the ''Name of Consultant'' and the next line indicates the reporting of the ''Consultant Company Name.'' The Instructions for Completing and Filing Form G–37/G–38 [5] state that a dealer should list the name of each consultant along with the consultant company name under Section IV and on the attachment page a dealer should list the name of the consultant as well as the consultant company name.

A dealer must determine whether its consultant is an individual or a company based upon its Consultant Agreement [6] with the consultant.[7] If the Consultant Agreement is with an individual, then only the individual's name should be reported on the form and not a company name. Conversely, if the Consultant Agreement is with a company, only the company's name should be reported and not an individual's name.

The identification of a dealer's consultants has become even more significant with the recent amendments to Rules G–38, G–8, and G–37 that became effective on April 1, 2000.[8] Pursuant to those amendments, if an individual is a consultant, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Board submitted a new Form 19b–4, which replaces the original filing (''Amendment No. 1''). Specifically, Amendment No. 1 amends MSRB Rules G–38 and G–8 to clarify that the name of the consultant is obtained from the consultant agreement. Amendment No. 1 also revises the filing to include the statutory basis for the proposed rule change.

[4] Rule G–38(d) states that each dealer shall send to the Board reports on Form G–37/G–38 of all consultants used by the dealer during each calendar quarter. These reports currently must include, among other things, for each consultant, the consultant's name, company, role and compensation arrangement.

[5] The Instructions for Completing and Filing Form G–37/G–38 are printed in the *MSRB Rule Book* (January 1, 2000) at 201–203 and the Instructions are posted on the Board's web site (www.msrb.org) under the links for Rules G–37 and G–38.

[6] Rule G–38(b) currently requires each dealer that uses a consultant to evidence the consulting arrangement by writing (the ''Consultant Agreement'') that sets forth, at a minimum, the name, company, role and compensation arrangement of each such consultant.

[7] *See* Question and Answer Notice: Rule G–38 dated May 20, 1998, *MSRB Rule Book* (January 1, 2000) at 210. In this notice, concerning bank affiliates and the definition of payment, the Board stated that ''each dealer (bank or securities firm) should determine whether the affiliate or individual employee(s) of the affiliate is its consultant(s), and must then ensure compliance with Rule G–38, including the contractual arrangements and disclosures required by the rule.''

[8] *See* Securities Exchange Act Release No. 42205 (December 7, 1999), 64 FR 69808 (December 14, 1999).

[9] 17 CFR 200.30–3(a)(12).

individual will relay to the dealer his or her reportable political contributions, reportable political party payments, and the reportable contributions and reportable payments of any political action committee (''PAC'') controlled by the individual. If the consultant is a company, the company will relay its reportable contributions and reportable payments to the dealer, as well as those made by any partner, director, officer or employee of the consultant who communicates with issuers to obtain municipal business on behalf of the dealer, and any PAC controlled by the consultant or any partner, director, officer or employee of the consultant who communicates with issuers to obtain municipal securities business on behalf of the dealer. Dealers will report this contribution and payment information to the Board on Form G–37/G–38 by contributor category (*i.e.*, company, individual, company controlled PAC, or individual controlled PAC).[9]

The current language of Rules G–38 and G–8 and the formats of Forms G–37/G–38, the attachment page, and the Instructions, are not as clear as they could be about the information required for identifying a consultant. The proposed rule change would amend Rule G–38 to remove the separate references to the consultant's company name from the requirements regarding the Consultant Agreement, the disclosure to issuers, and the disclosure to the Board. In addition, the proposed rule change would remove the requirement in Rule G–8 for dealers to maintain a separate record of the company name. The proposed rule change would also amend Rules G–8(a)(xviii)(A) and G–38(d) and (e) to add the phrase ''pursuant to the Consultant Agreement'' after the consultant's name.[10] The proposed rule change would also revise the formats of Section IV of Form G–37/G–38 and the attachment page to state ''Name of Consultant (pursuant to Consultant Agreement)'' and delete the reference to the ''Consultant Company Name.'' Thus, a dealer would provide the name of an individual, if the consultant is an individual, or of a company, if the consultant is a company, depending upon whether the dealer has entered into a Consultant Agreement with an individual or a company. These revisions will eliminate existing ambiguities under the rules resulting from the requirements that information regarding both an individual and a company be provided. This also will make it clear to dealers and the public who is responsible for relaying information about reportable contributions and payments to the dealers.

Another area addressed by the proposed rule change concerns the role of the consultant. Pursuant to Rule G–38, a dealer is required to include within the Consultant Agreement the role of the consultant, to disclose this rule to the issuer and to the Board and, pursuant to Rule G–8, to maintain a record of the role. The Instructions for Completing and Filing Form G–37/G–38 state that, in describing a consultant's role, a dealer should include the state or geographic area in which the consultant is working on behalf of the dealer. In addition, the Board issued a Question and Answer notice on Rule G–38 in which it stated that the role to be performed by a consultant may be described in general terms on Form G–37/G–38; however, dealers must include the state or geographic area in which the consultant is working on behalf of the dealer.[11]

From a review of the Forms G–37/G–38 submitted by dealers, there are a number of instances in which dealers have not reported the state or geographic area in which their consultants are working. The proposed rule change will revise Rules G–38 and G–8 to explicitly require the reporting of the state or geographic area in which a consultant is working on behalf of a dealer in the description of the consultant's role. The proposed rule change will also revise the attachment page to Form G–37/G–38 to include a parenthetical phrase in the section for reporting the role to be performed by the consultant to note that dealers should report the state or geographic area in which the consultant is working on behalf of the dealer.

2. Statutory Basis

The Board believes the proposed rule change is consistent with section 15B(b)(2)(C)[12] of the Act, which requires that the Board's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose 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

The Board did not solicit or receive written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Board consents, the Commission will:

(A) By order approved 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 the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference

[9] Pursuant to Rule G–37, on political contributions and prohibitions on municipal securities business, dealers are also required to report their contributions and payments in Sections I and II of Form G–37/G–38 by contributor category (*i.e.*, dealer, dealer controlled PAC, municipal finance professional controlled PAC, municipal finance professionals, and executive officers)

[10] *See* Amendment No. 1, *supra* note 3.

[11] *See* Rule G–38 Question and Answer number 1 dated November 18, 1996, *MSRB Rule Book* (January 1, 2000) at 210. The Rule G–38 Questions and Answers are also posted on the Board's web site at www.msrb.org.

[12] 15 U.S.C. 78*o*–4(b)(2)(C).

Room. Copies of such filing will also be available for inspection and copying at the principal office of the MSRB. All submissions should refer to the File No. SR–MSRB–00–02 and should be submitted by December 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–29888 Filed 11–21–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3305]

State of Arizona

As a result of the President's major disaster declaration on October 27, 2000, I find that La Paz and Maricopa Counties in the State of Arizona constitute a disaster area due to damages caused by severe storms and flooding beginning on October 21, 2000 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on December 26, 2000, and for loans for economic injury until the close of business on July 27, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P. O. Box 13795, Sacramento, CA 95853–4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Gila, Mohave, Pima, Pinal, Yavapai, and Yuma Counties in Arizona, and Imperial, Riverside, and San Bernardino Counties in California.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.375
Homeowners without credit available elsewhere	3.687
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	6.750
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

[13] 17 CFR 200.30–3(a)(12).

The number assigned to this disaster for physical damage is 330506. For economic injury the numbers are 9J4400 for Arizona and 9J4500 for California.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 2, 2000.

Allan I. Hoberman,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–29763 Filed 11–21–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3307]

State of Hawaii

As a result of the President's major disaster declaration on November 9, 2000, I find that the County and Island of Hawaii constitute a disaster area due to damages caused by severe storms and flooding beginning on October 28, 2000 and continuing through November 2, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 8, 2001, and for loans for economic injury until the close of business on August 9, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

The interest rates are:

	Percent
For Physical Damage:	
.	
Homeowners with credit available elsewhere	7.375
Homeowners without credit available elsewhere	3.687
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	6.750
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 330706 and for economic injury the number is 9J4700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 16, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–29901 Filed 11–21–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3308]

Commonwealth of Massachusetts

Suffolk County and the contiguous Counties of Essex, Middlesex, and Norfolk in Massachusetts constitute a disaster area as a result of damages caused by a fire that occurred on October 29, 2000 in the City of Boston. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 16, 2001 and for economic injury until the close of business on August 14, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.375
Homeowners without credit available elsewhere	3.687
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	6.750
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 330805 for physical damage and 9J4800 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 14, 2000.

Aida Alvarez,

Administrator.

[FR Doc. 00–29900 Filed 11–21–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice Number 3465]

Notice of Meetings; United States International Telecommunication Advisory Committee (ITAC)—Telecommunication Standardization Sector (ITAC–T); U.S. Study Groups A and B

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee (ITAC)—Telecommunication Standardization (ITAC–T) National Committee and US Study Groups A and D. The purpose of the Committees is to advise the Department on policy and technical issues with respect to the International Telecommunication Union and international telecommunication standardization and development. Except where noted, meetings will be held at the Department of State, 2201 ''C'' Street, NW, Washington, DC.

The ITAC–T U.S. Study Group A will meet from 9:30 to noon on November 29, 2000, at the Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554 to prepare positions for the ITU–T Study Group 3 meeting starting in December.

The ITAC–T U.S. Study Group B will meet from 9:30 AM to 3:30 on December 19, 2000, at the Department of Commerce, Room B841A, 1401 Constitution Ave, NW, Washington, DC 20230 to prepare positions for the next ITU–T Study Group 4 meeting.

Members of the general public may attend these meetings. Directions to meeting locations and actual room assignments may be determined by calling the Secretariat at 202 647–0965/2592. For meetings held at the Department of State: entrance to the building is controlled; people intending to attend any of the ITAC meetings should send a fax to (202) 647–7407 not later than 24 hours before the meeting for preclearance. This fax should display the name of the meeting (ITAC T, U.S. Study Group A or D) and date of meeting, your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, U.S. Government identification card. Enter the Department of State from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: November 9, 2000.

Marian Gordon,

Chairman, ITAC T, U.S. Department of State.

[FR Doc. 00–29898 Filed 11–21–00; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance, Southern Illinois Airport, Carbondale, Illinois

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport (2.056 acres of Area 2 located south of Flightline Road and west of Airport Road) from aeronautical use to non-aeronautical. There are no impacts to the airport by allowing the airport to dispose of the property. Area 2 (82.969 acres) was acquired on July 20, 1948, under FAA Project Number 9–11–021–5701. In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose. The portion of Area 2 (Parcels 1A and 2A, a total of 2.056 acres) released will be exchanged for Parcel 5, 9.076 acres adjacent to Area 2 and owned by the Southern Illinois University. Parcels 1A and 2A will be used by Southern Illinois University for the expansion of the University's aviation school at the Southern Illinois Airport.

DATES: Comments must be received on or before December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Dennis Rewerts, Program Manager, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone Number 847–294–7195/FAX Number 847–294–7046. Documents reflecting this FAA action may be reviewed at this same location or at Southern Illinois Airport, Carbondale, Illinois.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA intends to authorize the exchange of the subject airport property at Southern Illinois Airport, Carbondale, Illinois. Approval does not constitute a commitment by the FAA to financial assist in the exchange of the subject airport property nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. The exchange of the airport property will be in accordance FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Des Plaines, Illinois, October 15, 2000.

Philip M. Smithmeyer,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 00–29913 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Approval of the Record of Decision for Proposed Development at the Cleveland Hopkins International Airport, Cleveland, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of approval of the Record of Decision (ROD).

SUMMARY: The FAA is announcing approval of the Record of Decision on the Final Environmental Impact Statement Section 303c and 6(f) evaluation for proposed development at the Cleveland Hopkins International Airport, Cleveland, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Gubry, FAA Great Lakes Region, Detroit Airports District Office, 8820 Beck Road, Belleville, MI 48111, telephone (734) 487–7280; fax: (734) 487–7299.

SUPPLEMENTARY INFORMATION: The ROD approves the proposed development at the Cleveland Hopkins International Airport, Cleveland, Ohio, including: (a) The construction of a replacement 9,000-foot Runway 5L/23R with associated taxiway improvements; (b) the development of a 2,250-foot extension and shift to existing Runway 5R/23L to a length of 11,250 feet; (c) the Federal actions regarding installation of navigational aides, airspace use, and approach and departure procedures associated with the proposed development; (d) airport support facilities improvements to the terminal area; (e) airport support facilities improvements to the landside area; (f) on- and off-airport roadway improvement projects; and (g) implementation of noise abatement measures recommended in the 2000 Part 150 Noise Compatibility Plan Update.

The ROD indicates the project is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act (NEPA) of 1969, as amended, and will significantly affect the quality of the environment.

In reaching this decision, the FAA has given careful consideration to: (a) The role of Cleveland in the national air transportation system, and the airport capacity/delay reduction needs; (b) aviation safety; (c) preferences of the airport owner; and (d) anticipated environmental impact.

Discussions of these factors are documented in the Draft Environmental Impact Statement, the Section 303c Evaluation, and the Final Environmental Statement (FEIS) for the project. The notice of availability of the FEIS appeared in the **Federal Register** on July 14, 2000 (65 FR 43748), and the commend period ran for ninety-four (94) days until January 31, 2000. The FAA's determinations on the project are outlined in the ROD, which was approved on November 8, 2000.

This document is available for review during normal business hours at the following locations:

North Olmsted Library, 27425 Butternut Ridge Road, North Olmsted, OH 44070

Olmsted Falls Library, 7850 Main Street, Olmsted Falls, OH 44138

Berea Library, 7 Berea Commons, Berea, OH 44017

Cleveland Main Library, Cleveland City Hall, Room 100, 601 Lakeside Avenue, Cleveland, OH 44144

Brook Park Library, 6155 Engle Road, Brook Park, OH 44142

The ROD will also be posted at the following web site: *www.faa.gov/ARP/APP600/5054A/RODIDX.HTM*

Issued in Detroit, Michigan, on November 14, 2000.

James M. Opatrny,

Acting Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 00–29915 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Emergency Evacuation Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss emergency evacuation (EE) issues.

DATES: The meeting is scheduled for December 7, 2000, beginning at 8:30 a.m. Arrange for oral presentations by December 1.

ADDRESSES: Aerospace Industries Association of America, Suite 1200, 1250 I Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075, or e-mail at effie.upshaw@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463); 5 U.S.C. app. III), notice is given of an ARAC meeting to be held December 7 in Washington, DC.

The agenda will include:

- Opening Remarks
- FAA Report
- Joint Aviation Authorities Report
- Cabin Safety Harmonization Working Group Report
- Status of Performance Standards Working Group

Attendance is open to the public, but will be limited to the availability of meeting room space and telephone lines. Details for participating in the teleconference will be available after November 27 by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area will be responsible for paying long distance charges.

The public must make arrangements by December 1 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Emergency Evacuation issues or by providing copies at the meeting. Copies of the documents to be presented to ARAC for decision or as recommendations to the FAA may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on November 15, 2000.

Tony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 00–29916 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for December 5–6, 2000, beginning at 8:30 a.m. on December 5. Arrange for oral presentations by December 1.

ADDRESSES: Aerospace Industries Association of America, Suite 1200, 1250 I Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075, or e-mail at effie.upshaw@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held December 5–6, 2000, in Washington, DC.

The agenda will include:

December 5

- Opening Remarks
- FAA Report
- Joint Aviation Authorities Report
- Transport Canada Report
- Harmonization Management Team Report
- Executive Committee Report
- Human Factors Harmonization Working Group (HWG) Report
- Seat Test HWG Report
- Design for Security HWG Report
- Flight Guidance System HWG Report
- System Design and Analysis HWG Report
- Engine HWG Report
- Ice Protection HWG Report
- Powerplant Installation HWG Report
- Mechanical Systems HWG Report

December 6

- General Structures HWG Report

- Airworthiness Assurance Working Group Report
- Extended Range with Two-Engine Aircraft (ETOPS) Tasking Update
- Flight Test HWG Report
- Electromagnetic Effects HWG Report
- Loads & Dynamics HWG Report
- Flight Controls HWG Report
- Avionics Systems HWG Report
- Electrical Systems HWG Report

Four HWGs—Powerplant Installation, Mechanical Systems, Loads & Dynamics, and Flight Control—plan to request ARAC approval of technical reports drafted under the Fast Track Process. The EHWG plans to seek approval to forward to the FAA for economic and legal reviews a notice of proposed rulemaking (NPRM) and advisory circular (AC) addressing electrical and electronic engine control systems. The Airworthiness Assurance Working Group plans to seek approval to forward to the FAA an NPRM and AC addressing widespread fatigue damage.

Attendance is open to the public, but will be limited to the availability of meeting room space and telephone lines. Details for participating in the teleconference will be available after November 27 by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area will be responsible for paying long distance charges.

The public must make arrangements by December 1 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be presented to ARAC for decision or as recommendations to the FAA may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on November 15, 2000.

Tony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 00–29917 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–02–C–00–CKB To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Benedum Airport, Clarksburg, West Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Benedum Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Beckley Airports Field Office, 176 Airport Circle, Room 101, Beaver, West Virginia 25813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. James R. Griffith, Airport Manager of the Benedum Airport Authority at the following address: 2000 Aviation Way, Bridgeport, West Virginia 26330.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Benedum Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Clark, Manager, Airports Field Office, 176 Airport Circle, Room 101, Beaver, WV, at (304) 252–6216. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Benedum Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 13, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Benedum Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 10, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–02–C–00–CKB.

Level of the proposed PFC: $4.50.

Proposed charge effective date: April 1, 2001.

Proposed charge expiration date: February 2003.

Total estimated PFC revenue: $162,334.

Brief description of proposed project(s):

1. Rehabilitate Terminal/FBO Ramp and Taxiway Radius Widening
2. Perimeter Fencing
3. FOD Removal Equipment
4. Snow Removal Equipment (SRE)
5. Master Plan Update
6. Communications System
7. Rehabilitate Taxiways A, B, C, D, & E

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: N/A.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: Airports Division, AEA–610, 159–30 Rockaway Boulevard, Jamaica, New York, 11434–4848.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Benedum Airport Authority.

Issued in Beaver, West Virginia, on November 15, 2000.

Larry F. Clark,

Manager, Beaver, West Virginia, Eastern Region.

[FR Doc. 00–29914 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Burbank-Glendale-Pasadena Airport, Burbank, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Burbank-Glendale-Pasadena Airport under the

provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Dios Marrero, Executive Director, Burbank-Glendale-Pasadena Airport Authority, at the following address: 2627 Hollywood Way, Burbank, CA 91505–9989. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Burbank-Glendale-Pasadena Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Ruben Cabalbag, Airports Program Engineer, Standards Section, Airports Division, Federal Aviation Administration, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261, Telephone (310) 725–3630. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Burbank-Glendale-Pasadena Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 27, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Burbank-Glendale-Pasadena Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 27, 2001.

The following is a brief overview of the application.

PFC application number: 00–04–C–00–BUR.

Level of proposed PFC: $3.00.

Proposed charge effective date: July 1, 2010.

Proposed charge expiration date: April 30, 2021.

Total estimated PFC revenue: $73,811,638.

Brief description of the proposed projects: Reimbursable Airside Projects: A1 Temporary Fire Station; A2 Modular ARFF Station; A11 Gate B4 and B5 Hardstands Work; A14 ARFF Equipment (tools); A19 Gate B2 Hardstand; A24 Airfield Signage; A27 ARFF Station Ramp; A29 Sealcoat and Stripe Taxiways B & D; A30 Gate B5 Paving; A35 Tie-in C–6 Paving; A36 B-Ramp Hardstand and Striping; A37 Taxiway Centerline Lighting; A38 Restripe East Ramp; A39 Intersection Marking Change; A41 Hardstand Extension at Gate A4; A43 East Ramp Hardstands; A45 Airfield Distance Remaining Signs; C1 Aircraft Holding pad, Runway 15 Center Reconstruction, Airfield Signage, and Taxiway G Lighting; C2 Taxiway B Lights, Airfield Signage, Taxiway A, B, C and Taxilane Rehabilitation and Runway 8–26 Blast Fence Extension; C3A ARFF Equipment (trucks); C3B Access Controls; C5 Runway 33 Rehabilitation; Reimbursable Landside Projects: A5 Arvilla Street and San Fernando Road Improvements; A6 Roadway Signage; A12 Terminal Road Restriping; A13 Avenue B Repairs; A17 Terminal Entrance Road Repairs; Reimbursable Noise Projects: A44 Noise Monitoring Equipment; C4 Part 150 Update; Reimbursable Terminal Projects: A3 East Concourse Modifications; A4 1000KV Generator; A10 Modifications to Holdrooms 1, 2, 3 and 4; A15 Americans with Disabilities Access; A18 Holdrooms 5, 6 and 7 Modifications; A21 Terminal A Baggage Claim Modifications; A22 Building 10 Seismic Retrofit; A25 Terminal B Restrooms; A26 Terminal B Sewer; #A32 Americans with Disabilities Access; Noise Mitigation Projects—Original Part 150 Program: B1 Home Acoustical Treatment in Original Part 150 Program; B2 Luther Burbank School Acoustical Treatment; B3 Glenwood School Acoustical Treatment; B4 Mingay School Acoustical Treatment; B5 St. Patrick's School Acoustical Treatment; D1 Additional Residences for Acoustical Treatment; D2 Additional Schools for Acoustical Treatment.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: All air taxi/commercial operators filing or required to file FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Burbank-Glendale-Pasadena Airport Authority.

Issued in Los Angeles, California, on October 27, 2000.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 00–29912 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Hattiesburg-Laurel Regional Airport, Hattiesburg, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Hattiesburg-Laurel Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Hattiesburg-Laurel Regional Airport Authority, Mr. David G. Senne, Executive Director of the Hattiesburg-Regional Airport at the following address: 1002 Terminal Drive, Moselle, MS 39459.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Hattiesburg-Laurel Regional Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Patrick Vaught, Program Manager, FAA/Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, 601–664–9885. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Hattiesburg-Laurel Regional Airport under the provisions of the Aviation

Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 14, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Hattiesburg-Laurel Regional Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than Date 120 days after receipt of application supplement.

The following is a brief overview of the application.

PFC Application No.: 00–03–C–00–PIB.

Level of the proposed PFC: $4.50.

Proposed charge effective date: May 1, 2001.

Proposed charge Expiration date: November 1, 2003.

Total estimated net PFC revenue: $149,610.

Brief Description of Proposed Projects: Acquire ARFF Vehicle; Engineering & Design Of Runway Overlay; Install Security Fencing; Install Airfield Signs; Land Purchase; Acquire Security Vehicle; Construct Ramp Edge Taxiway; Acquire Communications Equipment; Terminal Renovation, Phase I; Acquire Security Vehicle; Terminal Renovation, Phase II; Erosion Control; Rehab Security System; Terminal Renovation, Phase III.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may Inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Hattiesburg-Laurel Regional Airport.

Issued in Jackson, Mississippi, on November 16, 2000.

Wayne Atkinson,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 00–29918 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–04–I–00–SYR To Impose a Passenger Facility Charge (PFC) at Syracuse-Hancock International Airport, Syracuse, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Syracuse-Hancock International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, New York 11530.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Charles R. Everett, Jr., Commissioner of Aviation, City of Syracuse Department of Aviation at the following address: Department of Aviation, Syracuse-Hancock International Airport, Syracuse, New York 13212.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Syracuse Department of Aviation under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Philip Brito, Manager, New York Airports District Office, 600 Old Country Road, Garden City, New York 11530, Telephone: (516) 227–3800. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Syracuse-Hancock International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 14, 2000, the FAA determined that the application to impose a PFC submitted by the City of Syracuse Department of Aviation was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 8, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–04–I–00 SYR.

Level of the proposed PFC: $3.00.

Proposed charge effective date: February 1, 2001.

