



# Federal Register

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**Monday**

**Nov. 27, 2000**



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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  
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Washington, DC  
(3 blocks north of Union Station Metro)

**RESERVATIONS:** 202-523-4538



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# Rules and Regulations

Federal Register

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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 1205

[CN-00-009]

#### Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions

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

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

**SUMMARY:** The Agricultural Marketing Service is proposing to amend the regulations regarding import assessment exemptions by adjusting the provisions for automatic assessment exemptions on certain imports of textile and apparel products to reflect additional Harmonized Tariff Schedule (HTS) numbers. The purpose of the proposed changes is to avoid multiple assessment of U.S. produced cotton that has been exported and then imported back into the U.S. in the form of textile and apparel products.

**DATES:** Effective November 28, 2000; comments received by December 27, 2000 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments may be mailed to USDA, AMS, Cotton Program, STOP 0224, 1400 Independence Avenue, SW, Washington, D.C. 20250-0224; fax (202) 690-1718, or E-mail [cottoncomments@usda.gov](mailto:cottoncomments@usda.gov). Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection at this address during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

Whitney Rick, Chief, Cotton Research and Promotion Staff; phone (202) 720-

6603, facsimile (202) 690-1718, or email [whitney.rick@usda.gov](mailto:whitney.rick@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This proposed rule has been determined to be "non significant" for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

##### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Cotton Research and Promotion Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person 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 person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of entry of ruling.

##### Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

There are an estimated 10,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. This proposed rule would affect importers of cotton and cotton-containing products. The majority of these importers are small businesses under the criteria established by the Small Business Administration. This

proposed rule will neither raise nor lower assessments paid by importers subject to the Cotton Research and Promotion Order and therefore presents minimal economic impact. This action will improve the agency's ability to prevent double-assessment of U.S. produced cotton reentering the U.S. in the form of textile and apparel products.

Under these circumstances AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

##### Paperwork Reduction

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), the information collection in the regulation to be amended has been previously approved by OMB and was assigned control number 0581-0093.

##### Background

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program.

These provisions are: (1) the assessment of imported cotton and cotton products; and (2) termination of the right of cotton producers to demand a refund of assessments.

An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17-26, 1991. Final implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

Section 1205.335(c)(1) of the Cotton Research and Promotion Order provides for exemptions from assessments for certain imported goods when they contain U.S. produced cotton in order to minimize the occurrence of double assessments on U.S. cotton. All U.S. produced cotton is assessed at the time it is first sold. A significant amount of U.S. produced cotton is converted into fabric in the U.S. and then exported. The U.S. cotton containing fabric often returns to the U.S. in the form of apparel and textile articles.

Section 1205.510 (b)(5) of the Cotton Board Rules and Regulations identifies



specific Harmonized Tariff Schedule (HTS) numbers that are exempted to avoid a double assessment of this U.S. produced cotton. Recently, new HTS numbers were established to identify U.S. produced cotton fabrics and/or yarns that are wholly formed and/or cut in the U.S., exported and then imported back into the U.S. in the form of apparel products and/or luggage containing U.S. produced cotton. These HTS numbers need to be exempt to avoid a double assessment of U.S. produced cotton. Section 1205.510(b)(5) needs revision to included ten newly identified HTS numbers: 9819.11.30, 9819.11.60, 9820.11.03, 9820.11.06, 9820.11.09, 9820.11.12, 9820.11.18, 9820.11.21, 9802.00.8044, or 9802.00.8046 (see Presidential Proclamation 7350 of October 2, 2000 at 65 FR 59321, published on October 4, 2000).

Pursuant to 5 U.S.C. 533, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exist for not postponing the effective date of this rule until thirty-days after publication in the **Federal Register** because: (1) This rule needs to be effective promptly in order to reflect new HTS numbers that became applicable in October of 2000; (2) this rule will prevent importers of cotton and cotton products from being double assessed on U.S. produced cotton that is exported and then returned to the U.S. in the form of textile and apparel products; and (3) this rule provided a thirty-day comment period, and any comments received will be considered prior to finalization of this rule. For the same reasons, a thirty-day comment period is deemed appropriate.

#### List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR part 1205 is proposed to be amended as follows:

#### PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

**Authority:** 7 U.S.C. 2101–2118.

2. In § 1205.510, paragraph (b)(5) is revised to read as follows:

#### § 1205.510 Levy of assessments.

\* \* \* \* \*

(b) \* \* \*

(5) Imported textile and apparel articles assembled of components formed from cotton produced in the United States and identified by HTS numbers 9819.11.03, 9819.11.06, 9820.11.03, 9820.11.06, 9820.11.09, 9820.11.12, 9820.11.18, 9820.11.21, 9802.00.8015, 9802.00.9000, 9802.00.8044, or 9802.00.8046 shall not subject to assessment.

\* \* \* \* \*

Dated: November 20, 2000.

**Norma R. McDill,**

*Acting Deputy Administrator.*

[FR Doc. 00–30139 Filed 11–24–00; 8:45 am]

**BILLING CODE 3410–02–P**

### FEDERAL ELECTION COMMISSION

#### 11 CFR Part 104

[Notice 2000–20]

#### Election Cycle Reporting by Authorized Committees

**AGENCY:** Federal Election Commission.

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

**SUMMARY:** On July 11, 2000, the Commission published the text of revisions to the regulations requiring authorized committees of federal candidates to aggregate, itemize and report all receipts and disbursements on an election-cycle basis rather than on a calendar-year-to-date basis. The Commission announces that these rules are effective as of January 1, 2001.

**DATES:** Effective January 1, 2001.

*Applicability date:* Reporting periods beginning on or after January 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Cheryl A. Fowle, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or toll free (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** The Commission is announcing the effective date of revisions to the regulations at 11 CFR 104.3, 104.7, 104.8 and 104.9 requiring authorized committees of federal candidates to aggregate, itemize and report all receipts and disbursements on an election-cycle basis. See Explanation and Justification for Election Cycle Reporting by Authorized Committees, 65 FR 42619 (July 11, 2000). These rules implement a 1999 amendment to the Federal Election Campaign Act at 2 U.S.C. 434(b). Pub. L. 106–58, 106th Cong. 1st Sess., sec. 641, 113 Stat. 430, 477 (1999).

The statutory amendment and the regulations apply only to the authorized committees of federal candidates.

While the amendment required all types of disbursements including operating expenditures to be aggregated and reported on an election-cycle basis, it does not require that each itemizable operating expenditure be reported on an election-cycle basis. Thus, the amendment could be interpreted to mean that operating expenditures would be reported on the summary pages on an election-cycle basis and itemized on Schedule B on a calendar-year basis. However, the Commission's final rules construed the statutory amendment to require all disbursements, including operating expenditures, to be both aggregated on the summary page and itemized on Schedule B on an election-cycle basis. The Commission believes this regulatory interpretation is necessary because it would be extremely burdensome, and possibly unworkable, for authorized committees to itemize these expenditures on a calendar year basis and, at the same time, report total amounts on an election-cycle-to-date basis in the same report.

Section 438(d) of Title 2, United States Code requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. These rules were transmitted to Congress July 6, 2000. Thirty legislative days expired in the Senate on September 26, 2000, and the House of Representatives on October 3, 2000.

The Commission also revised its forms, specifically the Detailed Summary Page and Schedule B for FEC Forms 3 and 3P, to facilitate the reporting of all expenditures by authorized committees on an election cycle basis. In accordance with 2 U.S.C. 438(d), these forms were transmitted to Congress on September 15, 2000, and ended their ten legislative day period on September 29, 2000, in the House of Representatives and on October 2, 2000, in the Senate. The revised forms will also be used for reporting periods beginning on or after January 1, 2001.

Dated: November 21, 2000.

**Danny L. McDonald,**

*Vice Chairman, Federal Election Commission.*

[FR Doc. 00–30152 Filed 11–24–00; 8:45 am]

**BILLING CODE 6715–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-CE-66-AD; Amendment 39-11971; AD 2000-23-01]

RIN 2120-AA64

**Airworthiness Directives; Cessna Aircraft Company Model 402C Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 99-11-13, which currently requires inspecting (one-time) the forward, aft, and auxiliary wing spars for cracks on certain Cessna Aircraft Company (Cessna) Model 402C airplanes, and repairing any cracks found. AD 99-11-13 also requires reporting the results of the inspection to the Federal Aviation Administration (FAA) to provide data to help us determine whether the inspection should be repetitive. After re-evaluating the fatigue analysis for the wing spars on the affected airplanes, we have determined that spar cap cracking is not an isolated condition and could continue to develop over the life of the affected airplanes. This AD retains the inspection required in AD 99-11-13, and will make the inspection repetitive. The actions specified by this AD are intended to detect and correct any cracks in the forward, aft, and auxiliary wing spars, which could result in reduced or loss of control of the airplane.

**DATES:** This AD becomes effective on December 21, 2000.

The Director of the Federal Register previously approved the incorporation by reference of certain publications listed in the regulation as of June 21, 1999 (64 FR 29781, June 3, 1999).

**ADDRESSES:** You may get the service information referenced in this AD from the Cessna Aircraft Company, P. O. Box 7706, Wichita, Kansas 67277; telephone: (316) 941-7550, facsimile: (316) 942-9008. You may examine this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-66-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Eual Conditt, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-

Continent Airport, Wichita, Kansas 67209, telephone: (316) 946-4128; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:****Discussion**

*What Prior AD Action Did FAA Take on This Subject?*

We issued AD 99-11-13, Amendment 39-11184 (64 FR 29781, June 3, 1999), in order to detect and correct cracks in the forward, aft, and auxiliary spars of Cessna Model 402C airplanes. AD 99-11-13 currently requires you to accomplish the following on the affected airplanes:

- Inspect the forward, aft, and auxiliary wing spars for cracks in accordance with Cessna Service Bulletin MEB99-3, dated May 6, 1999;

- Repair any cracks found in accordance with an FAA-approved repair scheme; and

- Report the results of the inspection to FAA.

AD 99-11-13 was the result of an accident of one of the affected airplanes where the right-hand wing failed just inboard of the nacelle at Wing Station (WS) 87. Investigation of this accident revealed fatigue cracking of the forward main spar that initiated at the edge of the front spar forward lower spar cap.

*What Has Happened To Necessitate Further AD Action?*

The reason for the reporting requirement of AD 99-11-13 was to provide data to FAA on the extent of cracking in the forward, aft, and auxiliary wing spars on the affected airplanes. After re-evaluating the fatigue analysis for the wing spars on the affected airplanes, we have determined that spar cap cracking is not an isolated condition and could continue to develop over the life of the affected airplanes.

*Has FAA Taken Any Action to This Point?*

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Cessna Model 402C airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 21, 2000 (65 FR 38448). The NPRM proposed to supersede AD 99-11-13, Amendment 39-11184. The NPRM also proposed to retain the inspection requirements of AD 99-11-13, and proposed to make the inspection repetitive.

*What is the Potential Impact if FAA Took No Action?*

These actions are necessary to continue to detect and correct any cracks in the forward, aft, and auxiliary wing spars, which could result in reduced or loss of control of the airplane.

*Was the Public Invited to Comment?*

The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comments received on the proposal and FAA's response to each comment:

**Comment Disposition**

*What is the Commenters' Concerns?*

Two commenters request that FAA change the compliance time of the proposed AD based on their individual circumstances. Both commenters utilize the affected airplanes and accumulate over 1,000 hours time-in-service (TIS) per year. The commenters display concern over the safety problems that could occur with the frequency of inspections because of mechanic complacency. The commenters' recommendations are as follows:

- incorporate an hours TIS or calendar (whichever occurs later) compliance time, e.g., 110 hours TIS or 6 months, whichever occurs later; and

- allow the inspections at 360-hour TIS intervals instead of the proposed 100-hour TIS intervals for operators with FAA-approved inspection programs and who do not operate in accordance with the annual/100-hour inspection requirements.

*What is FAA's Response to the Concern?*

While FAA recognizes mechanic complacency as a viable concern, results of damage tolerance analysis and testing support the 100-hour TIS repetitive inspection compliance time. Should a crack initiate through any means (manufacturing process, fatigue, corrosion, mechanical damage, etc.), the 100-hour TIS inspection interval provides at least two inspections between crack initiation and development to a critical crack length in order to detect and correct the condition.

We will consider individual extensions to the compliance times as alternative methods of compliance provided they:

- Provide a level of safety that is acceptable to the FAA; and
- Are submitted using the procedures in the AD.

We are not making any changes to the final rule as a result of these comments.

**The FAA's Determination***What Is FAA's Final Determination on This Issue?*

We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial changes. These changes provide the intent that was proposed in the NPRM for correcting the unsafe condition and do not impose any additional burden than what was intended in the NPRM.

*Is There a Modification I Can Incorporate Instead of Repetitively Inspecting the Wing Spars?*

The FAA has determined that long-term continued operational safety would be better assured by design changes that remove the source of the problem, rather than by repetitive inspections or other special procedures. With this in mind, FAA is working with Cessna in developing a strap installation that would have the capability of carrying airplane ultimate load if the spar cap was fractured. The intent is that this strap could be inspected and that the inspections of this strap would be incorporated into the operator's maintenance program, as a replacement

for the repetitive inspections required by this AD.

The FAA may consider additional rulemaking action if this modification is developed and subsequently FAA-approved.

**Cost Impact***How Many Airplanes Does This AD Impact?*

We estimate that this AD affects 225 airplanes in the U.S. registry.

*What Is The Cost Impact of This AD on Owners/Operators of the Affected Airplanes?*

We estimate the following costs to accomplish the initial inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
3 workhours X \$60 per hour = \$180 .....	No parts required for the inspection .....	\$180 per airplane .....	\$40,500

*What About the Cost of Repetitive Inspections?*

The FAA has no method of determining the number of repetitive inspections each owner/operator will incur over the life of each of the affected airplanes so the cost impact is based on the initial inspection.

*What Is the Difference Between The Cost Impact of This AD and The Cost Impact of AD 99-11-13?*

The cost impact of this AD is the same as is currently required by AD 99-11-13. The only difference between this AD and AD 99-11-13 is the repetitive inspections of each affected airplane owner/operator. As discussed above, FAA has no way of determining the repetitive inspection costs.

**Regulatory Impact***Does This AD Impact Various Entities?*

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.

*Does This AD Involve a Significant Rule or Regulatory Action?*

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 copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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, under 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. FAA amends § 39.13 by removing Airworthiness Directive (AD) 99-11-13, Amendment 39-11184 (64 FR 29781, June 3, 1999), and by adding a new AD to read as follows:

**2000-23-01 Cessna Aircraft Company:**

Amendment 39-11971; Docket No. 99-CE-66-AD; Supersedes AD 99-11-13, Amendment 39-11184.

(a) *What airplanes are affected by this AD?* Any Model 402C airplane, certificated in any category, that has a serial number that falls within one of the following ranges:

- (1) 689;
- (2) 402C0001 through 402C0125;
- (3) 402C0201 through 402C0355;
- (4) 402C0401 through 402C0528;
- (5) 402C0601 through 402C0653; and
- (6) 402C0801 through 402C1020.

(b) *Who must comply with this AD?*

Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?*

The actions specified by this AD are intended to detect and correct any cracks in the forward, aft, and auxiliary wing spars, which could result in reduced or loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance times	Procedures
<p>(1) Accomplish both an external and internal inspection of the forward, aft, and auxiliary wing spars for cracks.</p> <p>(2) If any crack is found on any forward, aft, or auxiliary wing spar during any inspection required by this AD, accomplish the following:</p> <p>(i) Obtain an FAA-approved repair scheme from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 941-7550, facsimile: (316) 942-9008; and.</p> <p>(ii) Incorporate this repair scheme .....</p>	Initially inspect upon accumulating 10,000 hours total time-in-service (TIS) on the airplane or within the next 25 hours TIS after June 21, 1999 (the effective date of AD 99-11-13), whichever occurs later. Repetitively inspect thereafter within 110 hours TIS after the last inspection required by this AD or Ad 99-11-13, whichever is applicable, and thereafter at intervals not to exceed 110 hours TIS.	Accomplish these inspections in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Cessna Service Bulletin MEB99-3, dated May 6, 1999.
	Prior to further flight after the inspection where the crack is found.	Not applicable.

**Note 1:** The 110-hour TIS interval repetitive inspection time is established to allow this action to be accomplished with regular maintenance. The FAA initially determined that 100-hour TIS intervals would provide the safety intent, but has since determined that the 110-hour TIS intervals would provide the same safety intent while providing a 10-percent time flexibility in scheduling to coincide with regular maintenance.

**Note 2:** The compliance times specified in Cessna Service Bulletin MEB99-3, dated May 6, 1999, are different than those required by this AD. The times in this AD take precedence over those in the service bulletin.

(e) *Can I comply with this AD in any other way?*

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(2) Alternative methods of compliance that were approved in accordance with AD 99-11-13 are considered approved as alternative methods of compliance for this AD.

**Note 3:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Eual Conditt, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone: (316) 946-4128; facsimile: (316) 946-4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Cessna Service Bulletin MEB99-3, dated May 6, 1999. The Director of the Federal Register previously approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51, as of June 21, 1999 (64 FR 29781; June 3, 1999). You can get copies from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *Does this AD action affect any existing AD actions?* This amendment supersedes AD 99-11-13, Amendment 39-11184.

(j) *When does this amendment become effective?* This amendment becomes effective on December 21, 2000.

Issued in Kansas City, Missouri, on November 2, 2000.

**Michael K. Dahl,**

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

[FR Doc. 00-28831 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NE-11-AD; Amendment 39-11912; AD 2000-20-01]

RIN 2120-AA64

#### Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction

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

**ACTION:** Final rule; correction

**SUMMARY:** This document makes a correction to Airworthiness Directive (AD) 2000-20-01 applicable to Turbomeca Arriel 1 series turboshaft engines that was published in the **Federal Register** on October 2, 2000 (65 FR 58640). The listing of helicopters on which the affected engines might be installed in the table in the Applicability section is incorrect. This document corrects that listing. In all other respects, the original document remains the same.

**EFFECTIVE DATE:** October 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7152, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A final rule airworthiness directive (FR Doc 00-24900) applicable to Turbomeca Arriel 1 series turboshaft engines, was published in the **Federal Register** on October 2, 2000 (65 FR 58640). The following correction is needed:

**§ 39.13 [Corrected]**

On page 58641, in the second column, in the APPLICABILITY Section, the

table in the third paragraph from the top of the column,

Eurocopter AS 356 C .....	Eurocopter AS 365 C1 .....	Eurocopter AS 350 BA.
Eurocopter AS 356 N2 .....	Eurocopter AS 350 B .....	Eurocopter AS 350 B2N.
Eurocopter AS 350 D .....	Eurocopter AS 550 U2 .....	Augusta A109K2.
Sikorsky S76A .....	Sikorsky 76A .....	Sikorsky 76A.
Sikorsky S76C".		

is corrected to read “

Eurocopter SA 365 C; .....	Eurocopter SA 365 C1; .....	Eurocopter AS 350 BA;
Eurocopter AS 365 N2; .....	Eurocopter AS 350 B; .....	Eurocopter AS 350 B2;
Sikorsky S76C; .....	Augusta A109K2”.	

Issued in Burlington, MA, on September 21, 2000.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 00-28959 Filed 11-24-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-76-AD; Amendment 39-11992; AD 2000-23-19]

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 supersedes an existing airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that currently requires inspections to detect damage or cracking of the forward and aft attachment lugs of the flap fittings at wing station (WS) 123.38; an inspection to verify that the sizes of the holes of the flap fittings are within specified limits and to ensure that the swaged bushings are not loose; and modification of the flap fittings. This amendment requires repetitive accomplishment of the inspections using improved inspection methods; a one-time visual and repetitive general visual and detailed visual inspections; new repetitive non-destructive test (NDT) inspections; and corrective and follow-on actions, as necessary. This amendment also provides for terminating action for all repetitive inspections and revises the applicability of the existing AD. The actions specified by this AD are intended to prevent high bearing stress on the bushings of the flap fittings, which could result in wear

on the bushings, cracking of the flap fittings, and breakage of the lugs; these conditions could result in jamming of the flaps and consequent reduced controllability of the airplane.

**DATES:** Effective January 2, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, 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, 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) by superseding AD 96-25-06 R1, amendment 39-9891 (62 FR 3209, January 22, 1997), which is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, was published in the **Federal Register** on July 31, 2000 (65 FR 46667). The action proposed to continue to require inspections to detect damage or cracking of the forward and aft attachment lugs of the flap fittings at wing station (WS) 123.38; an inspection to verify that the sizes of the holes of the flap fittings are within specified limits and to ensure that the swaged bushings are not loose; and modification of the flap fittings. The action also proposed to require repetitive accomplishment of the inspections using improved inspection methods; a one-time visual and

repetitive general visual and detailed visual inspections; new repetitive non-destructive test (NDT) inspections; and corrective and follow-on actions, as necessary. Additionally, the action also proposed to provide for terminating action for all repetitive inspections and to revise the applicability of the existing AD.

#### 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 303 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required repetitive general visual inspections, at an average labor rate of \$60 per work hour.

Based on these figures, the cost impact of the required general visual inspections on U.S. operators is estimated to be \$18,180, or \$60 per airplane, per inspection cycle.

It will take approximately 1 work hour per airplane to accomplish the required one-time general visual inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required general visual inspection on U.S. operators is estimated to be \$18,180, or \$60 per airplane.

It will take approximately 1 work hour per airplane to accomplish the required repetitive detailed visual inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required detailed visual inspections on U.S.

operators is estimated to be \$18,180, or \$60 per airplane, per inspection cycle.

It will take approximately 2 work hours per airplane to accomplish the required repetitive NDT inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required NDT inspections on U.S. operators is estimated to be \$36,360, or \$120 per airplane, per inspection cycle.

Should an operator be required or elect to accomplish the terminating modification, it will take approximately 92 work hours per airplane (46 work hours per flap), at an average labor rate of \$60 per hour. Required parts will cost \$7,362 per airplane (\$3,681 per flap). Based on these figures, the cost impact of the terminating modification on U.S. operators is estimated to be \$12,882 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator 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 removing amendment 39–9891 (62 FR 3209, January 22, 1997), and by adding a new airworthiness directive (AD), amendment 39–11992, to read as follows:

**2000–23–19 SAAB Aircraft AB:** Amendment 39–11992. Docket 2000–NM–76–AD. Supersedes AD 96–25–06 R1, Amendment 39–9891.

**Applicability:** Model SAAB SF340A series airplanes, manufacturer's serial numbers –004 through –159 inclusive; and SAAB 340B series airplanes, manufacturer's serial numbers –160 through –459 inclusive; certificated in any category; on which any flap assembly having part number (P/N) 7257800–501 through 508 inclusive, or 7257800–851 through 7257800–856 inclusive, 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent high bearing stress on the bushings in the flap fittings, which could result in jamming of the flaps and consequent reduced controllability of the airplane, accomplish the following:

#### Visual Inspection for Serial Numbers

(a) Within 800 flight hours after the effective date of this AD, perform a one-time visual inspection of the flap assemblies of the flap fittings at wing station (WS) 123.38 to determine the flap assembly serial numbers,

in accordance with Saab Service Bulletin 340–57–035, dated January 18, 2000.

(1) If none of the serial numbers of the flap assemblies are listed in the service bulletin, no further action is required by this paragraph.

(2) If the serial number of any flap assembly is listed in the service bulletin, prior to further flight, accomplish the requirements of paragraph (a)(2)(i) and, at the time specified, accomplish the requirements of paragraph (a)(2)(ii) of this AD.

#### General Visual Inspection, Non-Destructive Test (NDT) Inspection, and Replacement of Bolts and Bushings

(i) Perform a general visual inspection of the affected flap fittings at WS 123.38 to detect cracking, in accordance with the service bulletin. If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 800 flight hours, until the requirements of paragraph (a)(2)(ii) of this AD are accomplished. If any cracking is detected, prior to further flight, accomplish the terminating action specified by paragraph (c) of this AD.

(ii) Within 4,800 flight hours after the effective date of this AD, perform a one-time detailed visual inspection of the flap fittings to determine the size of the inboard and outboard holes (swaged bushing) and to detect loose swaged bushings; and perform an NDT inspection of the aft attachment lugs of the flap assemblies at WS 123.38 to detect cracking, in accordance with the service bulletin. Accomplishment of the NDT inspection terminates the general visual inspection required by paragraph (a)(2)(i) of this AD.

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

**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 mirrors, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(A) If all the hole sizes are within the limits specified by the service bulletin, no loose swaged bushings are found, and no cracking of the aft attachment lugs is detected: Prior to further flight, install new fasteners that attach to the flap hinges (nuts, bolts, bushing, and washers), in accordance with the service bulletin.

(B) If any hole size is outside the limits specified by the service bulletin, or any loose swaged bushing is found, or any cracking is

detected on the aft attachment lugs: Prior to further flight, accomplish the terminating action specified in paragraph (c) of this AD.

#### Visual Inspection for Modification Status

(b) Within 800 flight hours after the effective date of this AD, perform a one-time visual inspection of the aft attachment lugs (flap assemblies) of the flap fittings at wing station (WS) 123.38 to determine the flap assembly modification status, in accordance with Saab Service Bulletin 340-57-037, dated January 18, 2000.

(1) If the modification status is such that all flap assemblies installed have thicker lugs, as specified by Figure 1 of the service bulletin, no further action is required by this paragraph.