Proposed charge expiration date: February 2, 2002.

Total estimated PFC revenue: $3,018,210.

Brief description of proposed project(s): Taxiway ''A'' Rehabilitation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: Federal Aviation Administration, Eastern region, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434–4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Syracuse Department of Aviation.

Issued in Garden City, New York, on November 14, 2000.

Philip Brito,

Manager, New York Airports District Office, Eastern Region.

[FR Doc. 00–29919 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–13–M

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.

The Burlington Northern and Santa Fe Railway Company

[Waiver Petition Docket Number FRA–2000–7926]

The Burlington Northern and Santa Fe Railway Company (BNSF) seeks a waiver of compliance from the provisions of the Track Safety Standards, 49 CFR section 213.55, regarding the allowable deviations from uniformity of track alinement. There are 2191 track miles on BNSF where the maximum allowable passenger train speed is 80 mph or less and the corresponding freight train speed is between 61 and 70 mph. Pursuant to 49 CFR section 213.9(a) of the Track Safety Standards, the allowable freight train speeds subject these locations to FRA Class 5 standards.

BNSF is petitioning for a waiver which would establish intermediate values for allowable alinement deviations over the 2191 track miles in question. The intermediate values would be more restrictive than those prescribed for FRA Class 4 track, but less restrictive than those prescribed for FRA Class 5 track. The petitioner cites the fact that the allowable freight train speeds are at the lower end of the Class 5 speed regime, and the existence of various operating restrictions which closely control freight train speeds within the 61 to 70 mph range, as arguments in favor of relief. The petitioner also states there have been no reportable or non-reportable derailments attributed to irregular alinement over these 2191 miles in the past five years.

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 2000–7926) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. 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 (9:00 a.m.–5:00 p.m.) at the above facility. 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 16, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–29904 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on December 14, 2000, beginning at 1:30 p.m. and ending at approximately 5 p.m. The deadline for interested parties to suggest agenda topics is 5 p.m. on November 29, 2000. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by December 4, 2000, to the address given below. If sufficient time is available, questions received after the December 4 date will be answered at the meeting during the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of answers to questions submitted by December 4 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Best Western Gateway International Hotel, Romulus, Michigan 48174, telephone number 734–728–2800. Suggestions for specific research and development topics as described below and questions for the December 14, 2000, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh Street, SW., Washington, DC 20590. The fax number is (202) 366–5930.

SUPPLEMENTARY INFORMATION: In recent years, since April 1993, NHTSA has provided detailed information about its research and development programs in presentations at a series of public meetings. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This is the twenty-eighth meeting in that series, and it will be held on December 14, 2000, at the Best Western Gateway International Hotel, Romulus, Michigan.

NHTSA requests suggestions from interested parties on specific agenda topics to be presented at this meeting. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by 5 p.m. on November 29, 2000. Before the meeting, NHTSA will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the request to the telephone numbers listed in this notice, through the E-mail address listed in this notice, or from NHTSA's Web site under Announcements/Public Meetings at URL *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.*

NHTSA asks that the suggestions be limited to three topics, in priority order, so that the presentations at the December 14, 2000, meeting can be most useful to the audience. Specific research and development topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other research and development topics of specific interest to their organizations or items of general interest. Additionally, if any interested parties would like to make a presentation regarding technical issues concerning any of NHTSA's research programs, information concerning the proposed topic and speaker should be submitted in writing by 5 p.m. on November 29, 2000.

Specific R&D topics are:

- Fiscal Years 2000–2001 R&D Research Efforts,
- International Harmonized Research Activities (IHRA),
- On-line tracking system for NHTSA's research projects, and
- Crash Injury Research and Engineering Network (CIREN).

Specific Crashworthiness R&D topics are:
Preparation of new dummies for assessment of advanced air bag technology,
Improved frontal crash protection (program status, problem identification, offset testing),
Vehicle compatibility,
Upgrade side crash protection,
Child restraint/air bag interaction (CRABI) dummy testing,
Head and neck injury research,
Lower extremity injury research, and
Thorax injury research.
Specific Crash Avoidance R&D topics are:
National Advanced Driving Simulator (NADS),
Intelligent vehicle initiative (the rear-end collision avoidance system operational test),
Drowsy driver monitoring,
Driver workload assessment, and
Lane change/merge collision avoidance system guidelines.
Specific National Center for Statistics and Analysis (NCSA) topics are:
Special crash investigation studies and Crash avoidance data collection.

Separately, questions regarding research projects that have been submitted in writing not later than 5 p.m. on December 4, 2000, will be answered. The summary minutes of the meeting, copies of materials handed out at the meeting, and answers to the questions submitted for response at the meeting will be available for public inspection in the DOT Docket in Washington, DC, within 3 weeks after the meeting. Copies of this material will then be available at ten cents a page upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10 a.m. to 5 p.m. The summary minutes, handouts, and answers to the questions will also be available on NHTSA's Web site at Announcements/Public Meetings at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.

Additionally, the agency is in the process of reviewing NHTSA's quarterly meetings on its safety performance standards and research and development programs. A survey has been posted on NHTSA's Web site at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/ for those interested in commenting on the quarterly meeting process.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (*e.g.,* sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons by telephone on (202) 366–4862, by telefax on (202) 366–5930, or by E-mail at rgibbons@nhtsa.dot.gov by 5 p.m. December 4, 2000.

Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's Web site at Announcements/Public Meetings at URL *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.* If you do not have access to the Web site, you may call for information at the contact listed below and leave your telephone or telefax number. You will be called only if the meeting is postponed or canceled.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4862. Fax number: (202) 366–5930. E-mail: *rgibbons@nhtsa.dot.gov.*

Issued: November 16, 2000.

Raymond P. Owings,

Associate Administrator for Research and Development.

[FR Doc. 00–29905 Filed 11–21–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20976]

Tedesco Family ESB Trust—Acquisition and Merger—American Limousine Service, Inc., and Academy Express, Inc.

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Tedesco Family ESB Trust, Francis Tedesco and Mark Tedesco, settlers, of Hoboken, NJ (Tedesco Family Trust or applicant),[1] a noncarrier, has filed an application under 49 U.S.C. 14303 for the acquisition of American Limousine Service, Inc. (MC–186879), and Academy Express, Inc. (formerly, Inner Circle Qonexions, Inc.) (MC–145482),[2] motor carriers of passengers, and their subsequent merger, and the merger of Academy Bus Tours, Inc. (PA), and Commuter Bus Line, Inc., into Academy Express, Inc., which will be the surviving entity. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by January 8, 2001. Applicant may file a reply by January 22, 2001. If no comments are filed by January 8, 2001, the approval is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20976 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of comments to applicant's representative: Fritz R. Kahn, 1920 N Street, NW., (8th Floor), Washington, DC 20036–1601.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. (TDD for the hearing impaired: 1–800–877–8339.)

SUPPLEMENTARY INFORMATION: The carriers being acquired and those being merged all hold federally issued operating authority and provide either local commuter bus service and other regular-route operations, or special and charter operations, or a combination of both. Collectively, these carriers operate between New York, NY, and various points in New Jersey and Pennsylvania.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicant has shown that the proposed

[1] Tedesco Family Trust directly controls two motor carriers of passengers, Academy Bus Tours, Inc. (MC–165004), and Academy Lines, Inc. (MC–106207). It indirectly controls, through its noncarrier subsidiary, Franmar Logistics, Inc., of Hoboken, NJ, four motor carriers of passengers, Academy Bus Tours, Inc. (PA) (MC–215354), Academy Express, Inc. (MC–228481), Commuter Bus Line, Inc. (MC–162133), and No. 22 Hillside Corp. (MC–182453), and through its noncarrier subsidiaries, Franmar Equities, Inc., of Hoboken, NJ, and Consolidated Bus Service, Inc., one motor carrier of passengers, Funaway Tours of New Jersey, Inc. (MC–174942).

[2] Inner Circle Qonexions, Inc., filed for a name change in June 1995. It now has the same name as one of Tedesco Family Trust's existing carrier subsidiaries and will be merged into that subsidiary upon consummation of this transaction.

transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. *See* 49 CFR 1182.2(a)(7). Additional information may be obtained from applicant's representative.

On the basis of the application, we find that the proposed acquisition and merger are consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at http://WWW.STB.DOT.GOV.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It Is Ordered

1. The proposed acquisition and merger is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on January 8, 2001, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration—HMCE–20, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: November 15, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–29728 Filed 11–21–00; 8:45 am]

BILLING CODE 4515–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33948 (Sub–No. 1)]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33948 [1] to permit the trackage rights to expire on February 15, 2001, in accordance with the agreement of the parties.

DATES: This exemption will be effective on December 22, 2000. Petitions to reopen must be filed by December 12, 2000.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33948 (Sub-No. 1) must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of all pleadings must be served on petitioner's representative, Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. (TDD for the hearing impaired 1–800–877–8339.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da-To-Da Office Solutions, Suite 210, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 289–4357. (Assistance for the hearing impaired is available through TDD services 1–800–877–8339.)

Board decisions and notices are available on our website at *http://WWW.STB.DOT.GOV.*

[1] On October 13, 2000, the Union Pacific Railroad Company (UP) filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights to UP over 235 miles of BNSF's rail line between BNSF milepost 885.2 near Bakersfield, CA, and BNSF milepost 1120.54 near Stockton, CA. *See Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* STB Finance Docket No. 33948 (STB served Oct. 26, 2000). The trackage rights agreement is scheduled to expire February 15, 2001. The trackage rights operations under the exemption were scheduled to be consummated on October 20, 2000.

Decided: November 14, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–29726 Filed 11–21–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33961]

City of Yelm, WA—Acquisition Exemption—Line of The Burlington Northern and Santa Fe Railway Company

The City of Yelm, Washington (the City), a municipality of the State of Washington, a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire approximately 4.57 miles of rail line known as the Prairie Line [1] from The Burlington Northern and Santa Fe Railway Company (BNSF) between milepost 20.99 near Roy, WA, and milepost 25.56 near Yelm, WA, in Pierce and Thurston Counties, WA. The City certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

The transaction is expected to be consummated on or shortly after November 16, 2000.[2]

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33961, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Stephen L. Day, 1215—4th Avenue, Suite 800, Seattle, WA 98161–1090.

[1] The City states that it is its intent to have the above line operated by a yet-to-be-determined third party rail operator. The City further states that the line will be temporarily embargoed pending line maintenance and selection of an operator in the near future.

[2] The City reported that it intended to consummate the transaction on or *before* November 16, 2000 (emphasis added). The earliest the transaction can be consummated is November 16, 2000, the effective date of the exemption (7 days after the exemption was filed). The City's representative has been notified and has confirmed that consummation would not take place before November 16, 2000.

Board decisions and notices are available on our website at *http://WWW.STB.DOT.GOV*.

Decided: November 15, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–29731 Filed 11–21–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service; Meeting

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date, time, and location for the first meeting of the renewed term of the Treasury Advisory Committee on Commercial Operations (COAC), and the provisional agenda for consideration by the Committee.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, December 1, 2000 at 9 a.m. at the Department of the Treasury, Secretary's Conference Room (Rm. 3327), located at 15th Street and Pennsylvania Avenue, NW., Washington, DC. The duration of the meeting will be approximately four hours, starting at 9 a.m.

FOR FURTHER INFORMATION CONTACT: John P. Simpson, Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement), Office of the Under Secretary (Enforcement), telephone—(202) 622–0230.

At this meeting, the Advisory Committee is expected to pursue the following agenda. The agenda may be modified prior to the meeting.

Agenda

(1) Merchandise Processing Fee (MPF) (Legislative Principles and Conditions for Renewal of MPF)

(2) Office of Regulations and Rulings (OR&R) (Proposed Prototype for 3rd Party (HQ) Rulings)

(3) Compliance Assessment Team (CAT): (Status of Discussions Between the Trade and Customs on Issues Raised by the Subcommittee's Position Paper)

(4) Treasury Study on Customs Data and Record Keeping Requirements

(5) Current or Proposed Customs Programs (Publication of 592 Violators; Entry Revisions Project ''ERP–2''; Resource Allocation Model ''RAM''; Post Entry Amendment Process ''PEAP''; Importer Compliance Measurement Project ''ICMP''; Commissioner's Trade Symposium Proposals)

(6) G–7 Customs Automated Reporting Standardization and Simplification Initiative

(7) Future Meeting Dates and Venues for 7th Term

(8). Agenda Items for Next Meeting

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, participation in the Committee's deliberations is limited to Committee members, Customs and Treasury Department staff, and persons invited to attend the meeting for special presentations. A person other than an Advisory Committee member who wishes to attend the meeting should contact Theresa Manning at (202) 622–0220 or Helen Belt at (202) 622–0230 for pre-clearance.

Dated: November 16, 2000.

Timothy E. Skud,

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

[FR Doc. 00–29816 Filed 11–21–00; 8:45 am]

BILLING CODE 48110–25M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Payments to Persons Who Hold Certain Categories of Judgments Against Cuba or Iran

AGENCY: Department of the Treasury; Office of Foreign Assets Control.

ACTION: Notice.

SUMMARY: This notice specifies the procedures necessary for persons to establish eligibility for payments authorized by section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Act), Public Law No. 106–386 (''Section 2002''). Section 2002 directs the Secretary of the Treasury to make payments to persons who hold certain categories of judgments against Cuba or Iran in suits brought under 28 U.S.C. 1605(a)(7).

DATES: This Notice is effective November 20, 2000.

FOR FURTHER INFORMATION CONTACT: For questions regarding submission of applications, Rochelle E. Stern, Transactions Analysis Officer, Office of Foreign Assets Control. For legal questions, Brett D. Barkey, Attorney-Advisor, Office of the Chief Counsel (Foreign Assets Control). Both individuals can be reached at 202–622–2671 (not a toll free call).

Part 1. Availability of Funds

Section 2002 specifies the source and amount of funds available for the payments authorized by that Section. See section 2002(b). The Department of the Treasury will make a payment to an applicant promptly after determining (a) that an application for payment, containing all necessary information and documentation specified in Part 2 below, has been received by the Department of the Treasury, and (b) that sufficient funds are available from the sources identified in section 2002(b).

For purposes of funding payments in connection with judgments and sanctions against Cuba, section 2002 provides that the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, or regulation issued thereunder. It further provides that for the purposes of paying amounts for judicial sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba. See section 2002(b)(1).

For purposes of funding payments in connection with judgments against Iran, Section 2002 provides that the Department of the Treasury shall make payments from amounts paid and liquidated from (a) rental proceeds accrued on the date of the enactment of the Act from Iranian diplomatic and consular property located in the United States, and (b) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of the enactment of the Act. See section 2002(b)(2). The amount of funds made available by (a), above, will be determined based in part on information provided by the Department of State. The amount of funds made available by (b), above, will be determined based on information provided by the Department of Defense.

Part 2. Applications for Payment

Applications for payment under section 2002 must be sent to Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Second Floor,

Washington, DC 20220, Attn: Rochelle E. Stern. Applications must contain all of the information and documentation as specified in this Part 2. APPLICATIONS MUST BE SENT BY U.S. POSTAL SERVICE REGISTERED MAIL. Applications sent electronically or by facsimile or delivered by hand, courier service, certified mail or any mail service other than registered mail shall not be deemed valid. All information required by paragraphs (a) through (f) below must be submitted to the noted address by U.S. Postal Service registered mail.

If an applicant is currently represented by counsel, his or her application must be submitted through that counsel.

(a) Information Regarding Applicant and Payment

(1) *Information Regarding Applicant:* An applicant shall submit the following information:

(A) Name, address, telephone number, and, if available, facsimile number of applicant; and

(B) If the applicant is represented by counsel, name(s), address(es), telephone number(s), and facsimile number(s) of applicant's counsel.

(2) *Payment Information:* Payments will be made by electronic funds transfer. Payments will be made only to the applicant or the applicant's counsel. The application shall designate which of these parties is to receive the payment. An applicant shall submit the following information:

(A) Name of person or entity to whom payment is to be made (payee);

(B) American Bankers Association Routing and Transit Code number of the bank holding payee's account (copy of canceled check or savings deposit slip);

(C) Name and address of payee's bank;

(D) Payee's bank account number;

(E) Type of account (checking or savings); and

(F) Social security number or taxpayer identification number of payee.

(b) Documentation on Compensatory Damages

An applicant shall submit a copy of the judgment awarding the applicant compensatory damages on a claim or claims brought by the applicant under 28 U.S.C. 1605(a)(7). This copy must be certified by the clerk of the court that awarded the judgment.

(c) Documentation on Punitive Damages

An applicant who elects to receive 110 percent of compensatory damages, as allowed under Section 2002(a)(1)(A), shall submit a copy of the judgment awarding the applicant punitive damages on a claim or claims brought by the applicant under 28 U.S.C. 1605(a)(7). This copy must be certified by the clerk of the court that awarded the judgment.

(d) Documentation on Sanctions

(1) An applicant seeking payment of amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000) in connection with a claim or claims brought by the applicant under 28 U.S.C. 1605(a)(7) shall submit a copy of the judicial order of April 18, 2000 (as corrected on June 2, 2000) awarding the applicant sanctions. The copy must be certified by the clerk of the court that issued the order.

(2) The applicant must also establish that this order is final and not subject to further appellate review. The applicant can so establish by providing one of the following:

(A) A copy of a judgment of dismissal by the U.S. Court of Appeals of any pending appeal from the sanctions order, which copy must be certified by the clerk of the court of appeals;

(B) A signed statement that the time to appeal the sanctions order has expired without a notice of appeal having been filed, or a signed written waiver of the right to seek any further review of any adverse aspect of the sanctions order from any party that would have a basis for seeking review of that decision;

(C)(i) A copy of a final decision by the U.S. Court of Appeals on the sanctions order that affirms or otherwise leaves intact the sanctions order, in whole or in part, and that has been certified by the clerk of the Court of Appeals and,

(ii)(I) a citation to the order of the U.S. Supreme Court denying certiorari or dismissing any pending petition for a writ of certiorari;

(II) a signed statement that the time to petition for a writ of certiorari has expired, without such a petition having been filed; or

(III) if the time to petition for a writ of certiorari has not expired, a signed written waiver from all unsuccessful appellants of their right to petition for a writ of certiorari; or

(D) A copy of a final decision by the U.S. Supreme Court on the sanctions order that affirms or otherwise leaves intact the sanctions order, in whole or in part.

(e) Documentation on Final Judgment or Date Suit Commenced

In order to receive payment, an applicant must meet one of the following two requirements documenting the final judgment and, where applicable, the date on which the applicant's suit commenced.

(1) To meet the first requirement, the applicant must establish that he or she had, as of July 20, 2000, a final judgment for a claim or claims brought under 28 U.S.C. 1605(a)(7) or the right to payment of an amount awarded as a judicial sanction with respect to such claim or claims. The applicant can establish that he or she had a final judgment for a claim or claims brought under 28 U.S.C. 1605(a)(7) as of July 20, 2000 by submitting the judgment specified in Part 2(b) above, which must be dated July 20, 2000 or earlier, along with all appellate orders on that judgment, if any, and a signed statement demonstrating why further appellate review is unavailable. The applicant can establish that he or she had a right to payment of an amount awarded as a judicial sanction by submitting the order specified in Part 2(d) above, which must be dated July 20, 2000 or earlier, along with proof that this order is final and not subject to further appellate review.

(2) If an applicant does not satisfy paragraph (1) above, the applicant shall submit satisfactory proof of the date on which the applicant filed a suit against Iran or Cuba under 28 U.S.C. 1605(a)(7). This proof shall be in the form of a docket sheet or other document that has been certified by the clerk of the court in which the suit was filed. Applicants proceeding under this paragraph shall be eligible for payment only if suit was filed on February 17, 1999, December 13, 1999, January 28, 2000, March 15, 2000, or July 27, 2000. The applicant must also establish that he or she has a final judgment in this suit by submitting the judgment specified in Part 2(b) above, along with all appellate orders on that judgment, if any, and a signed statement demonstrating why further appellate review is unavailable.

(f) Election of Payment Option and Associated Relinquishment

(1) The applicant shall elect a payment option established by Section 2002. To make an election, the applicant must submit two declarations as set forth in Parts 2(f)(3)–(4) below. All declarations submitted must be completed in full, without modification or alteration. Any modification or alteration of any statement will render the application noncomplying. It is not within the Department of the Treasury's purview to advise applicants on which option they should select.

If the applicant has received an award of punitive damages, the applicant shall elect to receive either 110 percent or 100 percent of the compensatory damages,

amounts necessary to pay post-judgment interest under 28 U.S.C. 1961, and, where applicable, the amount awarded as sanctions on or in connection with a claim or claims brought under 28 U.S.C. 1605(a)(7).

If the applicant has not received an award of punitive damages, the applicant shall elect to receive 100 percent of the compensatory damages, amounts necessary to pay post-judgment interest under 28 U.S.C. 1961, and, where applicable, the amount awarded as sanctions on or in connection with a claim or claims brought under 28 U.S.C. 1605(a)(7).

By electing one of these options, the applicant relinquishes certain claims and rights, as specified in section 2002. See section 2002(a)(2)(B)–(D).

(2) If an applicant elects to receive 100 percent of the compensatory damages, amounts necessary to pay post-judgment interest under 28 U.S.C. 1961, and, where applicable, the amount awarded as sanctions on or in connection with a claim or claims brought under 28 U.S.C. 1605(a)(7) (100 percent option), and to preserve the right to collect his or her punitive damage award from Cuba or Iran, the applicant must relinquish, *inter alia,* ''all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.'' Section 2002(a)(2)(D). Title 28 U.S.C. 1610(f)(1)(A), in turn, applies to ''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.C. App. 5(b)) (TWEA), 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) (IEEPA), or any other proclamation, order, regulation, or license issued pursuant thereto.'' 28 U.S.C. 1610(f)(1)(A). Because of the comprehensive sanctions programs in place against Iran pursuant to IEEPA and against Cuba pursuant to TWEA, *see* 31 C.F.R. Parts 515, 535, and 560, virtually every transaction involving Iranian or Cuban property within the jurisdiction of the United States is either ''prohibited'' or ''regulated,'' *i.e.,* permitted only by a general license in regulations promulgated by the Office of Foreign Assets Control (OFAC), Department of the Treasury, or by a specific license issued by OFAC. See *Regan* v. *Wald,* 468 U.S. 222, 232–234 (1984). Thus, virtually all Iranian or Cuban property within the jurisdiction of the United States is ''property with respect to which financial transactions are prohibited or regulated pursuant to'' IEEPA or TWEA. Section 2002(a)(2)(D) therefore prohibits an applicant who elects the 100 percent option from seeking to execute his or her punitive damage award against, or from seeking to attach, virtually all Iranian or Cuban assets within the jurisdiction of the United States.

(3) To make the election, the applicant shall submit one of the two declarations set forth in (A) and (B) below. The applicant must sign this declaration pursuant to 28 U.S.C. 1746.

(A) ''I,_____(insert name of applicant), elect to receive 110 percent of the amount awarded to me as compensatory damages, amounts necessary to pay post-judgment interest under 28 U.S.C. 1961, and, where applicable, amounts awarded as judicial sanctions on or in connection with the claim or claims I brought under 28 U.S.C. 1605(a)(7). By so electing, I state that I have been awarded a judgment that includes an award of punitive damages. I further state, as required by Section 2002 of P.L. No. 106–386, that I relinquish (a) all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments and any related interest, costs, and attorneys fees, and (b) all claims and rights to punitive damages awarded in connection with such claim or claims and any related interest, costs, and attorneys fees. In relinquishing these above-mentioned claims and rights, I recognize that I relinquish any rights to seek writs of attachment, execution, or garnishment, or any other form of post-judgment process intended to obtain partial or complete satisfaction of any amounts awarded in connection with the claim or claims under 28 U.S.C. 1605(a)(7) for which I have elected to receive payment.

''I understand that this relinquishment is irrevocable once the payment is credited to the bank account I have identified in this application. I understand that this is true even if, pursuant to my election under Part 3(b) of the **Federal Register** Notice published on November 22, 2000, the payment that is credited to the bank account I have identified in this application is less than the amount for which I applied.

''I further agree and acknowledge that, pursuant to Section 2002(c), once the payment is credited to the bank account I have identified in this application, and to the extent such payment is made under Section 2002(b)(2)(B), the United States shall be fully subrogated and assigned to all of my rights as a judgment creditor, and to the rights, if any, of any other person or entity to whom payments are made (collectively 'payees'), against the debtor foreign state. Such subrogation and assignment of payees' rights as judgment creditors is binding on their guardians, heirs, executors, administrators or assigns.

''I declare under penalty of perjury that the foregoing is true and correct. Executed on (insert date).''

(B) ''I,_____(insert name of applicant), elect to receive 100 percent of the amount awarded to me as compensatory damages, amounts necessary to pay post-judgment interest under 28 U.S.C. 1961, and, where applicable, amounts awarded as judicial sanctions on or in connection with the claim or claims I brought under 28 U.S.C. 1605(a)(7). By so electing, as required by Section 2002 of P.L. No. 106–386, I relinquish (a) all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments and any related interest, costs, and attorneys fees, and (b) all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to 28 U.S.C. 1610(f)(1)(A). In relinquishing these above-mentioned claims and rights, I recognize that I relinquish any rights to seek writs of attachment, execution, or garnishment, or any other form of post-judgment process directed against property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to 28 U.S.C. 1610(f)(1)(A) and intended to obtain partial or complete satisfaction of any amounts awarded in connection with the claim or claims under 28 U.S.C. 1605(a)(7) for which I have elected to receive payment.

''I understand that this relinquishment is irrevocable once the payment is credited to the bank account I have identified in this application. I understand that this is true even if, pursuant to my election under Part 3(b) of the **Federal Register** Notice published on November 22, 2000, the payment that is credited to the bank account I have identified in this application is less than the amount for which I applied.

''I further agree and acknowledge that, pursuant to Section 2002(c), once the payment is credited to the bank account I have identified in this application, and to the extent such payment is made under Section 2002(b)(2)(B), the United States shall be fully subrogated and assigned to all of my rights as a judgment creditor, and to the rights, if any, of any other person or entity to whom payments are made (collectively ''payees''), against the debtor foreign state. Such subrogation and assignment of payees' rights as judgment creditors is binding on their guardians, heirs, executors, administrators or assigns.

''I declare under penalty of perjury that the foregoing is true and correct. Executed on (insert date).''

(4) In addition, all applicants shall submit the following declaration, which, pursuant to 28 U.S.C. 1746, must be signed by the applicant and, if the payee is different from the applicant, the payee.

''I/We, _____ (insert name of applicant) and _____ (insert name of payee, if different from applicant) am/are entitled to the entire amount to be paid in this application. No other person, corporation, law firm, or other entity whatsoever either claims or is otherwise entitled to receive any portion of this payment from the United States of America.

If any other person, corporation, law firm, or other entity (a ''Third Party'') is ever determined by a final judgment of a court of the United States to be entitled to all or part of the payment made to the applicant and payee (as named above), we (the applicant and payee) promise immediately to reimburse, with interest, the United States for whatever amount of money is paid by it to a Third Party, and agree further to indemnify and hold harmless the United States for any such claims for payment asserted by a Third Party against the United States.

''I/we declare under penalty of perjury that the foregoing is true and correct. Executed on (insert date).''

(g) Supplementary Information and Documentation

The Department of the Treasury may require applicants to submit additional information and documentation, including additional statements of relinquishment, as it deems appropriate on a case-by-case basis. The above-mentioned additional statements of relinquishment may include, but are not limited to, statements of relinquishment by counsel that currently represent or have represented applicants in pursuit of the claims under 28 U.S.C. 1605(a)(7) in connection with which the applicant seeks payment.

Part 3. Order of Payment of Applications

(a) For so long as sufficient funds are available from the sources identified in Section 2002(b), the Department of the Treasury will make payments on applications in the order in which each complying application (as hereinafter defined) is dated by the U.S. Postal Service as having been received by the U.S. Postal Service for delivery by registered mail. An application will be determined to be complying if the Department of the Treasury determines that it has received, for its review, all the information and documentation specified in Part 2(a)–(f) above. If the Department of the Treasury receives a noncomplying application, it will notify the applicant of the deficiencies. Treasury will determine such applications to be complying only when those deficiencies are corrected and will deem them complying as of the date indicated by the U.S. Postal Service as the date on which the last required item of information or documentation was received by the U.S. Postal Service for delivery by registered mail. If an application includes all the information and documentation specified in Part 2(a)–(f), it will be deemed complying for purposes of this Part, even if the Department of the Treasury requests supplementary information pursuant to Part 2(g) above. If two or more complying applications are dated by the U.S. Postal Service as having been received by the U.S. Postal Service on the same day for delivery by registered mail, or if the last required items of information or documentation for two or more noncomplying applications are received by the U.S. Postal Service on the same day for delivery by registered mail, the Department of the Treasury will give them the same priority for payment.

(b) If the funds specified in section 2002(b) are insufficient to pay an applicant the full amount the applicant has elected to receive, the Department of the Treasury will notify the applicant in writing. If there are sufficient funds available for a partial payment, the Department of the Treasury will specify an office to which the applicant shall reply, and the applicant will have two options: (1) To withdraw his or her application, or (2) to maintain the application and accept partial payment. The applicant shall notify the specified Treasury office in writing of his or her choice. If the applicant chooses to maintain the application and accept partial payment, the relinquishment made pursuant to section 2002(a)(2)(B)–(D), as specified in Part 2(f) above, is irrevocable and applies to the same extent as if full payment were made by the Department of the Treasury. If available funds are sufficient to make only partial payments to two or more applicants who have the same priority, the Department of the Treasury will give each of these applicants the option of a pro rata payment. For each applicant, the pro rata payment will be an identical fixed percentage of the payment for which the applicant is eligible. The fixed percentage will be set at the maximum amount allowed by available funds.

Part 4. Competing Applications

In the event two or more applications for payment are submitted for amounts arising from the same judgment, the Department of the Treasury may take such further action as it deems appropriate to resolve any competing applications, including, but not limited to, staying applications that have been submitted and/or initiating judicial action. The Department of the Treasury will have this authority even if one or more of these competing applications does not contain all the information and documentation required by Part 2(a)–(f).

Part 5. Notice Requirements Inapplicable

This Notice advises applicants of the availability of funds pursuant to Section 2002 and explains the nature of the information and documentation requirements established by that section. Accordingly, it has been determined that notice and public procedure are not required pursuant to 5 U.S.C. 553(a). Moreover, notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b)(B) because this Notice merely explains the requirements of section 2002 and does not affect the substantive rights of applicants under that section. Notice and public procedure are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(B) because section 2002 requires that payments be made ''promptly,'' see section 2002(a)(1), and it is in the public interest to establish the procedures to request payments without delay.

Part 6. Paperwork Reduction Act

The collection of information contained in this notice has been reviewed and approved by the Office of Management and Budget (OMB) pursuant to section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and assigned OMB Control Number 1505–0177. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection that does not display a currently valid OMB control number. The collection of information specified in this notice is required to enable the Department of the Treasury to determine the eligibility of an applicant under section 2002 of Public Law No. 106–386. The collection of information is voluntary, but it is required to obtain a payment authorized by Section 2002. The estimated average burden per applicant is 3 hours. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the agency contact specified earlier in this notice and to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dated: November 17, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: November 17, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–29953 Filed 11–20–00; 10:04 am]

BILLING CODE 4810–25–P

Corrections

Federal Register

Vol. 65, No. 226

Wednesday, November 22, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the Draft Supplement II to the Final EIS for the Proposed New Water Supply Reservoir Located in Williamson and Johnson Counties, for the City of Marion, IL

Correction

In notice document 00–29084 appearing on page 68129 in the issue of Tuesday, November 14, 2000, make the following correction:

On page 68129, in the second column, in the eighth line from the bottom, ''May 1996'' should read ''February 1996''. In the same line, following ''February 1996.'' add ''A Final Supplement I to the Final EIS was prepared and released to the public for comment in May 1996.''

[FR Doc. C0–29084 Filed 11–21–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number EE–RM–97–500]

RIN 1904–AA77

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

Correction

In proposed rule document 00–25336 beginning on page 59590 in the issue of Thursday, October 5, 2000, make the following corrections:

1. On page 59598, the heading for the second table should read ''Table V.2–Revised Reverse Engineering Production Cost Multipliers for 3-Ton Unitary Equipment''.

2. On page 59614, in table VI.4A., in column ''ARI mean manufacturing cost'', in the ninth line down, ''6.1'' should read ''16.1''.

3. On page 59626, in table VI.29., in column ''Trial std 5'', in the last line, ''12.81'' should read ''12.8''.

4. On page 59627, in the second column, footnote 39 should read ''[39]It is possible the NPV does not include the value of avoided power plants. It should be captured in the price of electricity, however, DOE used the same AEO 2000 prices forecasts in the base case projection as well as each trial standard level. It is entirely possible the average and marginal electricity prices do not change, however, DOE did not undertake an analysis to determine the effect, if any, of standards on electricity prices.''.

5. On page 59627, in the third column, footnote 36 should be removed.

[FR Doc. C0–25336 Filed 11–21–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 203

RIN 1010–AC71

Relief or Reduction in Royalty Rates—Deep Water Royalty Relief for OCS Oil and Gas Leases Issued After 2000

Correction

In proposed rule document 00–29372 beginning on page 69259 in the issue of Thursday, November 16, 2000, make the following corrections:

1. On page 69263, the table headings are corrected to read as follows:

PROPOSED MODIFICATIONS TO DWRR APPLICATIONS

Element	Current and continuing program	Proposed changes
	Applies to pre-Act leases	Applies to post-2000 deep water leases
Eligibility (Central, Western, and western part of Eastern Gulf of Mexico).	Leases in 200m or more water depth issued before 1996.	Leases in 200m or more water depth issued after 2000.
Royalty-free production can come from	Any production from the field until cumulative recovery volume equals the suspension volume.	Only production from resources identified in the application until cumulative recovery equals the suspension volume
Minimum suspension volume for non-producing leases.	For fields that did not produce before the Act, matches eligible lease suspension volumes (17.5, 52.5, 87.5 MMBOE) in equivalent water depths.	For development projects, matches volumes designated in sale and lease documents for various water depths of 200m or greater plus 10 percent of reserves.
Credit for sunk costs in application	For fields with pre-Act leases that did not produce before the application, after-tax costs of and after discovery well used in qualification.	For development projects, after-tax cost of only the discovery well, except when the application involves a pre-Act lease.
Threshold oil and gas price levels for lifting relief.	Statute sets threshold price for light sweet crude oil and natural gas.	Lease terms set threshold price for light sweet crude oil and natural gas.

2. On page 69264, the table headings are corrected to read as follows:

PROPOSED MODIFICATIONS TO DWRR APPLICATIONS

Element	Current and discontinuing program	Proposed changes
	Applies to pre-Act leases	Applies to pre-Act and post-2000 deep water leases
Discount rate used in evaluation	Same rate used on viability and profitability tests, applicant chooses between 10% and 15%.	Use 10% on viability test, applicant chooses rate between 10% and 15% for profitability test.
Redetermination of field qualification or volume by MMS.	Available for new well or seismic data, 25% lower prices, or 20% higher cost.	Available anytime after relief relinquished or withdrawn. Otherwise, for new well or seismic data, 25% lower prices, 20% higher cost, or more efficient development system.
Deadline for starting fabrication	Within 1 year of approval, extendable for up to 1 year.	Within 18 months of approval, extendable for up to 6 months.
Correction for overestimating cost by 20% or more.	Retain only half of suspension volume granted	Retain only half or smaller of granted suspension volume or most likely resource size.
Minimum suspension volume for expansion project.	None	10 percent reserves.
Credit for sunk costs in application for expansion project.	None	After-tax cost of the discovery well.

§203.74 [Corrected]

3. On page 69273, in the second column, in the section heading, ''**§203.70**'' should read ''**§203.74**''.

[FR Doc. C0–29372 Filed 11–21–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Hillsborough and Rockingham Counties, New Hampshire; Correction

Correction

In notice document 00–28817 beginning on page 67469 in the issue of Thursday, November 9, 2000, make the following correction:

On page 67469, in the third column, under the heading **Correction**, in the tenth line, ''NH–Manchester Campus, 300'' should read ''NH–Manchester Campus, 400''.

[FR Doc. C0–28817 Filed 11–21–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
November 22, 2000

Part II

Department of the Treasury

Department of Justice

General Accounting Office

31 CFR Chapter IX and Parts 900, et al.

4 CFR Chapter II

Federal Claims Collection Standards; Federal Claims Collection Standards, Removal of Obsolete Chapter; Final Rules

DEPARTMENT OF THE TREASURY

DEPARTMENT OF JUSTICE

31 CFR Chapter IX and Parts 900, 901, 902, 903, and 904

[A.G. Order No. 2325–2000]

RIN 1510–AA57 and 1105–AA31

Federal Claims Collection Standards

AGENCIES: Department of the Treasury; Department of Justice.

ACTION: Final rule.

SUMMARY: The final rule revises the Federal Claims Collection Standards issued by the Department of Justice and the General Accounting Office on March 9, 1984. The revised Federal Claims Collection Standards clarify and simplify Federal debt collection procedures and reflect changes under the Debt Collection Improvement Act of 1996 and the General Accounting Office Act of 1996.

DATES: This rule is effective December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Gerry Isenberg, Financial Program Specialist, Debt Management Services, Financial Management Service, Department of the Treasury, at (202) 874–0540; Ronda Kent or Ellen Neubauer, Senior Attorneys, Financial Management Service, Department of the Treasury, at (202) 874–6680; or John W. Showalter, Assistant Director, Commercial Litigation Branch, Civil Division, Department of Justice, at (202) 307–0244. This document is available for downloading from the Financial Management Service website at: http://www.fms.treas.gov/debt.

SUPPLEMENTARY INFORMATION:

Background

The Federal Claims Collection Standards (FCCS) provide Government-wide debt collection procedures and policies. This final rule revises the FCCS issued by the Department of Justice (DOJ) and the General Accounting Office on March 9, 1984. The revised FCCS reflect legislative changes to Federal debt collection procedures enacted under the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, 110 Stat. 1321, 1358 (Apr. 26, 1996), as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. Detailed rules governing several of these new DCIA debt collection procedures have been published in the **Federal Register**. *See, e.g.,* Transfer of Debts to Treasury for Collection (64 FR 22906, Apr. 28, 1999); Administrative Wage Garnishment (63 FR 25136, May 6, 1998); Offset of Federal Benefit Payments to Collect Past-Due, Legally Enforceable Nontax Debt (63 FR 711204, Dec. 23, 1998); and Barring Delinquent Debtors From Obtaining Federal Loans or Loan Insurance or Guarantees (63 FR 67754, Dec. 8, 1998). The Financial Management Service (FMS) of the Department of the Treasury (Treasury) will publish other detailed rules governing debt collection tools authorized by the DCIA, including additional centralized administrative offset rules, to be codified under 31 CFR part 285.

The revised FCCS provide agencies with greater latitude to adopt agency-specific regulations, tailored to the legal and policy requirements applicable to the various types of Federal debt, to maximize the effectiveness of Federal debt collection procedures.

The Secretary of the Treasury has been added as a co-promulgator of the FCCS in accordance with section 31001(g)(1)(C) of the DCIA. The Comptroller General has been removed as a co-promulgator in accordance with section 115(g) of the General Accounting Office Act of 1996, Public Law 104–316, 110 Stat. 3826 (Oct. 19, 1996). Treasury and DOJ are publishing the revised FCCS as a joint final rule under new chapter IX, Title 31, Code of Federal Regulations. The revised FCCS supersede the current FCCS codified at 4 CFR parts 101–105. On December 31, 1997, Treasury and DOJ requested public comment on a proposed revision of the FCCS. This final rule is being promulgated after consideration of the comments received. A final rule removing the current FCCS from Title 4 of the Code of Federal Regulations is being published elsewhere in this issue of the **Federal Register**.

Discussion of Comments

In response to the Notice of Proposed Rulemaking (NPRM) concerning revisions to the FCCS (62 FR 68476, Dec. 31, 1997), Treasury and DOJ received comments from various Federal agencies, a private law firm, a private collection agency, and a private citizen. Several agency commenters recommended changes pertinent to the requirements of specific agency programs. Since the FCCS focus on Government-wide debt collection procedures and policy, suggested changes pertinent only to specific agencies were not incorporated into the final rule. Nevertheless, the final rule provides sufficient flexibility for agencies to adopt agency-specific regulations tailored to the legal and policy requirements of their particular programs.

Other commenters requested clarification of the applicability of the FCCS rules regarding debt collection and compromise when specific agency statutory or regulatory authorities address those activities. As noted in § 900.1 (Prescription of Standards) of the revised FCCS, the FCCS apply unless agency-specific statutory or regulatory provisions specifically govern particular debt collection activities. Consequently, the FCCS govern when an agency has been given only general debt collection authority to manage debt obligations arising under its particular programs. *See, e.g.,* 42 U.S.C. 3211(4) (generally authorizing the Secretary of Commerce to collect obligations arising under the Economic Opportunity Program; therefore, the FCCS apply).

A few commenters recommended that the FCCS be reconciled with specific provisions of Treasury's ''Report on Receivables Due from the Public.'' Treasury's ''Report on Receivables'' has been revised for several reasons, one of which is to ensure consistency with the FCCS and the DCIA. Information concerning the revised ''Report on Receivables'' is available from FMS's website at *http://www.fms.treas.gov.*

Several of the commenters suggested technical revisions to the proposed rule; pertinent or necessary technical suggestions were incorporated into the final rule. A review of the substantive comments received in response to the FCCS NPRM is provided in the following ''Comment Analysis,'' which includes a discussion of Treasury and DOJ's determination whether to incorporate specific suggestions into the final rule. The Comment Analysis is organized by reference to the paragraphs in the NPRM that were the subject of public comment.

Comment Analysis

NPRM § 900.1—Prescription of Standards

One commenter recommended that Treasury publish an updated ''Managing Federal Receivables,'' a supplement to the Treasury Financial Manual, to ensure consistency with the FCCS and the DCIA. NPRM § 900.1(a) references the ''Managing Federal Receivables'' publication as a source for agencies to locate additional guidance on debt collection issues. Treasury will update this publication consistent with the final rule and the DCIA. The guidance in the current edition of ''Managing Federal Receivables'' applies to the

extent that it is not inconsistent with the final rule and the DCIA.

The final rule does not incorporate one commenter's suggestion to prescribe a standard under the FCCS for the ''write-off'' of debts (*i.e.,* removal of the debt from the agency's accounting records), consistent with ''Managing Federal Receivables'' guidance. The DCIA gives the Office of Management and Budget (OMB) the responsibility to review the standards and policies of Federal agencies regarding the ''write-off'' of delinquent debts, which is an accounting process. See 31 U.S.C. 3711 note. OMB Circular A–129, ''Policies for Federal Credit Programs and Nontax Receivables,'' is being revised to incorporate new policy guidelines for writing off uncollectible Federal debt.

One commenter's recommendation to delete the reference in NPRM § 900.1(a) to OMB Circular A–129 was not adopted. OMB Circular A–129 continues to provide valuable guidance and applies to the extent not inconsistent with the final rule and DCIA requirements. OMB Circular A–129 is being revised to incorporate new policy guidelines consistent with the final rule and the DCIA.

NPRM § 900.2—Definitions and Construction

Several commenters suggested that the definition of a ''delinquent'' debt under NPRM § 900.2(b) is too vague and that the date of delinquency should be more clearly defined. Under NPRM § 900.2(b), a debt is delinquent ''if it has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement), unless other satisfactory payment arrangements have been made.'' The final rule has not been amended to incorporate this comment. The ''delinquency'' definition applies to all agency programs and obligations owed to the United States. Agency-specific regulations may further clarify the definition of ''delinquency'' as applicable to specific agency program requirements and particular types of debt. *See* Treasury's final rule, Barring Delinquent Debtors From Obtaining Federal Loans or Loan Insurance or Guarantees (63 FR 67754, Dec. 8, 1998), for an example of the term ''delinquent'' being defined for a specific, limited purpose.

NPRM § 900.3—Antitrust, Fraud, and Tax and Interagency Claims Excluded

One commenter suggested amending NPRM § 900.3(a) to provide that the exclusion from the application of the FCCS to debts involving fraud (whereby DOJ retains authority over such debts) applies only to debts known to involve fraud at the time a debt is transferred to, or processed by, a private collection agency. No change has been made to the final rule to incorporate this comment since only DOJ has the authority to compromise, suspend, or terminate collection action on such claims. Accordingly, DOJ retains sole authority under the final rule over activity on all debts involving fraud. Private collection agencies that become aware of fraudulent activity on the part of the debtor (or any third party) at any time must cease collection activity and promptly return the debt back to the referring agency for coordination with DOJ.

NPRM § 901.1—Aggressive Agency Collection Activity

Comments involving the provisions under NPRM § 901.1 related to the DCIA requirement that agencies transfer to Treasury nontax debts that have been delinquent for more than 180 days are outside the scope of the FCCS. A final rule, published by Treasury (64 FR 22906, Apr. 28, 1999), provides guidance regarding the DCIA transfer of debt requirement. *See also* 31 U.S.C. 3711(g).

One commenter suggested that the final rule be amended to clarify whether the 180-day delinquency period begins before or after the 30-day period within which a debtor may pay a debt without penalties or interest. *See* NPRM § 901.10(g). No change has been made to the final rule to incorporate this comment. The 180-day delinquency period begins to run on the date a debt becomes delinquent, that is, when the debt is not paid on the date due or the date as specified in accordance with § 900.2(b) of the NPRM and final rule. A debt is delinquent notwithstanding any statutory or regulatory grace period for the assessment or payment of interest, administrative costs, or penalties.

NPRM § 901.2—Demand for Payment

One commenter recommended that the final rule clarify that the provision under NPRM § 901.2(a) providing that ''[g]enerally, one demand letter should suffice'' does not prohibit agencies from sending progressively stronger demand letters. No change is necessary to the final rule to incorporate this comment. NPRM § 901.2(a) does not prohibit agencies from sending more than one demand letter.

In accordance with one commenter's suggestion, § 901.2(b)(3) of the final rule has been amended to clarify that the term ''late charges'' refers to interest, penalties, and administrative costs.

The final rule does not adopt one commenter's suggestion to delete the requirement under NPRM § 901.2(d) that agency demand letters discuss alternative methods of payment. The NPRM did not include such a requirement. Contrary to the commenter's concern, NPRM § 901.2(d) does not limit agency discretion; it merely provides that a demand letter should inform a debtor of the agency's ''willingness to consider'' alternative methods of payment to satisfy the debt. Many debt collection tools require agencies to give debtors the opportunity to enter into a written agreement with the head of an agency to repay the debt. *See, e.g.,* 31 U.S.C. 3716(a)(4) (administrative offset authority); 31 U.S.C. 3720A (tax refund offset); 31 U.S.C. 3720D (wage garnishment); *see also* NPRM § 901.9 (establishing standards for the collection of delinquent debts in installment payments).