(2) If the modification status is such that any flap assembly installed has a thinner lug, as specified by Figure 1 of the service bulletin, prior to further flight, accomplish the requirements of paragraph (b)(2)(i) and, at the time specified, accomplish the requirements of paragraph (b)(2)(ii) of this AD.

#### Visual Inspection and NDT Inspection

(i) Perform a general visual inspection of the aft attachment lugs of the flap fittings at WS 123.38 to detect cracking or damage, in accordance with the service bulletin. If no cracking or damage is detected during the visual inspection, repeat the inspection thereafter at intervals not to exceed 800 flight hours, until the requirements of paragraph (b)(2)(ii) of this AD are accomplished. If any cracking or damage is detected during any general visual inspection required by this paragraph, prior to further flight, accomplish the terminating action specified by paragraph (c) of this AD.

(ii) Within 6,000 flight cycles after the effective date of this AD, perform an NDT inspection of the aft attachment lug of the flap fittings at WS 123.38 to detect cracking, in accordance with the service bulletin. Accomplishment of the NDT inspection terminates the repetitive visual inspections required by paragraph (b)(2)(i) of this AD. If no cracking is detected, repeat the NDT inspection thereafter at intervals not to exceed 6,000 flight cycles, until the actions specified by paragraph (c) are accomplished. If any cracking is detected during any NDT inspection required by this paragraph, prior to further flight, accomplish the terminating action specified by paragraph (c) of this AD.

#### Terminating Action

(c) Replacement of all flap fittings at WS 123.38 with new, improved flap fittings in accordance with Saab Service Bulletin 340-57-038, dated January 18, 2000, terminates all inspections required by this AD.

#### Alternative Methods of Compliance

(d) 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 4:** 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

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

#### Incorporation by Reference

(f) The actions shall be done in accordance with Saab Service Bulletin 340-57-035, dated January 18, 2000; Saab Service Bulletin 340-57-037, dated January 18, 2000; and Saab Service Bulletin 340-57-038, dated January 18, 2000; as applicable. 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, Linköping, 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 5:** The subject of this AD is addressed in Swedish airworthiness directives No. 1-152 and No. 1-153, each dated January 19, 2000.

#### Effective Date

(g) This amendment becomes effective on January 2, 2001.

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

**Donald L. Riggan,**

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

[FR Doc. 00-29375 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-333-AD; Amendment 39-11995; AD 2000-23-22]

**RIN 2120-AA64**

#### Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD),

applicable to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes and C-9 (military) airplanes, that currently requires a one-time visual inspection to determine if the doorstops and corners of the doorjamb of the forward passenger door have been modified, various follow-on repetitive inspections, and modification, if necessary. This amendment requires a reduction in the inspection threshold and repetitive intervals for a certain doubler configuration and an increase in the grace period for a certain other doubler configuration. This amendment is prompted by a determination that certain inspection compliance times were incorrect. The actions specified by this AD are intended to detect and correct fatigue cracking, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane.

**DATES:** Effective January 2, 2001.

The incorporation by reference of McDonnell Douglas Service Bulletin DC9-53-280, Revision 02, dated July 26, 1999, as listed in the regulations, is approved by the Director of the Federal Register as of January 2, 2001.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 22, 1999 (63 FR 70005, December 18, 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 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:

Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5324; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-26-09, amendment 39-10949 (63 FR 70005, December 18, 1998), which is applicable



to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes and C-9 (military) airplanes, was published in the **Federal Register** on April 5, 2000 (65 FR 17818). The action proposed to require a reduction in the inspection threshold and repetitive intervals for a certain doubler configuration and an increase in the repetitive inspection interval for a certain other doubler configuration.

#### Comments

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

#### Compliance Times

One commenter requests that the compliance time specified in paragraphs (c)(1) and (d) of the proposed AD be revised to include "or prior to the accumulation of 48,000 total landings." The commenter states that some of its airplanes have accumulated less than 44,425 total landings. The initial compliance thresholds in paragraphs (c)(1) and (d) of the proposed AD do not take into consideration those airplanes on which: (1) The initial inspection required by paragraph (a) of the proposed AD is going to be accomplished at 48,000 total landings, which is the later of the two thresholds in paragraph (a) of this proposed AD; and (2) the landings since accomplishment of the previously modified doorstops and corners of the forward passenger door doorjamb is unknown. In this situation, those airplanes would exceed the compliance times specified in paragraphs (c)(1) and (d) of the proposed AD.

A second commenter requests that the FAA clarify the compliance times specified in paragraph (c)(1) of the proposed AD for the doorjamb with steel repairs installed. The commenter states that, since paragraph (c)(1) appears to "allow up to [5],999 flight cycles for existing repairs to be inspected initially," a repetitive inspection interval of 3,000 flight cycles specified in paragraph (c)(1)(i) of the proposed AD should be increased to 3,575 flight cycles. The commenter states that such an interval would maintain at least an equivalent level of safety.

The FAA partially concurs. For the reasons provided by the first commenter, the FAA concurs that paragraphs (c)(1) and (d) of the final rule should include a compliance time of "prior to the accumulation of 48,000 total landings" and has revised the final rule accordingly.

The FAA does not concur with the second commenter that the repetitive inspection interval of 3,000 landings specified in paragraph (c)(1)(i) of the AD should be increased. The FAA determined that the cracking of the forward passenger door doorjamb is fatigue related (as discussed in the preamble of the NPRM). The 3,000-landing compliance time was calculated based on fatigue and damage tolerance analyses. Therefore, the FAA finds that the 3,000-landing repetitive inspection interval of paragraph (c)(1)(i) of the AD is warranted, based on the effectiveness of the inspection procedure to detect cracks, and the rate of crack growth in the forward passenger door doorjamb. However, the FAA inadvertently included an initial repetitive inspection interval of "within 2,000 landings after the effective date of this AD or within 3,000 landings from the last inspection in accordance with paragraph (c)(1) of this AD, whichever occurs later" in paragraph (c)(1)(i) of the proposed AD. The FAA's intent was that, if no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (c)(1) of this AD, the eddy current inspection be accomplished thereafter at intervals not to exceed 3,000 landings, as indicated in the referenced service bulletin. Therefore, the FAA has revised paragraph (c)(1)(i) of the final rule accordingly.

#### Designated Engineer Representative (DER) Authority

One commenter requests that the proposed AD be revised to allow approval of certain repairs (*i.e.*, cracking conditions beyond the allowable repair limits specified in the proposed AD, and for existing repairs that are not done per the DC-9 Structural Repair Manual or Service Rework Drawing) based on static strength analysis by a Boeing DER or airline DER, instead of the Manager of the Los Angeles Aircraft Certification Office (ACO). Then, the repair should be submitted to Boeing for a damage tolerance analysis, and subsequently, submitted to the Manager of the Los Angeles ACO. The commenter states that this provision would result in a more efficient and expeditious repair approval process.

The FAA does not concur. While DER's are authorized to determine whether a design or repair method complies with a specific requirement, they are not currently authorized to make the discretionary determination as to what the applicable requirement is. However, the FAA has issued a notice (N 8110.72, dated March 30, 1998), which provides guidance for delegating

authority to certain type certificate holder structural DER's to approve alternative methods of compliance for AD-required repairs and modifications of individual airplanes. The FAA is currently working with Boeing, Douglas Products Division (DPD), to develop the implementation process for delegation of approval of alternative methods of compliance in accordance with that notice. Once this process is implemented, approval authority for alternative methods of compliance can be delegated without revising the AD.

#### Explanation of Changes to Final Rule

The FAA finds that, as the proposed AD is currently worded, operators may misinterpret what type of eddy current inspection (*i.e.*, low frequency or high frequency) must be accomplished. The FAA's intent was to follow the particular type of eddy current inspection indicated in the referenced service bulletin. However, because the service bulletin interchanges the use of low frequency eddy current inspection and high frequency eddy current inspection, the FAA has revised the final rule to only reference "eddy current inspection," rather than a particular type of eddy current inspection.

#### 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 changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Cost Impact

There are approximately 809 airplanes of the affected design in the worldwide fleet. The FAA estimates that 572 airplanes of U.S. registry will be affected by this AD.

The visual inspection that is currently required by AD 98-26-09, and retained in this AD, takes approximately 1 work hour per airplane to accomplish the required visual inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required visual inspection required by this AD on U.S. operators is estimated to be \$34,320 or \$60 per airplane.

Should an operator be required to accomplish the eddy current or x-ray inspection, it 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 any necessary eddy current or x-ray inspection required by this AD on U.S. operators is estimated to be \$120 per airplane, per inspection cycle.

Should an operator be required to accomplish the HFEC inspection, it will take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of any necessary HFEC inspection required by this AD on U.S. operators is estimated to be \$60 per airplane, per inspection cycle.

Should an operator be required to accomplish the modification, it will take approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost between \$898 and \$1,037 per airplane, depending on the service kit purchased. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be between \$1,378 and \$1,517 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator 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 removing amendment 39-10949 (63 FR 70005, December 18, 1998), and by adding a new airworthiness directive (AD), amendment 39-11995, to read as follows:

#### 2000-23-22 McDonnell Douglas:

Amendment 39-11995. Docket 99-NM-333-AD. Supersedes AD 98-26-09, Amendment 39-10949.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes, as listed in McDonnell Douglas Service Bulletin DC9-53-280, Revision 02, dated July 26, 1999; 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 (g)(1) 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 fatigue cracking in the doorstops and corners of the doorjamb of the forward passenger door, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane, accomplish the following:

**Note 2:** Where there are differences between the service bulletin and the AD, the AD prevails.

**Note 3:** The words "repair" and "modify/modification" in this AD and the referenced service bulletin are used interchangeably.

### Visual Inspection

(a) Prior to the accumulation of 48,000 total landings, or within 3,575 landings after January 22, 1999 (the effective date of AD 98-26-09, amendment 39-10949), whichever occurs later, perform a one-time visual inspection to determine if the doorstops and corners of the forward passenger door doorjamb have been modified. Perform the inspection in accordance with McDonnell Douglas Service Bulletin DC9-53-280, dated December 1, 1997, Revision 01, dated July 30, 1998, or Revision 02, dated July 26, 1999.

### Group 1, Eddy Current or X-Ray Inspection

(b) For airplanes identified as Group 1 in McDonnell Douglas Service Bulletin DC9-53-280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb have not been modified, prior to further flight, perform an eddy current or x-ray inspection to detect cracks at all corners and doorstops of the forward passenger door doorjamb, in accordance with McDonnell Douglas Service Bulletin DC9-53-280, dated December 1, 1997, Revision 01, dated July 30, 1998, or Revision 02, dated July 26, 1999.

(1) *Group 1, Condition 1.* If no crack is detected during any eddy current or x-ray inspection required by paragraph (b) of this AD, accomplish the requirements of either paragraph (b)(1)(i) or (b)(1)(ii) of this AD, in accordance with the service bulletin.

(i) *Option 1.* Repeat the eddy current inspection required by this paragraph thereafter at intervals not to exceed 3,575 landings, or the x-ray inspection required by this paragraph thereafter at intervals not to exceed 3,075 landings; or

(ii) *Option 2.* Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb, in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(A) If no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (b)(1)(ii) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(B) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (b)(1)(ii) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

(2) *Group 1, Condition 2.* If any crack is found during any eddy current or x-ray inspection required by paragraph (b) of this AD, and the crack is 0.50 inch or less in length: Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (b)(2) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (b)(2) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(3) *Group 1, Condition 3.* If any crack is found during any eddy current or x-ray inspection required by paragraph (b) of this AD, and the crack is greater than 0.5 inch in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

#### **Group 2, Inspection of Modified Doorstops and Corners With Steel Doublers**

(c) *Group 2, Condition 1.* For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9-53-280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously in accordance with the McDonnell Douglas DC-9 Structural Repair Manual (SRM), using a steel doubler, accomplish either paragraph (c)(1) or (c)(2) of this AD in accordance with McDonnell Douglas Service Bulletin DC9-53-280, dated December 1, 1997, Revision 01, dated July 30, 1998, or Revision 02, dated July 26, 1999.

(1) *Option 1.* Prior to the accumulation of 6,000 landings after accomplishment of the modification, prior to the accumulation of 48,000 total landings, within 3,575 landings after January 22, 1999, or within 2,000 landings after the effective date of this AD, whichever occurs latest: Perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (c)(1) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 3,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (c)(1) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(2) *Option 2.* Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after the accomplishment of the modification, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (c)(2) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (c)(2) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

#### **Group 2, Inspection of Modified Doorstops and Corners With Aluminum Doublers**

(d) *Group 2, Condition 2.* For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9-53-280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously in accordance with McDonnell Douglas DC-9 SRM or Service Rework Drawing, using an aluminum doubler, prior to the accumulation of 28,000 landings after the accomplishment of the modification, prior to the accumulation of 48,000 total landings, or within 3,575 landings after January 22, 1999, whichever occurs latest, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9-53-280, dated December 1, 1997, Revision 01, dated July 30, 1998, or Revision 02, dated July 26, 1999.

(1) If no crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (d) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by paragraph (d) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

#### **Group 2, Inspection of Modified Doorstops and Corners Not Per SRM or Service Rework Drawing**

(e) *Group 2, Condition 3.* For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9-53-280, Revision 02, dated July 26, 1999: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously, but not in accordance with McDonnell Douglas DC9 SRM or the Service Rework Drawing, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

#### **Terminating Action for Supplemental Inspection Document, AD 96-13-03**

(f) Accomplishment of the actions required by this AD constitutes terminating action for inspections of Principal Structural Element (PSE) 53.09.031 (reference McDonnell Douglas Model DC-9 Supplemental Inspection Document) required by AD 96-13-03, amendment 39-9671.

#### **Alternative Methods of Compliance**

(g)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 98-26-09, amendment 39-10949, or AD 96-13-03, amendment 39-9671, are approved as alternative methods of compliance with this AD.

**Note 4:** 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**

(h) 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**

(i) Except as provided by paragraphs (b)(1)(ii)(B), (b)(2)(ii), (b)(3), (c)(1)(ii), (c)(2)(ii), (d)(2), and (e) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9-53-280, dated December 1, 1997; McDonnell Douglas Service Bulletin DC9-53-280, Revision 01, dated July 30, 1998; or McDonnell Douglas Service Bulletin DC9-53-280, Revision 02, dated July 26, 1999.

(1) The incorporation by reference of McDonnell Douglas Service Bulletin DC9-53-280, Revision 02, dated July 26, 1999, 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 the remaining publications was approved previously by the Director of the Federal Register as of January 22, 1999 (63 FR 70005, December 18, 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 the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### **Effective Date**

(j) This amendment becomes effective on January 2, 2001.

Issued in Renton, Washington, on November 13, 2000.

**Dorenda D. Baker,**

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

[FR Doc. 00-29497 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-NE-16-AD; Amendment 39-11994; AD 2000-23-21]

RIN 2120-AA64

**Airworthiness Directives; Teledyne Continental Motors IO-360, TSIO-360, LTSIO-360, O-470, IO-470, TSIO-470, IO-520, TSIO-520, LTSIO-520, IO-550, TSIO-550, and TSIOL-550 Series Reciprocating Engines**

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

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

**SUMMARY:** This amendment supersedes emergency airworthiness directive (AD) 2000-08-51. Emergency AD 2000-08-51 was sent to all known U.S. owners and operators of Teledyne Continental Motors (TCM) IO-360, TSIO-360, LTSIO-360, O-470, IO-470, TSIO-470, IO-520, TSIO-520, LTSIO-520, IO-550, TSIO-550, and TSIOL-550 series reciprocating engines by individual letters. This amendment requires removing a core sample of material from the propeller mounting flange of certain crankshafts, and sending the core sample to TCM for evaluation. This amendment is prompted by reports of crankshaft failures, and by the addition of additional crankshaft serial numbers (SN) that have been added to the suspect population. The actions specified by this AD are intended to prevent fracture of the crankshaft connecting rod journal, which could result in total engine power loss, in-flight engine failure and possible forced landing.

**DATES:** Effective December 12, 2000. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 12, 2000.

Comments for inclusion in the Rules Docket must be received on or before January 26, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-NE-16-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Teledyne Continental Motors, PO Box 90, Mobile, AL 36601; telephone toll free 1-888-200-7565, or on the TCM internet site "www.tcmlink.com." This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Jerry Robinette, Senior Engineer, Propulsion, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, One Crown Center, 1895 Phoenix Blvd., Suite 450, Atlanta, GA 30349; telephone: (770) 703-6096, fax: (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** On April 28, 2000, the Federal Aviation Administration (FAA) issued emergency airworthiness directive (AD) 2000-08-51 that is applicable to Teledyne Continental Motors IO-360, TSIO-360, LTSIO-360, O-470, IO-470, TSIO-470, IO-520, TSIO-520, LTSIO-520, IO-550, TSIO-550, and TSIOL-550 series reciprocating engines. That AD requires removing a core sample of material from the propeller mounting flange and sending the core sample to TCM for evaluation. That action was prompted by reports of crankshafts on which the connecting rod journals had fractured. On November 24, 1999, the FAA was notified of a crankshaft failure on a TCM engine. Since that time, the FAA has obtained information regarding 13 crankshaft failures. The investigation revealed that the crankshafts failed due to subsurface defects in the number one crankshaft connecting rod journal. The FAA has determined that all of the defects were due to unique material composition characteristics combined with process control variations that occurred during the material melt process. This occurred during several discrete periods, i.e. certain lots, of steel production or forming operations. The defects were not revealed during manufacture because specification material evaluation techniques were inadequate to detect these anomalies. Continued evaluation of crankshafts lots with serial numbers (SN's) other than those that were listed in AD 2000-08-51, has detected the same condition in those crankshaft lots. TCM mandatory service bulletin (MSB) 005B, dated May 25, 2000, and MSB 005C, dated October 10, 2000, were issued to include the SN's of those additional suspect crankshafts. The specification material evaluation techniques have been improved to preclude a reoccurrence of

this condition. Crankshafts with this type of subsurface defect will fail. All of the fractures have been grouped around certain manufacturing dates between April 1, 1998, and March 31, 2000, inclusive. This condition, if not corrected, could result in crankshaft connecting rod journal fracture, which could result in total engine power loss, in-flight engine failure and possible forced landing.

**Manufacturer's Service Information**

The FAA has reviewed and approved the technical contents of TCM Mandatory Service Bulletin (MSB) 005C, dated October 10, 2000. MSB 005C lists additional serial numbers (SN's) of affected engines and suspect crankshafts that were manufactured between April 1, 1998, and March 31, 2000, inclusive. The MSB also describes procedures for removing a core sample of material from the propeller mounting flange of the crankshaft and for cleaning, chamfering, dye checking, and painting the core sample holes.

**Requirements of This AD**

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this airworthiness directive (AD) requires removing a core sample of material from the propeller mounting flange and sending the core sample to TCM for evaluation. TCM has informed the FAA that it intends to maintain a 24 to 48 hour turn-around time for notification of the crankshaft airworthiness. All crankshafts that are found to be unserviceable must be replaced with a serviceable crankshaft prior to further flight. The actions are required to be accomplished in accordance with the service bulletin described previously.

**Immediate Adoption**

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

**Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted

in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NE-16-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order No. 13132, because it would 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order No. 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Code of Federal 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:

**2000-23-21 Teledyne Continental Motors:**  
Amendment 39-11994. Docket 2000-NE-16-AD.

#### Applicability

This Airworthiness Directive (AD) is applicable to Teledyne Continental Motors (TCM) IO-360, TSIO-360, LTSIO-360, O-470, IO-470, TSIO-470, IO-520, TSIO-520, LTSIO-520, IO-550, TSIO-550 and TSIOL-550 series reciprocating engines that were assembled, rebuilt, or overhauled using a crankshaft that was manufactured between April 1, 1998, and March 31, 2000, listed by engine and crankshaft serial number (SN) in TCM Mandatory Service Bulletin (MSB) 00-5C, dated October 10, 2000.

**Note 1:** The engines and crankshafts that are the subject of this AD were manufactured by TCM from April 1, 1998 through March 31, 2000. However the dates that the engines and crankshafts were delivered may not coincide with their dates of manufacture. For crankshafts identified in paragraph (a) of this AD, TCM has already determined which engines have a new suspect crankshaft installed and have identified those engines by engine SN. The crankshaft SN is only used to determine the need for taking a core sample for those crankshafts identified in paragraph (a) and (b) of this AD. The engine SN can be found in logbooks or other maintenance records. For those engines that were overhauled in the field with factory new crankshafts, the crankshaft SN should be shown in work orders, log books or other maintenance records. If the engine was assembled new, rebuilt, or overhauled on or before March 31, 1998, or on or after April 1, 2000, no action is required.

**Note 2:** This airworthiness directive (AD) applies to each engine 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 engines that have been modified, altered, or repaired so that the performance of the requirements of

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

### Compliance

Compliance with the requirements of this AD is required within the next 10 hours time-in-service from the effective date of this AD, unless already done.

To prevent crankshaft connecting rod journal fracture, which could result in total engine power loss, in-flight engine failure and possible forced landing, do the following:

**Note 3:** TCM supplies an instructional video in the tool kit for MSB 00-5C. It is recommended that the technician views and understands "Instructional Video for Compliance with Teledyne Continental Motors Mandatory Service Bulletin MSB 00-5C" before performing these procedures.

### Crankshaft Material Inspection

(a) For those engines and crankshafts listed by SN in TCM MSB 00-5C, dated October 10, 2000, do the crankshaft material inspection (crankshaft propeller flange core sample) as follows:

**Note 4:** The engine SN's listed in TCM MSB 00-5C contain only the numerical portion of the SN. Engines that have been rebuilt by TCM will have a letter "R" at the end of the six digit numerical portion. Disregard the letter "R."

(1) Do the crankshaft material inspection (crankshaft propeller flange core sample) in accordance with sections A through J of TCM MSB 00-5C, dated October 10, 2000, as follows:

(i) Use the specialized tools and equipment provided by TCM as listed in section A of TCM MSB 00-5C, dated October 10, 2000.

(ii) You may use each rotobroach bit to obtain up to six core samples. Replace the rotobroach after the sixth core sample, or before if the rotobroach does not cut with the maximum torque applied.

(iii) Maintain a record of each core sample obtained with each rotobroach bit used. Contact TCM to obtain additional rotobroach bits.

(iv) Do not exceed the torque limits specified in TCM MSB 00-5C, dated October 10, 2000, when obtaining the core sample.

(2) After obtaining the results of the core sample evaluation, disposition the crankshaft as follows:

(i) If TCM notifies you that the crankshaft is not serviceable, replace the crankshaft with a serviceable crankshaft of the same part number before further flight.

(ii) If TCM notifies you that the crankshaft is serviceable, the propeller assembly may be reinstalled.

### Installation of Crankshafts

(b) After the effective date of this AD, do not install a crankshaft with a SN that is

listed in MSB 00-5C, dated October 10, 2000, unless core samples have been taken and TCM has approved it for return to service.

(c) Crankshaft material inspections (crankshaft propeller flange core samples) that were done using TCM MSB 00-5, dated April 14, 2000; MSB 00-5A, dated April 28, 2000; or MSB 00-5B, dated May 25, 2000, comply with this AD and must not be repeated.

#### Alternative Methods of Compliance

(d) 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). 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 5:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Atlanta ACO.

#### Incorporation by Reference Material

(e) The actions required by this AD shall be performed in accordance with Teledyne Continental Motors MSB 00-5C, dated October 10, 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 Teledyne Continental Motors, PO Box 90, Mobile, AL 36601; telephone toll free 1-888-200-7565, or on the TCM internet site "www.tcmlink.com". Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

#### Effective Date of This AD

(f) This amendment becomes effective on December 12, 2000.

Issued in Burlington, Massachusetts, on November 13, 2000.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 00-29496 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-13-U**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1211

#### Safety Standard for Automatic Residential Garage Door Operators

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission is amending regulations on the Safety Standard for Automatic Residential Garage Door Operators, to

reflect changes made by Underwriters Laboratories, Inc. in its standard UL 325.

**DATES:** The rule will become effective on December 27, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of December 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Renae RauchsSchwalbe, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207, telephone 301-504-0608, ext. 1362.

**SUPPLEMENTARY INFORMATION:** The Commission issued part 1211 on December 21, 1992 to minimize the risk of entrapment by residential garage door openers. As mandated by section 203 of Public Law 101-608, subpart A of part 1211 codifies garage door operator entrapment provisions of Underwriter Laboratories, Inc. ("UL") standard UL 325, third edition, "Door, Drapery, Louver and Window Operators and Systems." Subparagraph (c) of section 203 of Pub. L. 101-608 also required the Commission to incorporate into part 1211 any revisions that UL proposed to the entrapment protection requirements of UL 325, unless the Commission notified UL that the revision does not carry out the purposes of Pub. L. 101-608.

UL proposed revisions to UL 325 on June 30, 1998, and made them final on September 18, 1998. The Commission determined that the entrapment related revisions do carry out the purposes of Public Law 101-608. On June 14, 2000, the Commission proposed a rule incorporating into subpart A of part 1211 those revisions that relate to entrapment by residential automatic garage door operators and also correcting a few typographical errors in part 1211. 65 FR 37318. The Commission received one comment on the proposed rule from six students at Florida International University. Their comment discussed generally the entrapment hazard posed by garage doors and precautions that garage door owners should take. They suggested a mandatory standard requiring both an external entrapment-sensing safety device and a constant contact control button. However, this would mean that the consumer would have to stand in the garage at the button until the door is completely closed. Aside from the inconvenience of such a requirement, it is beyond the scope of this rulemaking, the narrow purpose of which is to revise the existing Commission standard to reflect recent changes to UL 325.