A related comment, recommending that agencies be given the flexibility to include only those provisions of demand letters listed in NPRM § 901.2(d) ''as appropriate to the circumstances,'' has not been incorporated into the final rule. Section 901.2(d), as proposed, does not restrict an agency's discretion to tailor its use of particular debt collection tools in specific cases. NPRM § 901.2(d) provides only that an agency should provide notice to a debtor in a demand letter of its willingness to discuss alternative methods of payment, the agency's remedies to enforce payment of the debt, information concerning the requirement that debts over 180 days delinquent be transferred to Treasury (see discussion involving NPRM § 901.1 above), and applicable waiver consideration information. Demand letters also must satisfy the other requirements of NPRM § 901.2, including, but not limited to, providing notice to the debtor of the basis of the indebtedness and the opportunity available to the debtor for a review within the agency.

Another commenter suggested deleting the second reference to ''collection agencies'' under NPRM § 901.2(d) to avoid duplication. The final rule has not been amended to incorporate this suggested technical amendment. The first reference to ''collection agencies'' relates to an agency's policy with regard to the use of this debt collection tool. The second reference refers to the enforcement action that will be taken regarding the

specific debt referenced in the demand letter.

One commenter suggested deleting the requirement under NPRM § 901.2(g) that agencies advise litigation counsel for the Government that a debtor has been given notice that litigation may be initiated unless the debt can be collected administratively. The commenter incorrectly interprets this provision as requiring agencies to advise litigation counsel at the time the agency's notice is given to the debtor, rather than at the time the debt is referred to DOJ for litigation. No change has been made to the final rule to incorporate this comment.

NPRM § 901.3—Collection by Administrative Offset

The administrative offset section has been redrafted in the final rule to emphasize that disbursing official offset, which is renamed as centralized administrative offset in the final rule, is the primary administrative offset collection tool, consistent with the DCIA. *See* 31 U.S.C. 3716(c)(6) (requiring Federal agencies to notify the Secretary of the Treasury of all debts over 180 days delinquent for purposes of conducting centralized administrative offset).

Consistent with this approach, the final rule provides that the non-disbursing official administrative offset process, which is renamed as non-centralized administrative offset in the final rule, is a backup procedure to be used by creditor agencies on an *ad hoc* case-by-case basis when centralized administrative offset is otherwise not available or appropriate. For example, agencies should utilize the *ad hoc* non-centralized offset process to offset payments that have not been incorporated into the centralized administrative offset process. In any event, an agency's collection by the non-centralized administrative offset process shall not provide the grounds to invalidate any offset on the basis that centralized offset was not used.

In addition, NPRM § 901.4 (authorizing creditor agencies to request the Office of Personnel Management (OPM) to conduct administrative offsets) has been merged into revised § 901.3 of the final rule since the procedure described in NPRM § 901.4 is a form of non-centralized administrative offset. Revised § 901.3(d) of the final rule refers to OPM offsets of Civil Service Retirement and Disability Fund (Fund) payments. The Fund includes payments made under the Federal Employee Retirement System.

One commenter suggested that NPRM § 901.3(a)(5) is overly restrictive in that it permits administrative offset only after the debtor has been given written notice of the type and amount of debt, the intent to collect the debt by offset, an opportunity to inspect and copy agency records pertaining to the debt, an opportunity for review of indebtedness, and an opportunity to make a written repayment agreement. No change has been made to the final rule to incorporate this comment. NPRM § 901.3(a)(5) and the final rule track the statutory due process requirements under 31 U.S.C. 3716(a).

Another commenter noted that NPRM § 901.3(a)(5) provides that agency regulations must specify that administrative offset can be initiated only after the debtor has ''received'' written notice of the due process requirements under 31 U.S.C. 3716(a). The commenter suggested that an agency would have no way of verifying that a debtor has actually received the notice required by NPRM § 901.3(a)(5). Revised § 901.3(b)(4)(ii) of the final rule has been changed to clarify that the required due process notice must be ''sent'' to the debtor. This is consistent with constitutional and statutory due process requirements, provided that creditor agencies ensure that reasonable steps are taken to send the notice to the debtor's last known address. *See, e.g., Setlech* v. *United States,* 816 F. Supp. 161 (E.D.N.Y. 1993) (mailing of tax refund offset notice on behalf of Department of Education to debtor's last known address satisfied due process even though debtor did not receive notice prior to offset; notice was reasonably calculated to apprise debtor of impending action); *see also United States* v. *51 Pieces of Real Property,* 17 F.3d 1306, 1316 (10th Cir. 1996)(due process does not require actual receipt of notice provided Government acts reasonably in selecting means likely to inform the persons affected).

Another commenter suggested that all references under NPRM §§ 901.3(a) and 901.4(d) to pre-administrative offset ''oral hearings'' be deleted since the statutory authority for administrative offset under 31 U.S.C. 3716(a)(3) only provides the debtor with an ''opportunity for a review'' within the agency. No change has been made to revised § 901.3(e) of the final rule to incorporate this comment because oral hearings may be required in those instances where the determination of indebtedness cannot be made by a review of the written record. An oral hearing is not required when the question of indebtedness can be resolved by a review of the written record. *See* revised § 901.3(e) of the final rule.

A second commenter suggested deleting the provision under NPRM § 901.3(a)(7)(i)(A) requiring an oral hearing under certain circumstances when a waiver statute authorizes or requires an agency to consider waiver of the indebtedness. This provision has been deleted from revised § 901.3 of the final rule since oral hearing requirements involving waiver requests are governed by specific statutory and regulatory waiver authorities, rather than the FCCS.

One commenter suggested revising NPRM § 901.3(b)(1) to provide that the administrative offset of a reimbursement payment could substantially interfere with, or defeat the purposes of, the program giving rise to the payment. The final rule was not changed to incorporate this comment. Under the DCIA, the Secretary of Treasury determines whether a particular type of payment should be exempt from administrative offset. *See* 31 U.S.C. 3716(c)(3)(B). Therefore, exemption is not addressed in this rule.

One commenter suggested that NPRM § 901.3(c)(5) be revised to clarify its application to non-Treasury disbursing officials, such as the Department of Agriculture's Commodity Credit Corporation. No change to the final rule is necessary. The debtor/payee notification requirements under revised § 901.3(b)(3) of the final rule apply to both Treasury and non-Treasury disbursing officials conducting centralized administrative offsets. As required by the DCIA, Treasury disbursing officials and non-Treasury disbursing officials, such as officials of the Department of Defense, United States Postal Service, any other Government corporation, or any Treasury-designated United States disbursing office, are required to conduct administrative offsets. *See* 31 U.S.C. 3716(c)(1)(A).

Another commenter recommended adding a provision to NPRM § 901.3(c)(5) requiring disbursing officials to notify payment and creditor agencies once an administrative offset of a payment has been made. This comment is beyond the scope of the final rule. Detailed regulations involving various types of DCIA administrative offset procedures are codified under 31 CFR part 285.

NPRM § 901.4—Administrative Offset Against Amounts Payable From Civil Service Retirement and Disability Fund and the Federal Employee Retirement System

NPRM § 901.4 addresses *ad hoc* non-centralized administrative offsets conducted by OPM to satisfy debts that

have not been referred for centralized administrative offset. Under the final rule, this provision has been merged into § 901.3 since the procedure described under NPRM § 901.4 is a type of non-centralized administrative offset that should be utilized when centralized administrative offset is not available or appropriate. Accordingly, NPRM §§ 901.5, 901.6, 901.7, 901.8, 901.9, 901.10, 901.11, 901.12, 901.13 have been redesignated in the final rule as §§ 901.4, 901.5, 901.6, 901.7, 901.8, 901.9, 901.10, 901.11, 901.12, respectively. This change properly emphasizes the requirement for centralized administrative offset under the DCIA. *See, e.g.*, 31 U.S.C. 3716(c)(6) (mandating that Federal agencies notify the Secretary of the Treasury of all debts over 180 days delinquent for purposes of centralized administrative offset).

NPRM § 901.5—Reporting Debts

The final rule does not incorporate one commenter's suggestion to delete the requirement under NPRM § 901.5(a) that agencies develop and implement procedures for reporting delinquent debts to credit bureaus. The commenter stated that this provision is not necessary because Treasury and Treasury-designated debt collection centers, not creditor agencies, will be responsible for reporting debts that have been transferred to Treasury or Treasury-designated debt collection centers, as required by the DCIA and NPRM § 901.1(e). Creditor agencies are reminded that the DCIA mandates credit bureau reporting for delinquent debts (*see* 31 U.S.C. 3711(e)), and that debts should be reported early in the debt collection process. Nevertheless, agencies could develop procedures, consistent with this rule, to provide that credit bureau reporting will be handled by Treasury or Treasury-designated debt collection centers for transferred debts.

Another commenter suggested that the mandatory language of NPRM § 901.5(a) requiring agencies to develop credit bureau reporting procedures should not apply to an agency whose statutory authority provides that the agency ''may,'' but is not required to, report delinquent debts to credit bureaus. No change is necessary to address this concern because § 900.1 of the final rule specifically provides that the FCCS govern an agency's debt collection activity ''unless specific agency statutes or regulations apply to such activities.''

Section 901.4(b) of the final rule has not been amended to incorporate a commenter's suggestion to mandate that agencies report delinquent debts to the Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS). Agencies are strongly encouraged to report to CAIVRS when feasible. Reporting will assist agencies in complying fully with the DCIA provision, codified at 31 U.S.C. 3720B, barring delinquent debtors from obtaining Federal financial assistance. Agencies can utilize CAIVRS to determine whether a loan applicant is delinquent on obligations owed the United States. However, because reporting to CAIVRS may not be feasible in every case, reporting, while strongly encouraged, is not mandatory.

NPRM § 901.6—Contracting for Private Collection Contractors and To Locate and Recover Unclaimed Assets

NPRM § 901.6(b) has been revised to clarify that Federal agencies may refer debts to private collection contractors pursuant to a contract between the agency and the private collection contractor only if such debts are not subject to the DCIA requirement to transfer debts to Treasury for debt collection services, *e.g.,* debts are less than 180 days delinquent. *See* 31 U.S.C. 3711(g); 31 CFR 285.12(e). Agencies also may refer debts to a private collection contractor listed on FMS's schedule of private collection contractors provided they do so in accordance with procedures established by FMS.

The final rule does not incorporate one commenter's recommendation that NPRM § 901.6(a)(1) be amended to allow agencies to authorize private collection contractors to compromise, suspend, or terminate collection activity, and refer for litigation debts less than a specific threshold amount. Federal law requires agencies to retain the authority ''to resolve a dispute, compromise a debt, end collection action, and refer a matter to the Attorney General to bring a civil action.'' 31 U.S.C. 3718(a)(1). Nothing in § 901.5(a)(1) of the final rule prohibits agencies from establishing agency-specific compromise review procedures within the scope of 31 U.S.C. 3718(a)(1). For example, agencies could set parameters within which private collection contractors could compromise debt.

Another commenter suggested that the final rule clarify that private collection contractors collecting debts on behalf of creditor agencies are authorized to invoke certain agency rights, including cross-default on obligations, set-off, and certain Governmental defenses. No change has been made to incorporate this comment which is beyond the scope of the final rule. Private collection contractors should contact the creditor agency before invoking any rights with respect to the agency's debt.

One commenter suggested that NPRM § 901.6 be amended to clarify that agencies are authorized to contract for debtor asset and income search reports. Such reports could be used by DOJ litigation attorneys and other agencies to determine whether, and to what extent, debtors have assets which could be pursued to satisfy delinquent obligations. Section 901.5(e) has been added to the final rule to incorporate this comment.

The final rule also provides that debtor asset and income search report contracts, private collection contractors contracts, and contracts to locate and recover unclaimed assets of the United States may be paid for out of amounts collected, consistent with 31 U.S.C. 3718(d), unless otherwise prohibited by law.

The final rule does not incorporate one commenter's suggestion to amend NPRM § 901.6 to limit the time a debt may remain with a private collection contractor to a 180-day period, after which the debt should be referred to DOJ for enforced collection. The time period that a debt is at a private collection contractor is more appropriately a matter of contract between the private collection contractor and the Federal agency; the setting of a regulatory time limit would not further the goal of the FCCS to provide agencies with greater flexibility. In addition, debts are referred to DOJ after a private collection contractor has been unable to collect the debt, and only when it is appropriate to do so. *See* part 904 (Referrals to Department of Justice).

NPRM § 901.9—Collection by Installments

One commenter suggested amending NPRM § 901.9(a) to allow agencies to accept installment payments without independent verification of the debtor's inability to pay. The commenter stated that the change would give agencies more flexibility in cases involving very small debts. The final rule does not incorporate this suggestion because the FCCS only require such verification ''whenever possible.''

One commenter suggested amending NPRM § 901.9 to clarify the application of installment payments to satisfy multiple debts as provided in the 1984 FCCS (4 CFR 102.11(b)). The application of installment payments under such circumstances varies depending on the type of debt. Agencies may address this issue in agency-specific regulations. In addition, further guidance will be issued in the Treasury Financial Manual

supplement ''Managing Federal Receivables.''

NPRM § 901.10—Interest, Penalties, and Administrative Costs

One commenter suggested that the final rule clarify whether NPRM § 901.10(a) applies to Social Security Administration debts. Section 204(f)(1) of the Social Security Act (Act) governs the charging of interest, penalties, and administrative costs for social security debts. The Act provides that the Social Security Administration ''may,'' but is not required to, charge interest, penalties, and administrative costs. No change to the final rule is required since the FCCS do not apply when specific statutes or regulations govern particular agency debt collection activities. See NPRM § 900.1 (Prescription of Standards).

Several commenters suggested that the final rule provide a more precise standard for the ''date of delinquency'' that triggers the charging of interest, penalties, and administrative costs under NPRM § 901.10. One commenter recommended defining the ''date of delinquency'' as the ''day after the due date contained in the initial demand letter.'' A second commenter suggested retaining the current standard under 4 CFR 102.13(b) of the FCCS (''Interest shall accrue from the date on which notice of the debt and the interest requirements is first mailed or hand-delivered to the debtor.''). The final rule has not been changed to incorporate these comments. Consistent with the intent of the FCCS to provide Government-wide debt collection standards, the NPRM § 900.2(b) general definition of ''delinquency'' is broad enough to apply to all Federal agency programs that give rise to delinquent debts. Federal agencies should promulgate debt collection regulations tailored to specific agency program requirements. Nothing in the FCCS prohibits an agency from specifying that, for purposes of a particular type of debt, ''date of delinquency'' is the date on which notice of the debt and the accrual of interest is first mailed or hand-delivered to the debtor, or some other appropriate standard.

NPRM § 902.2—Bases for Compromise

As suggested by one commenter, the final rule amends NPRM § 902.2(g) to clarify that, when evaluating a compromise proposal, agencies need only obtain a current financial statement from a debtor to assess the merits of a proposal that is based on the debtor's inability to pay.

NPRM § 902.6—Consideration of Tax Consequences to the Government

In response to one commenter's suggestion that NPRM § 902.6 be amended to require agencies to report discharges of indebtedness to the Internal Revenue Service (IRS), new § 903.5 (Discharge of indebtedness; reporting requirements) has been added to the final rule. Section 903.5(a) of the final rule requires agencies to make a determination that further collection action is not warranted before making a determination to discharge a debt (also referred to as ''close out'' for Federal government accounting purposes). Specifically, § 903.5(a) of the final rule requires an agency to take all appropriate steps to collect a debt in accordance with 31 U.S.C. 3711(g), as appropriate. It also provides that agencies may not discharge a debt until the requirements of 31 U.S.C. 3711(i) (sale of debt) have been met. After a debt has been reported to the IRS as discharged, the Federal government may not take any further legal action to collect such debt, including the filing or continuation of judgment liens. The IRS is responsible for the collection of taxes due, if any, when the discharge is reported as income to the debtor.

Before discharging a debt, agencies must terminate debt collection action. The FCCS contain provisions related to the termination of debt collection action at § 903.3 of the final rule. Policies and standards with respect to write-off, an accounting process outside the scope of the FCCS, are found in OMB Circular A–129, ''Policies for Federal Credit Programs and Nontax Receivables,'' which is being revised to incorporate new write-off policy guidelines.

Section 903.5(c) provides that agencies must report a discharge of indebtedness in accordance with the requirements of 26 U.S.C. 6050P and 26 CFR 1.6050P–1. Discharge of indebtedness is reported on IRS Form 1099-C. An agency may request Treasury or Treasury-designated debt collection centers to file such a discharge report to the IRS on the agency's behalf. A cross reference to § 903.5 has been added to § 902.6 in the final rule.

NPRM § 902.7—Mutual Releases of Debtor and the Government

In response to one commenter's suggestion, NPRM § 902.7 has been revised to emphasize the mutuality of the debtor and Government releases. Additional language has been added in the final rule to NPRM § 902.7 to clarify the impact of a compromise on potential related claims against the Government when a mutual release has not been executed. Specifically, unless prohibited by law, when a debt is compromised but a mutual release has not been executed, the debtor is deemed to have waived any claims and causes of action against the Government or its officials arising from the same transaction related to the compromised debt.

NPRM § 903.2—Suspension of Collection Activity

The final rule does not incorporate one commenter's suggestion that NPRM § 903.2(c)(2) be amended to give agencies the flexibility to suspend collection activity for groups or categories of debtors. NPRM § 903.2(c)(2) addresses a request for waiver or administrative review of a debt when a statute does not mandate suspension of collection activity during the pendency of such requests. The determination of whether to suspend collection activity in these cases should be reviewed on a case-by-case basis. A case-by-case standard is appropriate because it ensures that agencies review individual cases to confirm that waiver or indebtedness reconsideration requests are not frivolous or made primarily for the purpose of delaying collection. Nothing in the FCCS prohibit suspension of collection activity by the agency for groups or categories of debtors when appropriate.

[NEW] § 903.5—Discharge of Indebtedness; Reporting requirements

See the discussion related to NPRM § 902.6, above, for an analysis of new § 903.5 of the final rule (Discharge of indebtedness; reporting requirements).

NPRM § 904.1—Prompt Referral

One commenter suggested amending NPRM § 904.1 to provide that debts arising from audit exceptions taken by the General Accounting Office (GAO) be reviewed by GAO prior to referral to DOJ. No change has been made to incorporate this comment because the Comptroller General's role in the Federal debt collection process has been eliminated. Although the opinions and legal interpretations of the Comptroller General often provide helpful guidance on audit exception matters and related issues, they are not binding upon departments, agencies, or officers of the executive branch. *See e.g., Bowsher* v. *Synar,* 478 U.S. 714, 727–32 (1986).

NPRM § 904.3—Preservation of Evidence

NPRM § 904.3 requires agencies to provide original documents immediately upon request by DOJ. The

final rule does not incorporate one commenter's suggestion to amend NPRM § 904.3 to authorize agencies to certify copies of essential documents related to a debt referred to DOJ instead of providing original documents in certain types of cases, such as in debts for fire suppression costs. The essential purpose behind NPRM § 904.3 is to require agencies to ''take care to preserve all files and records that may be needed by the Department of Justice'' to prove debts in court. The amendment of § 904.3 to incorporate the commenter's concern would not further this intent.

NPRM § 904.4—Minimum Amount of Referrals to the Department of Justice

One commenter suggested reducing the threshold amount of debts (exclusive of interest, penalties, and administrative costs) to be referred to DOJ for litigation from $2,500 to $1,500. No change has been made to the final rule to incorporate this comment. The DOJ may waive the minimum threshold amount in appropriate cases, including cases which are referred by DOJ to private counsel under 31 U.S.C. 3718.

Regulatory Analysis

Executive Order 12866

The Department of the Treasury and the Department of Justice have determined that this regulation is not a significant regulatory action as defined in Executive Order 12866 and, accordingly, this regulation has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation either (1) results in greater flexibility for Federal agencies to streamline their own debt collection regulations, or (2) reflects the statutory language contained in the DCIA. Accordingly, a Regulatory Flexibility Analysis is not required.

Executive Order 13132

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

List of Subjects

31 CFR Part 900

Antitrust, Claims, Fraud.

31 CFR Part 901

Administrative practice and procedure, Claims, Federal employees, Penalties, Privacy.

31 CFR Part 902

Claims.

31 CFR Part 903

Claims.

31 CFR Part 904

Claims.

Authority and Issuance

For the reasons set out in the preamble, chapter IX, consisting of parts 900 through 904, is established in title 31 of the Code of Federal Regulations to read as follows:

CHAPTER IX—FEDERAL CLAIMS COLLECTION STANDARDS (DEPARTMENT OF THE TREASURY—DEPARTMENT OF JUSTICE)

Part

900 Scope of standards
901 Standards for the administrative collection of claims
902 Standards for the compromise of claims
903 Standards for suspending or terminating collection activity
904 Referrals to the Department of Justice

PART 900—SCOPE OF STANDARDS

Sec.

900.1 Prescription of standards.
900.2 Definitions and construction.
900.3 Antitrust, fraud, and tax and interagency claims excluded.
900.4 Compromise, waiver, or disposition under other statutes not precluded.
900.5 Form of payment.
900.6 Subdivision of claims not authorized.
900.7 Required administrative proceedings.
900.8 No private rights created.

Authority: 31 U.S.C. 3711.

§ 900.1 Prescription of standards.

(a) The Secretary of the Treasury and the Attorney General of the United States are issuing the regulations in parts 900–904 of this chapter under the authority contained in 31 U.S.C. 3711(d)(2). The regulations in this chapter prescribe standards for Federal agency use in the administrative collection, offset, compromise, and the suspension or termination of collection activity for civil claims for money, funds, or property, as defined by 31 U.S.C. 3701(b), unless specific Federal agency statutes or regulations apply to such activities or, as provided for by Title 11 of the United States Code, when the claims involve bankruptcy. Federal agencies include agencies of the executive, legislative, and judicial branches of the Government, including Government corporations. The regulations in this chapter also prescribe standards for referring debts to the Department of Justice for litigation. Additional guidance is contained in the Office of Management and Budget's Circular A–129 (Revised), ''Policies for Federal Credit Programs and Non-Tax Receivables,'' the Department of the Treasury's ''Managing Federal Receivables,'' and other publications concerning debt collection and debt management. These publications are available from the Debt Management Services, Financial Management Service, Department of the Treasury, 401 14th Street SW., Room 151, Washington, DC 20227.

(b) Additional rules governing centralized administrative offset and the transfer of delinquent debt to the Department of the Treasury (Treasury) or Treasury-designated debt collection centers for collection (cross-servicing) under the Debt Collection Improvement Act of 1996, Public Law 104–134, 110 Stat. 1321, 1358 (April 26, 1996), are issued in separate regulations by Treasury. Rules governing the use of certain debt collection tools created under the Debt Collection Improvement Act of 1996, such as administrative wage garnishment, also are issued in separate regulations by Treasury. See generally 31 CFR part 285.

(c) Agencies are not limited to the remedies contained in parts 900–904 of

this chapter and are encouraged to use all authorized remedies, including alternative dispute resolution and arbitration, to collect civil claims, to the extent that such remedies are not inconsistent with the Federal Claims Collection Act, as amended, Public Law 89–508, 80 Stat. 308 (July 19, 1966), the Debt Collection Act of 1982, Public Law 97–365, 96 Stat. 1749 (October 25, 1982), the Debt Collection Improvement Act of 1996, or other relevant statutes. The regulations in this chapter are not intended to impair agencies' common law rights to collect debts.

(d) Standards and policies regarding the classification of debt for accounting purposes (for example, write off of uncollectible debt) are contained in the Office of Management and Budget's Circular A–129 (Revised), ''Policies for Federal Credit Programs and Non-Tax Receivables.''

§ 900.2 Definitions and construction.

(a) For the purposes of the standards in this chapter, the terms ''claim'' and ''debt'' are synonymous and interchangeable. They refer to an amount of money, funds, or property that has been determined by an agency official to be due the United States from any person, organization, or entity, except another Federal agency. For the purposes of administrative offset under 31 U.S.C. 3716, the terms ''claim'' and ''debt'' include an amount of money, funds, or property owed by a person to a State (including past-due support being enforced by a State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.

(b) A debt is ''delinquent'' if it has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement), unless other satisfactory payment arrangements have been made.

(c) In parts 900–904 of this chapter, words in the plural form shall include the singular and vice versa, and words signifying the masculine gender shall include the feminine and vice versa. The terms ''includes'' and ''including'' do not exclude matters not listed but do include matters that are in the same general class.

(d) Recoupment is a special method for adjusting debts arising under the same transaction or occurrence. For example, obligations arising under the same contract generally are subject to recoupment.

(e) For purposes of the standards in this chapter, unless otherwise stated, ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

§ 900.3 Antitrust, fraud, and tax and interagency claims excluded.

(a) The standards in parts 900–904 of this chapter relating to compromise, suspension, and termination of collection activity do not apply to any debt based in whole or in part on conduct in violation of the antitrust laws or to any debt involving fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any party having an interest in the claim. Only the Department of Justice has the authority to compromise, suspend, or terminate collection activity on such claims. The standards in parts 900–904 of this chapter relating to the administrative collection of claims do apply, but only to the extent authorized by the Department of Justice in a particular case. Upon identification of a claim based in whole or in part on conduct in violation of the antitrust laws or any claim involving fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any party having an interest in the claim, agencies shall promptly refer the case to the Department of Justice for action. At its discretion, the Department of Justice may return the claim to the forwarding agency for further handling in accordance with the standards in parts 900–904 of this chapter.

(b) Parts 900–904 of this chapter do not apply to tax debts.

(c) Parts 900–904 of this chapter do not apply to claims between Federal agencies. Federal agencies should attempt to resolve interagency claims by negotiation in accordance with Executive Order 12146 (3 CFR, 1980 Comp., pp. 409–412).

§ 900.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing in parts 900–904 of this chapter precludes agency disposition of any claim under statutes and implementing regulations other than subchapter II of chapter 37 of Title 31 of the United States Code (Claims of the United States Government) and the standards in this chapter. *See, e.g.*, the Federal Medical Care Recovery Act, Public Law 87–693, 76 Stat. 593 (September 25, 1962) (codified at 42 U.S.C. 2651 *et seq.*), and applicable regulations, 28 CFR part 43. In such cases, the laws and regulations that are specifically applicable to claims collection activities of a particular agency generally take precedence over parts 900–904 of this chapter.

§ 900.5 Form of payment.

Claims may be paid in the form of money or, when a contractual basis exists, the Government may demand the return of specific property or the performance of specific services.

§ 900.6 Subdivision of claims not authorized.

Debts may not be subdivided to avoid the monetary ceiling established by 31 U.S.C. 3711(a)(2). A debtor's liability arising from a particular transaction or contract shall be considered a single debt in determining whether the debt is one of less than $100,000 (excluding interest, penalties, and administrative costs) or such higher amount as the Attorney General shall from time to time prescribe for purposes of compromise or suspension or termination of collection activity.

§ 900.7 Required administrative proceedings.

Agencies are not required to omit, foreclose, or duplicate administrative proceedings required by contract or other laws or regulations.

§ 900.8 No private rights created.

The standards in this chapter do not create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person, nor shall the failure of an agency to comply with any of the provisions of parts 900–904 of this chapter be available to any debtor as a defense.

PART 901—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

Sec.

901.1 Aggressive agency collection activity.
901.2 Demand for payment.
901.3 Collection by administrative offset.
901.4 Reporting debts.
901.5 Contracting with private collection contractors and with entities that locate and recover unclaimed assets.
901.6 Suspension or revocation of eligibility for loans and loan guaranties, licenses, permits, or privileges.
901.7 Liquidation of collateral.
901.8 Collection in installments.
901.9 Interest, penalties, and administrative costs.
901.10 Analysis of costs.
901.11 Use and disclosure of mailing addresses.
901.12 Exemptions.

Authority: 31 U.S.C. 3701, 3711, 3716, 3717, 3718, and 3720B.

§ 901.1 Aggressive agency collection activity.

(a) Federal agencies shall aggressively collect all debts arising out of activities of, or referred or transferred for collection services to, that agency. Collection activities shall be undertaken promptly with follow-up action taken as necessary. Nothing contained in parts 900–904 of this chapter requires the Department of Justice, Treasury, or other Treasury-designated debt collection centers, to duplicate collection activities previously undertaken by other agencies or to perform collection activities that other agencies should have undertaken.

(b) Debts referred or transferred to Treasury, or Treasury-designated debt collection centers under the authority of 31 U.S.C. 3711(g), shall be serviced, collected, or compromised, or the collection action will be suspended or terminated, in accordance with the statutory requirements and authorities applicable to the collection of such debts.

(c) Agencies shall cooperate with one another in their debt collection activities.

(d) Agencies should consider referring debts that are less than 180 days delinquent to Treasury or to Treasury-designated ''debt collection centers'' to accomplish efficient, cost effective debt collection. Treasury is a debt collection center, is authorized to designate other Federal agencies as debt collection centers based on their performance in collecting delinquent debts, and may withdraw such designations. Referrals to debt collection centers shall be at the discretion of, and for a time period acceptable to, the Secretary. Referrals may be for servicing, collection, compromise, suspension, or termination of collection action.

(e) Agencies shall transfer to the Secretary any debt that has been delinquent for a period of 180 days or more so that the Secretary may take appropriate action to collect the debt or terminate collection action. *See* 31 CFR 285.12 (Transfer of Debts to Treasury for Collection). This requirement does not apply to any debt that:

(1) Is in litigation or foreclosure;

(2) Will be disposed of under an approved asset sale program;

(3) Has been referred to a private collection contractor for a period of time acceptable to the Secretary;

(4) Is at a debt collection center for a period of time acceptable to the Secretary (see paragraph (d) of this section);

(5) Will be collected under internal offset procedures within three years after the debt first became delinquent; or

(6) Is exempt from this requirement based on a determination by the Secretary that exemption for a certain class of debt is in the best interest of the United States. Agencies may request that the Secretary exempt specific classes of debts.

(f) Agencies operating Treasury-designated debt collection centers are authorized to charge a fee for services rendered regarding referred or transferred debts. The fee may be paid out of amounts collected and may be added to the debt as an administrative cost (see § 901.10).

§ 901.2 Demand for payment.

(a) Written demand as described in paragraph (b) of this section shall be made promptly upon a debtor of the United States in terms that inform the debtor of the consequences of failing to cooperate with the agency to resolve the debt. The specific content, timing, and number of demand letters shall depend upon the type and amount of the debt and the debtor's response, if any, to the agency's letters or telephone calls. Generally, one demand letter should suffice. In determining the timing of the demand letter(s), agencies should give due regard to the need to refer debts promptly to the Department of Justice for litigation, in accordance with § 904.1 of this chapter or otherwise. When necessary to protect the Government's interest (for example, to prevent the running of a statute of limitations), written demand may be preceded by other appropriate actions under parts 900–904 of this chapter, including immediate referral for litigation.

(b) Demand letters shall inform the debtor of:

(1) The basis for the indebtedness and the rights, if any, the debtor may have to seek review within the agency;

(2) The applicable standards for imposing any interest, penalties, or administrative costs;

(3) The date by which payment should be made to avoid late charges (*i.e.* interest, penalties, and administrative costs) and enforced collection, which generally should not be more than 30 days from the date that the demand letter is mailed or hand-delivered; and

(4) The name, address, and phone number of a contact person or office within the agency.

(c) Agencies should exercise care to ensure that demand letters are mailed or hand-delivered on the same day that they are dated. There is no prescribed format for demand letters. Agencies should utilize demand letters and procedures that will lead to the earliest practicable determination of whether the debt can be resolved administratively or must be referred for litigation.

(d) Agencies should include in demand letters such items as the agency's willingness to discuss alternative methods of payment; its policies with respect to the use of credit bureaus, debt collection centers, and collection agencies; the agency's remedies to enforce payment of the debt (including assessment of interest, administrative costs and penalties, administrative garnishment, the use of collection agencies, Federal salary offset, tax refund offset, administrative offset, and litigation); the requirement that any debt delinquent for more than 180 days be transferred to the Department of the Treasury for collection; and, depending on applicable statutory authority, the debtor's entitlement to consideration of a waiver.

(e) Agencies should respond promptly to communications from debtors, within 30 days whenever feasible, and should advise debtors who dispute debts to furnish available evidence to support their contentions.

(f) Prior to the initiation of the demand process or at any time during or after completion of the demand process, if an agency determines to pursue, or is required to pursue, offset, the procedures applicable to offset should be followed (see § 901.3). The availability of funds or money for debt satisfaction by offset and the agency's determination to pursue collection by offset shall release the agency from the necessity of further compliance with paragraphs (a), (b), (c), and (d) of this section.

(g) Prior to referring a debt for litigation, agencies should advise each person determined to be liable for the debt that, unless the debt can be collected administratively, litigation may be initiated. This notification should comply with Executive Order 12988 (3 CFR, 1996 Comp., pp. 157–163) and may be given as part of a demand letter under paragraph (b) of this section or in a separate document. Litigation counsel for the Government should be advised that this notice has been given.

(h) When an agency learns that a bankruptcy petition has been filed with respect to a debtor, before proceeding with further collection action, the agency should immediately seek legal advice from its agency counsel concerning the impact of the Bankruptcy Code on any pending or contemplated collection activities. Unless the agency determines that the automatic stay imposed at the time of

filing pursuant to 11 U.S.C. 362 has been lifted or is no longer in effect, in most cases collection activity against the debtor should stop immediately.

(1) After seeking legal advice, a proof of claim should be filed in most cases with the bankruptcy court or the Trustee. Agencies should refer to the provisions of 11 U.S.C. 106 relating to the consequences on sovereign immunity of filing a proof of claim.

(2) If the agency is a secured creditor, it may seek relief from the automatic stay regarding its security, subject to the provisions and requirements of 11 U.S.C. 362.

(3) Offset is stayed in most cases by the automatic stay. However, agencies should seek legal advice from their agency counsel to determine whether their payments to the debtor and payments of other agencies available for offset may be frozen by the agency until relief from the automatic stay can be obtained from the bankruptcy court. Agencies also should seek legal advice from their agency counsel to determine whether recoupment is available.

§ 901.3 Collection by administrative offset.

(a) *Scope.* (1) The term ''administrative offset'' has the meaning provided in 31 U.S.C. 3701(a)(1).

(2) This section does not apply to:

(i) Debts arising under the Social Security Act, except as provided in 42 U.S.C. 404;

(ii) Payments made under the Social Security Act, except as provided for in 31 U.S.C. 3716(c) (*see* 31 CFR 285.4, Federal Benefit Offset);

(iii) Debts arising under, or payments made under, the Internal Revenue Code (*see* 31 CFR 285.2, Tax Refund Offset) or the tariff laws of the United States;

(iv) Offsets against Federal salaries to the extent these standards are inconsistent with regulations published to implement such offsets under 5 U.S.C. 5514 and 31 U.S.C. 3716 (*see* 5 CFR part 550, subpart K, and 31 CFR 285.7, Federal Salary Offset);

(v) Offsets under 31 U.S.C. 3728 against a judgment obtained by a debtor against the United States;

(vi) Offsets or recoupments under common law, State law, or Federal statutes specifically prohibiting offsets or recoupments of particular types of debts; or

(vii) Offsets in the course of judicial proceedings, including bankruptcy.

(3) Unless otherwise provided for by contract or law, debts or payments that are not subject to administrative offset under 31 U.S.C. 3716 may be collected by administrative offset under the common law or other applicable statutory authority.

(4) Unless otherwise provided by law, administrative offset of payments under the authority of 31 U.S.C. 3716 to collect a debt may not be conducted more than 10 years after the Government's right to collect the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known by the official or officials of the Government who were charged with the responsibility to discover and collect such debts. This limitation does not apply to debts reduced to a judgment.

(5) In bankruptcy cases, agencies should seek legal advice from their agency counsel concerning the impact of the Bankruptcy Code, particularly 11 U.S.C. 106, 362, and 553, on pending or contemplated collections by offset.

(b) *Mandatory centralized administrative offset.* (1) Creditor agencies are required to refer past due, legally enforceable nontax debts which are over 180 days delinquent to the Secretary for collection by centralized administrative offset. Debts which are less than 180 days delinquent also may be referred to the Secretary for this purpose. *See* § 901.3(b)(5) for debt certification requirements.

(2) The names and taxpayer identifying numbers (TINs) of debtors who owe debts referred to the Secretary as described in paragraph (b)(1) of this section shall be compared to the names and TINs on payments to be made by Federal disbursing officials. Federal disbursing officials include disbursing officials of Treasury, the Department of Defense, the United States Postal Service, other Government corporations, and disbursing officials of the United States designated by the Secretary. When the name and TIN of a debtor match the name and TIN of a payee and all other requirements for offset have been met, the payment will be offset to satisfy the debt.

(3) Federal disbursing officials will notify the debtor/payee in writing that an offset has occurred to satisfy, in part or in full, a past due, legally enforceable delinquent debt. The notice shall include a description of the type and amount of the payment from which the offset was taken, the amount of offset that was taken, the identity of the creditor agency requesting the offset, and a contact point within the creditor agency who will respond to questions regarding the offset.

(4)(i) Before referring a delinquent debt to the Secretary for administrative offset, agencies must have prescribed administrative offset regulations consistent with this section or have adopted this section without change by cross-reference.

(ii) Such regulations shall provide that offsets may be initiated only after the debtor:

(A) Has been sent written notice of the type and amount of the debt, the intention of the agency to use administrative offset to collect the debt, and an explanation of the debtor's rights under 31 U.S.C. 3716; and

(B) The debtor has been given:

(*1*) The opportunity to inspect and copy agency records related to the debt;

(*2*) The opportunity for a review within the agency of the determination of indebtedness; and

(*3*) The opportunity to make a written agreement to repay the debt.

(iii) Agency regulations may provide for the omission of the procedures set forth in paragraph (a)(4)(ii) of this section when:

(A) The offset is in the nature of a recoupment;

(B) The debt arises under a contract as set forth in *Cecile Industries, Inc.* v. *Cheney,* 995 F.2d 1052 (Fed. Cir. 1993) (notice and other procedural protections set forth in 31 U.S.C. 3716(a) do not supplant or restrict established procedures for contractual offsets accommodated by the Contracts Disputes Act); or

(C) In the case of non-centralized administrative offsets conducted under paragraph (c) of this section, the agency first learns of the existence of the amount owed by the debtor when there is insufficient time before payment would be made to the debtor/payee to allow for prior notice and an opportunity for review. When prior notice and an opportunity for review are omitted, the agency shall give the debtor such notice and an opportunity for review as soon as practicable and shall promptly refund any money ultimately found not to have been owed to the Government.

(iv) When an agency previously has given a debtor any of the required notice and review opportunities with respect to a particular debt (*see, e.g.,* § 901.2), the agency need not duplicate such notice and review opportunities before administrative offset may be initiated.

(5) Agencies referring delinquent debts to the Secretary must certify, in a form acceptable to the Secretary, that:

(i) The debt(s) is (are) past due and legally enforceable; and

(ii) The agency has complied with all due process requirements under 31 U.S.C. 3716(a) and the agency's regulations.

(6) Payments that are prohibited by law from being offset are exempt from centralized administrative offset. The Secretary shall exempt payments under means-tested programs from centralized

administrative offset when requested in writing by the head of the payment certifying or authorizing agency. Also, the Secretary may exempt other classes of payments from centralized offset upon the written request of the head of the payment certifying or authorizing agency.

(7) Benefit payments made under the Social Security Act (42 U.S.C. 301 *et seq.*), part B of the Black Lung Benefits Act (30 U.S.C. 921 *et seq.*), and any law administered by the Railroad Retirement Board (other than tier 2 benefits), may be offset only in accordance with Treasury regulations, issued in consultation with the Social Security Administration, the Railroad Retirement Board, and the Office of Management and Budget. See 31 CFR 285.4.

(8) In accordance with 31 U.S.C. 3716(f), the Secretary may waive the provisions of the Computer Matching and Privacy Protection Act of 1988 concerning matching agreements and post-match notification and verification (5 U.S.C. 552a(o) and (p)) for centralized administrative offset upon receipt of a certification from a creditor agency that the due process requirements enumerated in 31 U.S.C. 3716(a) have been met. The certification of a debt in accordance with paragraph (b)(5) of this section will satisfy this requirement. If such a waiver is granted, only the Data Integrity Board of the Department of the Treasury is required to oversee any matching activities, in accordance with 31 U.S.C. 3716(g). This waiver authority does not apply to offsets conducted under paragraphs (c) and (d) of this section.

(c) *Non-centralized administrative offset.* (1) Generally, non-centralized administrative offsets are *ad hoc* case-by-case offsets that an agency conducts, at the agency's discretion, internally or in cooperation with the agency certifying or authorizing payments to the debtor. Unless otherwise prohibited by law, when centralized administrative offset is not available or appropriate, past due, legally enforceable nontax delinquent debts may be collected through non-centralized administrative offset. In these cases, a creditor agency may make a request directly to a payment authorizing agency to offset a payment due a debtor to collect a delinquent debt. For example, it may be appropriate for a creditor agency to request that the Office of Personnel Management (OPM) offset a Federal employee's lump sum payment upon leaving Government service to satisfy an unpaid advance.

(2) Before requesting a payment authorizing agency to conduct a non-centralized administrative offset, agencies must adopt regulations providing that such offsets may occur only after:

(i) The debtor has been provided due process as set forth in paragraph (b)(4) of this section; and

(ii) The payment authorizing agency has received written certification from the creditor agency that the debtor owes the past due, legally enforceable delinquent debt in the amount stated, and that the creditor agency has fully complied with its regulations concerning administrative offset.

(3) Payment authorizing agencies shall comply with offset requests by creditor agencies to collect debts owed to the United States, unless the offset would not be in the best interests of the United States with respect to the program of the payment authorizing agency, or would otherwise be contrary to law. Appropriate use should be made of the cooperative efforts of other agencies in effecting collection by administrative offset.

(4) When collecting multiple debts by non-centralized administrative offset, agencies should apply the recovered amounts to those debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case, particularly the applicable statute of limitations.

(d) *Requests to OPM to offset a debtor's anticipated or future benefit payments under the Civil Service Retirement and Disability Fund.* Upon providing OPM written certification that a debtor has been afforded the procedures provided in paragraph (b)(4) of this section, creditor agencies may request OPM to offset a debtor's anticipated or future benefit payments under the Civil Service Retirement and Disability Fund (Fund) in accordance with regulations codified at 5 CFR 831.1801–831.1808. Upon receipt of such a request, OPM will identify and ''flag'' a debtor's account in anticipation of the time when the debtor requests, or becomes eligible to receive, payments from the Fund. This will satisfy any requirement that offset be initiated prior to the expiration of the time limitations referenced in paragraph (a)(4) of this section.

(e) *Review requirements.* (1) For purposes of this section, whenever an agency is required to afford a debtor a review within the agency, the agency shall provide the debtor with a reasonable opportunity for an oral hearing when the debtor requests reconsideration of the debt and the agency determines that the question of the indebtedness cannot be resolved by review of the documentary evidence, for example, when the validity of the debt turns on an issue of credibility or veracity.

(2) Unless otherwise required by law, an oral hearing under this section is not required to be a formal evidentiary hearing, although the agency should carefully document all significant matters discussed at the hearing.

(3) This section does not require an oral hearing with respect to debt collection systems in which a determination of indebtedness rarely involves issues of credibility or veracity and the agency has determined that review of the written record is ordinarily an adequate means to correct prior mistakes.

(4) In those cases when an oral hearing is not required by this section, an agency shall accord the debtor a ''paper hearing,'' that is, a determination of the request for reconsideration based upon a review of the written record.

§ 901.4 Reporting debts.

(a) Agencies shall develop and implement procedures for reporting delinquent debts to credit bureaus and other automated databases. Agencies also may develop procedures to report non-delinquent debts to credit bureaus. *See* 31 U.S.C. 3711(e).

(1) In developing procedures for reporting debts to credit bureaus, agencies shall comply with the Bankruptcy Code and the Privacy Act of 1974, 5 U.S.C. 552a, as amended. The provisions of the Privacy Act do not apply to credit bureaus.

(2) Agency procedures for reporting delinquent consumer debts to credit bureaus shall be consistent with the due process and other requirements contained in 31 U.S.C. 3711(e). When an agency has given a debtor any of the required notice and review opportunities with respect to a particular debt, the agency need not duplicate such notice and review opportunities before reporting that delinquent consumer debt to credit bureaus.

(b) Agencies should report delinquent debts to the Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS). For information about the CAIVRS program, agencies should contact the Director of Information Resources Management Policy and Management Division, Office of Information Technology, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410.

§ 901.5 Contracting with private collection contractors and with entities that locate and recover unclaimed assets.

(a) Subject to the provisions of paragraph (b) of this section, Federal agencies may contract with private collection contractors, as defined in 31 U.S.C. 3701(f), to recover delinquent debts provided that:

(1) Agencies retain the authority to resolve disputes, compromise debts, suspend or terminate collection activity, and refer debts for litigation;

(2) The private collection contractor is not allowed to offer the debtor, as an incentive for payment, the opportunity to pay the debt less the private collection contractor's fee unless the agency has granted such authority prior to the offer;

(3) The contract provides that the private collection contractor is subject to the Privacy Act of 1974 to the extent specified in 5 U.S.C. 552a(m), and to applicable Federal and state laws and regulations pertaining to debt collection practices, including but not limited to the Fair Debt Collection Practices Act, 15 U.S.C. 1692; and

(4) The private collection contractor is required to account for all amounts collected.

(b) Agencies shall use government-wide debt collection contracts to obtain debt collection services provided by private collection contractors. However, agencies may refer debts to private collection contractors pursuant to a contract between the agency and the private collection contractor only if such debts are not subject to the requirement to transfer debts to Treasury for debt collection. *See* 31 U.S.C. 3711(g); 31 CFR 285.12(e).

(c) Agencies may fund private collection contractor contracts in accordance with 31 U.S.C. 3718(d), or as otherwise permitted by law.

(d) Agencies may enter into contracts for locating and recovering assets of the United States, such as unclaimed assets. Agencies must establish procedures that are acceptable to the Secretary before entering into contracts to recover assets of the United States held by a state government or a financial institution.

(e) Agencies may enter into contracts for debtor asset and income search reports. In accordance with 31 U.S.C. 3718(d), such contracts may provide that the fee a contractor charges the agency for such services may be payable from the amounts recovered, unless otherwise prohibited by statute.

§ 901.6 Suspension or revocation of eligibility for loans and loan guaranties, licenses, permits, or privileges.

(a) Unless waived by the head of the agency, agencies are not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a Federal agency. This prohibition does not apply to disaster loans. The authority to waive the application of this section may be delegated to the Chief Financial Officer and redelegated only to the Deputy Chief Financial Officer of the agency. Agencies may extend credit after the delinquency has been resolved. The Secretary may exempt classes of debts from this prohibition and has prescribed standards defining when a ''delinquency'' is ''resolved'' for purposes of this prohibition. *See* 31 CFR 285.13 (Barring Delinquent Debtors From Obtaining Federal Loans or Loan Insurance or Guarantees).

(b) In non-bankruptcy cases, agencies seeking the collection of statutory penalties, forfeitures, or other types of claims should consider the suspension or revocation of licenses, permits, or other privileges for any inexcusable or willful failure of a debtor to pay such a debt in accordance with the agency's regulations or governing procedures. The debtor should be advised in the agency's written demand for payment of the agency's ability to suspend or revoke licenses, permits, or privileges. Any agency making, guaranteeing, insuring, acquiring, or participating in, loans should consider suspending or disqualifying any lender, contractor, or broker from doing further business with the agency or engaging in programs sponsored by the agency if such lender, contractor, or broker fails to pay its debts to the Government within a reasonable time or if such lender, contractor, or broker has been suspended, debarred, or disqualified from participation in a program or activity by another Federal agency. The failure of any surety to honor its obligations in accordance with 31 U.S.C. 9305 should be reported to the Treasury. The Treasury will forward to all interested agencies notification that a surety's certificate of authority to do business with the Government has been revoked by the Treasury.