The changes to the UL standard allow for advances in the state of the art in

garage door safety. Some new garage door operators have an inherent entrapment protection system that can continuously monitor the position of the door. The UL revisions add requirements for this type of system. Some new garage door operators have an inherent secondary door sensor that is independent of the primary entrapment protection system. The UL revisions add requirements for this type of new system. Finally, the UL standard adds some new and revised provisions concerning instructions and field installed labels. The final rule incorporates these changes into the CPSC mandatory standard.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant impact on a substantial number of small entities. Most of the changes are editorial and minor. The substantive changes only affect the few companies that are developing the new type of garage door operators discussed above. Moreover, UL has already made these changes to its UL 325 standard which is widely followed by the industry. The Commission also certifies that this rule will have no environmental impact. The Commission's regulations state that safety standards for products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(1). Nothing in this rule alters that expectation.

Public Law 101-608 contains a preemption provision. It states: "those provisions of laws of States or political subdivisions which relate to the labeling of automatic residential garage door openers and those provisions which do not provide at least the equivalent degree of protection from the risk of injury associated with automatic residential garage door openers as the consumer product safety rule" are subject to preemption under 15 U.S.C. 2075. Pub. L. 101-608, section 203(f).

The rule will become effective 30 days from publication in the **Federal Register** and will apply to garage door operators entering the chain of distribution on or after that date. The 30-day effective date is appropriate because the substantive changes affect only a few companies and they are identical to changes already made to UL 325, which is widely followed by the industry.

#### List of Subjects in 16 CFR Part 1211

Consumer protection, Incorporation by reference, Imports, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 1211 is amended as follows:

**PART 1211—SAFETY STANDARDS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPENERS**

1. The authority citation for part 1211 is revised to read as follows:

**Authority:** Sec. 203 of Pub. L. 101–608, 104 Stat. 3110; 15 U.S.C. 2063 and 2065.

**§ 1211.2 [Amended]**

2. Section 1211.2 is amended as follows:

(a) In the first sentence of § 1211.2(c) remove the word “1993” and add, in its place “1999”.

(b) In the second sentence of § 1211.2(c) add “5” before “U.S.C.”.

**§ 1211.3 [Amended]**

3. In the first sentence of § 1211.3 remove the words “as given in these requirements” and “an equivalent” and add the word “a” between the words “by” and “value”.

**§ 1211.4 [Amended]**

4. Section 1211.4 is amended as follows:

a. In the first sentence of § 1211.4(c) before the word “Tests” add the words “Safety for”.

b. In the first sentence of § 1211.4(c) remove the words “1st ed., dated July 19, 1991” and add, in their place “second edition, dated June 23, 1995”.

c. In the second sentence of § 1211.4(c) add “5” before “U.S.C.”.

d. In the third sentence of § 1211.4(c) remove the words “Underwriters Laboratories, Inc. 333 Pfingsten Road, Northbrook, Ill. 60062–2096” and add, in their place “Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, Telephone (800) 854–7179 or Global Engineering Documents, 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone (800) 854–7179.”.

**§ 1211.5 [Amended]**

5. Section 1211.5 is amended as follows:

a. In the first sentence of § 1211.5(a) and § 1211.5(b)(3) before the word “Tests” add the words “Safety for”.

b. In § 1211.5(a) and (b)(3) remove the words “1st ed., dated July 19, 1991” and add, in their place “second edition, dated June 23, 1995”.

c. In the second sentence of § 1211.5(b)(3) add “5” before “U.S.C.”.

d. In the third sentence of § 1211.5(b)(3) remove the words “Underwriters Laboratories, Inc. 333 Pfingsten Road, Northbrook, Ill. 60062–2096” and add, in their place “Global

Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, Telephone (800) 854–7179 or Global Engineering Documents, 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone (800) 854–7179.”

e. Revise paragraphs (a)(1), (a)(6), and (a)(7); and add a new paragraph (a)(9) to read as follows:

**§ 1211.5 General testing parameters.**

(a) \* \* \*

(1) With regard to electrical supervision of critical components, an operator being inoperative with respect to downward movement of the door meets the criteria for trouble indication.

\* \* \* \* \*

(6) When a Computational Investigation is conducted,  $\lambda_p$  shall not be greater than 6 failures/10<sup>6</sup> hours for the entire system. For external secondary entrapment protection devices that are sold separately,  $\lambda_p$  shall not be greater than 0 failures/10<sup>6</sup> hours. For internal secondary entrapment protection devices whether or not they are sold separately,  $\lambda_p$  shall not be greater than 0 failures/10<sup>6</sup> hours. The operational test is conducted for 14 days. An external secondary entrapment protection device that is sold separately, and that has a  $\lambda_p$  greater than 0 failures/10<sup>6</sup> hours meets the intent of the requirement when for the combination of the operator and the specified external secondary entrapment protection device  $\lambda_p$  does not exceed 6 failures/10<sup>6</sup> hours. See § 1211.15(i) and (k).

(7) When the Demonstrated Method Test is conducted, the multiplier is to be based on the continuous usage level, and a minimum of 24 units per unit are to be tested.

(8) \* \* \*

(9) For the Electrical Fast Transient Burst Test, test level 3 is to be used for residential garage door operators.

\* \* \* \* \*

**§ 1211.6 [Amended]**

6. Section 1211.6 is amended by revising paragraphs (a), (b) introductory text, (b)(1)(ii), (b)(1)(iii), (b)(2), adding a new paragraph (b)(3), revising paragraphs (c) and (d), and removing paragraph (e) to read as follows:

**§ 1211.6 General entrapment protection requirements.**

(a) A residential garage door operator system shall be provided with primary inherent entrapment protection that complies with the requirements as specified in § 1211.7.

(b) In addition to the primary inherent entrapment protection as required by

paragraph (a) of this section, a residential garage door operator shall comply with one of the following:

(1) \* \* \*

(i) \* \* \*

(ii) Reverse direction and open the door to the upmost position when constant pressure on a control is removed prior to operator reaching its lower limit, and

(iii) Limit a portable transmitter, when supplied, to function only to cause the operator to open the door;

(2) Shall be provided with a means for connection of an external secondary entrapment protection device as described in §§ 1211.8, 1211.10, and 1211.11; or

(3) Shall be provided with an inherent secondary entrapment protection device as described in §§ 1211.8, 1211.10, and 1211.12.

(c) A mechanical switch or a relay used in an entrapment protection circuit of an operator shall withstand 100,000 cycles of operation controlling a load no less severe (voltage, current, power factor, inrush and similar ratings) than it controls in the operator, and shall function normally upon completion of the test.

(d) In the event malfunction of a switch or relay (open or short) described in paragraph (c) of this section results in loss of any entrapment protection required by §§ 1211.7(a), 1211.7(f), or 1211.8(a), the door operator shall become inoperative at the end of the opening or closing operation, the door operator shall move the door to, and stay within, 1 foot (305 mm) of the uppermost position.

7. Revise Section § 1211.7 to read as follows:

**§ 1211.7 Inherent entrapment protection requirements.**

(a) Other than the first 1 foot (305mm) of travel as measured over the path of the moving door, both with and without any external entrapment protection device functional, the operator of a downward moving residential garage door shall initiate reversal of the door within 2 seconds of contact with the obstruction as specified in paragraph (b) of this section. After reversing the door, the operator shall return the door to, and stop at, the full upmost position, unless an inherent entrapment circuit senses a second obstruction or a control is actuated to stop the door during the upward travel. Compliance shall be determined in accordance with paragraphs (b) through (i) of this section.

(b) A solid object is to be placed on the floor of the test installation and at various heights under the edge of the

door and located in line with the driving point of the operator. When tested on the floor, the object shall be 1 inch (25.4 mm) high. In the test installation, the bottom edge of the door under the driving force of the operator is to be against the floor when the door is fully closed. For operators other than those attached to the door, the solid object is to be located at points at the center, and within 1 foot of each end of the door.

(c) An operator is to be tested for compliance with paragraph (a) of this section for 50 open-and-close cycles of operation while the operator is connected to the type of residential garage door with which it is intended to be used or with the doors specified in paragraph (e) of this section. For an operator having a force adjustment on the operator, the force is to be adjusted to the maximum setting or at the setting that represents the most severe operating condition. Any accessories having an effect on the intended operation of entrapment protection functions that are intended for use with the operator, are to be attached and the test is to be repeated for one additional cycle.

(d) For an operator that is to be adjusted (limit and force) according to instructions supplied with the operator, the operator is to be tested for 10 additional obstruction cycles using the solid object described in paragraph (b) of this section at the maximum setting or at the setting that represents the most severe operating condition.

(e) For an operator that is intended to be used with more than one type of door, one sample of the operator is to be tested on a sectional door with a curved track and one sample is to be tested on a one-piece door with jamb hardware and no track. For an operator that is not intended for use on either or both types of doors, a one-piece door with track hardware or a one-piece door with pivot hardware shall be used for the tests. For an operator that is intended for use with a specifically dedicated door or doors, a representative door or doors shall be used for the tests. See the marking requirements at § 1211.16.

(f) An operator, using an inherent entrapment protection system that monitors the actual position of the door, shall initiate reversal of the door and shall return the door to, and stop the door at, the full upmost position in the event the inherent door operating "profile" of the door differs from the originally set parameters. The entrapment protection system shall monitor the position of the door at increments not greater than 1 inch (25.4 mm). The door operator is not required

to return the door to, and stop the door at, the full upmost position when an inherent entrapment circuit senses an obstruction or a control is actuated to stop the door during the upward travel.

(g) An operator, using an inherent entrapment protection system that does not monitor the actual position of the door, shall initiate reversal of the door and shall return the door to and stop the door at the full upmost position, when the lower limiting device is not actuated in 30 seconds or less following the initiation of the close cycle. The door operator is not required to return the door to and stop at the full upmost position when an inherent entrapment circuit senses an obstruction or a control is actuated to stop the door during the upward travel. When the door is stopped manually during its descent, the 30 seconds shall be measured from the resumption of the close cycle.

(h) To determine compliance with paragraph (f) or (g) of this section, an operator is to be subjected to 10 open-and-close cycles of operation while connected to the door or doors specified in paragraphs (c) and (e) of this section. The cycles are not required to be consecutive. Motor cooling-off periods during the test meet the intent of the requirement. The means supplied to comply with the requirement in paragraph (a) of this section and § 1211.8(a) are to be defeated during the test. An obstructing object is to be used so that the door is not capable of activating a lower limiting device.

(i) During the closing cycle, the system providing compliance with §§ 1211.7(a) and 1211.7(f) or 1211.7(a) and 1211.7(g) shall function regardless of a short- or open-circuit anywhere in any low-voltage external wiring, any external entrapment devices, or any other external component.

8. Section 1211.8 is revised to read as follows:

**§ 1211.8 Secondary entrapment protection requirements.**

(a) A secondary entrapment protection device supplied with, or as an accessory to, an operator shall consist of:

(1) An external photoelectric sensor that when activated results in an operator that is closing a door to reverse direction of the door and the sensor prevents an operator from closing an open door,

(2) An external edge sensor installed on the edge of the door that, when activated results in an operator that is closing a door to reverse direction of the door and the sensor prevents an operator from closing an open door,

(3) An inherent door sensor independent of the system used to comply with § 1211.7 that, when activated, results in an operator that is closing a door to reverse direction of the door and the sensor prevents an operator from closing an open door, or

(4) Any other external or internal device that provides entrapment protection equivalent to paragraphs (a)(1), (a)(2), or (a)(3) of this section.

(b) With respect to paragraph (a) of this section, the operator shall monitor for the presence and correct operation of the device, including the wiring to it, at least once during each close cycle. In the event the device is not present or a fault condition occurs which precludes the sensing of an obstruction, including an open or short circuit in the wiring that connects an external entrapment protection device to the operator and device's supply source, the operator shall be constructed such that:

(1) A closing door shall open and an open door shall not close more than 1 foot (305 mm) below the upmost position, or

(2) The operator shall function as required by § 1211.6(b)(1).

(c) An external entrapment protection device shall comply with the applicable requirements in §§ 1211.10, 1211.11 and 1211.12.

(d) An inherent secondary entrapment protection device shall comply with the applicable requirements in § 1211.13. Software used in an inherent entrapment protection device shall comply with the Standard for Safety for Software in Programmable Components, UL 1998, Second Edition, May 29, 1998. 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 Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, Telephone (800) 854-7179 or Global Engineering Documents, 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone (800) 854-7179. Copies may be inspected at the Consumer Product Safety Commission, Office of the Secretary, 4330 East West Highway, Bethesda, Maryland or at the Office of the Federal Register, 800 North Capitol Street, N.W. suite 700, Washington, D.C.

**§ 1211.9 [Amended]**

9. Section 1211.9 is amended by revising paragraph (a), redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively, and adding a new paragraph (b) to read as follows:



**§ 1211.9 Additional entrapment protection.**

(a) A means to manually detach the door operator from the door shall be supplied. The gripping surface (handle) shall be colored red and shall be easily distinguishable from the rest of the operator. It shall be capable of being adjusted to a height of 6 feet (1.8 m) above the garage floor when the operator is installed according to the instructions specified in § 1211.14(a)(2). The means shall be constructed so that a hand firmly gripping it and applying a maximum of 50 pounds (223 N) of force shall detach the operator with the door obstructed in the down position. The obstructing object, as described in § 1211.7(b), is to be located in several different positions. A marking with instructions for detaching the operator shall be provided as required by § 1211.15(i).

(b) A means to manually detach the door operator from the door is not required for a door operator that is not directly attached to the door and that controls movement of the door so that:

(1) The door is capable of being moved open from any position other than the last (closing) 2 inches (50.8 mm) of travel, and

(2) The door is capable of being moved to the 2-inch point from any position between closed and the 2-inch point.

\* \* \* \* \*

**§ 1211.10 [Amended]**

10. Section 1211.10 is amended as follows:

a. In the first sentence of paragraph (a)(3), after the word "minimum" add the words "and maximum"; at the beginning of the second sentence add the words "For doors," and revise the word "If" to "if".

b. In the first sentence of paragraph (c)(2) revise the phrase "An external entrapment protection device is" to read "External entrapment protection devices are".

c. In paragraph (d), first sentence, before the word "Polymeric" add the words "Safety for".

d. In paragraphs (d) and (e)(2), remove the words "3rd ed., dated July 1, 1991" and add, in their place "4th ed., dated December 27, 1995".

e. In paragraph (d), second sentence, insert "5" before "U.S.C."

f. In paragraph (d), third sentence, remove the words "Underwriters Laboratories, Inc. 333 Pfingsten Road, Northbrook, Ill. 60062-2096" and add, in their place "Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, Telephone (800) 854-7179 or Global Engineering

Documents, 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone (800) 854-7179."

g. In paragraph (e)(1), second sentence, remove the words "After being subjected to this" and add, in their place the words "As a result of the".

h. In paragraph (e)(1)(ii), add at the end thereof and before the period the words "or, if dislodged after the test, is capable of being restored to its original condition".

**§ 1211.12 [Amended]**

11. Section 1211.12 is amended as follows:

a. In paragraph (c)(2), first sentence, before the word "Polymeric" add the words "Safety for".

b. In paragraph (c)(2), first sentence, remove the words "3rd ed., dated July 1, 1991" and add in their place "4th ed., dated December 27, 1995".

c. In paragraph (c)(2), second sentence, insert "5" before "U.S.C."

d. In paragraph (c)(2), third sentence, remove the words "Underwriters Laboratories, Inc. 333 Pfingsten Road, Northbrook, Ill. 60062-2096" and add, in their place "Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, Telephone (800) 854-7179 or Global Engineering Documents, 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone (800) 854-7179."

**§§ 1211.13-1211.16 [Redesignated as § 1211.14-1211.17]**

12. Redesignate §§ 1211.13 through 1211.16 as §§ 1211.14 through 1211.17, respectively, and add a new § 1211.13 to read as follows:

**§ 1211.13 Inherent force activated secondary door sensors.**

(a) *Normal operation test.* (1) A force activated door sensor of a door system installed according to the installation instructions shall actuate when the door applies a 15 pound (66.7 N) or less force in the down or closing direction and when the door applies a 25 pound (111.2 N) or less force in the up or opening direction. For a force activated door sensor intended to be used in an operator intended for use only on a sectional door, the force is to be applied by the door against the longitudinal edge of a 1 $\frac{7}{8}$  (47.6 mm) diameter cylinder placed across the door so that the axis is perpendicular to the plane of the door. See Figure 6 of this part. The weight of the door is to be equal to the maximum weight rating of the operator.

(2) The test described in paragraph (a)(1) of this section is to be repeated and measurements made at various

representative points across the width and height of the door. For this test, a door sensor system and associated components shall withstand a total of 9 cycles of mechanical operation without failure with the force applied as follows:

(i) At the center at points one, three, and five feet from the floor,

(ii) Within 1 foot of the end of the door, at points one, three, and five feet from the floor,

(iii) Within 1 foot of the other end of the door at points one, three, and five feet from the floor.

(3) The cycles are not required to be consecutive. Continuous operation of the motor without cooling is not required.

(b) *Adjustment of door weight.* (1) With the door at the point and at the weight determined by the tests of paragraphs (a)(2) and (b)(2) of this section to be the most severe, the door sensor and associated components shall withstand 50 cycles of operation without failure.

(2) At the point determined by the test in paragraphs (a)(1) and (a)(2) of this section to be the most severe, weight is to be added to the door in 5.0 pound (2.26 Kg) increments and the test repeated until a total of 15.0 pounds (66.72 N) has been added to the door. Before performing each test cycle, the door is to be cycled 2 times to update the profile. Similarly, starting from normal weight plus 15.0 pounds, the test is to be repeated by subtracting weight in 5.0 pound increments until a total of 15.0 pounds has been subtracted from the door.

**§ 1211.14 [Amended]**

13. Newly designated § 1211.14 is amended as follows:

a. In paragraph (a)(4), third sentence, remove the word "that" and add in its place "than".

b. In paragraph (b)(1) remove the initial word "If" (in paragraph 4 of the installation instructions) and add, in its place "Where"; remove the word "Mount" and add, in its place "For products requiring an emergency release, mount".

c. In paragraph (b)(2), in the second sentence of paragraph 4 of the safety instructions, remove the number "1" and add in its place the number "1 $\frac{1}{2}$ ".

d. In paragraph (b)(2) before the initial word "If" (in paragraph 5 of the safety instructions), add "For products requiring an emergency release," and revise the word "If" to "if".

**§ 1211.15 [Amended]**

14. Newly designated § 1211.15 is amended as follows:



a. In paragraph (g)(1) remove the words "A child may become" and add, in their place "There is a risk of a child becoming".

b. In paragraph (g)(2)(iv) remove the first word "If" and add, in its place "In the event".

c. In paragraph (g)(2)(iv) add a second sentence to read "For products not having an emergency release use instead 'In the event a person is trapped under the door, push the control button'".

d. In paragraph (g)(3)(i) in the second sentence, remove the word "If" and add it its place "In the event".

e. In paragraph (i) remove the initial word "A" and add, in its place "Except for door operators complying with § 1211.9(b), a".

Dated: November 20, 2000.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 00-30041 Filed 11-24-00; 8:45 am]

BILLING CODE 6335-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 173

[Docket No. 00F-1332]

#### Secondary Direct Food Additives Permitted in Food for Human Consumption

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a mixture of peroxyacetic acid, octanoic acid, acetic acid, hydrogen peroxide, peroxyoctanoic acid, and 1-hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent on red meat carcasses. This action is in response to a petition filed by Ecolab, Inc.

**DATES:** This rule is effective November 27, 2000. Submit written objections and requests for a hearing by December 27, 2000. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 173.370, as of November 27, 2000.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

#### FOR FURTHER INFORMATION CONTACT:

Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, 202-418-3074.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of June 13, 2000 (65 FR 37155), FDA announced that a food additive petition (FAP 0A4720) had been filed by Ecolab Inc., Ecolab Center, 370 Wabasha St., St. Paul, MN 55102. The petition proposed to amend the food additive regulations in part 173 (21 CFR part 173) to provide for the safe use of a mixture of peroxyacetic acid, octanoic acid, acetic acid, hydrogen peroxide, peroxyoctanoic acid, and 1-hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent on red meat carcasses.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe and the additive will achieve its intended technical effect as an antimicrobial agent on red meat carcasses. The agency also concludes that the regulation approving the additive should be entitled "Peroxyacids." Reaction of hydrogen peroxide with acetic acid and octanoic acid results in partial conversion to peroxyacetic acid and peroxyoctanoic acid, respectively. Therefore, part 173 is amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

In the notice of filing, FDA gave interested parties an opportunity to submit comments on the petitioner's environmental assessment. FDA received no comments in response to that notice.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch

(address above) between 9 a.m. and 4 p.m., Monday through Friday.

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.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by December 27, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

#### PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348.

2. Section 173.370 is added to subpart D to read as follows:

##### § 173.370 Peroxyacids.

Peroxyacids may be safely used in accordance with the following prescribed conditions:

(a) The additive is a mixture of peroxyacetic acid, octanoic acid, acetic

acid, hydrogen peroxide, peroxyoctanoic acid, and 1-hydroxyethylidene-1,1-diphosphonic acid.

(b) The additive is used as an antimicrobial agent on red meat carcasses in accordance with current industry practice where the maximum concentration of peroxyacids is 220 parts per million (ppm) as peroxyacetic acid and the maximum concentration of hydrogen peroxide is 75 ppm.

(c) The concentrations of peroxyacids and hydrogen peroxide in the additive are determined by a method entitled "Hydrogen Peroxide and Peracid (as Peracetic Acid) Content," dated July 26, 2000, developed by Ecolab, Inc., which is incorporated by reference. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of this method from the Division of Petition Control (HFS-215), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, or you may examine a copy at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: November 14, 2000.

**L. Robert Lake,**

*Director of Regulations Policy, Center for Food Safety and Applied Nutrition.*

[FR Doc. 00-30050 Filed 11-24-00; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs; Ivermectin Paste

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for use of ivermectin oral paste for the treatment and control of various species of harmful gastrointestinal parasites in horses.

**DATES:** This rule is effective November 27, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0209.

**SUPPLEMENTARY INFORMATION:** Phoenix Scientific, Inc., 3915 South 48th Street Terrace, P.O. Box 6457, St. Joseph, MO 64506-0457, filed ANADA 200-286 that provides for use of PHOENECTIN™ (ivermectin) Paste 1.87%. The ANADA provides for oral use of ivermectin paste for the treatment and control of various species of harmful gastrointestinal parasites in horses. The ANADA is approved as a generic copy of Merial Ltd.'s NADA 134-314 for EQVALAN® (ivermectin) Paste for Horses. ANADA 200-286 is approved as of September 20, 2000, and the regulations are amended in 21 CFR 520.1192 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

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

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

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

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

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

2. Section 520.1192 is amended by revising paragraphs (a) and (b), by

redesignating paragraph (c) as paragraph (d), and by adding new paragraph (c) to read as follows.

#### § 520.1192 Ivermectin paste.

(a) *Specifications.* Each milligram of paste contains 0.0187 milligram (1.87 percent) or 0.00153 milligram (0.153 percent) of ivermectin.

(b) *Sponsors.* See sponsor numbers in § 510.600(c) of this chapter, as follows:

(1) No. 050604 for use of a 1.87 percent paste as in paragraph (d)(1) of this section and a 0.153 percent paste as in paragraph (d)(2) of this section.

(2) No. 059130 for use of a 1.87 percent paste as in paragraph (d)(1) of this section.

(c) *Related tolerances.* See § 556.344 of this chapter.

\* \* \* \* \*

Dated: October 16, 2000.

**Stephen S. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 00-30048 Filed 11-24-00; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs; Nitenpyram Tablets

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The NADA provides for the oral use of nitenpyram tablets for the treatment of flea infestations in dogs, puppies, cats, and kittens that are 4 weeks of age and older and 2 pounds (lb) of body weight or greater.

**DATES:** This rule is effective November 27, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7540.

**SUPPLEMENTARY INFORMATION:** Novartis Animal Health US, Inc., 3200 Northline Ave., suite 300, Greensboro, NC 27408, filed NADA 141-175 that provides for the over-the-counter use of CAPSTAR™ (nitenpyram) tablets for the oral treatment of flea infestations on dogs,

puppies, cats, and kittens that are 4 weeks of age and older and 2 lb of body weight or greater. The NADA is approved as of October 20, 2000, and the regulations are amended in part 520 (21 CFR part 520) by adding § 520.1510 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning October 20, 2000, because no active ingredient (including any ester or salt of the drug) has been previously approved in any other application filed under section 512(b)(1) of the act.

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

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

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

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

2. Section 520.1510 is added to read as follows:

##### § 520.1510 Nitenpyram.

(a) *Specifications.* Each tablet contains 11.4 or 57 milligrams of nitenpyram.

(b) *Sponsor.* See No. 058198 in § 510.600(c) of this chapter.

(c) [Reserved]

(d) *Conditions of use—Dogs and cats—*(1) *Amount.* One tablet given orally, as needed.

(2) *Indications for use.* For the treatment of flea infestations on dogs, puppies, cats, and kittens 4 weeks of age and older and 2 pounds of body weight or greater.