(c) The suspension or revocation of licenses, permits, or privileges also should extend to Federal programs or activities that are administered by the states on behalf of the Federal Government, to the extent that they affect the Federal Government's ability to collect money or funds owed by debtors. Therefore, states that manage Federal activities, pursuant to approval from the agencies, should ensure that appropriate steps are taken to safeguard against issuing licenses, permits, or privileges to debtors who fail to pay their debts to the Federal Government.

(d) In bankruptcy cases, before advising the debtor of an agency's intention to suspend or revoke licenses, permits, or privileges, agencies should seek legal advice from their agency counsel concerning the impact of the Bankruptcy Code, particularly 11 U.S.C. 362 and 525, which may restrict such action.

§ 901.7 Liquidation of collateral.

(a) Agencies should liquidate security or collateral through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, and apply the proceeds to the applicable debt(s), if the debtor fails to pay the debt(s) within a reasonable time after demand and if such action is in the best interest of the United States. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety, insurer, or guarantor unless such action is expressly required by statute or contract.

(b) When an agency learns that a bankruptcy petition has been filed with respect to a debtor, the agency should seek legal advice from its agency counsel concerning the impact of the Bankruptcy Code, including, but not limited to, 11 U.S.C. 362, to determine the applicability of the automatic stay and the procedures for obtaining relief from such stay prior to proceeding under paragraph (a) of this section.

§ 901.8 Collection in installments.

(a) Whenever feasible, agencies shall collect the total amount of a debt in one lump sum. If a debtor is financially unable to pay a debt in one lump sum, agencies may accept payment in regular installments. Agencies should obtain financial statements from debtors who represent that they are unable to pay in one lump sum and independently verify such representations whenever possible (see § 902.2(g) of this chapter). Agencies that agree to accept payments in regular installments should obtain a legally enforceable written agreement from the debtor that specifies all of the terms of the arrangement and that contains a provision accelerating the debt in the event of default.

(b) The size and frequency of installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. If possible, the installment payments should be sufficient in size and frequency to liquidate the debt in three years or less.

(c) Security for deferred payments should be obtained in appropriate cases.

Agencies may accept installment payments notwithstanding the refusal of the debtor to execute a written agreement or to give security, at the agency's option.

§ 901.9 Interest, penalties, and administrative costs.

(a) Except as provided in paragraphs (g), (h), and (i) of this section, agencies shall charge interest, penalties, and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717. An agency shall mail or hand-deliver a written notice to the debtor, at the debtor's most recent address available to the agency, explaining the agency's requirements concerning these charges except where these requirements are included in a contractual or repayment agreement. These charges shall continue to accrue until the debt is paid in full or otherwise resolved through compromise, termination, or waiver of the charges.

(b) Agencies shall charge interest on debts owed the United States as follows:

(1) Interest shall accrue from the date of delinquency, or as otherwise provided by law.

(2) Unless otherwise established in a contract, repayment agreement, or by statute, the rate of interest charged shall be the rate established annually by the Secretary in accordance with 31 U.S.C. 3717. Pursuant to 31 U.S.C. 3717, an agency may charge a higher rate of interest if it reasonably determines that a higher rate is necessary to protect the rights of the United States. The agency should document the reason(s) for its determination that the higher rate is necessary.

(3) The rate of interest, as initially charged, shall remain fixed for the duration of the indebtedness. When a debtor defaults on a repayment agreement and seeks to enter into a new agreement, the agency may require payment of interest at a new rate that reflects the current value of funds to the Treasury at the time the new agreement is executed. Interest shall not be compounded, that is, interest shall not be charged on interest, penalties, or administrative costs required by this section. If, however, a debtor defaults on a previous repayment agreement, charges that accrued but were not collected under the defaulted agreement shall be added to the principal under the new repayment agreement.

(c) Agencies shall assess administrative costs incurred for processing and handling delinquent debts. The calculation of administrative costs should be based on actual costs incurred or upon estimated costs as determined by the assessing agency.

(d) Unless otherwise established in a contract, repayment agreement, or by statute, agencies shall charge a penalty, pursuant to 31 U.S.C. 3717(e)(2), not to exceed six percent a year on the amount due on a debt that is delinquent for more than 90 days. This charge shall accrue from the date of delinquency.

(e) Agencies may increase an ''administrative debt'' by the cost of living adjustment in lieu of charging interest and penalties under this section. ''Administrative debt'' includes, but is not limited to, a debt based on fines, penalties, and overpayments, but does not include a debt based on the extension of Government credit, such as those arising from loans and loan guaranties. The cost of living adjustment is the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the debt was determined or last adjusted. Increases to administrative debts shall be computed annually. Agencies should use this alternative only when there is a legitimate reason to do so, such as when calculating interest and penalties on a debt would be extremely difficult because of the age of the debt.

(f) When a debt is paid in partial or installment payments, amounts received by the agency shall be applied first to outstanding penalties, second to administrative charges, third to interest, and last to principal.

(g) Agencies shall waive the collection of interest and administrative charges imposed pursuant to this section on the portion of the debt that is paid within 30 days after the date on which interest began to accrue. Agencies may extend this 30-day period on a case-by-case basis. In addition, agencies may waive interest, penalties, and administrative costs charged under this section, in whole or in part, without regard to the amount of the debt, either under the criteria set forth in these standards for the compromise of debts, or if the agency determines that collection of these charges is against equity and good conscience or is not in the best interest of the United States.

(h) Agencies shall set forth in their regulations the circumstances under which interest and related charges will not be imposed for periods during which collection activity has been suspended pending agency review.

(i) Agencies are authorized to impose interest and related charges on debts not subject to 31 U.S.C. 3717, in accordance with the common law.

§ 901.10 Analysis of costs.

Agency collection procedures should provide for periodic comparison of costs incurred and amounts collected. Data on costs and corresponding recovery rates for debts of different types and in various dollar ranges should be used to compare the cost effectiveness of alternative collection techniques, establish guidelines with respect to points at which costs of further collection efforts are likely to exceed recoveries, assist in evaluating offers in compromise, and establish minimum debt amounts below which collection efforts need not be taken.

§ 901.11 Use and disclosure of mailing addresses.

(a) When attempting to locate a debtor in order to collect or compromise a debt under parts 900–904 of this chapter or other authority, agencies may send a request to the Secretary (or designee) to obtain a debtor's mailing address from the records of the Internal Revenue Service.

(b) Agencies are authorized to use mailing addresses obtained under paragraph (a) of this section to enforce collection of a delinquent debt and may disclose such mailing addresses to other agencies and to collection agencies for collection purposes.

§ 901.12 Exemptions.

(a) The preceding sections of this part, to the extent they reflect remedies or procedures prescribed by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, such as administrative offset, use of credit bureaus, contracting for collection agencies, and interest and related charges, do not apply to debts arising under, or payments made under, the Internal Revenue Code of 1986, as amended (26 U.S.C. 1 *et seq.*); the Social Security Act (42 U.S.C. 301 *et seq.*), except to the extent provided under 42 U.S.C. 404 and 31 U.S.C. 3716(c); or the tariff laws of the United States. These remedies and procedures, however, may be authorized with respect to debts that are exempt from the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, to the extent that they are authorized under some other statute or the common law.

(b) This section should not be construed as prohibiting the use of these authorities or requirements when collecting debts owed by persons employed by agencies administering the laws cited in paragraph (a) of this section unless the debt arose under those laws.

PART 902—STANDARDS FOR THE COMPROMISE OF CLAIMS

Sec.
902.1 Scope and application.
902.2 Bases for compromise.
902.3 Enforcement policy.
902.4 Joint and several liability.
902.5 Further review of compromise offers.
902.6 Consideration of tax consequences to the Government.
902.7 Mutual releases of the debtor and the Government.

Authority: 31 U.S.C. 3711.

§ 902.1 Scope and application.

(a) The standards set forth in this part apply to the compromise of debts pursuant to 31 U.S.C. 3711. An agency may exercise such compromise authority for debts arising out of activities of, or referred or transferred for collection services to, that agency when the amount of the debt then due, exclusive of interest, penalties, and administrative costs, does not exceed $100,000 or any higher amount authorized by the Attorney General. Agency heads may designate officials within their respective agencies to exercise the authorities in this section.

(b) Unless otherwise provided by law, when the principal balance of a debt, exclusive of interest, penalties, and administrative costs, exceeds $100,000 or any higher amount authorized by the Attorney General, the authority to accept the compromise rests with the Department of Justice. The agency should evaluate the compromise offer, using the factors set forth in this part. If an offer to compromise any debt in excess of $100,000 is acceptable to the agency, the agency shall refer the debt to the Civil Division or other appropriate litigating division in the Department of Justice using a Claims Collection Litigation Report (CCLR). Agencies may obtain the CCLR from the Department of Justice's National Central Intake Facility. The referral shall include appropriate financial information and a recommendation for the acceptance of the compromise offer. Justice Department approval is not required if the agency rejects a compromise offer.

§ 902.2 Bases for compromise.

(a) Agencies may compromise a debt if the Government cannot collect the full amount because:

(1) The debtor is unable to pay the full amount in a reasonable time, as verified through credit reports or other financial information;

(2) The Government is unable to collect the debt in full within a reasonable time by enforced collection proceedings;

(3) The cost of collecting the debt does not justify the enforced collection of the full amount; or

(4) There is significant doubt concerning the Government's ability to prove its case in court.

(b) In determining the debtor's inability to pay, agencies should consider relevant factors such as the following:

(1) Age and health of the debtor;

(2) Present and potential income;

(3) Inheritance prospects;

(4) The possibility that assets have been concealed or improperly transferred by the debtor; and

(5) The availability of assets or income that may be realized by enforced collection proceedings.

(c) Agencies should verify the debtor's claim of inability to pay by using a credit report and other financial information as provided in paragraph (g) of this section. Agencies should consider the applicable exemptions available to the debtor under state and Federal law in determining the Government's ability to enforce collection. Agencies also may consider uncertainty as to the price that collateral or other property will bring at a forced sale in determining the Government's ability to enforce collection. A compromise effected under this section should be for an amount that bears a reasonable relation to the amount that can be recovered by enforced collection procedures, with regard to the exemptions available to the debtor and the time that collection will take.

(d) If there is significant doubt concerning the Government's ability to prove its case in court for the full amount claimed, either because of the legal issues involved or because of a bona fide dispute as to the facts, then the amount accepted in compromise of such cases should fairly reflect the probabilities of successful prosecution to judgment, with due regard given to the availability of witnesses and other evidentiary support for the Government's claim. In determining the litigative risks involved, agencies should consider the probable amount of court costs and attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412, that may be imposed against the Government if it is unsuccessful in litigation.

(e) Agencies may compromise a debt if the cost of collecting the debt does not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection, with consideration given to the time it will take to effect collection. Collection costs may be a substantial factor in the settlement of small debts. In determining whether the cost of collecting justifies enforced collection of the full amount, agencies should consider whether continued collection of the debt, regardless of cost, is necessary to further an enforcement principle, such as the Government's willingness to pursue aggressively defaulting and uncooperative debtors.

(f) Agencies generally should not accept compromises payable in installments. This is not an advantageous form of compromise in terms of time and administrative expense. If, however, payment of a compromise in installments is necessary, agencies should obtain a legally enforceable written agreement providing that, in the event of default, the full original principal balance of the debt prior to compromise, less sums paid thereon, is reinstated. Whenever possible, agencies also should obtain security for repayment in the manner set forth in part 901 of this chapter.

(g) To assess the merits of a compromise offer based in whole or in part on the debtor's inability to pay the full amount of a debt within a reasonable time, agencies should obtain a current financial statement from the debtor, executed under penalty of perjury, showing the debtor's assets, liabilities, income and expenses. Agencies also may obtain credit reports or other financial information to assess compromise offers. Agencies may use their own financial information form or may request suitable forms from the Department of Justice or the local United States Attorney's Office.

§ 902.3 Enforcement policy.

Pursuant to this part, agencies may compromise statutory penalties, forfeitures, or claims established as an aid to enforcement and to compel compliance, if the agency's enforcement policy in terms of deterrence and securing compliance, present and future, will be adequately served by the agency's acceptance of the sum to be agreed upon.

§ 902.4 Joint and several liability.

(a) When two or more debtors are jointly and severally liable, agencies should pursue collection activity against all debtors, as appropriate. Agencies should not attempt to allocate the burden of payment between the debtors but should proceed to liquidate the indebtedness as quickly as possible.

(b) Agencies should ensure that a compromise agreement with one debtor does not release the agency's claim against the remaining debtors. The

amount of a compromise with one debtor shall not be considered a precedent or binding in determining the amount that will be required from other debtors jointly and severally liable on the claim.

§ 902.5 Further review of compromise offers.

If an agency is uncertain whether to accept a firm, written, substantive compromise offer on a debt that is within the agency's delegated compromise authority, it may refer the offer to the Civil Division or other appropriate litigating division in the Department of Justice, using a CCLR accompanied by supporting data and particulars concerning the debt. The Department of Justice may act upon such an offer or return it to the agency with instructions or advice.

§ 902.6 Consideration of tax consequences to the Government.

In negotiating a compromise, agencies should consider the tax consequences to the Government. In particular, agencies should consider requiring a waiver of tax-loss-carry-forward and tax-loss-carry-back rights of the debtor. For information on discharge of indebtedness reporting requirements see § 903.5 of this chapter.

§ 902.7 Mutual releases of the debtor and the Government.

In all appropriate instances, a compromise that is accepted by an agency should be implemented by means of a mutual release, in which the debtor is released from further non-tax liability on the compromised debt in consideration of payment in full of the compromise amount and the Government and its officials, past and present, are released and discharged from any and all claims and causes of action arising from the same transaction that the debtor may have. In the event a mutual release is not executed when a debt is compromised, unless prohibited by law, the debtor is still deemed to have waived any and all claims and causes of action against the Government and its officials related to the transaction giving rise to the compromised debt.

PART 903—STANDARDS FOR SUSPENDING OR TERMINATING COLLECTION ACTIVITY

Sec.

903.1 Scope and application.
903.2 Suspension of collection activity.
903.3 Termination of collection activity.
903.4 Exception to termination.
903.5 Discharge of indebtedness; reporting requirements.

Authority: 31 U.S.C. 3711.

§ 903.1 Scope and application.

(a) The standards set forth in this part apply to the suspension or termination of collection activity pursuant to 31 U.S.C. 3711 on debts that do not exceed $100,000, or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs, after deducting the amount of partial payments or collections, if any. Prior to referring a debt to the Department of Justice for litigation, agencies may suspend or terminate collection under this part with respect to debts arising out of activities of, or referred or transferred for collection services to, that agency.

(b) If, after deducting the amount of any partial payments or collections, the principal amount of a debt exceeds $100,000, or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs, the authority to suspend or terminate rests solely with the Department of Justice. If the agency believes that suspension or termination of any debt in excess of $100,000 may be appropriate, the agency shall refer the debt to the Civil Division or other appropriate litigating division in the Department of Justice, using the CCLR. The referral should specify the reasons for the agency's recommendation. If, prior to referral to the Department of Justice, an agency determines that a debt is plainly erroneous or clearly without legal merit, the agency may terminate collection activity regardless of the amount involved without obtaining Department of Justice concurrence.

§ 903.2 Suspension of collection activity.

(a) Agencies may suspend collection activity on a debt when:

(1) The agency cannot locate the debtor;

(2) The debtor's financial condition is expected to improve; or

(3) The debtor has requested a waiver or review of the debt.

(b) Based on the current financial condition of the debtor, agencies may suspend collection activity on a debt when the debtor's future prospects justify retention of the debt for periodic review and collection activity and:

(1) The applicable statute of limitations has not expired; or

(2) Future collection can be effected by administrative offset, notwithstanding the expiration of the applicable statute of limitations for litigation of claims, with due regard to the 10-year limitation for administrative offset prescribed by 31 U.S.C. 3716(e)(1); or

(3) The debtor agrees to pay interest on the amount of the debt on which collection will be suspended, and such suspension is likely to enhance the debtor's ability to pay the full amount of the principal of the debt with interest at a later date.

(c)(1) Agencies shall suspend collection activity during the time required for consideration of the debtor's request for waiver or administrative review of the debt if the statute under which the request is sought prohibits the agency from collecting the debt during that time.

(2) If the statute under which the request is sought does not prohibit collection activity pending consideration of the request, agencies may use discretion, on a case-by-case basis, to suspend collection. Further, an agency ordinarily should suspend collection action upon a request for waiver or review if the agency is prohibited by statute or regulation from issuing a refund of amounts collected prior to agency consideration of the debtor's request. However, an agency should not suspend collection when the agency determines that the request for waiver or review is frivolous or was made primarily to delay collection.

(d) When an agency learns that a bankruptcy petition has been filed with respect to a debtor, in most cases the collection activity on a debt must be suspended, pursuant to the provisions of 11 U.S.C. 362, 1201, and 1301, unless the agency can clearly establish that the automatic stay has been lifted or is no longer in effect. Agencies should seek legal advice immediately from their agency counsel and, if legally permitted, take the necessary legal steps to ensure that no funds or money are paid by the agency to the debtor until relief from the automatic stay is obtained.

§ 903.3 Termination of collection activity.

(a) Agencies may terminate collection activity when:

(1) The agency is unable to collect any substantial amount through its own efforts or through the efforts of others;

(2) The agency is unable to locate the debtor;

(3) Costs of collection are anticipated to exceed the amount recoverable;

(4) The debt is legally without merit or enforcement of the debt is barred by any applicable statute of limitations;

(5) The debt cannot be substantiated; or

(6) The debt against the debtor has been discharged in bankruptcy.

(b) Before terminating collection activity, the agency should have pursued all appropriate means of collection and determined, based upon

the results of the collection activity, that the debt is uncollectible. Termination of collection activity ceases active collection of the debt. The termination of collection activity does not preclude the agency from retaining a record of the account for purposes of:

(1) Selling the debt, if the Secretary determines that such sale is in the best interests of the United States;

(2) Pursuing collection at a subsequent date in the event there is a change in the debtor's status or a new collection tool becomes available;

(3) Offsetting against future income or assets not available at the time of termination of collection activity; or

(4) Screening future applicants for prior indebtedness.

(c) Generally, agencies shall terminate collection activity on a debt that has been discharged in bankruptcy, regardless of the amount. Agencies may continue collection activity, however, subject to the provisions of the Bankruptcy Code, for any payments provided under a plan of reorganization. Offset and recoupment rights may survive the discharge of the debtor in bankruptcy and, under some circumstances, claims also may survive the discharge. For example, the claims of an agency that it is a known creditor of a debtor may survive a discharge if the agency did not receive formal notice of the proceedings. Agencies should seek legal advice from their agency counsel if they believe they have claims or offsets that may survive the discharge of a debtor.

§ 903.4 Exception to termination.

When a significant enforcement policy is involved, or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, agencies may refer debts for litigation even though termination of collection activity may otherwise be appropriate.

§ 903.5 Discharge of indebtedness; reporting requirements.

(a) Before discharging a delinquent debt (also referred to as a close out of the debt), agencies shall take all appropriate steps to collect the debt in accordance with 31 U.S.C. 3711(g), including, as applicable, administrative offset, tax refund offset, Federal salary offset, referral to Treasury, Treasury-designated debt collection centers or private collection contractors, credit bureau reporting, wage garnishment, litigation, and foreclosure. Discharge of indebtedness is distinct from termination or suspension of collection activity under part 903 of this title and is governed by the Internal Revenue Code. When collection action on a debt is suspended or terminated, the debt remains delinquent and further collection action may be pursued at a later date in accordance with the standards set forth in this chapter. When an agency discharges a debt in full or in part, further collection action is prohibited. Therefore, agencies should make the determination that collection action is no longer warranted before discharging a debt. Before discharging a debt, agencies must terminate debt collection action.

(b) Section 3711(i), title 31, United States Code, requires agencies to sell a delinquent nontax debt upon termination of collection action if the Secretary determines such a sale is in the best interests of the United States. Since the discharge of a debt precludes any further collection action (including the sale of a delinquent debt), agencies may not discharge a debt until the requirements of 31 U.S.C. 3711(i) have been met.

(c) Upon discharge of an indebtedness, agencies must report the discharge to the IRS in accordance with the requirements of 26 U.S.C. 6050P and 26 CFR 1.6050P–1. An agency may request Treasury or Treasury-designated debt collection centers to file such a discharge report to the IRS on the agency's behalf.

(d) When discharging a debt, agencies must request that litigation counsel release any liens of record securing the debt.

PART 904—REFERRALS TO THE DEPARTMENT OF JUSTICE

Sec.

904.1 Prompt referral.
904.2 Claims Collection Litigation Report.
904.3 Preservation of evidence.
904.4 Minimum amount of referrals to the Department of Justice.

Authority: 31 U.S.C. 3711.

§ 904.1 Prompt referral.

(a) Agencies shall promptly refer to the Department of Justice for litigation debts on which aggressive collection activity has been taken in accordance with part 901 of this chapter and that cannot be compromised, or on which collection activity cannot be suspended or terminated, in accordance with parts 902 and 903 of this chapter. Agencies may refer those debts arising out of activities of, or referred or transferred for collection services to, that agency. Debts for which the principal amount is over $1,000,000, or such other amount as the Attorney General may direct, exclusive of interest and penalties, shall be referred to the Civil Division or other division responsible for litigating such debts at the Department of Justice, Washington, D.C. Debts for which the principal amount is $1,000,000, or less, or such other amount as the Attorney General may direct, exclusive of interest or penalties, shall be referred to the Department of Justice's Nationwide Central Intake Facility as required by the CCLR instructions. Debts should be referred as early as possible, consistent with aggressive agency collection activity and the observance of the standards contained in parts 900–904 of this chapter, and, in any event, well within the period for initiating timely lawsuits against the debtors. Agencies shall make every effort to refer delinquent debts to the Department of Justice for litigation within one year of the date such debts last became delinquent. In the case of guaranteed or insured loans, agencies should make every effort to refer these delinquent debts to the Department of Justice for litigation within one year from the date the loan was presented to the agency for payment or re-insurance.

(b) The Department of Justice has exclusive jurisdiction over the debts referred to it pursuant to this section. The referring agency shall immediately terminate the use of any administrative collection activities to collect a debt at the time of the referral of that debt to the Department of Justice. The agency should advise the Department of Justice of the collection activities which have been utilized to date, and their result. The referring agency shall refrain from having any contact with the debtor and shall direct all debtor inquiries concerning the debt to the Department of Justice. The referring agency shall immediately notify the Department of Justice of any payments credited by the agency to the debtor's account after referral of a debt under this section. The Department of Justice shall notify the referring agency, in a timely manner, of any payments it receives from the debtor.

§ 904.2 Claims Collection Litigation Report.

(a) Unless excepted by the Department of Justice, agencies shall complete the CCLR (*see* § 902.1(b) of this chapter), accompanied by a signed Certificate of Indebtedness, to refer all administratively uncollectible claims to the Department of Justice for litigation. Referring agencies shall complete all of the sections of the CCLR appropriate to each claim as required by the CCLR instructions and furnish such other information as may be required in specific cases.

(b) Agencies shall indicate clearly on the CCLR the actions they wish the Department of Justice to take with

respect to the referred claim. The CCLR permits the agency to indicate specifically any of a number of litigative activities which the Department of Justice may pursue, including enforced collection, judgment lien only, renew judgment lien only, renew judgment lien and enforce collection, program enforcement, foreclosure only, and foreclosure and deficiency judgment.