Dated: November 8, 2000.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 00-30047 Filed 11-24-00; 8:45 am]

**BILLING CODE 4160-01-F**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 522

#### Implantation or Injectable Dosage Form New Animal Drugs; Trenbolone and Estradiol

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Ivy Laboratories, Inc. The supplemental ANADA provides for adding tylosin tartrate as a local antibacterial to an approved subcutaneous cattle ear implant containing trenbolone and estradiol used in pasture cattle for increased rate of weight gain.

**DATES:** This regulation is effective November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Daniel A. Benz, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0223.

**SUPPLEMENTARY INFORMATION:** Ivy Laboratories, Inc., 8857 Bond St., Overland Park, KS 66214, filed supplemental ANADA 200-221 for COMPONENT® TE-G (trenbolone acetate/estradiol) with Tylan®, a subcutaneous ear implant containing 40 of milligrams (mg) trenbolone acetate and 8 mg of estradiol, in 2 pellets, each pellet containing 20 mg of trenbolone acetate and 4 mg of estradiol, and an additional pellet containing 29 mg of tylosin tartrate as a local antibacterial. The implants are used in pasture cattle (slaughter, stocker, and feeder steers and

heifers) for increased rate of weight gain. The supplemental application is approved as of September 18, 2000, and the regulations are amended in 21 CFR 522.2477 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning September 18, 2000, because the application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for the approval and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the addition of tylosin tartrate to the implant for which the supplemental application was approved.

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

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

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

Animal drugs.

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

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

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

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

2. Section 522.2477 is amended in the first sentence of paragraph (b) by removing “(d)(3)” and by adding in its place “(d)(3)(i)(A), (d)(3)(ii), and (d)(3)(iii)”;

in the second sentence of paragraph (b) by removing “(d)(3)” and by adding in its place “(d)(3)(i)(A), (d)(3)(i)(B), (d)(3)(ii), and (d)(3)(iii)”;

and by revising paragraph (d)(3)(i) to read as follows:

**§ 522.2477 Trenbolone acetate and estradiol.**

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(i) *Amount.* (A) 40 mg trenbolone acetate and 8 mg estradiol (one implant consisting of 2 pellets, each pellet containing 20 mg trenbolone acetate and 4 mg estradiol) per implant dose.

(B) 40 mg trenbolone acetate and 8 mg estradiol (one implant consisting of 3 pellets, each of 2 pellets containing 20 mg trenbolone acetate and 4 mg estradiol, and 1 pellet containing 29 mg tylosin tartrate) per implant dose.

\* \* \* \* \*

Dated: October 11, 2000.

**Claire M. Lathers,**

*Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.*

[FR Doc. 00-30049 Filed 11-24-00; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### 28 CFR Part 2

#### **Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the District of Columbia Code**

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Parole Commission is revising the guidelines that govern its decisions to grant and deny parole in the case of prisoners serving sentences for felony crimes under the District of Columbia Code. The revised guidelines convert the rehearing ranges into a single range indicating the total prison time that may be served by the inmate, and authorizes the setting of presumptive release dates up to 36 months from the date of the parole hearing. However, the Point Assignment Table remains the basis upon which the guidelines are determined. The Commission is adopting this rule change to improve understanding by inmates and the public as to the impact

that the guidelines will have in individual cases, and to facilitate successful release planning in advance of parole.

**EFFECTIVE DATE:** January 2, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492-5959. Questions about this publication are welcome, but public inquiries concerning individual cases cannot be answered.

**SUPPLEMENTARY INFORMATION:** The Commission has voted to revise 28 CFR 2.80 so as to make the guidelines for D.C. Code offenders more understandable to inmates and the public, fairer and easier to administer. The revised rule will (1) enhance the ability of inmates and the public, including victims of crime, to understand the guidelines and their impact in individual cases by allowing each inmate's Base Point Score to determine an overall guideline range showing the total time the inmate is expected to serve before release on parole; (2) provide more information to inmates as to their actual expected release dates by authorizing presumptive release dates up to 36 months from the date of the most recent parole hearing (contingent upon good conduct and development of an adequate release plan); (3) facilitate release planning by setting such presumptive release dates; (4) eliminate anomalies in the current system that disadvantage inmates whose rehearings are delayed through no fault of their own or who are encouraged by staff to waive parole reconsideration until they complete institutional programs; and (5) reduce the maximum allowable time between parole consideration hearings from five years to three years (except for an offense in which death results and the offender is more than three years below his or her applicable guideline range). Moreover, the revised rule contains a presumptive credit for “ordinary program achievement,” which currently must be determined on a case-by-case basis, in the guideline range itself. Hence, inmates will now receive the benefit of having their “ordinary program achievement” points credited in advance.

Public comment was received on this rule in response to the proposals published at 65 FR 26789 (May 8, 2000). In general, the comment was favorable as to the establishing of presumptive release dates and the general limitation of continuances to 36 months. However, there were complaints that the proposed rule was difficult to understand and

apply. Confusion was, in all likelihood, caused by the Commission having published alternative options of the proposal for public comment. The Commission believes that the version adopted herein (Option 2, modified by increasing the credit for superior program achievement from 25 percent to 33 $\frac{1}{3}$  percent) is straightforward and will be readily understood by prisoners and their representatives.

#### **Summary of the Final Rule**

The revised version of § 2.80 eliminates the Total Point Score from the Point Assignment Table (*i.e.*, the system of adding or subtracting points for post-incarceration factors), and eliminates the system of determining at each hearing (based on the Total Point Score) whether the inmate qualifies for parole at that time. It substitutes the following decisionmaking procedure.

Under Step 1, a Base Guideline Range is determined from the Base Point Score. There is no change from the Base Point Score used in § 2.80. The time expected for the inmate to qualify for parole (assuming no disciplinary infractions and ordinary program achievement) is simply made explicit.<sup>1</sup> Under Step 2, the Parole Eligibility Date is recorded. Under Step 3, a Disciplinary Guideline Range is determined (if there are any disciplinary infractions) based on the time ranges prescribed at § 2.36. Under Step 4, a Superior Program Achievement Award (if superior program achievement is found) is determined. The Superior Program Achievement Award is based on the number of months of superior program achievement on the inmate's prison record (*i.e.*, program achievement that would have qualified for a two-point deduction under the current system that this rule will replace).

Under Step 5, Base Point Guideline Range, Parole Eligibility Date, Disciplinary Range, and the Superior Program Achievement Award are combined, at the initial hearing, into a

<sup>1</sup> Multiplying (A) the rehearing range in the current D.C. guidelines by (B) [the Base Point Score minus 3 points] (the number of rehearings required before parole assuming no disciplinary infractions and ordinary program achievement) produces the Base Point Range. For example, an inmate with a Base Point Score of 6 with no disciplinary infractions and ordinary program achievement at each hearing would have two rehearing range of 18–24 months each before the guidelines indicated parole. This translates to a guideline range of the Parole Eligibility Date plus 36–48 months. For most cases, the results under the current system lumps together certain dissimilar cases; for example, under the current system, an offender with a case point score of 5 who has outstanding program achievement and no disciplinary infractions will serve the same amount of time as an offender with ordinary program achievement.

Total Guideline Range. This will make clear to the inmate the amount of time he or she may expect to serve with continued good conduct and ordinary program achievement. The impact of superior program achievement as well as disciplinary infractions will also be made clear. Equally importantly, if release within three years is deemed appropriate by the Commission, the inmate can be given a presumptive release date (contingent upon continued good behavior and the development of a satisfactory release plan). Otherwise, the inmate is continued for a rehearing, normally at 36 months, when the granting of a presumptive release date will again be considered. At each rehearing, the Total Guideline Range from the previous hearing is used as the starting point and is modified by adding the amount, if any, from Step 3 (based on conduct since the last hearing) and subtracting the amount, if any, from Step 4 (based on conduct since the last hearing). The result is the Total Guideline Range to be used at the rehearing.

In the Commission's opinion, presumptive release dates allow inmates to plan for their release, and have proved a strong incentive for continued good conduct. Additionally, with presumptive release dates, the final review nine months before release (to ensure that the inmate has continued good conduct and to consider any additional outstanding program achievement) can be conducted on the record rather than by personal hearing. This is administratively more efficient and reduces the possibility of delay in scheduling the final hearing (such as delays caused by the transfer of inmates between facilities) that may adversely impact the actual release date. Only if serious institutional misconduct is found at this record review would an in-person rehearing be ordered by the Commission.

### Implementation

This revision of 28 CFR 2.80 will be applied prospectively to all D.C. Code adult prisoners who receive their initial hearings on or after December 4, 2000. It will also be applied retroactively at the next scheduled rehearing (e.g., to permit the setting of a presumptive release date) to all D.C. Code adult prisoners previously heard under § 2.80 who have received no positive or negative points for disciplinary infractions or for superior program achievement at any hearing. The current version of § 2.80 will appear in an appendix to § 2.80 and will continue to be applicable to all prisoners previously heard under § 2.80 who received points

for disciplinary infractions or superior program achievement at any previous hearing, all prisoners sentenced under the Youth Rehabilitation Act, and all prisoners given initial hearings prior to August 5, 1998.

### Regulatory Assessment Requirements

The U.S. Parole Commission has determined that this final rule does not constitute a significant rule within the meaning of Executive Order 12866. The final rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b), and is deemed by the Commission to be a rule of agency practice that does not substantially affect the rights or obligations of non-agency parties pursuant to section 804(3)(C) of the Congressional Review Act.

### List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

### The Amendments

Accordingly, the U.S. Parole Commission is adopting the following amendments to 28 CFR part 2.

### PART 2—[AMENDED]

1. The authority citation for 28 CFR part 2 continues to read as follows:

**Authority:** 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.75 is revised to read as follows:

#### § 2.75 Reconsideration proceedings.

(a)(1) *Prisoners subject to guidelines at § 2.80.* (i) In the case of a prisoner subject to the guidelines at § 2.80, the Commission may, following an initial or subsequent hearing:

(A) Set an effective parole date within nine months of the date of the hearing;

(B) Set a presumptive parole date at least ten months but not more than three years from the date of the hearing;

(C) Continue the prisoner to the expiration of sentence if the prisoner's mandatory release date is within three years of the date of the hearing; or

(D) Schedule a reconsideration hearing at three years from the month of the hearing.

(ii) Exception: If the prisoner's current offense behavior resulted in the death of a victim and the prisoner is more than three years below the minimum of the applicable guideline range at the time of the hearing, the Commission may, in its discretion, schedule a reconsideration hearing at a later date that does not

exceed the minimum of the applicable guideline range and is not more than five years from the month of the last hearing.

(2) *Prisoners subject to guidelines at the appendix to § 2.80.* (i) In the case of a prisoner subject to the guidelines at the appendix to § 2.80, if the Commission denies parole, it shall establish an appropriate reconsideration date in accordance with the provisions of the appendix to § 2.80. If the prisoner's mandatory release date will occur before the reconsideration date deemed appropriate by the Commission pursuant to the appendix to § 2.80, the Commission may order that the prisoner be released by the expiration of his sentence less good time ("continue to expiration").

(ii) The first reconsideration date shall be calculated from the prisoner's eligibility date, except that in the case of a youth offender or any prisoner who has waived the initial hearing, the first reconsideration date shall be calculated from the date the initial hearing is held. In all cases, any subsequent reconsideration date shall be calculated from the date of the last hearing. In the case of a waiver or substantial delay in holding the initial hearing, the Commission may conduct a combined initial hearing and such rehearings *nunc pro tunc* as would otherwise have been held during the delay.

(iii) Notwithstanding the provisions of paragraph (a)(2)(i) of this section, the Commission shall not set a reconsideration date in excess of five years from the date of the prisoner's last hearing, nor shall the Commission continue a prisoner to the expiration of his or her sentence, if more than five years remains from the date of the last hearing until the prisoner's scheduled mandatory release.

(b) When a rehearing is scheduled, the prisoner shall be given a rehearing during the month specified by the Commission, or on the docket of hearings immediately preceding that month if no docket of hearings is scheduled for the month specified.

(c) At a reconsideration hearing, the Commission may take any action that it could take at an initial hearing. The scheduling of a reconsideration hearing does not imply that parole will be granted at such hearing.

(d) Prior to a parole reconsideration hearing, the Commission shall review the prisoner's record, including an institutional progress report which shall be submitted 60 days prior to the hearing. Based on its review of the record, the Commission may grant an effective date of parole without

conducting the scheduled in-person hearing.

(e) Notwithstanding a previously established reconsideration hearing, the Commission may reopen any case for a special reconsideration hearing, as provided in § 2.28, upon the receipt of new and significant information concerning the prisoner.

3. Section 2.80 is revised to read as follows:

**§ 2.80 Guidelines for D.C. Code offenders.**

(a) *Applicability.* This guideline applies to any initial hearing for an adult prisoner conducted on or after December 4, 2000, and any rehearing for an adult prisoner who was given an initial hearing on or after August 5, 1998, but before December 4, 2000, and who did not receive any positive points for disciplinary infractions or negative points for superior program achievement at the initial hearing or any rehearing conducted before December 4, 2000. Any other prisoner will continue to have his case decided under the rule previously in effect (as set forth in the appendix to this section).

(b) *Guidelines.* In determining whether an eligible prisoner should be paroled, the Commission shall apply the

guidelines set forth in this section. The guidelines assign numerical values to pre- and post-incarceration factors. Decisions outside the guidelines may be made, where warranted, pursuant to paragraph (n) of this section.

(c) *Salient factor score and criminal record.* The prisoner's Salient Factor Score shall be determined by reference to the Salient Factor Scoring Manual in § 2.20. The Salient Factor Score is used to assist the Commission in assessing the probability that an offender will live and remain at liberty without violating the law. The prisoner's record of criminal conduct (including the nature and circumstances of the current offense) shall be used to assist the Commission in determining the probable seriousness of the recidivism that is predicted by the Salient Factor Score.

(d) *Disciplinary infractions.* The Commission shall assess whether the prisoner has been found guilty of committing significant disciplinary infractions while under confinement for the current offense.

(e) *Program achievement.* (1) The Commission shall assess whether the prisoner has demonstrated ordinary or superior achievement in the area of

prison programs, industries, or work assignments while under confinement for the current offense. Superior program achievement means program achievement that is beyond the level that the prisoner might ordinarily be expected to accomplish. Credit for program achievement may be granted regardless of whether the guidelines for disciplinary infractions have been applied for misconduct during the same period. The guidelines in this section presume that the prisoner will have ordinary program achievement.

(2) In the case of a prisoner who has declined to participate in institutional programming, a decision in the upper half of the applicable guideline range generally will be warranted, except that in the case of a prisoner who has a base point score of 3 or less, or who has a criminal record involving violence or sexual offenses and who has not participated in available programming to address a potential for criminal behavior of a violent or sexual nature, a decision above the guidelines may be warranted.

(f) *Base point score.* Add the applicable points from Categories I–III of the Point Assignment Table to determine the base point score.

**POINT ASSIGNMENT TABLE**

Categories	Points
<b>CATEGORY I: RISK OF RECIDIVISM (Salient Factor Score)</b>	
10–8 (Very Good Risk) .....	+0
7–6 (Good Risk) .....	+1
5–4 (Fair Risk) .....	+2
3–0 (Poor Risk) .....	+3
<b>CATEGORY II: CURRENT OR PRIOR VIOLENCE (Type of Risk)</b>	
<b>Note:</b> Use the highest applicable subcategory. If no subcategory is applicable, score = 0.	
A. Violence in current offense, and any felony violence in two or more prior offenses .....	+4
B. Violence in current offense, and any felony violence in one prior offense .....	+3
C. Violence in current offense .....	+2
D. No violence in current offense and any felony violence in two or more prior offenses .....	+2
E. Possession of firearm in current offense if current offense is not scored as a crime of violence .....	+2
F. No violence in current offense and any felony violence in one prior offense .....	+1
<b>CATEGORY III: DEATH OF VICTIM OR HIGH LEVEL VIOLENCE</b>	
<b>Note:</b> Use highest applicable subcategory. If no subcategory is applicable, score = 0. A current offense that involved high level violence must be scored under both Category II (A, B, or C) and under Category III.	
A. Current offense was high level or other violence with death of victim resulting .....	+3
B. Current offense involved attempted murder, conspiracy to murder, solicitation to murder, or any willful violence in which the victim survived despite death having been the most probable result at the time the offense was committed .....	+2
C. Current offense involved high level violence (other than the behaviors described above) .....	+1
<b>BASE POINT SCORE (Total of Categories I–III)</b>	

(g) *Definitions and instructions for application of point assignment table.*

(1) *Salient factor score* means the salient factor score set forth at § 2.20.

(2) *High level violence* in Category III means any of the following offenses—

- (i) Murder;
- (ii) Voluntary manslaughter;

(iii) Arson of a building in which a person other than the offender was present or likely to be present at the time of the offense;

(iv) Forcible rape or forcible sodomy (first degree sexual abuse);

(v) Kidnapping, hostage taking, or any armed abduction of a victim during a carjacking or other offense;

(vi) Burglary of a residence while armed with any weapon if a victim was in the residence during the offense;

(vii) Obstruction of justice through violence or threats of violence;

(viii) Any offense involving sexual abuse of a person less than sixteen years of age;

(ix) Mayhem, malicious disfigurement, or any offense defined as other violence in paragraph

(g)(4) of this section that results in *serious bodily injury* as defined in paragraph (g)(3) of this section;

(x) Any offense defined as *other violence* in paragraph (g)(4) of this section in which the offender intentionally discharged a firearm;

(3) *Serious bodily injury* means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(4) *Other violence* means any of the following felony offenses that does not qualify as high level violence

(i) Robbery;

(ii) Residential burglary;

(iii) Felony assault;

(iv) Felony offenses involving a threat, or risk, of bodily harm;

(v) Felony offenses involving sexual abuse or sexual contact;

(vi) Involuntary manslaughter (excluding negligent homicide).

(5) Attempts, conspiracies, and solicitations shall be scored by reference to the substantive offense that was the object of the attempt, conspiracy, or solicitation; except that Category IIIA shall apply only if death actually resulted.

(6) *Current offense* means any criminal behavior that is either:

(i) Reflected in the offense of conviction, or

(ii) Is not reflected in the offense of conviction but is found by the Commission to be related to the offense of conviction (i.e., part of the same course of conduct as the offense of conviction). In probation violation cases, the current offense includes both the original offense and the violation offense, except that the original offense shall be scored as a prior conviction (with a prior commitment) rather than as part of the current offense, if the prisoner served more than six months in prison for the original offense before his probation commenced

(7) Category IIE applies whenever a firearm is possessed by the offender

during, or is used by the offender to commit, any offense that is not scored under Category II(A-D). Category IIE also applies when the current offense is felony unlawful possession of a firearm and there is no other current offense. Possession for purposes of Category IIE includes constructive possession.

(8) Category IIIA applies if the death of a victim is:

(i) Caused by the offender, or

(ii) Caused by an accomplice and the killing was planned or approved by the offender in furtherance of a joint criminal venture.

(h) *Determining the base guideline range.* Determine the base guideline range for adult prisoners from the following table:

Base point score	Base guideline range (months)
3 or less .....	0
4 .....	12-18
5 .....	18-24
6 .....	36-48
7 .....	54-72
8 .....	72-96
9 .....	110-140
10 .....	136-172

(i) *Months to parole eligibility.*

Determine the total number of months until parole eligibility.

(j) *Guideline range for disciplinary infractions.* Determine the applicable guideline range from § 2.36 for any significant disciplinary infractions since the beginning of confinement on the current offense in the case of an initial hearing, and since the last hearing in the case of a rehearing. If there are no significant disciplinary infractions, this step is not applicable.

(k) *Guidelines for superior program achievement.* If superior program achievement is found, the award for superior program achievement shall be one-third of the number of months during which the prisoner demonstrated superior program achievement. The award is determined on the basis of all time in confinement on the current offense in the case of an initial hearing, and on the basis of time in confinement since the last hearing in the case of a rehearing. If superior program achievement is not found, this step is not applicable.

**Note:** When superior program achievement is found, it is presumed that the award will be based on the total number of months since the beginning of confinement on the current offense in the case of an initial hearing, or since the last hearing in the case of a rehearing. Where, however, the Commission determines that the prisoner did not have superior program achievement during the entire period, it may base its decision solely

on the number of months during which the prisoner had superior program achievement.

(l) *Determining the total guideline range at an initial hearing.* At an initial hearing

(1) Add together the minimum of the base point guideline range (from paragraph (h) of this section), the number of months required by the prisoner's parole eligibility date (from (i) of this section), and the minimum of the guideline range for disciplinary infractions, if applicable (from paragraph (j) of this section). Then subtract the award for superior program achievement, if applicable (from paragraph (k) of this section). The result is the minimum of the Total Guideline Range.

(2) Add together the maximum of the base point guideline range (from paragraph (h) of this section), the number of months required by the prisoner's parole eligibility date (from paragraph (i) of this section), and the maximum of the guideline range for disciplinary infractions, if applicable (from paragraph (j) of this section). Then subtract the award for superior program achievement, if applicable (from paragraph (k) of this section). The result is the maximum of the Total Guideline Range.

(m) *Determining the total guideline range at a reconsideration hearing.* At a reconsideration hearing—

(1) Add together the minimum of the Total Guideline Range from the previous hearing, and the minimum of the guideline range for disciplinary infractions since the previous hearing, if applicable (from paragraph (j) of this section). Then subtract the award for superior program achievement, if applicable (from paragraph (k) of this section). The result is the minimum of the Total Guideline Range for the current hearing.

(2) Add together the maximum of the Total Guideline Range from the previous hearing, and the maximum of the guideline range for disciplinary infractions since the previous hearing, if applicable (from paragraph (j) of this section). Then subtract the award for superior program achievement since the previous hearing, if applicable (from paragraph (k) of this section). The result is the maximum of the Total Guideline Range for the current hearing.

(n) *Decisions outside the guidelines.*

(1) The Commission may, in unusual circumstances, grant or deny parole to a prisoner notwithstanding the guidelines. Unusual circumstances are case-specific factors that are not fully taken into account in the guidelines, and that are relevant to the grant or



denial of parole. In such cases, the Commission shall specify in the notice of action the specific factors that it relied on in departing from the applicable guideline or guideline range. If the prisoner is deemed to be a poorer or more serious risk than the guidelines indicate, the Commission shall determine what Base Point Score would more appropriately fit the prisoner's case, and shall render its initial and rehearing decisions as if the prisoner had that higher Base Point Score. It is to be noted that, in some cases, an extreme level of risk presented by the prisoner may make it inappropriate for the Commission to contemplate a parole at any hearing without a significant change in the prisoner's circumstances.

(2) Factors that may warrant a decision above the guidelines include, but are not limited to, the following:

(i) *Poorer parole risk than indicated by salient factor score.* The offender is a poorer parole risk than indicated by the salient factor score because of—

(A) Unusually persistent failure under supervision (pretrial release, probation, or parole);

(B) Unusually persistent history of criminally related substance (drug or alcohol) abuse and resistance to treatment efforts; or

(C) Unusually extensive prior record (sufficient to make the offender a poorer risk than the "poor" prognosis category).

(ii) *More serious parole risk.* The offender is a more serious parole risk than indicated by the total point score because of—

(A) Prior record of violence more extensive or serious than that taken into account in the guidelines;

(B) Current offense demonstrates extraordinary criminal sophistication, criminal professionalism in the employment of violence or threats of violence, or leadership role in instigating others to commit a serious offense;

(C) Unusual cruelty to the victim (beyond that accounted for by scoring the offense as high level violence), or predation upon extremely vulnerable victim;

(D) Unusual propensity to inflict unprovoked and potentially homicidal

violence, as demonstrated by the circumstances of the current offense; or

(E) Additional serious offense(s) committed after (or while on bond or fugitive status from) current offense that show unusual capacity for sustained, repeated violent criminal activity.

(3) Factors that may warrant a decision below the guidelines include, but are not limited to, the following:

(i) *Better parole risk than indicated by salient factor score.* The offender is a better parole risk than indicated by the salient factor score because of (applicable only to offenders who are not already in the very good risk category)—

(A) A prior criminal record resulting exclusively from minor offenses;

(B) A substantial crime-free period in the community for which credit is not already given on the Salient Factor Score;

(C) A change in the availability of community resources leading to a better parole prognosis;

(ii) *Other factors:*

(A) Unusually lengthy period of incarceration on the minimum sentence (in relation to the seriousness of the offense and prior record) that warrants an initial parole determination as if the offender were being considered at a rehearing;

(B) Substantial period in custody on other sentence(s) sufficient to warrant a finding in paragraph (n)(3) of this section; or

(C) Clearly exceptional program achievement.

#### Appendix to § 2.80

(a) *Applicability.* (1) The guidelines in this Appendix apply to:

(i) Any adult offender who received an initial hearing on or after August 5, 1998 and before December 4, 2000, and who also received positive points for disciplinary infractions or negative points for superior program achievement at any hearing (initial or rehearing) during the above period; and

(ii) Any youth offender who received an initial hearing on or after August 5, 1998.

(2) For prisoners whose initial hearings were held prior to August 5, 1998, the Commission shall render its decisions by reference to the guidelines applied by the D.C. Board of Parole. However, when a decision outside such guidelines has been

made by the Board, or is ordered by the Commission, the Commission may determine the appropriateness and extent of the departure by comparison with the guidelines in this appendix. The Commission may also correct any error in the calculation of the D.C. Board's guidelines.