(c) Agencies also shall use the CCLR to refer claims to the Department of Justice to obtain approval of any proposals to compromise the claims or to suspend or terminate agency collection activity.

§ 904.3 Preservation of evidence.

Referring agencies must take care to preserve all files and records that may be needed by the Department of Justice to prove their claims in court. Agencies ordinarily should include certified copies of the documents that form the basis for the claim in the packages referring their claims to the Department of Justice for litigation. Agencies shall provide originals of such documents immediately upon request by the Department of Justice.

§ 904.4 Minimum amount of referrals to the Department of Justice.

(a) Agencies shall not refer for litigation claims of less than $2,500, exclusive of interest, penalties, and administrative costs, or such other amount as the Attorney General shall from time to time prescribe. The Department of Justice shall promptly notify referring agencies if the Attorney General changes this minimum amount.

(b) Agencies shall not refer claims of less than the minimum amount unless:

(1) Litigation to collect such smaller claims is important to ensure compliance with the agency's policies or programs;

(2) The claim is being referred solely for the purpose of securing a judgment against the debtor, which will be filed as a lien against the debtor's property pursuant to 28 U.S.C. 3201 and returned to the referring agency for enforcement; or

(3) The debtor has the clear ability to pay the claim and the Government effectively can enforce payment, with due regard for the exemptions available to the debtor under state and Federal law and the judicial remedies available to the Government.

(c) Agencies should consult with the Financial Litigation Staff of the Executive Office for United States Attorneys in the Department of Justice prior to referring claims valued at less than the minimum amount.

Dated: November 6, 2000.

Lawrence H. Summers,

Secretary of the Treasury.

Dated: September 21, 2000.

Janet Reno,

Attorney General of the United States.

[FR Doc. 00–29284 Filed 11–21–00; 8:45 am]

BILLING CODE 4810–35–P; 4410–26–P

GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

4 CFR Chapter II

[A.G. Order No. 2326–2000]

Federal Claims Collection Standards; Removal of Obsolete Chapter

AGENCIES: General Accounting Office; Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule removes from Title 4 of the Code of Federal Regulations the Federal Claims Collection Standards (FCCS), which were issued jointly by the Department of Justice and the General Accounting Office (GAO). The GAO no longer has the statutory authority to issue or maintain the FCCS.

DATES: This rule is effective December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Tom Armstrong, General Accounting Office, (202) 512–8257; or Kathleen A. Haggerty, Department of Justice, (202) 514–5343.

SUPPLEMENTARY INFORMATION: The FCCS were promulgated jointly by the Department of Justice and GAO on March 9, 1984. 49 FR 8889. The Comptroller General was removed as a co-promulgator of the FCCS by section 115(g) of the General Accounting Office Act of 1996, Public Law 104–316, 110 Stat. 3826 (Oct. 19, 1996). Consequently, the FCCS are being removed from Title 4 of the Code of Federal Regulations.

The Secretary of the Treasury was added as a co-promulgator of the FCCS with the Department of Justice under section 31001(g)(1)(C) of the Debt Collection Improvement Act of 1996, Public Law 104–134, 110 Stat. 1321, 1321–358 (Apr. 26, 1996), as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The revised FCCS, to be published in Title 31 of the Code of Federal Regulations, will be administered jointly by the Department of Justice and the Department of the Treasury. A final rule establishing a revised FCCS is being published elsewhere in this issue of the **Federal Register**.

Regulatory Analysis

Administrative Procedure Act (5 U.S.C. 553)

This rule is a rule of agency organization and is therefore exempt from the notice requirement of 5 U.S.C. 553(b), and is made effective upon issuance.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Executive Order 13132

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

Executive Order 12866

This action has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation. This rule is limited to agency organization and management as described by Executive Order 12866 section 3(d)(3) and, therefore, is not a

''regulation'' or ''rule'' as defined by this Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Congressional Review Act

This action pertains to agency management and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 4 CFR Chapter II

Claims.

4 CFR CHAPTER II—[REMOVED]

For the reasons set out in the preamble, and under the authority of 31 U.S.C. 3711, the Federal Claims Collection Standards, chapter II of title 4, Code of Federal Regulations, consisting of parts 101 through 105, is removed.

Dated: November 8, 2000.

David M. Walker,

Comptroller General.

Janet Reno,

Attorney General.

[FR Doc. 00–29282 Filed 11–21–00; 8:45 am]

BILLING CODE 4810–26–P

Federal Register

Wednesday,
November 22, 2000

Part III

Department of Education

Notice of Final Competitive Preferences for Fiscal Year 2001 and Subsequent Fiscal Years; Notice

DEPARTMENT OF EDUCATION

Notice of Final Competitive Preference for Fiscal Year 2001 and Subsequent Fiscal Years

AGENCY: Department of Education.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS) announces the addition of a competitive preference to certain grant competitions for fiscal year 2001 and subsequent fiscal years. This notice contains and describes the additional competitive preference and lists the programs to which it applies.

EFFECTIVE DATE: This competitive preference takes effect on December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Ann Queen, U.S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8285 or via Internet: *Ann_Queen@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: This notice contains language for adding a final competitive preference to competitions under the following 11 programs, which are authorized under the Rehabilitation Act of 1973, as amended. Information on how we evaluate applications for each of these programs follows in parentheses:

84.128G—Migrant and Seasonal Farmworkers Program (34 CFR 75.200).

84.128J—Recreational Programs (34 CFR 75.200).

84.132—Centers for Independent Living (34 CFR 366.26).

84.133A—Disability and Rehabilitation Research Projects and Centers Program (34 CFR 350.53).

84.133B—Rehabilitation Research and Training Centers (34 CFR 350.53).

84.133D—Knowledge Dissemination and Utilization (34 CFR 350.53).

84.133E—Rehabilitation Engineering Research Centers (34 CFR 350.53).

84.133N—Special Projects and Demonstrations for Spinal Cord Injuries (34 CFR 359.30).

84.234—Projects With Industry (34 CFR 379.30).

84.235—Special Demonstration Programs (34 CFR 75.200)

84.250—Vocational Rehabilitation Service Projects for American Indians with Disabilities (34 CFR 75.200).

On September 7, 2000 the Assistant Secretary for OSERS published a notice of proposed competitive preference for these programs in the **Federal Register** (65 FR 54394). Except for minor editorial and technical revisions, there are no differences between the notice of proposed competitive preference and this notice of final competitive preference.

Analysis of Comments and Changes

In response to our invitation in the notice of proposed competitive preference, two parties submitted comments on the proposed additional competitive preference. An analysis of the comments follows.

Comment: One commenter supported the proposed competitive preference.

Discussion: None.

Change: None.

Comment: The other commenter noted that it may be difficult to substantiate information on people with disabilities serving as project staff. Some people with disabilities prefer not to disclose those disabilities.

Discussion: Based upon experience with current and former grantees, the Assistant Secretary believes that substantiation will be a minor issue.

Change: None.

Note: This notice does not solicit applications. In any year in which the Assistant Secretary chooses to use this priority, we invite applications through a notice in the **Federal Register**.

Competitive Preference

Under 34 CFR 75.105(c)(2)(i) the Assistant Secretary adds a competitive preference to applications that are otherwise eligible for funding under the ll previously mentioned programs.

The maximum score under the selection criteria for each of these programs is 100 points; however, we will also use the following competitive preference so that up to an additional 10 points may be earned by an applicant for a total possible score of 110 points.

Up to 10 points may be earned based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities as project employees in projects awarded under these programs. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

Therefore, within this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria noted previously in parentheses after each program. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

This competitive preference supports the National Education Goal that calls for every American to possess the skills necessary to compete in a global economy.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the preceding sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Applicable Program Regulations: 34 CFR parts 350, 359, 366, 371, and 379.

Program Authority: 29 U.S.C. 709(c), 741, 764, 773, 774, 775, 795, and 796f–796f–5.

(Catalog of Federal Domestic Assistance Numbers: 84.128G–Migrant and Seasonal Farmworkers Program; 84.128J–Recreational Program; 84.132–Centers for Independent Living; 84.133A–Disability and Rehabilitation Research Projects and Centers Program; 84.133B–Rehabilitation Research and Training Centers; 84.133D–Knowledge Dissemination and Utilization; 84.133E–Rehabilitation Engineering Research Centers; 84.133N–Special Projects and Demonstrations for Spinal Cord Injuries; 84.234–Projects With Industry; 84.235–Special Demonstration Programs; and 84.250–Vocational Rehabilitation Service Projects for American Indians with Disabilities).

Dated: November 16, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–29817 Filed 11–21–00; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Wednesday,
November 22, 2000

Part IV

Department of Education

Foreign Language Assistance Grants (State Educational Agencies); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.293C]

Foreign Language Assistance Grants (State Educational Agencies); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for an award under this competition.

Purpose of Program: This program provides grants to pay for the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

In awarding grants under this program, the Secretary supports projects that promote systemic approaches to improving foreign language learning in the State.

Eligible Applicants: State educational agencies.

Applications Available: November 27, 2000.

Deadline for Transmittal of Applications: January 26, 2001.

Deadline for Intergovernmental Review: March 26, 2001.

Available Funds: $800,000.

The Administration has requested $800,000 for new grants under this program for FY 2001. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: $30,000–$70,000.

Estimated Average Size of Awards: $50,000.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

(b) 34 CFR part 299.

Description of Program

Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act), authorizes the Foreign Language Assistance Grants program. Appropriations for this program are authorized by section 7206 of the Act.

Applicants should note that section 7203(c)(1) provides that the Federal share of the cost of activities assisted under this part for each fiscal year shall be 50 percent. Section 7203(c)(3) of the Act provides that at least 75 percent of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in elementary grades. The Secretary does not fund projects that propose Native American languages.

Priority

Under 34 CFR 75.105(b)(2)(iv) and (c)(2)(i) and section 7204(b) of the Act (20 U.S.C. 7514(b)), the Secretary gives preference to applications that meet the following competitive priority by awarding three additional points to applications that propose to carry out one or more of the activities specified in a particularly effective way. These points would be in addition to any points the application earns under the selection criteria for the program:

Competitive Preference Priority—Special Considerations (3 points)

Priority: Projects that propose to carry out one or more of the following activities: (1) Intensive summer foreign language programs for professional development; (2) linking non-native English speakers in the community with the schools in order to promote two-way language learning; or (3) promoting the sequential study of a foreign language, beginning in elementary schools.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 and section 7203 of the Act to evaluate applications for the new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria.*

(1) *Need for the project.* (10 points)

The Secretary considers the need for the project. In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude of the need for services to be provided or the activities to be carried out by the proposed project.

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(Authority: 34 CFR 75.210 (a)(ii) and (v))

(2) *Significance.* (20 points)

The Secretary reviews each application to determine how well the proposed project will implement foreign language instructional programs that promote systemic approaches to improving foreign language learning in the State.

(Authority: 20 U.S.C. 7513 (b)(1))

(3) *Quality of project design.* (25 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(iii) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(Authority: 34 CFR 75.210 (c)(i), (xiii) and (xviii))

(4) *Quality of project services.* (20 points)

(i) The Secretary considers the quality of services to be provided by the proposed project.

(ii) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or the beneficiaries of those services.

(B) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(C) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(Authority: 34 CFR 75.210(d)(1)–(3)(i), (iii) and (vii))

(5) *Quality of project personnel.* (10 points)

(i) The Secretary considers the quality of the key personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(Authority: 34 CFR 75.210(e)(1)–(3)(i) and (ii))

(6) *Adequacy of resources.* (4 points)

The Secretary considers the adequacy of resources for the project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(Authority: 34 CFR 75.210 (f)(1) and (2)(iii)–(iv))

(7) *Quality of the management plan.* (5 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(Authority: 34 CFR 75.210 (g)(1) and (2)(i) and (iv))

(8) *Quality of project evaluation plan.* (6 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(Authority: 34 CFR 75.210 (h)(i) and (vi)–(vii))

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact (SPOC), see the list published in the **Federal Register** on April 28, 1999 (64 FR 22963); or you may view the latest SPOC list on the OMB Web site at the following address: *http://www.whitehouse.gov/omb/grants.*

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.293C, U.S. Department of Education, Room 6213, 400 Maryland Avenue, SW., Washington, DC 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address. Instructions for Transmittal of Applications:* (a) If an applicant wants to apply for a grant, the applicant *must*—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293C), Washington, DC 20202–4725; or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Eastern time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293C), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden, guidance on addressing the EDGAR selection criteria, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424) and instructions.
Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.
Part III: Application Narrative.
Additional Materials:
a. Estimated Public Reporting Burden.
b. Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act).
c. Program Questions and Answers.
d. Group Application Certification.
e. State Educational Agency Data Form.
f. Project Documentation Form, including: Section I—Documentation of consultation with nonprofit private school officials; Section II—Appropriate box checked.
g. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.
h. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.
i. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

j. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published by the Office of Management and Budget at 61 FR 1413 (January 19, 1996).
k. Notice to All Applicants Concerning a New Provision in the Department of Education's General Education Provisions Act (GEPA).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each application as ''original'' or ''copy.'' No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT:

Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5619, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–9717.
Ana Garcia, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5625, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–8077.
Itzetht Testa-Salcedo, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5630, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–8726.

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Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternative format the standard forms included in the notice.

Electronic Access to This Document: You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the preceding sites. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1–800–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 7511–7514.

Dated: November 16, 2000.

Art Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

BILLING CODE 4000–01–U

Appendix

Part I

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved OMB No. 1875-0106 Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:
Address:
City State County ZIP Code + 4
Organizational Unit

2. Applicant's D-U-N-S Number
3. Applicant's T-I-N
4. Catalog of Federal Domestic Assistance #: 84 293C
Title: Foreign Language Assistance Grants (State educational agencies

5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) Fax #: ( )
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify):*

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/___
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates:

Start Date:	End Date:
___/___/___	___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: *OR* b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
b. Title
c. Tel. #: ( ) Fax #: ( )
d. E-Mail Address:
e. Signature of Authorized Representative Date: ___/___/___

REV. 11/12/99 ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

Part III—Application Narrative

Application Narrative Instructions

Mandatory Page Limit for the Application Narrative

The narrative is the section of the application where you address the selection criteria used by reviewers in evaluating the application. You must limit the narrative to the equivalent of no more than 35 pages, using the following standards:

(1) A page is 8.5″ x 11″, on one side only with 1″ margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font. If you use a non-proportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to the Application for Federal Education Assistance Form (ED 424); the Budget Information Form (ED 524) and attached itemization of costs; the other application forms and attachments to those forms; the assurances and certifications; or the one-page abstract and table of contents described below.

If, in order to meet the page limit, you use print size, spacing, or margins smaller than the standards specified in this notice, your application will not be considered for funding.

Additional Guidance

Abstract

The narrative section should be preceded by a one-page abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Table of Contents

The application should include a table of contents listing the various parts of the narrative in the order of the selection criteria. The table should include the page numbers where the parts of the narrative are found.

Budget

A separate budget summary and cost itemization must be provided on the Budget Information Form (ED 524) and in the itemized budget for each project year. Budget line items should be directly related to the activities proposed to achieve the goals and objectives of the project.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes or curriculum vitae for project personnel; provide position descriptions instead. Do not include bibliographies, letters of support, or appendices in your application.

Final Application Preparation

Submit three copies of the application, including one copy with an original signature on each form that requires the signature of the authorized representative. Do not use elaborate bindings, notebooks, or covers. The application must be mailed or hand-delivered to the U.S. Department of Education Application Control Center (ACC). If mailed, the application must be postmarked by the deadline date.

Additional Materials

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0544 (Exp. 12/31/2001). The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5605, Switzer Building, Washington, DC 20202–6510.

Foreign Language Assistance Program Grants to State Educational Agencies: Additional Non-Regulatory Guidance (Questions and Answers)

Q. *How does an applicant for the Foreign Language Assistance Program address the requirements set forth by the Government Performance and Results Act (GPRA)?*

A. Each applicant should align program goals and objectives with the following GPRA indicators for the Foreign Language Assistance Program:

Goal: Help students reach the national education objective of mastering one or more foreign languages.

Objective 1: Improve foreign language proficiency of students served by the Foreign Language Assistance Program (FLAP).

Indicator 1.1: Increased student achievement: The percentage of students participating in Foreign Language Assistance Program-supported instruction who demonstrate educationally significant progress toward achieving communicative language proficiency will increase annually.

Objective 2: Build capacity of schools in FLAP to teach foreign languages.

Indicator 2.1: The percentage of grantees that use national standards for determining student performance gains will increase annually.

Q. *How does an applicant comply with Executive Order 12372, the Intergovernmental Review of Federal Programs, item #10 of the Application for Federal Education Assistance (ED 424)?*

A. Applicants must first review the State Single Point of Contact (SPOC) list available at http://www.whitehouse.gov/omb/grants/spoc.html. If a State contact is included in the list, the applicant must contact the SPOC to inquire about the State's process under Executive Order 12372. If the State requests the application for review, a copy of the cover letter sent to the State contact must be submitted with the application package and Item #10 checked *Yes* with the date included. If the program is not covered by the Executive order, or the State has not selected the program for review, Item #10 must be checked *No* and the reason checked.

Q. *How can State educational agencies support programs that promote systemic approaches to improving foreign language learning in the States?*

A. Activities may include staff development, curriculum development, development of State standards and appropriate assessment strategies, and use of instructional technology to improve foreign language learning in the State.

Q. *How will the Secretary comply with the statutory requirement, set out in section 7204(b) of the Elementary and Secondary Education Act, to give special consideration to applications that describe programs that: (1) Include intensive summer foreign language programs for professional development; (2) link non-native English speakers in the community; or (3) promote the sequential study of a foreign language for students, beginning in elementary schools?*

A. The Secretary has established a competitive priority to comply with this statutory requirement. Under that priority, the Secretary awards three additional points to applications that propose to carry out one or more of the activities specified in section 7204(b) of the Act in a particularly effective way. These points would be in addition to any points the application earns under the Selection Criteria. This priority is set out in full in the Application Notice.

Q. *How can an applicant promote two-way language learning?*

A. Two-way language learning is promoted through encouraging interaction between non-native English speakers and foreign language learners in an instructional setting for purposes of facilitating foreign language acquisition. Although improvement of the English language skills of non-native English speakers is a desirable ancillary benefit of a project that utilizes two-way language learning, the primary focus of projects funded under the Foreign Language Assistance program must be on foreign language learning. As a consequence, funds received under the Foreign Language Assistance Program may not be used to fund an activity that is solely or primarily concerned with English language instruction.

Q. *What is the definition of ''elementary school'' or ''secondary school''?*

A. The definitions of these two terms are set out in section 14101 of the Elementary and Secondary Education Act. The term ''elementary school'' means a non-profit institutional day or residential school that provides elementary education, as determined under State law. The term ''secondary school'' means a non-profit

institutional day or residential school that provides secondary education as determined under State law, except that such term does not include any education beyond the twelfth grade.

Q. *What is the State's or LEA's share of costs for the Foreign Language Assistance Program for each fiscal year?*

A. The State's or LEA's share is 50 percent. However, a waiver may be granted for an LEA if the Secretary determines that the LEA does not have adequate resources to pay the non-Federal share of the cost of the activities. (Section 7203(c), 20 U.S.C. 7513(c)). The Education Department General Administrative Regulations, at 34 CFR 80.24, also addresses Federal Cost sharing requirements.

Q. *What is the ultimate goal of effective foreign language education programs?*

A. The ultimate goal of effective foreign language education programs is to develop communicative competency in a foreign language. The Secretary interprets ''communicative competency'' to mean the ability to communicate in meaningful and effective ways in a foreign language.

BILLING CODE 4000–01–U

GROUP APPLICATION CERTIFICATION

NOTE: This form must be completed by eligible parties applying as a group for a grant. This form must be accompanied by a group agreement that details the activities that each member of the group plans to perform under the grant.

(34 CFR 75.128(b)-(c)).

To the best of my knowledge and belief, all data in this application are true and correct. I agree to be bound to every statement and assurance made in this application.

Authorized Representative					
Typed Name	Title	Signature	Date Signed	Telephone Number (Including Area Code)	Name of Institution/ Organization

FOREIGN LANGUAGE DATA

Name of State Educational Agency

NOTE: This section must be completed by State educational agencies applying under the following program:

- Foreign Language Assistance Grants

1. Total number of local educational agencies (LEAs) in the State	
2. Total number of LEAs in the State providing foreign language programs	

3. Foreign languages taught

Elementary	Secondary

Project Documentation

Note: Submit the appropriate documents and information as specified below for the following programs.

Foreign Language Assistance Grant

Section I

Evidence of compliance with the Federal requirements for participation of students enrolled in nonprofit private schools. (See section 7116(h)(2) of Pub. L. 103–382 and 34 CFR 75.119, 76.652, and 76.656 below.)

§ 7116. Applications.

''(2) In designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the programs is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children.''

(Authority: 20 U.S.C. 7426(h)(2))

§ 75.119 Information needed if private schools participate.

If a program requires the applicant to provide an opportunity for participation of students enrolled in private schools, the application must include the information required of subgrantees under 34 CFR 76.656. (Approved by the Office of Management and Budget under control number 1880–0513.)

(Authority: 20 U.S.C. 1221e–3(a)(1))

§ 76.652 Consultation with representatives of private school students.

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:

(1) Which children will receive benefits under the project;

(2) How the children's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(Authority: 20 U.S.C. 1221e–3(a)(1))

§ 76.656 Information in an application for a subgrant.

An applicant for a subgrant shall include the following information in its application:

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with § 76.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

(Authority: 20 U.S.C. 1221e–3(a)(1))

Section II

Check the appropriate box below:

There are no eligible nonprofit private schools in the proposed service delivery area that wish to participate in the project.

One or more eligible nonprofit private schools in the proposed service delivery area wish to participate in the project and are listed on the enclosed student Data form.

There are no eligible nonprofit private schools in the proposed service delivery area.

BILLING CODE 4000–01–U

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

[FR Doc. 00–29924 Filed 11–21–00; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Wednesday,
November 22, 2000

Part V

Department of Education

Foreign Language Assistance Grants (Local Educational Agencies) Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.293B]

Foreign Language Assistance Grants (Local Educational Agencies) Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for an award under this competition.

Purpose of Program: This program provides grants to pay for the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

In awarding grants under this program, the Secretary supports projects that—

(A) Show the promise of being continued beyond their project period;

(B) Demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) May include a professional development component.

Eligible Applicants: Local educational agencies.

Applications Available: November 27, 2000.

Deadline for Transmittal of Applications: January 26, 2001.

Deadline for Intergovernmental Review: March 26, 2001.

Available Funds: $5,000,000.

The Administration has requested $5 million for new grants under this program for FY 2001. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year.

Estimated Range of Awards: $50,000–$175,000.

Estimated Average Size of Awards: $112,500.

Estimated Number of Awards: 44.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36 months.

Applicable Regualtions:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

(b) 34 CFR part 299.

Description of Program

Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act), authorizes the Foreign Language Assistance Grants program. Appropriations for this program are authorized by section 7206 of the Act. Applicants should note that section 7203(c)(1) provides that the Federal share of the cost of activities assisted under this part for each fiscal year is 50 percent. The Secretary may waive this requirement for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part. Section 7203(c)(3) of the Act provides that at least 75 percent of the funds appropriated under section 7206 must be used for the expansion of foreign language learning in elementary grades. The Secretary does not fund projects that propose Native American languages.

Priority

Under 34 CFR 75.105(b)(2)(iv) and (c)(2)(i) and section 7204(b) of the Act (20 U.S.C. 7514(b)), the Secretary gives preference to applications that meet the following competitive priority by awarding three additional points to applications that propose to carry out one or more of the activities specified in a particularly effective way. These points would be in addition to any points the application earns under the selection criteria for the program.