(b) *Guidelines.* Apply § 2.80(b).

(c) *Salient factor score and criminal record.* Apply § 2.80(c).

(d) *Disciplinary infractions.* The Commission shall assess whether the prisoner has been found guilty of committing disciplinary infractions while under confinement for the current offense. The Commission shall refer to the offense classification tables of the D.C. Department of Corrections or the Bureau of Prisons, as applicable, in determining whether the prisoner's disciplinary record should be counted on the point score. A single Class I or Code 100 offense, or two or more Class II or Code 200 offenses, shall be counted as negative institutional behavior at an initial hearing or any rehearing. A persistent record of lesser offenses may also be counted as negative institutional behavior at an initial hearing or a rehearing. At initial hearings, an infraction-free period of at least three years preceding the date of the hearing may be considered by the Commission as sufficient to exclude from consideration a previous record of Class I (or Code 100) or Class II (or Code 200) offenses, provided that such offenses would result in not more than one point added to the prisoner's score.

(e) *Program achievement.* The Commission shall assess whether the prisoner has demonstrated ordinary or superior achievement in the area of prison programs, industries, or work assignments while under confinement for the current offense. Superior Program Achievement means program achievement that is beyond the level that the prisoner might ordinarily be expected to accomplish. Where prison programs and work assignments are limited or unavailable, the Commission may exercise discretion based on the prisoner's record of behavior. Points may be deducted for program achievement regardless of whether points have been added for negative institutional behavior during the same period.

(f) *Base Point Score.* Add the applicable points from Categories I–III of the Point Assignment Table in § 2.80 (f) to determine the Base Point Score (using the definitions in § 2.80(g)).

(g) *Negative institutional behavior.* Determine the points applicable, if any, for negative institutional behavior (Category IV).

#### CATEGORY IV: NEGATIVE INSTITUTIONAL BEHAVIOR

##### Notes:

(1) Use the highest applicable subcategory. If no subcategory is applicable, score = 0.

(2) In some cases, negative institutional behavior that involves violence will result in a higher score if scored as an additional current offense under Categories II and/or III, than if scored under Category IVA. In such cases, the prisoner's point score is recalculated to reflect the conduct as an additional current offense under Categories II and/or III, rather than as a disciplinary infraction under Category IVA. For example, the attempted murder of another inmate will result in a higher score when treated as an additional current offense under Categories II and III, if the offense of conviction was scored under Category IIC only as violence in current offense. If negative institutional behavior is treated as an additional current offense, points may nonetheless be assessed under Category IVA or B for other disciplinary infractions.



- A. Aggravated negative institutional behavior involving: (1) assault upon a correctional staff member, with bodily harm inflicted or threatened, (2) possession of a deadly weapon, (3) setting a fire so as to risk human life, (4) introduction of drugs for purposes of distribution, or (5) participating in a violent demonstration or riot ..... +2
- B. Ordinary negative institutional behavior ..... +1

(h) *Superior program achievement.* Determine the (minus) points applicable, if any, for superior or ordinary program achievement (Category V).

#### CATEGORY V: PROGRAM ACHIEVEMENT

**Note:** Use the highest applicable subcategory. If no subcategory is applicable, score = 0.

- A. No program achievement ..... 0
- B. Ordinary program achievement ..... -1
- C. Superior program achievement ..... -2

(i) Determine the Total Point Score by adding the Base Point Score (Categories I, II, and III) to any points applicable for Negative Institutional Behavior (Category IV) and then subtracting any points applicable for Program Achievement (Category V).

(j) *Guidelines for decisions at initial hearing—adult offenders.* In considering whether to parole an adult offender at an initial hearing, the Commission shall determine the offender's Total Point Score and then consult the following guidelines for the appropriate action:

Total points	Guideline recommendation
(1) If Points = 0 .....	Parole at initial hearing with low level of supervision indicated.
(2) If Points = 1 .....	Parole at initial hearing with high level of supervision indicated.
(3) If Points = 2 .....	Parole at initial hearing with highest level of supervision indicated.
(4) If Points = 3+ .....	Deny parole at initial hearing and schedule rehearing in accordance with § 2.75(c) and the time ranges set forth in paragraph (l) of this appendix.

(k) *Guidelines for decisions at initial hearing—youth offenders.* In considering whether to parole a youth offender at an initial hearing, the Commission shall determine the youth offender's total point score and then consult the following guidelines for the appropriate action:

Total points	Guideline recommendation
(1) If Points = 0 .....	Parole at initial hearing with conditions established to address treatment needs.
(2) If Points = 1+ .....	Deny parole at initial hearing and schedule a rehearing based on estimated time to achieve program objectives or by reference to the time ranges in paragraph (l) of this Appendix, whichever is less.

(l) *Guidelines for time to rehearing—adult offenders.* (1) If parole is denied or rescinded, the time to the subsequent hearing for an adult offender shall be determined by the following guidelines:

Base point score (Categories I through III)	Months to rehearing
0–4 .....	12–18
5 .....	18–24
6 .....	18–24
7 .....	18–24
8 .....	18–24
9 .....	22–28
10 .....	26–32

(2) The time to a rehearing shall be determined by the prisoner's Base Point

Score, and not by the Total Point Score at the current hearing, which indicates only whether parole should be granted or denied. Exception: In the case of institutional misconduct deemed insufficiently serious to warrant the addition of one or more points for negative institutional behavior, the Commission may nonetheless deny or rescind parole and render a decision based on the guideline ranges at § 2.36.

(3) At any initial hearing or rehearing, if the prisoner's Total Point Score is 4 or less, the Commission may order both a rehearing date and a presumptive parole date that is not more than 9 months from the rehearing date. Such

presumptive date may be converted to a parole effective date following the rehearing, or the case may be reopened based on new favorable information and a parole effective date granted on the record.

(m) *Guidelines for decisions at subsequent hearing—adult offenders.* In determining whether to parole an adult offender at a rehearing or rescission hearing, the Commission shall take the Total Point Score from the initial hearing or last rehearing, as the case may be, and adjust that score according to the institutional record of the candidate since the last hearing. The following guidelines are applicable:

Total points	Guideline recommendation
If Points = 0–3 .....	Parole with highest level of supervision indicated.
If Points = 4+ .....	Deny parole at rehearing and schedule a further rehearing in accordance with § 2.75(c) and the time ranges set forth in paragraph (l) of this appendix.

(n) *Guidelines for decisions at subsequent hearing—youth offenders.* (1) In determining whether to parole a youth offender appearing at a rehearing or rescission hearing, the Commission shall take the Total Point Score from the initial hearing or last rehearing, as the case may be, and adjust that score according to the institutional record of the candidate since the last hearing. The following guidelines are applicable:

Total points	Guideline recommendation
If Points = 0–3 .....	Parole with highest level of supervision indicated.

Total points	Guideline recommendation
If Points = 4+ .....	Deny parole and schedule a rehearing based on estimated time to achieve program objectives or by reference to the time ranges in paragraph (l) of this appendix, whichever is less.

(2) Prison officials may in any case recommend an earlier rehearing date than ordered by the Commission if the Commission's program objectives have been met.

(o)(1) The Commission may, in unusual circumstances, waive the Salient Factor Score and the pre- and post-incarceration factors set forth in this section to grant or deny parole to a prisoner notwithstanding the guidelines, or to schedule a reconsideration hearing at a time different from that indicated in paragraph (l) of this appendix. Unusual circumstances are case-specific factors that are not fully taken into account in the guidelines, and that are relevant to the grant or denial of parole. In such cases, the Commission shall specify in the notice of action the specific factors that it relied on in departing from the applicable guideline or guideline range. For examples of factors that may warrant a decision outside the applicable guideline range, see § 2.80(n).

(2) If the prisoner is deemed to be a poorer or more serious risk than the guidelines indicate, the Commission shall determine what Base Point Score would more appropriately fit the prisoner's case, and shall render its initial and rehearing decisions as if the prisoner had that higher Base Point Score. If possible, the factors justifying such a departure shall be fully accounted for in the initial continuance, so that the guidelines can be followed at subsequent hearings. In some cases, however, an extreme level of risk presented by the prisoner may make it inappropriate for the Commission to contemplate a parole at any hearing without a significant change in the prisoner's circumstances.

4. Section 2.86 is revised to read as follows:

**§ 2.86 Release on parole; rescission for misconduct.**

(a) When a parole effective date has been set, actual release on parole on that date shall be conditioned upon the individual maintaining a good conduct record in the institution or prerelease program to which the prisoner has been assigned.

(b) The Commission may reconsider any grant of parole prior to the prisoner's actual release on parole, and may advance or retard a parole effective date or rescind a parole date previously granted based upon the receipt of any

new and significant information concerning the prisoner, including disciplinary infractions. The Commission may retard a parole date for disciplinary infractions (*e.g.*, to permit the use of graduated sanctions) for up to 120 days without a hearing, in addition to any retardation ordered under § 2.83(d).

(c) If a parole effective date is rescinded for disciplinary infractions, an appropriate sanction shall be determined—

(1) By reference to § 2.36 in the case of a prisoner subject to the guidelines at § 2.80; or

(2) In the case of a prisoner subject to the guidelines at the appendix to § 2.80, either by adding the appropriate points for negative institutional behavior to the prisoner's Total Point Score, or by reference to § 2.36 if the misconduct is not sufficiently serious to warrant a continuance under § 2.80 (k). A Total Point Score of 0–2 shall be adjusted to a total point score of 3 prior to adding points for negative institutional behavior pursuant to the Point Assignment Table at § 2.80(f).

(c) After a prisoner has been granted a parole effective date, the institution shall notify the Commission of any serious disciplinary infractions committed by the prisoner prior to the date of actual release. In such case, the prisoner shall not be released until the institution has been advised that no change has been made in the Commission's order granting parole.

(d) A grant of parole becomes operative upon the authorized delivery of a certificate of parole to the prisoner, and the signing of that certificate by the prisoner, who thereafter becomes a parolee.

Dated: November 15, 2000.

**Michael J. Gaines,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 00–29963 Filed 11–24–00; 8:45 am]

**BILLING CODE 4410–31–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00–2562; MM Docket No. 00–151; RM–9942]

### Radio Broadcasting Services; Grapeland, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 232C3 at Grapeland, Texas, in response to a petition filed by Grapeland Broadcasting Company. *See* 65 FR 53973, September 6, 2000. The coordinates for Channel 232C3 at Grapeland are 31–29–30 NL and 95–28–41 WL A filing window for Channel 232C3 at Grapeland will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective December 26, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00–151, adopted November 1, 2000, and released November 9, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

### PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Grapeland, Channel 232C3.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-30099 Filed 11-24-00; 8:45 am]

**BILLING CODE 6712-01-P**

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**FEDERAL COMMUNICATIONS COMMISSION**
**47 CFR Part 73**

[DA 00-2562; MM Docket No. 00-152; RM-9943]

**Radio Broadcasting Services; Elkhart, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 265A at Elkhart, Texas, in response to a petition filed by Elkhart Broadcasting

Company. *See* 65 FR 53973, September 6, 2000. The coordinates for Channel 265A at Elkhart are 31-34-07 NL and 95-41-52 WL. There is a site restriction 12.8 kilometers (8.0 miles) southwest of the community. A filing window for Channel 265A at Elkhart will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective December 26, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00-152, adopted November 1, 2000, and released November 9, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription

Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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

Radio broadcasting.

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

**PART 73—RADIO BROADCAST SERVICES**

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Elkhart, Channel 265A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-30100 Filed 11-24-00; 8:45 am]

**BILLING CODE 6712-01-P**

# Proposed Rules

Federal Register

Vol. 65, No. 228

Monday, November 27, 2000

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-269-AD]

RIN 2120-AA64

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

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10 series airplanes, Model MD-10 series airplanes, and Model MD-11 series airplanes. This proposal would require repetitive inspections of the number 1 and 2 electric motors of the auxiliary hydraulic pump for electrical resistance, continuity, mechanical rotation, and associated wiring resistance/voltage; and corrective actions, if necessary. This action is necessary to prevent various failures of electric motors of the auxiliary hydraulic pump and associated wiring, which could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by January 11, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-269-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be

submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-269-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5346; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-269-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-269-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received reports that, during ground operations or when powered in flight by the air driven generator, the electric motors of the auxiliary hydraulic pump and associated motor feeder cables failed on certain McDonnell Douglas Model MD-80, DC-10, MD-10, MD-11, and MD-90-30 series airplanes. These failures consisted of seized or difficult to turn rotor on the pump assembly, burnt and shorted motor feeder cables, and/or uncontained internal electric arcing failures with the electric motor. Investigation revealed that these failures may be caused by hydraulic fluid contamination to the electric motor portion of the pump, failed rotor bearing, and/or degradation of the stator's encapsulate material. These conditions, if not corrected, could result in a fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure.

#### Other Relevant Rulemaking

This proposed AD affects McDonnell Douglas Model DC-10, MD-10, and MD-11 series airplanes. The FAA is planning to issue a separate rulemaking

action for McDonnell Douglas Model DC-9-81, -9-82, -9-83, and -9-87 series airplanes (*i.e.*, MD-80 series airplanes); Model MD-88 airplanes; and Model MD-90-30 series airplanes to address the identified unsafe condition.

#### **Explanation of Relevant Service Information**

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin DC10-29A142, Revision 01, dated October 21, 1999 (for Model DC-10 and MD-10 series airplanes); and McDonnell Douglas Alert Service Bulletin MD11-29A057, Revision 01, dated October 21, 1999 (for Model MD-11 series airplanes). These service bulletins describe procedures for repetitive inspections of the number 1 and 2 electric motors of the auxiliary hydraulic pump for electrical resistance, continuity, mechanical rotation, and associated wiring resistance/voltage; and corrective actions, if necessary.

The corrective actions involve replacing the auxiliary hydraulic pump with a serviceable pump, troubleshooting, and repairing the wiring.

#### **Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

#### **Differences Between the Proposed AD and One of the Referenced Service Bulletins**

On May 9, 2000, the FAA issued a Type Certificate (TC) for McDonnell Douglas Model MD-10-10F and MD-10-30F series airplanes. Model MD-10 series airplanes that have been modified with an Advanced cockpit. The auxiliary hydraulic systems installed on Model MD-10-10F and MD-10-30F series airplanes (before or after the modifications necessary to meet the type design of a Model MD-10 series airplane) are identical to those auxiliary hydraulic systems on Model DC-10 series airplanes listed in the effectivity listing of McDonnell Douglas Alert Service Bulletin DC10-29A142. Therefore, all of these airplanes may be subject to the same unsafe condition. In addition, the manufacturer's fuselage number and factory serial number are not changed during the conversion from a Model DC-10 to Model MD-10. The FAA finds that Model MD-10-10F and MD-10-30F series airplanes were not

specifically identified by model in the effectivity listing of the subject service bulletin; however, they were identified by manufacturer's fuselage numbers. Therefore, the FAA has included Model MD-10-10F and MD-10-30F series airplanes in the applicability of the proposed AD.

#### **Interim Action**

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

#### **Cost Impact**

There are approximately 604 Model DC-10, MD-10, and MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 396 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$23,760, or \$60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed 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 proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

#### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

**McDonnell Douglas:** Docket 2000-NM-269-AD.

**Applicability:** Model DC-10 and MD-10 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC10-29A142, Revision 01, dated October 21, 1999; and Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-29A057, Revision 01, dated October 21, 1999; 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 (e) 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 various failures of electric motors of the auxiliary hydraulic pump and associated wiring, which could result in fire at the auxiliary hydraulic pump and consequent damage to the adjacent electrical equipment and/or structure, accomplish the following:

#### **Inspection**

(a) Do a detailed inspection of the number 1 and 2 electric motors of the auxiliary hydraulic pump for electrical resistance, continuity, mechanical rotation, and

associated wiring resistance/voltage, per McDonnell Douglas Alert Service Bulletin DC10-29A142, Revision 01, dated October 21, 1999 (for Model DC-10 and MD-10 series airplanes); or McDonnell Douglas Alert Service Bulletin MD11-29A057, Revision 01, dated October 21, 1999 (for Model MD-11 series airplanes); as applicable; at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For Model DC-10 and MD-10 series airplanes: Inspect within 6 months after the effective date of this AD.

(2) For Model MD-11 series airplanes that have accumulated 3,000 flight hours or more as of the effective date of this AD: Inspect within 6 months after the effective date of this AD.

(3) For Model MD-11 series airplanes that have accumulated less than 3,000 flight hours as of the effective date of this AD: Inspect within 6 months after accumulating 3,000 flight hours.

#### **Condition 1, No Failures: Repetitive Inspections**

(b) If no failures are detected during the inspection required by paragraph (a) of this AD, repeat the inspection required by paragraph (a) of this AD every 5,000 flight hours.

#### **Condition 2, Failure of Any Pump Motor: Replacement and Repetitive Inspections**

(c) If any pump motor fails during any inspection required by paragraph (a) of this AD, before further flight, replace the auxiliary hydraulic pump with a serviceable pump, per McDonnell Douglas Alert Service Bulletin DC10-29A142, Revision 01, dated October 21, 1999 (for Model DC-10 and MD-10 series airplanes); or McDonnell Douglas Alert Service Bulletin MD11-29A057, Revision 01, dated October 21, 1999 (for Model MD-11 series airplanes); as applicable. Repeat the inspection required by paragraph (a) of this AD every 5,000 flight hours.

#### **Condition 3, Failure of Any Wiring: Repair and Repetitive Inspections**

(d) If any wiring fails during any inspection required by paragraph (a) of this AD, before further flight, troubleshoot and repair the wiring, per McDonnell Douglas Alert Service Bulletin DC10-29A142, Revision 01, dated October 21, 1999 (for Model DC-10 and MD-10 series airplanes); or McDonnell Douglas Alert Service Bulletin MD11-29A057, Revision 01, dated October 21, 1999 (for Model MD-11 series airplanes); as applicable. Repeat the inspection required by paragraph (a) of this AD every 5,000 flight hours.

#### **Alternative Methods of Compliance**

(e) 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 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, Los Angeles ACO.

**Note 2:** 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 Permit**

(f) 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.

Issued in Renton, Washington, on November 20, 2000.

**Donald L. Riggan,**

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

[FR Doc. 00-30121 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-13-P**

## **NATIONAL INDIAN GAMING COMMISSION**

### **25 CFR Part 542**

**RIN 3141-AA24**

#### **Minimum Internal Control Standards**

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The National Indian Gaming Commission (the Commission) proposes to revise its regulations establishing minimum internal control standards (MICS) for gaming operations on Indian land. This notice announces the initiation of the rulemaking process and requests information relevant to revision of the Commission's regulations governing minimum internal control standards for gaming facilities operated on Indian land.

**DATES:** Submit comments on or before March 2, 2001.

**ADDRESSES:** Send comments by mail, facsimile, or delivery to: Minimum Internal Control Standards, First Revision Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005. Fax number: 202-632-7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Joe H. Smith at 503-326-7050, or by facsimile at 503-326-5092 (not toll-free numbers).

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Introduction**

The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2701-2721, was signed into law on October 17, 1988,

creating the Commission and establishing a comprehensive system for regulating gambling activities on Indian lands. Following a thorough rulemaking process, that included a tribal advisory committee and public hearings, the Commission determined that minimum internal control standards were needed to ensure the integrity of gaming on Indian lands and to safeguard this source of tribal revenues. On January 5, 1999, the Commission published its Minimum Internal Control Standards, 25 CFR Part 542. In developing the MICS, the Commission anticipated that the regulation would be subject to periodic revision to maintain consistency with evolving technology and sound practice in the gaming industry. The Commission recognized the importance of ensuring that tribal gaming operations were not locked into internal control systems that contained unworkable requirements or that placed those operations at a competitive disadvantage. Overall, implementation of the MICS has had a positive impact on the ability of tribal oversight officials and the Commission to identify potential threats to the integrity of Indian gaming operations. As anticipated, however, in the period since publication of the MICS, there have been changes in Indian gaming and gaming technology that may need to be reflected in the MICS. Additionally, as gaming tribes and the Commission have gained practical experience with the MICS, it has become apparent that there are some technical errors in the regulation and that some of the standards themselves may not be operating as the Commission had intended.

#### **2. Advance Notice of Proposed Rulemaking**

To maintain the vitality of the MICS, the Commission has determined that the appropriate course of action is to publish an Advance Notice of Proposed Rulemaking to identify MICS provisions that may be in need of revision after more than a year of experience with those regulations.

#### **3. Request for Comments**

Public comment is requested to assist the Commission in the drafting of the first revision to 25 CFR Part 542. Comment is requested on the following issues:

(a) What are the major difficulties that have been encountered in the implementation of the MICS in Indian gaming facilities? How might the MICS be revised to address such difficulties?

(b) What other problems, drafting errors or inconsistencies do the MICS

present? How should the Commission address these?

(c) Are there any other areas that should be addressed by the MICS? How should the Commission address these?

The Commission solicits any additional suggestions and/or interpretations regarding the issues raised in this Advance Notice of Proposed Rulemaking.

#### 4. Public Participation

As noted above, interested parties are invited to submit comments on any or all of these and other pertinent issues related to revision of the MICS by March 2, 2001, in triplicate to Minimum Internal Control Standards, First Revision Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC. 20005. Fax number: 202-632-7066 (not a toll-free number). All written comments submitted in response to this notice will be available for inspection and copying in the Commission office from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday. All timely written submissions will be considered in determining the nature of any proposal.

Dated: November 20, 2000.

**Richard Schiff,**

*Deputy Chief of Staff, National Indian Gaming Commission.*

[FR Doc. 00-30077 Filed 11-24-00; 8:45 am]

BILLING CODE 7565-01-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Chapter I

#### Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent to establish a negotiated rulemaking advisory committee.

**SUMMARY:** The Secretary of the Interior is giving notice of his intent to establish the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore to negotiate and develop a proposed rule revising off-road vehicle use regulations at Fire Island National Seashore.

**DATES:** Interested persons are invited to comment on the proposal to create this Committee. In addition, any persons who believe that they will be affected

significantly by the proposed rule and who believe their interests will not be represented adequately by the persons identified in this Notice of Intent are invited to apply for or nominate another person for membership on the Committee. Each application must contain the information described in the "Application for Membership" section below. Applications or nominations for membership on the Committee must be received by close of business on December 27, 2000.

**ADDRESSES:** Comments and applications for membership should be submitted to Constantine J. Dillon, Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772. Comments and applications received will be available for inspection at the address listed above from 8 a.m. to 4:30 p.m., EST, Monday through Friday.

#### FOR FURTHER INFORMATION CONTACT:

Constantine J. Dillon, Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772; 631-289-4810, extension 225.

**SUPPLEMENTARY INFORMATION:** The Secretary has determined that the establishment of this committee is in the public interest and supports the National Park Service in performing its duties and responsibilities under the National Park Service Organic Act, 16 U.S.C. 1 *et seq.*; the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and the Fire Island National Seashore Act, 16 U.S.C. 459e *et seq.* Copies of the committee's charter will be filed with the appropriate committees of Congress and with the Library of Congress in accordance with section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. Appendix. Establishment of the Committee is in accordance with the Negotiated Rulemaking Act of 1990, 5 U.S.C. 564.

The Committee will attempt, via face-to-face negotiations, to reach consensus on concepts and language to use as the basis for a proposed rule to be published by the NPS in the **Federal Register** that would revise existing regulations codified at 36 CFR 7.20. The existing regulations have not been effective in resolving longstanding and controversial resource management and public use conflicts at the Seashore. With the participation of knowledgeable, affected parties, NPS expects to develop a practical approach to addressing these management and public use issues involving the protection of beach environments, their associated floral and faunal communities, and the public's desire for access to Federal lands by motorized

vehicles for access to homes and businesses on the island.

#### Scope of the Proposed Rule

Within the constraints of NPS statutory responsibilities to preserve natural and cultural resources and to provide for their enjoyment, the Committee will evaluate and address key issues including, but not limited to, the designation of specific off-road vehicle routes and areas; the periods of the year and times of day during which off-road vehicles may be operated; the number and type of vehicles; procedures for permits; and other conditions that govern the operation of off-road vehicles at Fire Island National Seashore. It is anticipated that the Committee will develop proposed regulations in all of the above-referenced areas.

#### List of Interests Significantly Affected

The National Park Service has identified a number of interests who are likely to be affected significantly by the rule. Those parties are residents of Fire Island; conservation and environmental organizations; recreational fishing organizations; off-road vehicle organizations; local town governments; commercial interests; and Federal, State and regional land use management and wildlife management agencies. Other parties who believe they are likely to be affected significantly by the rule may apply for membership on the Committee pursuant to the "Application for Membership" section below.

#### Proposed Agenda and Schedule for Publication of Proposed Rule

Members of the Committee, with the assistance of a neutral facilitator, will determine the agenda for the Committee's work. The National Park Service expects to publish a proposed rule in the **Federal Register** before January 1, 2002.

#### Records of Meetings

In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1994, the National Park Service will keep a record of all Committee meetings.

#### Administrative Support

To the extent authorized by law, the National Park Service will fund the costs of the Committee and provide administrative support and technical assistance for the expertise in resource management and operations to facilitate the Committee's work.

### Committee Membership

In accordance with the Negotiated Rulemaking Act, membership is limited to 25. The following membership is proposed for the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore.