Competitive Preference Priority—Special Considerations (3 points)

Projects that propose to carry out one or more of the following activities: (1) Intensive summer foreign language programs for professional development; (2) linking non-native English speakers in the community with the schools in order to promote two-way language learning; or (3) promoting the sequential study of a foreign language, beginning in elementary schools.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.209 and 75.210 and section 7203 of the Act to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b)(1) *Need for the project.* (10 points)

The Secretary considers the need for the project. In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(2) *Significance.* (20 points)

The Secretary reviews each application to determine how well the proposed project will implement foreign language instructional programs that will:

(i) Show the promise of being continued beyond the grant period; and

(ii) Demonstrate approaches that can be disseminated and duplicated in other local educational agencies.

(3) *Quality of the project design.* (25 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(iii) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) *Quality of project services.* (20 points)

(i) The Secretary considers the quality of services to be provided by the proposed project.

(ii) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(B) The extent to which the services to be provided by the proposed project

reflect up-to-date knowledge from research and effective practice.

(C) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(5) *Quality of project personnel.* (10 points)

(i) The Secretary considers the quality of the key personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(6) *Adequacy of resources.* (4 points)

The Secretary considers the adequacy of resources for the project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(7) *Quality of the management plan.* (5 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(8) *Quality of project evaluation plan.* (6 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact (SPOC), see the list published in the **Federal Register** on April 28, 1999 (64 FR 22963); or you may view the latest SPOC list on the OMB Web site at the following address: *http://www.whitehouse.gov/omb/grants*

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.293B, U.S. Department of Education, Room 6213, 400 Maryland Avenue, SW., Washington, DC 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293B), Washington, DC 20202–4725; or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Eastern time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293B), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting

burden, guidance on addressing the EDGAR selection criteria, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (ED 424) and instructions.
Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.
Part III: Application Narrative.
Additional Materials:
a. Estimated Public Reporting Burden.
b. Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act).
c. Program Questions and Answers.
d. Group Application Certification.
e. Student Data.
f. Project Documentation Form, including: Section I—Documentation of consultation with nonprofit private school officials; Section III—Appropriate box checked.
g. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.
h. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.
i. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department).

j. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published in the **Federal Register** at (61 FR 1413) by the Office of Management and Budget on January 19, 1996).
k. Notice to All Applicants concerning a new provision in the Department of Education's General Education Provisions Act (GEPA).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each application as ''original'' or ''copy.'' No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT:

Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5619, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–9717.
Ana Garcia, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5625, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–8077.
Itzetht Testa-Salcedo, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5630, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–8726.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternative format the standard forms included in the notice.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the preceding sites. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1–800–293–6498; or in the Washington, D.C. area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 7511–7514.

Dated: November 16, 2000.

Art Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

BILLING CODE 4000–01–P

Appendix

Part I

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved OMB No. 1875-0106 Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:_____
Address:_____
_____
City _____ State _____ County _____ ZIP Code + 4 _____-_____

Organizational Unit

2. Applicant's D-U-N-S Number [ ][ ][ ][ ][ ][ ][ ][ ][ ]

3. Applicant's T-I-N [ ][ ]-[ ][ ][ ][ ][ ][ ][ ]

4. Catalog of Federal Domestic Assistance #: 8 4 . 2 9 3 B → Title: Foreign Language Assistance Grant (Local educational agencies)

5. Project Director:_____
Address:_____
_____ _____ _____-_____
City State ZIP Code + 4
Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____
E-Mail Address:_____

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:_____

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/_____
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates: Start Date: ___/___/_____ End Date: ___/___/_____

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: _____ *OR* b. Assurance of Compliance #: _____
c. IRB approval date: _____ ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$_____	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

b. Title

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address:

e. Signature of Authorized Representative | Date: ___/___/_____

REV. 11/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS	OMB Control Number: 1890-0004 Expiration Date: 02/28/2003
Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

Part III—Application Narrative

Application Narrative Instructions

Mandatory Page Limit for the Application Narrative

The narrative is the section of the application where you address the selection criteria used by reviewers in evaluating the application. You must limit the narrative to the equivalent of *no more than 35 pages,* using the following standards:

(1) A page is 8.5″ × 11″, on one side only with 1″ margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font. If you use a non-proportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to the Application for Federal Education Assistance Form (ED 424); the Budget Information Form (ED 524) and attached itemization of costs; the other application forms and attachments to those forms; the assurances and certifications; or the one-page abstract and table of contents described below.

If, in order to meet the page limit, you use print size, spacing or margins smaller than the standards specified in this notice, your application will not be considered for funding.

Additional Guidance

Abstract

The narrative section should be preceded by a one-page abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Table of Contents

The application should include a table of contents listing the various parts of the narrative in the order of the selection criteria. The table should include the page numbers where the parts of the narrative are found.

Budget

A separate budget summary and cost itemization must be provided on the Budget Information Form (ED 524) and in the itemized budget for each project year. Budget line items should be directly related to the activities proposed to achieve the goals and objectives of the project.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes or curriculum vitae for project personnel; provide position descriptions instead. Do not include bibliographies, letters of support, or appendices in your application.

Final Application Preparation

Submit three copies of the application, including one copy with an original signature on each form that requires the signature of the authorized representative. Do not use elaborate bindings, notebooks, or covers. The application must be mailed or hand-delivered to the U.S. Department of Education Application Control Center (ACC). If mailed, the application must be postmarked by the deadline date.

Additional Materials

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0540 (Exp. 12/31/2001). The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5605, Switzer Building, Washington, DC 20202–6510.

Foreign Language Assistance Program Grants to Local Educational Agencies Additional Non-Regulatory Guidance (Questions and Answers)

Q. *How does an applicant for the Foreign Language Assistance Program address the requirements set forth by the Government Performance and Results Act (GPRA)?*

A. Each applicant should align program goals and objectives with the following GPRA indicators for the Foreign Language Assistance Program:

Goal: Help students reach the national education objective of mastering one or more foreign languages.

Objective 1: Improve foreign language proficiency of students served by the Foreign Language Assistance Program (FLAP).

Indicator 1.1: Increased student achievement: The percentage of students participating in Foreign Language Assistance Program-supported instruction who demonstrate educationally significant progress toward achieving communicative language proficiency will increase annually.

Objective 2: Build capacity of schools in FLAP to teach foreign languages.

Indicator 2.1: The percentage of grantees that use national standards for determining student performance gains will increase annually.

Q. *May a local educational agency (LEA) apply for both a Foreign Language Assistance Program grant and a Comprehensive School or Program Development and Implementation grant in the same school?*

A. An LEA may apply for two grants, but can be determined to be ineligible for funding under one of the grants if there are activities between the two grants that overlap or duplicate one another.

Q. *How does an applicant comply with Executive Order 12372, the Intergovernmental Review of Federal Programs, item #10 of the Application for Federal Education Assistance (ED 424)?*

A. Applicants must first review the State Single Point of Contact (SPOC) list available at *http://www.whitehouse.gov/omb/grants/spoc.html.* If a State contact is included in the list, the applicant must contact the SPOC to inquire about the State's process under Executive Order 12372. If the State requests the application for review, a copy of the cover letter sent to the State contact must be submitted with the application package and Item #10 checked *Yes* with the date included. If the program is not covered by the Executive order, or the State has not selected the program for review, Item #10 must be checked *No* and the reason checked.

Q. *May an LEA submit a proposal for afternoon and Saturday foreign language instruction?*

A. The purpose of the Foreign Language Assistance Program is to pay the Federal share of the cost of innovative model programs, providing for the establishment, improvement or expansion of foreign language study. Therefore, it is recommended that the majority of instruction be carried out during the traditional school day with supplemental activities in the afternoon and/or Saturday.

Q. *How will the Secretary comply with the statutory requirement, set out in section 7204(b) of the Elementary and Secondary Education Act, to give special consideration to applications that describe programs that: (1) Include intensive summer foreign language programs for professional development; (2) link non-native English speakers in the community; or (3) promote the sequential study of a foreign language for students, beginning in elementary schools?*

A. The Secretary has established a competitive priority to comply with this statutory requirement. Under that priority, the Secretary awards three additional points to applications that propose to carry out one or more of the activities specified in section 7204(b) of the Act in a particularly effective way. These points would be in addition to any points the application earns under the Selection Criteria. This priority is set out in full in the Application Notice.

Q. *How can an applicant promote two-way language learning?*

A. Two-way language learning is promoted through encouraging interaction between non-native English speakers and foreign language learners in an instructional setting for purposes of facilitating foreign language acquisition. Although improvement of the English language skills of non-native English speakers is a desirable ancillary benefit of a project that utilizes two-way language learning, the primary focus of projects funded under the Foreign Language Assistance program must be on foreign language learning. As a consequence, funds received under the Foreign Language

Assistance Program may not be used to fund an activity that is solely or primarily concerned with English language instruction.

Q. *What is the definition of ''elementary school'' or ''secondary school''?*

A. The definitions of these two terms are set out in section 14101 of the Elementary and Secondary Education Act. The term ''elementary school'' means a non-profit institutional day or residential school that provides elementary education, as determined under State law. The term ''secondary school'' means a non-profit institutional day or residential school that provides secondary education as determined under State law, except that such term does not include any education beyond the twelfth grade.

Q. *What is the State's or LEA's share of costs for the Foreign Language Assistance program for each fiscal year?*

A. The State's or LEA's share is 50 percent. However, a waiver may be granted for an LEA if the Secretary determines that the LEA does not have adequate resources to pay the non-Federal share of the cost of the activities. (Section 7203(c), 20 U.S.C. 7513(c)). The Education Department General Administrative Regulations, at 34 CFR 80.24, also addresses Federal Cost sharing requirements.

Q. *How does an LEA apply for a waiver of the non-Federal share of costs?*

A. The Secretary suggests that local educational agencies that wish to do so request a waiver from the requirements of section 7203(c) of the Act in a letter attached to the application or as a part of the narrative of their grant proposal. This waiver request should include information that will assist the Secretary in determining whether the local educational agency seeking a waiver ''does not have adequate resources to pay the non-Federal share of the costs of the activities assisted under [the Foreign Language Assistance program].'' (Section 7203(b) of the Act, 20 U.S.C. 7513(c)(2)).

Q. *Under this program, may an applicant propose to hire foreign language teachers?*

A. Yes, program funds may be used to hire foreign language teachers.

Q. *May two districts apply together if they are already working together in an elementary school foreign language program?*

A. Yes, the statute does not prohibit school districts from applying together. The requirements on group applications are in 34 CFR 75.127–75.129.

Q. *How can an LEA ensure that their proposed program design will lead to an enhanced and effective foreign language program?*

A. An LEA may consider the National and State foreign language content standards when designing their program.

BILLING CODE 4000–01–P

GROUP APPLICATION CERTIFICATION

NOTE: This form must be completed by eligible parties applying as a group for a grant. This form must be accompanied by a group agreement that details the activities that each member of the group plans to perform under the grant.

(34 CFR 75.128(b)-(c)).

To the best of my knowledge and belief, all data in this application are true and correct. I agree to be bound to every statement and assurance made in this application.

Authorized Representative					Name of Institution/ Organization
Typed Name	Title	Signature	Date Signed	Telephone Number (Including Area Code)	

FOREIGN LANGUAGE DATA

Name of Local Educational Agency

NOTE: This section must be completed by local educational agencies applying under the following program:

- **Foreign Language Assistance Grants**

1. Total number of students in the school district	
2. Total number of students in the district enrolled in a foreign language program	

3. Foreign languages taught in the school district

Elementary	Secondary

4. Name of project school	Language(s) to be taught	Grade(s) to be served	Number of students to be served

Project Documentation

Note: Submit the appropriate documents and information as specified below for the following programs: Foreign Language Assistance Grant.

Section I

Evidence of compliance with the Federal requirements for participation of students enrolled in nonprofit private schools. (See section 7116(h)(2) of Public Law 103–382 and 34 CFR 75.119, 76.642, and 76.656 below.)

§ 7116. Applications.

''(2) In designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children.''

(Authority: 20 U.S.C. 7426(h)(2))

§ 75.119 Information needed if private schools participate.

If a program requires the applicant to provide an opportunity for participation of students enrolled in private schools, the application must include the information required of subgrantees under 34 CFR 76.656. (Approved by the Office of Management and Budget under control number 1880–0513)

(Authority: 20 U.S.C. 1221e–3(a)(1))

§ 76.652 Consultation with representatives of private school students.

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:

(1) Which children will receive benefits under the project;

(2) How the childen's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(Authority: 20 U.S.C. 1121e–3(a)(1))

§ 76.656 Information in an application for a subgrant.

An applicant for a subgrant shall include the following information in its application:

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with § 76.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

(Authority: 20 U.S.C. 1221e–3(a)(1))

Section II

Check the appropriate box below:

__ There are no eligible nonprofit private schools in the proposed service delivery area that wish to participate in the project.

__ One or more eligible nonprofit private schools in the proposed service delivery area wish to participate in the project and are listed on the enclosed student Data form.

__ There are no eligible nonprofit private schools in the proposed service delivery area.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

GENERAL EDUCATION PROVISIONS ACT (GEPA) Requirement

Applicants should use this section to address the GEPA provision.

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT NOVEMBER 22, 2000

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Oranges, grapefruit, tangerines, and tangelos grown in—

Florida; published 11-21-00

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Tuberculosis in cattle, bison, and captive cervids—

State and area classifications; published 10-23-00

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State and area classifications; correction; published 10-27-00

AGRICULTURE DEPARTMENT

Rural Utilities Service

Electric loans:

Electric engineering, architectural services, and design policies and procedures; published 10-23-00

EMERGENCY STEEL GUARANTEE LOAN BOARD

Emergency Steel Guarantee Loan Program; implementation:

Commercial lending practices and application submission period reopening; published 11-22-00

ENVIRONMENTAL PROTECTION AGENCY

Water pollution; effluent guidelines for point source categories:

Waste combusters

Correction; published 11-22-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

San Diego Fairy Shrimp; published 10-23-00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

Risk Management; published 11-22-00

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

Florida; published 11-15-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Bell; published 10-18-00

Boeing; published 10-18-00

Empresa Brasileira de Aeronautica, S.A.; published 11-7-00

Eurocopter France; published 10-18-00

Raytheon; published 10-6-00

Robinson Helicopter Co.; published 11-7-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Raisins produced from grapes grown in—

California; comments due by 11-27-00; published 9-27-00

COMMERCE DEPARTMENT

Export Administration Bureau

Export administration regulations:

Foreign policy-based export controls; effects on exporters and general public; comments due by 11-30-00; published 11-6-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Bering Sea snow crab; overfished stock rebuilding; comments due by 11-28-00; published 9-29-00

Magnuson-Stevens Act provisions—

Domestic fisheries; exempted fishing permits; comments due by 11-28-00; published 11-13-00

Marine mammals:

Incidental taking—

Harbor porpoise take reduction plan; comments due by 11-27-00; published 10-27-00

Taking and importing—

Beluga whales; Cook Island, AK, stock; comments due by 11-27-00; published 10-4-00

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Futures commission merchants; daily computation of amount of customer funds required to be segregated; amendments; comments due by 11-30-00; published 10-31-00

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:

Electric distribution transformers; efficiency standards; comments due by 12-1-00; published 10-6-00

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Leather finishing operations; comments due by 12-1-00; published 10-2-00

Air quality implementation plans; approval and promulgation; various States:

Connecticut; comments due by 11-27-00; published 10-27-00

Massachusetts; comments due by 11-27-00; published 10-27-00

Missouri; comments due by 11-27-00; published 10-26-00

Texas; comments due by 11-27-00; published 10-26-00

Wisconsin; comments due by 11-27-00; published 10-26-00

Air quality planning purposes; designation of areas:

Washington; comments due by 12-1-00; published 11-16-00

Hazardous waste program authorizations:

Arizona; comments due by 11-27-00; published 10-27-00

Tennessee; comments due by 11-27-00; published 10-26-00

Utah; comments due by 11-30-00; published 10-16-00

Vermont; comments due by 11-27-00; published 10-26-00

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Flucarbazone-sodium; comments due by 11-28-00; published 9-29-00

Triallate; comments due by 11-28-00; published 9-29-00

Toxic substances:

Polychlorinated biphenyls (PCBs)—

PCB waste return from U.S. territories outside U.S. Customs Territory; comments due by 12-1-00; published 11-1-00

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Federal-State Joint Board on Universal Service—

Oncor Communications, Inc.; forbearance petition; comments due by 11-30-00; published 11-9-00

Digital television stations; table of assignments:

Louisiana; comments due by 11-27-00; published 10-10-00

Nevada; comments due by 11-27-00; published 10-6-00

New York; comments due by 11-27-00; published 10-6-00

South Carolina; comments due by 11-27-00; published 10-6-00

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Arizona; comments due by 12-1-00; published 10-31-00

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Federal Management Regulation:

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Replacement pursuant to exchange/sale authority; comments due by 11-27-00; published 9-26-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

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Postmarket surveillance; comments due by 11-27-00; published 8-29-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Civil Rights Restoration Act:

Nondiscrimination on basis of race, color, national origin, handicap, sex, and age; conforming amendments; comments due by 11-27-00; published 10-26-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Equal employment opportunity; policies and procedures; update; comments due by 11-27-00; published 10-26-00

Mortgage and loan insurance programs:

Single family mortgage insurance—

Section 221(d)(2) mortgage insurance program; discontinuation; comments due by 11-27-00; published 9-28-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

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Migratory bird hunting:

Tungsten-nickel-iron shot approval as nontoxic for waterfowl and coots hunting; comments due by 11-29-00; published 10-30-00

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Small refiner administrative fee; comments due by 11-27-00; published 9-26-00

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Missouri; comments due by 11-30-00; published 10-31-00

INTERIOR DEPARTMENT

National Indian Gaming Commission

Indian Gaming Regulatory Act:

Environment and public health and safety; comments due by 11-30-00; published 7-24-00

POSTAL SERVICE

Domestic Mail Manual and postage meters:

Postal security devices and information-based indicia; production, distribution, and use; comments due by 11-30-00; published 10-2-00

Domestic Mail Manual:

Curbside Mailboxes Design Standards; revision; comments due by 12-1-00; published 11-1-00

Refunds and exchanges; comments due by 11-28-00; published 9-29-00

Sack preparation changes for periodicals nonletter-size mailing jobs that include automation flat rate and presorted rate mailings; comments due by 11-30-00; published 10-30-00

TRANSPORTATION DEPARTMENT

Coast Guard

Outer Continental Shelf activities:

Regulations revisions; comments due by 11-30-00; published 6-30-00

Ports and waterways safety:

Lower Mississippi River; Vessel Traffic Service establishment; comments due by 12-1-00; published 8-18-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Agusta S.p.A.; comments due by 12-1-00; published 10-2-00

Airbus; comments due by 11-30-00; published 10-31-00

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Class E airspace; comments due by 11-29-00; published 9-29-00

VOR Federal airways and jet routes; comments due by 11-27-00; published 10-11-00

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol, tobacco, and other excise taxes:

Commerce in firearms and ammunition—

Firearms; annual inventory; comments due by 11-27-00; published 8-28-00

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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. 1235/P.L. 106–467

To authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes. (Nov. 9, 2000; 114 Stat. 2026)

H.R. 2780/P.L. 106–468

Kristen's Act (Nov. 9, 2000; 114 Stat. 2027)

H.R. 2884/P.L. 106–469

Energy Act of 2000 (Nov. 9, 2000; 114 Stat. 2029)

H.R. 4312/P.L. 106–470

Upper Housatonic National Heritage Area Study Act of 2000 (Nov. 9, 2000; 114 Stat. 2055)

H.R. 4646/P.L. 106–471

To designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas. (Nov. 9, 2000; 114 Stat. 2057)

H.R. 4788/P.L. 106–472

Grain Standards and Warehouse Improvement Act of 2000 (Nov. 9, 2000; 114 Stat. 2058)

H.R. 4794/P.L. 106–473

Washington-Rochambeau Revolutionary Route National Heritage Act of 2000 (Nov. 9, 2000; 114 Stat. 2083)

H.R. 4846/P.L. 106–474

National Recording Preservation Act of 2000 (Nov. 9, 2000; 114 Stat. 2085)

H.R. 4864/P.L. 106–475

Veterans Claims Assistance Act of 2000 (Nov. 9, 2000; 114 Stat. 2096)

H.R. 4868/P.L. 106–476

Tariff Suspension and Trade Act of 2000 (Nov. 9, 2000; 114 Stat. 2101)

H.R. 5110/P.L. 106–477

To designate the United States courthouse located at 3470 12th Street in Riverside, California, as the ''George E. Brown, Jr. United States Courthouse''. (Nov. 9, 2000; 114 Stat. 2182)

H.R. 5302/P.L. 106–478

To designate the United States courthouse located at 1010 Fifth Avenue in Seattle,

Washington, as the ''William Kenzo Nakamura United States Courthouse''. (Nov. 9, 2000; 114 Stat. 2183)

H.R. 5331/P.L. 106–479

To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass. (Nov. 9, 2000; 114 Stat. 2184)

H.R. 5388/P.L. 106–480

To designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the ''Herbert H. Bateman Education and Administrative Center''. (Nov. 9, 2000; 114 Stat. 2186)

H.R. 5410/P.L. 106–481

Library of Congress Fiscal Operations Improvement Act of 2000 (Nov. 9, 2000; 114 Stat. 2187)

H.R. 5478/P.L. 106–482

To authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land. (Nov. 9, 2000; 114 Stat. 2192)

H.J. Res. 102/P.L. 106–483

Recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes. (Nov. 9, 2000; 114 Stat. 2193)

S. 484/P.L. 106–484

Bring Them Home Alive Act of 2000 (Nov. 9, 2000; 114 Stat. 2195)

S. 610/P.L. 106–485

To direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes. (Nov. 9, 2000; 114 Stat. 2199)

S. 698/P.L. 106–486

To review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes. (Nov. 9, 2000; 114 Stat. 2201)

S. 710/P.L. 106–487

Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (Nov. 9, 2000; 114 Stat. 2202)

S. 748/P.L. 106–488

To improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes. (Nov. 9, 2000; 114 Stat. 2205)

S. 893/P.L. 106–489

To amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels. (Nov. 9, 2000; 114 Stat. 2207)

S. 1030/P.L. 106–490

To provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws. (Nov. 9, 2000; 114 Stat. 2208)

S. 1367/P.L. 106–491

To amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes. (Nov. 9, 2000; 114 Stat. 2209)

S. 1438/P.L. 106–492

National Law Enforcement Museum Act (Nov. 9, 2000; 114 Stat. 2210)

S. 1778/P.L. 106–493

To provide for equal exchanges of land around the Cascade Reservoir. (Nov. 9, 2000; 114 Stat. 2213)

S. 1894/P.L. 106–494

To provide for the conveyance of certain land to Park County, Wyoming. (Nov. 9, 2000; 114 Stat. 2214)

S. 2069/P.L. 106–495

To permit the conveyance of certain land in Powell, Wyoming. (Nov. 9, 2000; 114 Stat. 2216)

S. 2425/P.L. 106–496

Bend Feed Canal Pipeline Project Act of 2000 (Nov. 9, 2000; 114 Stat. 2218)

S. 2872/P.L. 106–497

Indian Arts and Crafts Enforcement Act of 2000 (Nov. 9, 2000; 114 Stat. 2219)

S. 2882/P.L. 106–498

Klamath Basin Water Supply Enhancement Act of 2000 (Nov. 9, 2000; 114 Stat. 2221)

S. 2951/P.L. 106–499

To authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River. (Nov. 9, 2000; 114 Stat. 2223)

S. 2977/P.L. 106–500

To assist in establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles. (Nov. 9, 2000; 114 Stat. 2224)

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