1. The interests of the Department of the Interior will be represented by:

a. National Park Service—Constantine J. Dillon, Superintendent, Fire Island National Seashore.

Alternate—Barry Sullivan, Deputy Superintendent, Fire Island National Seashore.

2. The interests of environmental organizations and visitors will be represented by:

a. Environmental Organizations.

(1) Art Cooley, Trustee, Environmental Defense Fund.

Alternate—Joe Zysman, Fire Island Wilderness Committee.

(2) Jack Finkenberg, Vice President, Great South Bay Audubon Society.

Alternate—James Seymour, Fire Island Ecology Coalition.

b. Visitors: Lee Snead, Visitors Representative at Large.

Alternate—None.

3. The interests of the essential services will be represented by:

a. Utility Companies: Ed Fanning, Supervisor, Bell Atlantic.

Alternate—None.

b. Garbage Carters: Barry Weatherall, Carters Representative at Large.

Alternate—Peter Vogel, Carters Representative at Large.

c. Suffolk County Water Authority: Robert Murray, Director of Production and Control, Suffolk County Water Authority.

Alternate—Paul Kuzman, Deputy Director, Suffolk County Water Authority.

d. Fire Island Fire Chiefs Council: Robert Thornberg, President, Fire Island Fire Chiefs Council.

Alternate—None.

e. Suffolk County Police: Peter J. Quinn, Commanding Officer, Marine Bureau.

Alternate—Robert Muller, Captain, Marine Bureau.

f. Fire Island Law Enforcement Council: Ed Paradiso, Co-Chairperson, Fire Island Law Enforcement Council.

Alternate—Joseph Loeffler, Co-Chairperson, Fire Island Law Enforcement Council.

4. Commercial businesses, transportation, and contracting interests will be represented by:

a. On-Island Contractors: Forrest Clock, On-Island Contractors Representative at Large.

Alternate—None.

b. Off-Island Contractors: Donald Quenzer, Off-Island Contractors Representative at Large.

Alternate—James Wikso, Off-Island Contractors Representative at Large.

c. Barge/Freight Companies: Thomas Esposito, Barge/Freight Companies Representative at Large.

Alternate—Steven Young, Barge/Freight Companies Representative at Large.

d. Ferry Companies: George Hafele, Ferry Companies Representative at Large.

Alternate—Luke Kaufman, Ferry Companies Representative at Large.

5. The interests of local town governments and residents will be represented by:

a. West End Representatives.

(1) Suzie Goldhirsch, West End Visitors Representative at Large.

Alternate—Beverly Jerome, West End Visitors Representative at Large.

(2) Thomas Schwarz, West End Visitors Representative at Large.

Alternate—Arthur Weinstein, West End Visitors Representative at Large.

b. East End Representative: John Lund, East End Visitors Representative at Large.

Alternate—Marc Ostfield, East End Visitors Representative at Large.

c. Year-Round and Seasonal Residents: Gerard Stoddard, President, Fire Island Association.

Alternate—None.

d. Year-Round Residents: Kevin Gillespie, President, Fire Island Year Round Resident Association.

Alternate—Beatrice Thornberg, Member, Fire Island Year Round Resident Association.

e. Town of Islip: Ernie Cannava, Attorney, Town of Islip.

Alternate—Sadat Beqaj, Chairperson, Town of Islip Advisory Board.

f. Town of Brookhaven: Jeffrey Kassner, Director, Division of Environmental Protection.

Alternate—Anthony Graves, Assistant Director, Division of Environmental Protection.

g. Village of Saltaire: Anna Hannon Gill, Village Trustee.

Alternate—Scott Rosenblum, Village Trustee.

h. Village of Ocean Beach: James Mallott, Village Trustee.

Alternate—Andrew Miller, Village Trustee.

### Application for Membership

Persons who believe that they will be affected significantly by proposals to revise off-road vehicle use regulations at Fire Island National Seashore and who believe that interests will not be

represented adequately by any person identified in the "Committee Membership" section above, may apply for or nominate another person for membership on the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore. In order to be considered, each application or nomination must include:

1. The name of the applicant or nominee and a description of the interest(s) such person is to represent;

2. Evidence that the applicant or nominee is authorized to represent parties related to the interest(s) the person is proposed to represent;

3. A written commitment that the applicant or nominee will actively participate in good faith in the development of the proposed rule; and

4. The reasons that the proposed members of the committee identified above do not represent the interests of the person submitting the application or nomination.

To be considered, the application must be complete and received by the close of business on December 27, 2000, at the location indicated in the **ADDRESSES** section above. Full consideration will be given to all applications and nominations timely submitted. The decision whether or not to add a person to the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore will be based on a determination by the National Park Service whether an interest of that person will be affected significantly by the proposed rule; whether that interest is already represented adequately on the Committee, and if not, whether the applicant or nominee would represent it adequately.

### Certification

I hereby certify that the administrative establishment of the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916, 16 U.S.C. 1 *et seq.*, and other statutes relating to the administration of the National Park System.

Dated: October 25, 2000.

**Bruce Babbitt,**

*Secretary of the Interior.*

[FR Doc. 00-29119 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-U**



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[MA-01-082-7212b; A-1-FRL-6905-9]****Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to the Massachusetts Port Authority/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This SIP revision will establish a state process to allow the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total Logan Parking Freeze inventory number remains at or below 21,790 parking spaces. The intended effect of this action is to allow the shifting of airport-related parking out of the East Boston community and on to airport property where it belongs. There is no net change in parking spaces allowed in the established parking freezes by this action. This action is being taken under the Clean Air Act. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

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

**ADDRESSES:** Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA-New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the Commonwealth's submittal are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA and Consumer and Transportation Division, Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, One Winter Street, 9th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Donald O. Cooke, (617) 918-1668 or e-mail COOKE.DONALD@EPA.GOV.

**SUPPLEMENTARY INFORMATION:** On November 3, 2000, the Massachusetts Department of Environmental Protection

(MA DEP) submitted a proposed revision to its State Implementation Plan (SIP). The proposed revisions are amendments to the Massachusetts Port Authority (Massport)/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze. This proposed revision allows the Commonwealth to administratively approve the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total parking space inventory number for the Logan Parking Freeze remains at or below 21,790 parking spaces. Once adopted, future modifications in the parking freeze inventories for the East Boston and Logan Airport Parking Freezes will be regulated by the Commonwealth's revisions to Massachusetts State Regulations 310 CMR 7.30 and 310 CMR 7.31.

The amendments will not affect the total number of airport-related parking spaces allowed under the Logan Airport and East Boston Parking Freezes and will further the goal of transferring airport-related parking spaces out of the East Boston neighborhood to Logan Airport.

MA DEP has requested that EPA parallel process this proposed SIP revision. Under this procedure, EPA-New England Regional Office works closely with the MA DEP, the state air agency, while the Commonwealth is developing new or revised regulations. The state submits a copy of the proposed regulation or other revisions to EPA before conducting its public hearing. EPA reviews this proposed state action, and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the **Federal Register** during the same time frame that the Commonwealth is holding its public hearing. The Commonwealth and EPA then provide for concurrent public comment periods on both the state action and Federal action. After the Commonwealth submits the formal SIP revision request (including a response to all public comments raised during the state's public participation process, and the approved amended Massachusetts State Regulations 310 CMR 7.30 and 310 CMR 7.31,) EPA will prepare a final rulemaking notice. If the Commonwealth's formal SIP submittal contain changes which occur after EPA's notice of proposed rulemaking, such changes must be described in EPA's final rulemaking action. If the Commonwealth's changes are significant, then EPA must decide whether it is appropriate to re-propose the state's action.

**I. Background***Existing Logan Parking Freeze and East Boston Parking Freeze*

Since 1975, Logan Airport has been subject to a freeze on the number of commercial parking spaces available for use by Logan air travelers and visitors. In the mid-seventies, EPA developed the Logan Parking Freeze as one strategy in the Transportation Control Plan of its federally promulgated plan for the Boston Region in 1975 as part of a comprehensive strategy to reduce air pollution caused by automobile emissions. The goal was to achieve the ozone and carbon monoxide National Ambient Air Quality Standards (NAAQS) established by the Clean Air Act.

The Logan Airport Parking Freeze was reaffirmed and committed to as a Reasonable Available Control Measure (RACM) in the 1979 and 1982 State Implementation Plan revisions required by the Clean Air Act Amendments of 1977. Through the 1979 and 1982 SIP, the Commonwealth incorporated the Federal Implementations Plan's parking freeze provisions by reference committing the Commonwealth to implement and enforce the parking freeze as a state regulation as well as a Federal law.

In 1989, the Logan Airport Parking Freeze was amended and the East Boston Parking Freeze was adopted by the Commonwealth of Massachusetts. Unlike the 1975 Logan Freeze, which targeted only commercial parking, the 1989 state action limited and regulated the management of all major airport-related parking in the Logan Airport and East Boston Parking Freeze areas. The parking supply at Logan Airport was capped at 19,315 parking spaces. In addition, Logan-related park and fly and rental car parking spaces in East Boston were capped at existing levels. On April 26, 1991, MA DEP certified the parking freeze numbers for the East Boston Parking Freeze area at 4,012 rental motor vehicle parking spaces and 2,475 park and fly parking spaces. EPA approved the Logan Airport Parking Freeze and East Boston Parking Freeze amendments into the Massachusetts SIP on March 16, 1993, **Federal Register** (58 FR 14153-14157).

The Logan Airport and East Boston Parking Freezes were designed to meet the following objectives: mitigating the traffic related air quality impacts of airport access on both the regional level and on the neighborhood level; reducing the number of vehicle trips (*i.e.*, employee and air traveler drop-off/pick up trips) by providing a mix of on-airport parking and off-airport satellite

parking centers outside of the parking freeze areas; managing the parking supply for Logan to stabilize overall ground access; and developing a unified access management plan for Logan Airport. One of the goals of the current Logan Airport Parking Freeze and East Boston Parking Freeze is to encourage the relocation of park and fly parking spaces from the East Boston neighborhoods to Logan Airport to reduce localized traffic and air quality impacts.

#### *Summary of Proposed Action*

There are four provisions being proposed in the amended Massachusetts State Regulations 310 CMR 7.30 Massport/Logan Airport Parking Freeze and 310 CMR 7.31 City of Boston, East Boston Parking Freeze:

(1) Should Massport, or its nominee, acquire in fee (or lease for a term in excess of five years) property within the East Boston Parking Freeze on which park and fly parking spaces included in the East Boston Parking Freeze area inventory, are located, such spaces, upon notification by Massport to the MA DEP and the Boston Air Pollution Control Commission, and approval by MA DEP, may be automatically and permanently converted to commercial parking spaces within the Logan Airport Parking Freeze area.

(2) Commercial and employee parking spaces within the Logan Airport Parking Freeze area shall be limited to 19,315 parking spaces of which there shall be no more than 5,225 employee parking spaces and no fewer than 14,090 commercial parking spaces. The total 19,315 parking spaces may be administratively increased to 21,790 parking spaces by MA DEP, on a one-for-one basis, as allowed by the permanent relocation of East Boston Parking Freeze park and fly parking spaces to the Logan Parking Freeze area commercial parking spaces.

(3) In the event that any property within the boundaries of the Logan Airport Parking Freeze area is conveyed in fee by Massport, such property shall be removed from the Logan Parking Freeze area and become part of the East Boston Parking Freeze area at the time of such conveyance.

(4) Upon the relocation of any rental motor vehicle parking spaces from the East Boston Freeze area to the Logan Airport Parking Freeze area, the number of rental motor vehicle parking spaces certified by the MA DEP for the East Boston Freeze area shall be permanently reduced by the number of parking spaces relocated to the Logan Airport Parking Freeze area.

## **II. Proposed Action**

EPA is proposing to approve the Massachusetts SIP revision which will allow MA DEP to administratively approve future modifications to the Logan Parking Freeze and the East Boston Parking Freeze in accordance with the proposed amendments to Massachusetts State Regulations 310 CMR 7.30 Massport/Logan Airport Parking Freeze and 310 CMR 7.31 City of Boston/East Boston Parking Freeze, which were submitted on November 3, 2000. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA-New England office listed in the **ADDRESSES** section of this document.

Interested parties are also encouraged to participate in the concurrent state process by presenting oral or written testimony at the Commonwealth's December 4, 2000 public hearing, and submitting written comment on or before 5:00 p.m. on Monday, December 4, 2000, to Christine Kirby, Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, One Winter Street, 9th Floor, Boston, MA 02108 during the state's comment period. Please contact Ms. Christine Kirby, Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Division of Consumer and Transportation Programs at (617) 292-5631 for additional information on the Commonwealth's public participation process.

## **III. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates

Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

**Dated:** November 14, 2000.

**Mindy S. Lubber,**

*Regional Administrator, EPA-New England.*

[FR Doc. 00-30113 Filed 11-24-00; 8:45 am]

**BILLING CODE** 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 258, 260, 261, 264, 265, 266, 270, and 279

[FRL-6908-4]

#### Waste Management System; Testing and Monitoring Activities; Notice of Availability of Draft Update IVB of SW-846

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is providing notice of the availability of, and requests comment on, "Draft Update IVB" to the Third Edition of the methods manual, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846. SW-846 contains EPA-approved sampling and analysis methods for use under the Resource Conservation and Recovery Act (RCRA) Program. Draft Update IVB contains new and revised SW-846 methods. As part of Draft Update IVB, we are also providing references in SW-846 to four air methods that are, or may be in the future, used in the RCRA regulations.

**DATES:** We are opening a comment period for the limited purpose of obtaining information and views on the methods and chapters of Draft Update IVB. Send your comments to reach us on or before February 26, 2001.

**ADDRESSES:** If you wish to comment on this notice, submit an original and two

copies of your comments referencing docket number F-2000-4BTA-FFFFF to: The RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. You may also hand deliver comments to the Arlington, VA, address listed below. You may also submit comments electronically by sending electronic mail through the Internet to: [rcra-docket@epamail.epa.gov](mailto:rcra-docket@epamail.epa.gov). You should identify comments in electronic format with the docket number F-2000-4BTA-FFFFF. Submit electronic comments as an ASCII (text) file and avoid the use of special characters and any form of encryption. If you do not submit comments electronically, we ask prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (text) format or a word processing format that can be converted to ASCII (text). It is essential that you specify on the disk label the word processing software and version/edition as well as your name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. We emphasize that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter.

You should not submit electronically any confidential business information (CBI). You should instead submit an original and two copies of the CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

You may view the official record of public comments and supporting materials in the RCRA Information

Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays. To review docket materials, you should make an appointment by calling (703) 603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page. You may also view an electronic copy of the docket index and notice. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on accessing it.

You can download a complete copy of Draft Update IVB (pdf format) from the Internet at <http://www.epa.gov/SW-846>. A paper copy of Draft Update IVB is also located in the docket for this notice (see **ADDRESSES** above). The table below provides sources for both paper and electronic copies of the Third Edition of SW-846 and all of its updates.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, Monday through Friday between 9:00 a.m. and 6:00 p.m. EST, at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810.

For information on specific aspects of this notice or the Draft Update IVB methods, contact the Methods Information Communication Exchange (MICE) Service at (703) 676-4690, e-mail address: [mice@cpmx.saic.com](mailto:mice@cpmx.saic.com); or contact Barry Lesnik, Office of Solid Waste (5307W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, Washington, DC 20460, (703) 308-8855, e-mail address: [lesnik.barry@epamail.epa.gov](mailto:lesnik.barry@epamail.epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### SOURCES FOR SW-846, THIRD EDITION, AND ITS UPDATES

Source	Available portions of SW-846
Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402, (202) 512-1800.	—Paper copies of the SW-846, Third Edition, basic manual and of certain updates, including Final Updates I, II, IIA, IIB, and III, and Draft Update IVA. Subscriber must integrate the updates.
National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847.	—Paper copy of an integrated version of SW-846, Third Edition, as amended by Final Updates I, II, IIA, IIB, and III. —Individual paper copies of the SW-846, Third Edition, basic manual and of certain updates, including Updates I, II, IIA, IIB, III, IIIA, and Draft Update IVA. —CD-ROM of integrated version of SW-846, Third Edition, as amended by Final Updates I, II, IIA, IIB, and III (pdf and WordPerfect electronic copies). —CD-ROM of Draft Update IVA (pdf and WordPerfect electronic copies).

## SOURCES FOR SW-846, THIRD EDITION, AND ITS UPDATES—Continued

Source	Available portions of SW-846
Internet <a href="http://www.epa.gov/SW-846">http://www.epa.gov/SW-846</a> .....	—Integrated version of SW-846, Third Edition, as amended by Final Updates I, II, IIA, IIB, III, and IIIA (pdf electronic copy). —Draft Update IVA (pdf electronic copy). —Draft Update IVB (pdf electronic copy)

**How Do I Obtain Electronic Access to this Notice**

The docket index and the notice are available on the Internet at: WWW: <http://www.epa.gov/epaoswer/hazwaste/test/up4ba.htm>.

**How Is This Notice Organized?**

We list below the order of the major sections of this notice.

- I. What Is the Subject and Purpose of this Notice?
- II. How Does This Notice Relate to EPA's Future Methods Development Efforts?
- III. How Can I Use the Methods of Draft Update IVB?
- IV. What Does Draft Update IVB Contain?

**I. What Is the Subject and Purpose of this Notice?**

We are announcing the availability of, and requesting public comment on, Draft Update IVB to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. SW-846 contains the analytical and test methods that we have evaluated and found to be among those acceptable for monitoring conducted in support of subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended.

We change the content of SW-846 over time as new information and data are developed. We continually review advances in analytical instrumentation and techniques and periodically incorporate such advances into SW-846 as method updates. These updates support changes in the regulatory program and improve method performance and cost effectiveness. We add new SW-846 methods to the manual, and replace existing methods with revised versions of the same methods to reflect the advances and new techniques. To date, we have finalized Updates I, II, IIA, IIB, III, and IIIA to the SW-846 manual. We proposed and finalized these updates as part of a rulemaking.

We are now developing the next update to SW-846. On May 8, 1998, we published a notice of availability for Draft Update IVA in the **Federal Register** (see 63 FR 25430-25438). We then began developing Draft Update IVB to the manual. As we finished the methods, we posted them on our

Internet site at <http://www.epa.gov/SW-846>. Today, with this notice, and as requested in the Senate Committee Report No. 106-410 regarding EPA's 2001 appropriations bill, we are publishing and requesting comment on Draft Update IVB, as published on the Internet and found in the docket to this notice.

**II. How Does This Notice Relate to EPA's Future Methods Development Efforts?**

We are releasing Draft Update IVB in a notice of availability for informational purposes. We are making these EPA-reviewed methods and revised chapters available to the public early, for guidance purposes. The methods can be used in all applications for which the use of SW-846 methods is not mandatory and for which they are effective. We believe that Draft Update IVB will be valuable to the public as guidance because it makes new analytical technologies and improved procedures available for use. This approach will allow the regulated community and others an opportunity to participate early in the method review process with the submittal of comments on the draft methods. As we also explained regarding the release of Draft Update IVA in its notice of availability, we are not at this time formally proposing to revise SW-846 by adding Update IVB, or to incorporate the update in the RCRA regulations for required uses.

In addition, we expect to change our approach to releasing most SW-846 updates in the future. The notice for Draft Update IVA (see 63 FR 25430-25438) explains in detail the reasons for this change. To summarize, we continue to implement a performance-based measurement system (PBMS) in the RCRA program. As part of this effort, we are developing a proposed rule to remove unnecessary required uses of SW-846 methods from the RCRA regulations. If this rule is finalized, we will generally only require the use of a particular method when it is referenced specifically in a regulation. Examples of such a requirement include the SW-846 methods specified in the RCRA regulations to determine whether a waste exhibits a hazardous waste

characteristic (see 40 CFR part 261, subpart C). Several other RCRA regulations generally require the use of only SW-846 methods, but do not define regulatory parameters. In these cases, we plan to propose revisions to those regulations whereby another acceptable method may be used, provided it uses reliable techniques that are accepted as such by the scientific community and provided that it can be demonstrated to be appropriate for its intended use, *i.e.*, it meets the data quality objectives (DQOs) or measurement quality objectives (MQOs) of the specific project.

If the future proposed rule to remove unnecessary required uses is finalized, we will use rulemaking for only those updates to SW-846 which include methods that are specifically required by our regulations. Rulemaking to revise or add required methods will remain necessary because the required use of those specific methods will continue. We will publish all other future SW-846 updates as guidance. In this manner, we will make most new and revised methods for RCRA-related monitoring available to the public in a faster and more efficient manner. We will still follow Agency guidelines to ensure that SW-846 methods are scientifically sound, including the peer review of method documents as necessary. We will also continue to request public comment on methods through Federal Register notices prior to their incorporation into SW-846.

**III. How Can I Use the Methods of Draft Update IVB?**

Although the Draft Update IVB methods passed our Technical Workgroup review, you cannot use the methods of Draft Update IVB for compliance with the regulations that require the use of SW-846 methods. However, there are other sampling and analysis requirements in 40 CFR parts 260 through 270 that do not specify the use of SW-846 methods and in those cases you may use any reliable analytical method, including the methods found in Draft Updates IVA and IVB. We recommend that you consult with the appropriate regulating entity before using these methods to comply with a regulation.

#### IV. What Does Draft Update IVB Contain?

Draft Update IVB contains revised and new documents for SW-846, each of which is dated "November 2000" in its footer. Tables 1 through 3 list the documents found in Draft Update IVB.

Table 1 provides a listing of the fifteen revised SW-846 methods and seven revised chapters or other SW-846 documents found in Draft Update IVB. We request public comment on all revised sections identified by Table 1. We are interested in comments from the public on the identified sections and chapters because some or all of their text represents significant revisions from the promulgated version of the document currently in the Third Edition of SW-846, as amended by Updates I through IIIA. (**Note:** Unless otherwise indicated as former sections, the section numbers in Table 1 refer to the section numbers in the Draft Update IVB version of the method.) Significant

revisions include text deletions, additions, or other revisions that change a method's procedure or the intent or meaning of the text. Significant revisions do not include typographical or grammatical corrections, table reformatting (where the information is not changed), logical outgrowths of other revisions (e.g., the renumbering of sections to account for the addition of a new section), or other edits that are not substantive changes to text intent or the analytical procedure (e.g., the replacement of "Teflon®" with "PTFE"). Nonsignificant revisions also include the movement of otherwise unchanged information to another appropriate location in the method. We will, however, consider comments on the reordering of otherwise unchanged information in future revisions of Draft Update IVB.

As indicated in Table 1, some of the revised methods were also in Draft Update IVA (documents dated January 1998). Based on further review, we

revised those documents and are releasing them again as part of Draft Update IVB. You should replace your Draft Update IVA versions with the Draft Update IVB versions. These documents include the Table of Contents, Chapters Two through Five, and Methods 3535A, 3545A, 8081B, 8082A, 8141B, and 8321B (see Table 1 for the titles of these methods).

Table 2 provides a listing of the twelve new SW-846 methods found in Draft Update IVB. EPA is interested in comments on the content of all sections or parts of the new methods. Finally, Table 3 identifies the four air methods for which we are providing references in SW-846 as part of Draft Update IVB. These one-page references for each method indicate how one may obtain a copy of the method. We want to provide this information in SW-846, for the convenience of the user, because the methods are referred to by the RCRA regulations.

TABLE 1.—REVISED METHODS AND CHAPTERS OF SW-846 DRAFT UPDATE IVB

Method No.	Method or chapter title	Sections or parts open for comment
	Table of Contents* .....	All parts.
	Chapter Two* .....	All parts.
	Chapter Three* .....	All parts.
	Chapter Four* .....	All parts.
	Chapter Five* .....	All parts.
	Chapter Six .....	All parts.
	Chapter Ten .....	All parts.
3500C .....	Organic Extraction and Sample Preparation.	1.2; 5.4.1; 5.5; 5.6; 7.1; 7.9; 7.10; 7.11; 8.2.4.7; 8.3.1; 9.2; Table 1.
3535A* .....	Solid-Phase Extraction (SPE) .....	1.1; 1.5; 4.3.2; 4.3.3; 4.4; 4.17; 5.5.7; 5.5.8; 7.0–7.11 (including all subsections); 8.1–8.5; 10.0 Refs. 3–7; Table 1.
3545A* .....	Pressurized Fluid Extraction (PFE) .....	1.3; 1.5; 2.1; 2.2; 2.3; 3.3; 3.4; 5.3.4; 5.4; 5.5; 5.6.2; 5.6.3; 5.7; 5.7.4; 5.7.6; 5.7.7; 7.1; 7.1.3; 7.1.5; 7.1.6; 7.2; 7.2.1–7.2.3; 7.3; 7.5; 7.6; 7.9.1–7.9.3; 7.12.1; 7.12.2; 8.4; 8.5; 9.4; 9.5; 10.0 Refs. 3 and 4.
3550C .....	Ultrasonic Extraction .....	1.4; 1.5; 1.6; 1.7; 5.4; 7.0; 7.3; 7.3.6; 7.4.2; 7.4.3; 7.4.5; 7.4.9; 7.5; 7.5.1–7.5.5; 7.6; 7.6.1–7.6.2.2; 8.3; Table 2.
3620C .....	Florisol Cleanup .....	1.5; 5.6.3.7; 5.10; 5.11; 5.12.
6010C .....	Inductively Coupled Plasma-Atomic Emission Spectrometry.	All parts.
8015C .....	Nonhalogenated Organics by GC/FID ....	1.2; 1.2.1; 1.2.3; 1.4; 2.2; 2.6; 2.7; 2.9; 2.10; 4.2; 4.2.5; 5.8.8; 7.1; 7.1.1.2; 7.1.3; 7.2.6; 9.1; 9.2; 9.4; 9.5; 10.0 Refs. 7 and 8; Table 8; Table 9.
8041A .....	Phenols by Gas Chromatography .....	1.4; 1.6; 3.2; 3.5; 3.6; 4.1; 4.2.3; 5.6; 7.0; 7.1.1.2; 7.1.3.2; 7.5; 7.5.1–7.5.3; 7.8; 8.5; 9.5; 10.0 Ref. 4; Tables 4 and 5.
8081B* .....	Organochlorine Pesticides by Gas Chromatography.	1.8; 4.2; 5.3; 5.3.1; 5.3.2; 7.1; 7.3.1; 7.3.2; 7.4.6; 7.5.4; 7.5.9; 7.6.2; 9.1; 9.5–9.10; 10.0 Refs. 11–15; Tables 12–21; removal of former sec. 7.7.6.
8082A* .....	Polychlorinated Biphenyls (PCBs) by Gas Chromatography.	1.3; 1.9; 4.2; 4.2.3.3; 5.2; 5.6.3; 5.9.3; 5.10; 6.2; 7.1.1; 7.1.3; 7.5; 7.6.2.3; 7.6.2.4; 7.6.3; 7.6.6; 7.6.8; 7.7; 7.8.3; 8.2.1; 8.2.2; 8.3; 8.3.1–8.3.3; 8.5; 9.4; 9.4.1–9.4.3; 9.5; 9.6; 9.7; 10.0 Refs. 11–14; Tables 11–22; Figures 1–6; removal of former secs. 7.10.4, 7.10.5, 8.3.1.1, and 8.3.1.2.
8141B* .....	Organophosphorus Compounds by Gas Chromatography.	1.1; 1.6; 1.7; 2.1.1; 2.1.2; 2.2; 4.2; 5.4.2; 5.4.3; 6.2; 7.1; 7.2; 7.2.1–7.2.5; 7.3; 7.3.1–7.3.3; 7.4; 7.5; 7.5.1–7.5.2; 7.7; 7.7.1–7.7.3; 7.8; 7.8.1–7.8.3; 7.9; 7.9.1–7.9.4; 8.3; 8.3.1–8.3.3; 8.4; 8.4.1–8.4.6; 8.5; 8.6; 9.1–9.6; 10.0 Refs. 15 and 16; Tables 11–15; removal of former secs. 8.3.3.1, 8.3.3.1.1–8.3.3.1.5, 8.3.3.2, 8.7, 8.7.1–8.1.7.5.
8318A .....	N-Methyl Carbamates by High Performance Liquid Chromatography (HPLC).	1.1; 1.2; 1.3; 1.4; 2.1.1–2.1.3; 2.2; 2.3; 4.1; 4.1.4–4.1.7; 4.2–4.8.4; 7.1–7.9 (and all subsections); 8.1–8.4 (and all subsections); 9.1; 9.3; 10.0 Ref. 7; Tables 5 and 6.
8321B* .....	Solvent-Extractable Nonvolatile Compounds by High Performance Liquid Chromatography/Thermospray/Mass Spectrometry (HPLC/TS/MS) or Ultraviolet (UV) Detection.	1.1; 1.5–1.9; 2.2.2; 3.11; 4.2; 4.3; 4.3.1; 4.3.2; 4.19; 5.9; 5.15; 5.16; 7.1; 7.1.3; 7.3.1; 7.3.1.7; 7.4; 7.4.1–7.4.5; 7.5; 7.5.1–7.5.4; 7.6.1; 7.8.1.1; 7.8.1.2; 7.8.2.2; 7.8.3; 7.9.4; 7.9.5; 7.10.3; 9.3–9.5; 10.0 Refs. 10 and 11; Table 2; Tables 18–20; removal of former secs. 7.5.2.8, 8.2.4, 9.2, 9.2.1, and 9.2.2; removal of former Tables 3, 10, 13, 14, 17, 18, and 19.

TABLE 1.—REVISED METHODS AND CHAPTERS OF SW-846 DRAFT UPDATE IVB—Continued

Method No.	Method or chapter title	Sections or parts open for comment
9056A .....	Determination of Inorganic Anions by Ion Chromatography.	All parts.
9210A .....	Potentiometric Determination of Nitrate in Aqueous Samples with Ion-Selective Electrode.	All parts.

**Note:** The documents with an asterisk (\*) were also in Draft Update IVA, dated January 1998, and are being released again as part of Draft Update IVB, with some revisions and a new date of November 2000.

TABLE 2.—NEW METHODS OF SW-846 DRAFT UPDATE IVB

Method no.	Method title
1040 .....	Test Method for Oxidizing Solids.
1050 .....	Test Methods to Determine Substances Likely to Spontaneously Combust.
3546 .....	Microwave Extraction.
3815 .....	Screening Solid Samples for Volatile Organics.
4425 .....	Screening Extracts of Environmental Samples for Planar Organic Compounds (PAHs, PCBs, Dioxins/Furans) by a Reporter Gene on a Human Cell Line.
8085 .....	Compound-Independent Elemental Quantitation of Pesticides by Gas Chromatography with Atomic Emission Detection (GC/AED).
8095 .....	Explosives by Gas Chromatography.
8261 .....	Volatile Organic Compounds by Vacuum Distillation in Combination with Gas Chromatography/Mass Spectrometry (VD/GC/MS).
8510 .....	Colorimetric Screening Procedure for RDX and HMX in Soil.
8535 .....	Screening Procedure for Total Volatile Organic Halides in Water.
8540 .....	Pentachlorophenol (PCP) by UV-Induced Colorimetry.
9058 .....	Determination of Perchlorate Using Ion Chromatography with Chemical Suppression Conductivity Detection.

TABLE 3.—METHOD REFERENCES PROVIDED BY SW-846 DRAFT UPDATE IVB

Method no.	Method title
25D .....	Determination of the Volatile Organic Content of Waste Samples.
25E .....	Determination of Vapor Phase Organic Concentration in Waste Samples.
207-1 .....	Sampling Method for Isocyanates.
207-2 .....	Analysis for Isocyanates by High Performance Liquid Chromatography (HPLC).

Dated: November 17, 2000.

**Matthew Hale,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 00-30111 Filed 11-24-00; 8:45 am]

BILLING CODE 6560-50-U

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 2000-7967; Notice 1]

RIN 2127-AG41

### Federal Motor Vehicle Safety Standard No. 111, "Rearview Mirrors"; Rear Visibility Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** On June 17, 1996, NHTSA published a notice requesting comments on a petition for rulemaking asking us to require convex cross-view mirrors on the rear of the cargo box of stepvan and walk-in style delivery and service trucks to allow drivers to see children behind the trucks. In addition to reviewing the six public comments on our notice, we have also gathered and evaluated data to quantify the size of this safety problem. If off-road fatalities by vehicle type occurred in the same proportion as on-road fatalities, an estimated 114 of these deaths annually would involve straight trucks over 10,000 pounds gross vehicle weight rating (GVWR). These vehicles' on-road backup fatality death rate per vehicle mile traveled is eight times the backup fatality rate of the second highest vehicle type. In addition, we

have conducted research on the feasibility of improving visibility to the rear of these vehicles. This research shows that a substantial area directly behind straight trucks can be made visible for the driver with rear cross-view mirrors. Based on comments we receive on this notice, we plan to develop a proposal for a performance requirement for straight trucks to detect objects directly behind the vehicle to prevent pedestrian deaths when the vehicle backs up.

**DATES:** Comments must be received on or before January 26, 2001.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, D.C. 20590. The Docket Section is open on weekdays from 10:00 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** For nonlegal issues: Mr. Chris Flanigan, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Flanigan's telephone number is: (202) 366-4918. His facsimile number is (202) 366-4329.

Please note that written comments should be sent to the Docket Section rather than faxed to the above contact person.

For legal issues: Mr. Steve Wood, Office of the Chief Counsel, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Wood's telephone number is: (202) 366-2992.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Mr. Dee Norton petitioned NHTSA in 1995 to amend its mirror standard (Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111) to require convex cross-view mirrors on the rear of the cargo box of stepvan and walk-in style delivery and service trucks. Mr. Norton said that his petition was motivated by a desire to prevent any more tragedies like the fatal crash that killed his three-year-old grandson, C.J. Norton. C.J. was killed when he was struck and backed over by a diaper delivery truck backing out of a parking stall in an apartment parking lot. Mr. Norton told us that the driver of the delivery truck did not know a child was behind the truck and could not see the area directly behind the truck in the truck's rearview mirrors. Mr. Norton asked that this situation be remedied by NHTSA requiring a convex cross-view mirror on the left rear top corner of the cargo box of these trucks.

##### **II. NHTSA's Federal Register Notice**

In response to Mr. Norton's petition, we published a Notice of Request for Comments on June 17, 1996 (61 FR 30586). This notice asked the public for information about the effectiveness of rear cross-view mirrors, as well as the cost of those mirrors and any operational problems those mirrors would present for users of these trucks.

In addition, the notice described the research work that we had been conducting to determine alternative measures for preventing backing crashes. This work includes external audible alarms that sound when trucks are backing, as well as in-vehicle warning systems and mirrors. Generally speaking, the external audible alarms are ineffective with young children. The in-vehicle warning systems, which typically use ultrasound, radar, or infrared to detect the presence of nearby objects, were still in the early stages of development. Another approach

described in the notice, used on certain commercial and recreational vehicles, was rear video cameras to give the driver a view of the blind spot. Although these approaches were more costly than cross-view mirrors, NHTSA believed they were also promising countermeasures that should be investigated further.

We announced that we were initiating a research program to collect data on the extent to which low cost mirror systems can improve the driver's view in the obstructed view areas behind commercial vehicles. At that time, we told the public it would take several years to complete this data collection and analysis.

We also announced that we were working with the Consumer Product Safety Commission to gather data on motor vehicle backing crashes that occurred off public roads (for instance, in parking lots, driveways, etc.), and so would not be available in NHTSA's databases. NHTSA also stated that the requirements in Federal Motor Vehicle Safety Standard No. 111, "Rearview Mirrors," do not address the visibility of the area directly and immediately behind a vehicle. Accordingly, Standard No. 111 does not preempt any State from requiring rear cross-view mirrors on vehicles. Our notice concluded by asking a series of specific questions about the safety effectiveness of rear cross-view mirrors, any problems with those mirrors, cost estimates for the mirrors, and any alternatives to rear cross-view mirrors the commenter wanted the agency to evaluate.

##### **III. Comments Received**

We received six comments in response to our **Federal Register** notice. The International Brotherhood of Teamsters (IBT) commented that a courier company achieved more than a 30% reduction in backing crashes with rear cross-view mirrors installed on 65% of their delivery vans. Additionally, IBT said that backing crashes account for more than 25% of all courier crashes. IBT does not believe this subject should be sent back to the states for 50 separate responses, but believes that Federal action would be the best way to resolve the current problem. IBT concluded by saying that many of its members have been struck and some killed by trucks that were backing up, and IBT supports the effort to require rear cross-view mirrors on the left rear corner of the cargo box of stepvans and walk-in style delivery and service trucks.

The American Trucking Associations, Inc. (ATA) was less supportive. In fact, ATA said that it does not believe a

Federal standard mandating rear cross-view mirrors on certain trucks will serve to reduce backing crashes. ATA recommended that the selection of a system to assist drivers in backing be left to the discretion of the consumer. ATA claimed that, based on its analysis and talks with drivers of vehicles equipped with rear cross-view mirror systems, useful information from rear cross-view mirrors is no longer available when the distance between the rear cross-view mirror and the front rear view mirror exceeds 6.1 meters (m) and that dimension can be considered to establish the maximum range for the system. ATA also said that rear cross-view mirrors are most effective at mounting heights under eight feet as opposed to top corners locations on cargo bodies. Additionally, ATA noted that there are many vehicles having a 10,000 to 26,000 lb. GVWR that are not vans and that use body configurations that are unacceptable for rear cross-view mirror technology—such as flat beds, stake bodies, dump trucks, tow trucks, tradesmen and mechanics bodies, and the common light duty pick-up truck bed. Finally, ATA asked that if NHTSA were to proceed with rulemaking, it should develop a performance standard.

Hylant MacLean (HM) commented that, as long ago as 1991, cameras became the preferred device for Waste Management of North America trucks and that monitor systems cost as low as \$200. HM also states that the effectiveness of camera systems was much greater than mirrors since mirrors are difficult to keep adjusted properly, are affected by glare, easily become dirty, and are just plain difficult to see anything in. HM supports the requirement for installation of backing safety devices, but does not recommend limiting that application to mirrors.

Advocates for Highway and Auto Safety (Advocates) agreed with HM's comment on this last point. Advocates urged us to address the situation more broadly than by a design-oriented solution of rear cross-view mirrors. Advocates believes that a system to provide a reasonable level of rear detection, even if inferior to the expensive powered electronic systems described in our notice, could be valuable to provide a reasonable level of rear detection. Finally, Advocates recommended that property damage be considered when calculating benefits from this action.

Caliber System, Inc. (Caliber) challenged the agency's interpretation of 49 U.S.C. 30103(b), which allows states to regulate rear cross-view mirrors on vehicles-in-use. In the Request for Comments, the agency outlined the

State of Washington's belief that it, and any other State, was prohibited from requiring cross-view mirrors due to Standard No. 111's applicability. The agency disagreed with this position in the Request for Comments. Moreover, since the notice was published, the State of Washington has enacted a law to require delivery vehicles up to 5.5 m in length to be equipped with driver warning backup alerts or rear-mounted cross-view mirrors. This requirement became effective September 30, 1998. The agency disagrees with Caliber and continues to maintain the position that cross-view mirrors can be required individually by States.

Finally, the Easter Seal Society of Washington commented that they supported the NHTSA research into the effectiveness of having rear cross-view mirrors required on all delivery trucks.

#### IV. Size of the Safety Problem

##### a. Number of Victims

To decide upon the appropriate agency response, we needed to determine the problem size, i.e., gather data on the annual number of incidents of people being backed over by a motor vehicle of any type or size. We began by searching our own Fatality Analysis Reporting System (FARS) data and found an average of 85 victims for the years 1992 and 1993. However, by design, a fatality is included in the FARS database only if a motor vehicle is involved in a crash while traveling on a roadway customarily open to the public. This excludes other likely scenarios for backing deaths, e.g., events

where someone is backed over in a driveway, parking lot, or other non-roadway locations.

We decided to address this gap in our data by working with the National Center for Health Statistics (NCHS) to gather data on the involvement of children with motor vehicles in non-highway injuries and fatalities. NCHS obtains information on the cause(s) of death, as recorded on individual death certificates, from each of the 50 states, the District of Columbia, and the five boroughs of New York City. NCHS and FARS data for 1992 and 1993 were used in this study to obtain average annual estimates of the number of fatalities associated with off-road and on-road fatal backing crashes for children aged 1–4 and for all other ages. This work is described in detail in a Research Note prepared by NHTSA published in February 1997 and titled Nonoccupant Fatalities Associated With Backing Crashes. The Research Note identified 85 on-road (FARS) and 390 off-road average annual backing fatalities for the 1992–1993 time period, with the very young (children aged one to four) being significantly over-represented as victims. A copy of this is in the docket under NHTSA–98–4308.

##### b. Vehicle Type Involvement in Backing Crashes

Unlike NHTSA's FARS data, the NCHS data collected from death certificates does not record the vehicle type that backed over the victim. As noted in the Research Note on backing crashes, there are about four times as many off-road backing fatalities as on-

road backing fatalities. FARS data show the following for 1991–1997 on-road pedestrian and pedalcyclist deaths in backing crashes:

#### CUMULATIVE NUMBER OF PEDESTRIANS AND PEDALCYCLISTS KILLED IN ON-ROAD BACKING CRASHES

[FARS data from 1991–1997]

Vehicle type	Number of people killed
Passenger car .....	129
Light truck/van .....	139
Bus .....	1
Straight truck over 10,000 lbs. GVWR .....	81
Combination truck .....	15
Unknown truck over 10,000 lbs. GVWR .....	12
Other .....	2
Unknown .....	2
Total .....	381

From looking only at these numbers, it would appear that the backing crash problem primarily involves light vehicles. However, we do not believe this is a complete assessment of the problem. It is not sufficient to consider absolute numbers of deaths. One must also consider relative risk. This is done by using the number of vehicles in the fleet and the miles driven to calculate the rate of backing deaths for different vehicle types. We have done this by using estimates of registered vehicles and vehicle miles traveled information. The following breakdown of on-road fatality rate information is based on cumulative 1991–97 data:

#### RATE OF ON-ROAD FATAL BACKING CRASHES

[Cumulative FARS Data from 1991–1997]

Vehicle type	Pedestrians and pedal cyclists killed by a backing vehicle per million registered vehicles	Pedestrians and pedal cyclists killed by a backing vehicle per 100 billion vehicle miles traveled
Passenger cars .....	0.15 .....	1.26
Light trucks/vans .....	0.33 .....	2.80
Combination trucks .....	1.42 .....	2.21
Straight trucks over 10,000 lbs. GVWR .....	2.71 .....	21.89

The data on rates of fatal backing crashes suggest that the problem is most acute for straight trucks. This experience is consistent with Mr. Norton's observation that the driver of the straight truck has no way of knowing if a pedestrian is directly behind the truck when the driver is backing up. The agency notes that buses seem to have rearward visibility problems similar to those of straight trucks, but there is a near absence of

bus-related fatalities in the FARS data on backing crashes (a total of one death in seven years). Transit and school buses are typically driven on a set route, which is designed to avoid to the extent possible situations in which the bus must back up. Thus, the way the vehicle is driven impacts its susceptibility to backup fatalities.

#### V. Information and Activities Since the Last Comment Period

##### a. Agency Research

NHTSA has conducted research to quantify the visibility provided by the current state-of-the-art rear cross-view mirror designs. Our research also compared several prototype mirrors in terms of the ability of drivers to use them to detect objects. The agency believes this research shows that good



current designs of rear cross-view mirrors can provide high detection and recognition rates in a 3 m by 3 m area directly behind a large step van with the rear cross-view mirror. This area was determined based on two factors. First, the 3 m distance behind the vehicle is based on stopping distance data gathered in previously conducted research (Hardstem, Huey, Lerner, and Steinberg (1996)). This distance behind the vehicle provides a small margin of safety over these data. Second, the 3 m along the rear of the vehicle would ensure that the entire area along the vehicle's bumper could be visible. The cross-view mirror research also showed that the mirror must be mounted to within 5 m from the driver's side mirror. Beyond 5 m, the images became too small to recognize. This research is published as *Rear Cross-View Mirror Performance: Perception and Optical Measurements*, DOT HS 808 824. A copy of this is in the docket under NHTSA-98-4308.

#### *b. Other Developments*

Since the request for comments was published, the State of Washington has enacted a law to require delivery vehicles up to 5.5 m in length to be equipped with driver warning backup alerts or rear-mounted cross-view mirrors. This requirement became effective September 30, 1998. The implementing rules in Washington allow driver warning backup alert devices to be any type of motion detection device, laser device, camera, or television device that will warn the driver of the presence of a person or object at a minimum distance of 1.8 m to the rear of the vehicle across the entire width of the rear of the vehicle. Similarly, Washington rules allow rear cross-view mirrors to be any type, provided that those mirrors allow the driver of the delivery truck to view a minimum distance of at least 1.8 m to the rear of the vehicle across the entire width of the rear of the vehicle. NHTSA is aware that some other States are also considering such legislation.

In August of 2000, legislation that would have required trucks with delivery bays longer than 2.6 m to be equipped with cross-view mirrors or video cameras in the State of New York was vetoed by its Governor. While the Governor of New York believed that the legislation was "well-intentioned," it was reported that he believed it was flawed because it did not account for other rear object detections systems, such as sonar-based ones. Some of these are described below. The authority of local police to enforce civil penalties also presented a problem. The sponsors

of the legislation created it in response to incidents like one that occurred in Ulster County where a five-year-old boy was killed by a delivery truck backing out of his driveway.

As we noted in our Request for Comments, any nonidentical state standards would be preempted if this rulemaking culminates in the issuance of a NHTSA safety standard for detecting people to the rear of vehicles. However, we would carefully consider all existing state laws in deciding upon what performance requirements should be adopted in a Federal standard.

As part of a labor settlement, United Parcel Service had agreed to study rear cross-view mirrors on its delivery vans. Since then, UPS said that it would install video monitoring equipment on its fleet by October 2001 (see *Transport Topics*, August 28 2000, page 4). There are many other fleets with rear cross-view mirrors, such as Federal Express, the United States Postal Service, and various regional telephone companies and delivery services and with other rear systems. The experience of any fleet with and without rear cross-view mirrors or any other rear-of-vehicle detection or vision system is very pertinent information for this rulemaking action. Please submit any information, test reports, studies, and etc. on the success and benefits of your use of such devices.

Several commonly used vans and passenger cars are now available with optional rear object detection systems that are advertised and intended for use as parking aids—not pedestrian detectors. Ford, GM, BMW and Mercedes-Benz have devices that are claimed to reliably detect when the vehicle is about to back into a pole, but not when it is about to back into a person. Ford's Reverse Sensing System is an optionally available ultrasonic system on its 2000 Windstar minivans at a suggested retail price of \$245. This system uses four sensors and has a range of up to 1.8 meters. The system is promoted as a low-speed parking device for assisting drivers making maneuvers in detecting large and fixed objects to the rear of a vehicle—not as a safety feature. Information from Ford states that the system consistently detects the following objects: a shopping cart, a lamp post and other barriers or types of posts. Additionally, information from Ford states that the system will not detect, or will detect only inconsistently, low-lying objects with rounded edges and/or objects with a high capacity for sound wave absorption.

GM's Cadillac Ultrasonic Rear Parking Assist (supplied by Bosch) comes as

part of a \$400 option package that includes a garage door opener.

BMW also has an optional rear object detector system with five sensors intended to prevent property damage in backing. BMW states that its Park Distance Control is more of a vehicle parking aid for proximity with a range of 1.2 m than an actual object detection system. Its retail price is \$350.

The Mercedes-Benz Parktronic system utilizes 10 sensors with ranges up to 1.2 m. The Mercedes-Benz of North America press release states that the system may detect children as well as bumpers, but no further details are known.

Thus, rear systems that detect some inanimate objects are not "Star Wars" technology; instead, they are being offered on vehicles right now. These systems may be more effective than mirrors because they offer an audible or visual alert, instead of relying on the driver to check the rear cross-view mirror to be alerted to people behind the vehicle. They are, however, relatively expensive technologies that do not presently reliably detect pedestrians.

Rear video camera systems are already used on certain commercial and recreational vehicles. These rear video cameras are linked with a monitor inside the cab to provide the driver with a view of the area directly behind large trucks. Their cost is not as low as rear cross-view mirrors.

## **VI. Agency Decision to Develop a Proposal**

### *A. Vehicles Covered*

The data indicating that 475 people are killed in backing crashes each year has led NHTSA to the conclusion that it should consider proposing Federal requirements. However, we are inclined to limit the application of potential Federal requirements in this area to straight trucks with a GVWR of more than 10,000 pounds, but not more than 26,000 pounds. This is based on the information from FARS showing the rate of fatal backing crashes for these vehicles is substantially greater than that of other vehicles. In addition, this is based on the fact that the blind spot behind these vehicles is large and there is nothing the driver can do to see in that area. NHTSA is aware that there is also a blind spot for cars and light trucks, but notes that it is substantially smaller, in part because most light vehicles have interior rear view mirrors and rear windows, which many straight trucks do not have. We also note that the rearward visibility for buses should be somewhat similar to straight trucks. As noted above, however, our FARS

data show only one fatal backing crash for buses over a seven year period. Given these data, we are not inclined to cover buses in this rulemaking.

However, NHTSA is concerned that the absolute numbers of vehicles involved in fatal backing crashes indicate that something should be done to improve the situation for drivers of cars and light trucks. At present, there are practicability and effectiveness questions regarding the issue of what can be done to reduce fatal backing crashes involving cars and light trucks. For instance, rear cross-view mirrors present special problems for cars and light trucks because of the size of the mirror needed relative to the size of the vehicle and because it would be difficult to mount the mirrors high enough on cars and most light trucks so that the mirrors would not themselves be a hazard to pedestrians and cyclists. Further, it is unlikely that the public would accept a cross-view mirror due to the aesthetic problems it would create. For this reason it is highly unlikely the agency would ever pursue this mirror solution for passenger cars or light trucks, except possibly for windowless vans and similar vehicles.

Another way to improve rearward visibility in these vehicles would be to use rear video systems. However, this is very expensive. Further, it may be difficult to install a monitor large enough to offer a helpful view in a location where it could be seen by the driver, yet would not pose an interior injury hazard in the event of a crash. Rear object detector systems are yet another way to reduce the risk of fatal backing crashes in cars and light trucks. However, as noted above, there are not yet commercially available systems that can reliably detect pedestrians and children to the rear of the vehicle. The agency will reevaluate the need for and practicability of means of avoiding fatal backing crashes as technology progresses and performance is improved. However, public comment is specifically invited on the agency's current intentions of limiting the requirements to straight trucks with a GVWR between 10,000 and 26,000 pounds. We are especially interested in the data and analysis the commenter believes supports covering additional groups of vehicles.

The agency is unaware of any industry or international requirements regarding the cross-view mirrors. We would appreciate any information commenters may be aware of on this.

#### *B. Required Performance*

A performance standard would specify the test environment for the

system (e.g., ambient lighting, contrast, etc.), the required target detection area, the characteristics of the targets, acceptable information for the driver (such as the characteristics of the in-vehicle audible alarm for detector systems, which might vary with the proximity to the target) and other parameters requisite for safety. NHTSA is interested in learning what the public believes should be considered acceptable performance criteria.

NHTSA always tries to establish standards that are as performance-oriented as possible. We specify the required safety performance that must be achieved and allow manufacturers to select whatever means they prefer to achieve the specified performance. In this case, we plan to develop a performance standard that would specify conditions under which the driver either must be provided with a view, or must be alerted to the presence of a pedestrian, in an area of 3 m by 3 m directly to the rear of the truck. This would permit manufacturers to select from rear cross-view mirrors, rear object detector systems, or rear video systems, among presently-available technologies. However, we would propose to limit the applicability of rear cross-view mirrors to situations where the mirrors are no more than 5 m from the driver's side outside rear view mirror. This limitation would be based on our research finding that the image size in the mirror is too small at greater distances. We would like the public to comment on this intended position and on the research that supports this tentative conclusion.

#### *C. Contemplated Effective Date*

We would contemplate that these new requirements to prevent backing deaths go into place beginning with vehicles manufactured one year after publication of a final rule. This relatively quick implementation is based on the simplicity of attaching rear cross-view mirrors on straight trucks. It would not involve substantial engineering efforts or changes in the manufacturing process. Manufacturers would likely need more time to implement the more technically demanding systems (rear object detection and rear video). It is not our intent to limit solutions to mirrors. However, it appears we are not at a point where these other systems are understood well enough to specify desired or undesired performance, which may prevent them from being viable alternatives to mirrors. But, we request comment on this tentative conclusion.

### **VII. Questions on Which Answers and Comments Are Requested**

#### *A. Concerning Rear Cross-View Mirrors*

1. Would limiting installation of rear-cross-view mirrors to maximum side and rear cross-view mirror separation distances of 5 m assure adequate image size without specifying a minimum size and image distortion and a test procedure to measure compliance? If not, what minimum image size and image distortion criteria must be specified to assure adequate mirror performance? What types of objective criteria should be specified to assure adequacy? How should the values for those criteria be selected? Provide the basis for your answers.

2. Is the 3 m by 3 m area being considered an appropriate size for the rear detection area? Would it be appropriate to allow vehicles to partially meet the standard with the field of view provided with the side view mirrors or would the cross-view mirrors have to provide the full view? Should the requirements be similar to the existing field of view requirements of school buses, where an array of objects is placed in the rear of the vehicle for determination of the field of view? Should the requirements be based on detecting objects as small as a young child laying on the ground?

3. Should any truck equipped with an OSHA specified exterior, audible backup alarm system be excluded from these performance requirements. For example, would the tailgate shock and vibration on a dump truck cause premature failure of mirrors, as well as other detectors and cameras? Please provide all available data to support your views. What information is available on the effectiveness of OSHA exterior audible backup alarm systems especially for non-work zone areas where small children are present? What information is available for comparing exterior audible alarms with a direct or indirect vision and detection system?

4. NHTSA currently is considering a test for visibility that would be conducted on crushed gray stone surfaces in full cloud cover conditions with low reflectance, monotone targets (cylinders) which are about one foot in height and one foot in diameter. Are there any comments on these conditions and how to specify them? Are there any other conditions which the agency should consider in the requirements?

5. Some straight trucks may not be able to use the existing designs of cross-view mirrors. Is there a mirror design that would be practicable for vehicles whose design is other than a rectangular solid?

### *B. Concerning Rear Video Systems*

6. What minimum image size should be specified for systems using a video screen? In lieu of specifying an image size, should we specify a minimum size for the video screen? What size should be specified? Should it be color or black and white?

7. NHTSA currently is considering tests for video systems on crushed gray stone surfaces in full cloud cover conditions with low reflectance targets (cylinders) which are about one foot in height and one foot in diameter. Are there any comments on these conditions or procedures?

8. Should NHTSA specify a location for the video screen? Obviously, we want the images to be easy for the driver to see, but we do not want the screen to be in a position where it would pose a hazard to the driver in a crash or where it would distract the driver. Please provide whatever data are available to support your recommendations.

9. Should NHTSA require video systems to provide a system failure alert to warn the driver of a system problem? If so, what performance requirements should be established for the system failure alert? If not, please explain why.

10. Should NHTSA conduct human factor analysis to examine the interface between video screen and drivers?

11. The existence and use of a video monitor/screen for any reason is prohibited by a number of states' laws. What have been the consequences of these laws on the installation and use of rear video systems?

### *C. Concerning Rear Object Detection Systems*

12. What surface characteristics, signal absorption or other characteristics value should be specified for the targets? Are there any data available on the ultrasonic wave absorption and radar reflection of children and other pedestrians in various types of clothing, and on the required temperature(s) of the target for infrared sensor detection? How quickly would/should a backing driver be alerted to the presence of a child who walks into the path of a backing vehicle?

13. Should NHTSA specify tests to ensure system detection accuracy and reliability, or would demonstrating performance under the conditions in our performance test be adequate?

14. One problem with the sensors in rear object detection systems is that currently, they are only effective at low backing speeds (a maximum of approximately 3 mph). The agency believes that backing speeds vary greatly

depending on the conditions; is this a valid assumption? Are efforts currently underway to increase the range of the sensors so they could be effective at backing speeds above 3 mph?

15. Is it necessary to specify rain, fog, temperature and wind extremes in the performance tests to assure that rear object detection systems will perform acceptably in the real world? If so, please suggest appropriate conditions. If not, please explain why.

### *D. Other Questions*

16. For manufacturers who have installed cross-view mirror systems or an other equivalent system, have the property damage benefits outweighed the cost of installing the devices? Please provide details if possible.

17. Does the State of Washington's backup alert device range requirement of 1.8 m rearward, assure adequate protection for children and pedestrians behind moving trucks, or is it appropriate to extend it out to 3 m, as NHTSA is considering? Please provide all data that support your position.

18. Because the states can regulate all vehicles-in-use, and also by type of use, as opposed to NHTSA's authority over only new vehicles, would it be better to allow states to address this safety problem? Please explain your reasoning.

19. NHTSA's vehicle categories are rather generic compared to those used by states which more fully describe the appearance and intended use. Should NHTSA proceed to define sub-categories of vehicles? If so, why, and how could it be done?

20. With NHTSA's recently acquired ability to require retrofitting of safety devices on commercial motor vehicles, we would like information on the costs and complexities of retrofitting the applicable trucks with cross-view mirrors. This information would be helpful in the event that we include retrofitting in a future proposal.

### **VIII. Executive Order 12866 and DOT Regulatory Policies and Procedures**

The Office of Management and Budget has informed NHTSA that it will not review this rulemaking action under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. Our cost estimate, is about \$75 for an installed OEM cross-view mirror. Based on 1996 sales data, we estimate that about 137,000 trucks greater than 10,000 but less than 26,001 lbs. Gross Vehicle Weight Rating (GVWR) were sold that would likely be regulated. Thus, the potential costs would be in the range of \$10.3M.

Accordingly, it does not appear to be economically significant. If NHTSA proceeds to a notice of proposed rulemaking in this area, the agency will have more detailed estimates of both the costs and safety benefits, that would be based on a more defined proposal.

### **IX. Procedures for Filing Comments**

Interested persons are invited to submit comments on this request for comment. Comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received after the comment due date will be considered as suggestions for any future rulemaking action. Comments on the request for comment will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rule's docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: November 20, 2000.

**Noble N. Bowie,**

*Acting Associate Administrator for Safety Performance Standards.*

[FR Doc. 00-30054 Filed 11-24-00; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-7938]

#### Child Restraint Systems Safety Plan

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for comments.

**SUMMARY:** This document announces the availability of a planning document that describes the agency's ongoing and planned initiatives to improve the safety of motor vehicle occupants from birth through age 10. To realize our goal to have every child be protected by an appropriate, and properly used child restraint system on every trip, NHTSA has developed a child restraint system plan that employs three key strategies: Encourage correct use of child restraints for all children; ensure that child restraint systems provide optimal protection; and provide consumers with useful information on restraining their children. For each of the defined strategies, the plan provides background information, describes recent agency actions, and presents ongoing and planned programs to achieve our goals. NHTSA seeks public review and comment on the planning document. Comments received will be evaluated and incorporated, as appropriate, into the planned agency activities.

**DATES:** Comments must be received no later than December 22, 2000.

**ADDRESSES:** Interested persons may obtain a copy of the planning document by downloading a copy of the document from the Docket Management System, U.S. Department of Transportation, at the address provided below, or from NHTSA's website at <http://www.nhtsa.dot.gov/people/injury/childps>. Alternatively, interested persons may obtain a copy of the document by contacting the agency officials listed in the section titled, **FOR FURTHER INFORMATION CONTACT**, immediately below.

Submit written comments to the Docket Management System, U.S. Department of Transportation, PL 401, 400 Seventh Street, SW, Washington, D.C. 20590-0001. Comments should

refer to the Docket Number (NHTSA-7938) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard.

Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at <http://dms.dot.gov>. Click on "Help & Information" to obtain instructions for filing the comment electronically. In every case, the comment should refer to the docket number.

The Docket Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Docket Management System web site at "<http://dms.dot.gov/>."

**FOR FURTHER INFORMATION CONTACT:** Dr. Cathy Gotschall, Office of Plans and Policy, NPP-12, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202-366-1653. Email: [cgotschall@nhtsa.dot.gov](mailto:cgotschall@nhtsa.dot.gov).

**SUPPLEMENTARY INFORMATION:** In February 2000, NHTSA held a public meeting to discuss child restraint system issues. Soon after that meeting, Senator Fitzgerald (R-Illinois) introduced "The Child Passenger Safety Act of 2000" (S. 2070). A similar bill (H.R. 4145) was introduced in the House by Congressman Shimkus (R-Illinois). On May 16, 2000, Deputy Administrator Millman testified before the House Commerce Committee Subcommittee on Telecommunications, Trade and Consumer Protection. At that hearing, she discussed the agency's child passenger safety programs and stated that the agency would release a child restraint system plan for public comment.

NHTSA put together nine teams of agency experts to review all of the recommendations from the public meeting and from the House and Senate Bills and other sources. On November 1, 2000, the Transportation Recall Enhancement, Accountability and Documentation (TREAD) Act was enacted. Section 14 of the TREAD Act requires NHTSA to conduct rulemaking on side impact testing for child restraints and to consider several other related rulemaking actions. This draft plan includes the requirements of the TREAD Act, as well as those recommendations from the public that

were considered to yield the biggest safety gains for child motor vehicle occupants.

The draft plan focuses on three strategies. The first strategy in the plan examines ways to increase restraint use among all children and to ensure that the appropriate restraint systems are used correctly. NHTSA estimates that if all children aged 0-4 years old were restrained in safety seats, 173 lives could have been saved in 1998. Additional studies have shown that as many as 68 additional deaths to children aged 0-6 years old could be prevented each year by eliminating misuse of safety seats. The agency conducts national campaigns to educate the public about the importance of buckling children into child restraint systems.

The second strategy is to improve existing standards for the performance and testing of child restraint systems. Since NHTSA first began regulating child safety seats in 1971, the agency has instituted numerous improvements to the original Federal safety standard, including the incorporation of dynamic performance testing, labeling improvements, and the recent introduction of a simplified, standardized system for anchoring safety seats in cars. This system, called the Lower Anchors and Tethers for Children (LATCH) system, may save as many as 50 lives and avert up to 3,000 serious injuries annually. In addition to research and the rulemaking initiatives described in this plan, NHTSA has urged child seat manufacturers to increase the margin by which they comply with the existing standards.

The safest child restraint systems available can prevent death and injury only if they are purchased and used correctly. The final strategy calls for improved mechanisms for getting safety information to consumers. The agency works closely with states, health communities, law enforcement agencies, and safety advocates to disseminate information to parents and caregivers on the correct installation and proper use of child restraint systems. NHTSA is committed to improving the information it provides to consumers both on the performance and proper use of child restraint systems as well as on defect investigations and safety recalls.

This document announces the availability of the document for public review and comment. The plan will be posted on NHTSA's website on November 20, 2000. Received comments will be evaluated and incorporated, as appropriate, into the planned agency activities.

**How Do I Prepare and Submit Comments?**

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA-7938) in your comments.

Please send two paper copies of your comments to Docket Management or submit them electronically. The mailing address is U. S. Department of Transportation Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. If you submit your comments electronically, log onto the Docket Management System website at <http://dms.dot.gov> and click on "Help & Information" or "Help/Info" to obtain instructions.

**How Can I Be Sure That My Comments Were Received?**

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

**How Do I Submit Confidential Business Information?**

If you wish to submit any information under a claim of confidentiality, send

three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NCC-01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW, Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590.

**Will the Agency Consider Late Comments?**

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

**How Can I Read the Comments Submitted by Other People?**

You may read the comments by visiting Docket Management in person at Room PL-401, 400 Seventh Street, SW, Washington, DC from 10 a.m. to 5 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

a. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov>).

b. On that page, click on "search."

c. On the next page (<http://dms.dot.gov/search/>) type in the four-digit Docket number shown at the beginning of this document (7938). Click on "search."

d. On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

**Authority:** 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

**Sue Bailey,**

*Administrator.*

[FR Doc. 00-30095 Filed 11-24-00; 8:45 am]

**BILLING CODE 4910-59-P**

# Notices

Federal Register

Vol. 65, No. 228

Monday, November 27, 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

### Submission for OMB Review; Comment Request

November 20, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

### Agricultural Research Service

*Title:* Grant Application Package  
*OMB Control Number:* 0518-0025

*Summary of Collection:* The Agricultural Research Service (ARS) awards grant under the general authority of 7 U.S.C. 3318, delegated to the Administrator of ARS at 7 CFR part 2, Sec. 2.65. ARS serves as the primary research organization of the Department of Agriculture and conducts in-house research in over 100 ARS laboratories focused on the critical needs of American agriculture. ARS' research mission involves the development and execution of national strategies needed to mobilize resources, foster multi-disciplinary research, and link research to program and policy objectives established by Congress and the Department. ARS may accept unsolicited research grant proposals demonstrating merit in supporting and/or stimulating a public purpose and deemed to be complementary to the ARS research mission. ARS will collect information using several forms.

*Need and Use of the Information:* ARS will collect information to review applicant's qualifications; to comply with applicable Departmental regulations governing Federal assistance; and to facilitate merit review of research proposals.

*Description of Respondents:* Not-for-profit institutions; Business or other for-profit; Individuals or households; Farms; Federal Government, State, Local or Tribal Government.

*Number of Respondents:* 2000.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 800.

### National Agricultural Statistics Service

*Title:* National Childhood Agricultural Injury and Occupational Health Survey of Minority Farm Operators.

*OMB Control Number:* 0535-0235.

*Summary of Collection:* Primary function of the National Agricultural Statistics Service (NASS) is to prepare and issue state and national estimates of crop and livestock production under the authority of 7 U.S.C. 2204(a). NASS has an interagency agreement with the National Institute of Occupational Safety Health (NIOSH) to conduct surveys that target some of the same population of minority farm operators.

The Minority Childhood Injury and Occupational Health Survey will address (1) minority childhood agricultural injuries and (2) occupational health of minority of female farm operators. This study will provide estimates of childhood nonfatal injury incidence and description of injury occurring to children less than 20 years of age who reside, work, or visit farms operated by minorities.

*Need and Use of the Information:* The National Institute of Occupational Safety Health will use the data to establish a measure of the number and rate of childhood injuries associated with production agriculture, the specific type of injuries sustained and to, generate reports and disseminate information to all interested parties concerning the findings. The study is critical in filling a gap regarding occupational health problems specific to minority or female farm owner/operators. If the data were not collected, NIOSH would be unable to effectively target funds appropriated by Congress for the prevention childhood agricultural injuries.

*Description of Respondents:* Farms.

*Number of Respondents:* 60,500.

*Frequency of Responses:* Reporting: Other.

*Total Burden Hours:* 12,612.

### Agricultural Marketing Service

*Title:* Regulation Governing Inspection, Certification, and Standards for Fresh Fruits, Vegetables and Other Products—7 CFR part 51.

*OMB Control Number:* 0581-0125.

*Summary of Collection:* The Agricultural Marketing Act of 1946 gives authorization to USDA to inspect, certify and identify the class, quantity, quality and condition of agricultural produce when shipped or received in interstate commerce and to enter into cooperative agreements with cooperating Federal-State inspection Agencies that provide for this inspection work. The Fresh Products Branch of the Agricultural Marketing Service provides a nationwide inspection and grading service for fresh fruits, vegetables, and other products to shippers, importers, processors, sellers, buyers and other financially interested parties on a "user-fee" basis. The use of this service is voluntary and is made available only upon request or when specified by some special program or contact.

*Need and Use of the Information:* Various forms are used to collect information. Such information includes: the name and location of the person or company requesting the inspection, the type and location of the product to be inspected, the type of inspection being requested and any information that will identify the product. The information collected is needed to carry out the inspection and grading services.

*Description of Respondents:* Business or other for profit.

*Number of Respondents:* 51,800.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 6,416.

#### **Farm Service Agency**

*Title:* Report of Acreage.

*OMB Control Number:* 0560-0004.

*Summary of Collection:* Land and crop information is the basic foundation upon which many of Farm Service Agency (FSA) programs operate. The report of acreage is conducted on an annual basis and is used by FSA's county offices to determine eligibility for benefits that are available to producers on the farm. The actual number of producers who must supply information varies depending on (1) the type of farming operation, and (2) the mix of crops planted (which has a direct relationship to the type of program the producer is eligible to participate in). In order to establish eligibility annually for these programs, a minimal amount of land and crop data about a producer's farming operation is required. The information is subsequently used to ensure compliance with program provisions, to determine actual production histories, and when disaster occurs, to verify crop loss. Producers must provide the information each year because variables such as previous year experience, weather projections, market demand, new farming techniques and personal preferences affect the amount of land being farmed, the mix of crops planted, and the projected harvest. FSA will collect information verbally from the producers during visits to the county offices.

*Need and Use of the Information:* FSA will collect one or more of the following data elements, as required: crop planted, planting date, crop's intended use (e.g., fresh or processing), type or variety (e.g., sweet cherries or tart cherries), practice (irrigated or non-irrigated), acres, location of the crop (tract and field), and the producer's percent share in the crop along with the names of other producers having an interest in the crop.

Once the information is collected and eligibility established, the information is used throughout the crop year to ensure

the producer remains compliant with program provisions. Without a certain level of information provided each crop year by the producer, a significant misuse of public funds could occur.

*Description of Respondents:* Farms.

*Number of Respondents:* 650,175.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 1,462,894.

#### **Food and Nutrition Service**

*Title:* Disaster Food Stamp Program.

*OMB Control Number:* 0584-0336.

*Summary of Collection:* Section 5(h) of the Food Stamp Act along with other related legislative authorities provide for the Secretary of Agriculture to establish temporary emergency standards of eligibility for victims of a disaster so that food assistance can be obtained. This assistance becomes effective in areas designated as a "major" disaster in order to address temporary food needs of families affected. The Food and Nutrition Service (FNS) is delegated the responsibility to administer the program and State agencies handle enrollment and general operation. In order to determine whether an individual is eligible for emergency food stamp assistance an application form must be completed. The State agencies must comply with certain reporting requirements to reconcile the distribution of food stamps and account for discrepancies.

*Need and Use of the Information:* FNS, through the State agencies, will collect information from the public to ensure that individuals who apply for emergency food stamps are eligible. Without information from these individuals, there would be no means for establishing whether assistance is warranted. State reporting requirements are necessary in order to ensure that States are accountable for the food stamp coupons it maintains and to avoid fraud, waste, and abuse in the Food Stamp Program.

*Description of Respondents:* State, Local, or Tribal Government; Individuals or households.

*Number of Respondents:* 195,163.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion; Annually.

*Total Burden Hours:* 33,335.

**Nancy B. Sternberg,**

*Departmental Clearance Officer.*

[FR Doc. 00-30074 Filed 11-24-00; 8:45 am]

**BILLING CODE 3410-01-M**

## **DEPARTMENT OF AGRICULTURE**

### **Natural Resource Conservation Service**

#### **Holbrook Lake Ditch Watershed, Otero County, CO**

**AGENCY:** Natural Resource Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resource Conservation Service Regulations (7 CFR Part 650); the Natural Resource Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Holbrook Lake Ditch Watershed Project, Otero County, Colorado.

For further information contact Stephen F. Black, State Conservationist, Natural Resource Conservation Service, 655 Parfet St., Lakewood, Colorado, 80215-5517, telephone (303) 236-2886, ext. 202.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Stephen F. Black, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purpose is to reduce selenium, sediment and other pollutant loading to the Arkansas River due to ineffective irrigation water utilization. The planned works of improvement include on-farm underground irrigation pipelines, on-farm concrete irrigation ditches, land leveling, and underground drains. These enduring practices are accompanied by facilitating management practices such as Residue Management (seasonal).

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and Local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Stephen F. Black.

No administrative action on implementation of the proposal will be



taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

**Michael A. Gillespie,**

*Snow Survey Supervisor, Acting State Conservationist.*

[FR Doc. 00-30061 Filed 11-24-00; 8:45 am]

**BILLING CODE 3410-16-M**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

#### **Notice of Funding Availability (NOFA) for Section 515 Rural Rental Housing Funds and Section 521 Rental Assistance for Needs Resulting From Hurricanes Dennis, Floyd, and Irene; Extension of Application Deadline**

**AGENCY:** Rural Housing Service (RHS), USDA.

**ACTION:** Notice of extension of application deadline.

**SUMMARY:** The Rural Housing Service (RHS) extends the deadline for submitting applications for section 515 funds and section 521 rental assistance for needs resulting from hurricanes Dennis, Floyd, and Irene announced in a notice of funding availability (NOFA) published August 18, 2000 (65 FR 50497). This action is taken to provide additional information on the source and type of funds that RHS considers leveraged assistance and to give applicants the opportunity to adjust their applications based on this information. Finally, this extension will allow eligible entities additional time to submit applications.

**DATES:** Accordingly, the deadline for submitting applications under the notice published August 18, 2000 (65 FR 50497), is extended to 5:00 p.m. local time for each Rural Development State office on December 11, 2000. The application deadline is firm as to date and hour. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** For general information, applicants may contact Linda Armour, Senior Loan Officer, Multi-Family Housing Processing Division, Rural Housing

Service, United States Department of Agriculture, Stop 0781, 1400 Independence Avenue, SW, Washington, DC, 20250, telephone (202) 720-1753 (voice) (this is not a toll free number) or (800) 877-8339 (TDD-Federal Information Relay Service).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background and Discussion of Extension of Application Deadline**

RHS published a Notice of Funding Availability (NOFA) on August 18, 2000 (65 FR 50497), with an application deadline of October 17, 2000. Upon reviewing applications received, RHS determined that the NOFA was ambiguous regarding the source and type of funds that RHS considers leveraged assistance. From the applications received, RHS determined that applicants interpreted this ambiguity in different ways.

Therefore, to clarify this issue, applicants are hereby advised that leveraged assistance includes loans and grants from other sources, contributions from the applicant above the required contribution indicated by the Sources and Uses Comprehensive Evaluation (available from the Rural Development State Office) and tax abatements or other savings in operating costs provided that, at the end of the abatement period when the benefit is no longer available, the basic rents are comparable to or lower than the basic rents if RHS provided full financing. The required applicant contribution is not considered leveraged assistance.

RHS has also determined that some, but not all, applicants received a copy of the worksheet used by RHS to calculate the point score for leveraged assistance. To ensure that all applicants are treated fairly, applicants who submitted an application under the notice published August 18, 2000 will be provided with a copy of this Notice and the worksheet used by RHS to calculate leveraged assistance. Applicants who wish to adjust their application based on this additional information must re-submit their application by the extension deadline published in this Notice. Finally, this extension will allow eligible entities additional time to submit applications. Such entities may contact the Rural Development State office to obtain a copy of the worksheet used by RHS to calculate leveraged assistance.

Dated: November 17, 2000.

**James C. Kearney,**

*Administrator, Rural Housing Service.*

[FR Doc. 00-30233 Filed 11-24-00; 8:45 am]

**BILLING CODE 3410-XV-U**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### **Arkansas Electric Cooperative Corporation; Notice of Availability of an Environmental Assessment**

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

**ACTION:** Notice of availability of an environmental assessment.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS), has accepted the Environmental Impact Statement (EIS) prepared for the Arkansas Public Service Commission (APSC) as its Environmental Assessment. RUS may provide financial assistance to Arkansas Electric Cooperative Corporation (AECC) for the construction of a 153-megawatt (MW) combustion turbine electric generating station in southwest Arkansas.

**FOR FURTHER INFORMATION CONTACT:** Bob Quigel, Engineering and Environmental Staff, Rural Utilities Service, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250-1571, telephone (202) 720-0468. The E-mail address is [bquigel@rus.usda.gov](mailto:bquigel@rus.usda.gov).

**SUPPLEMENTARY INFORMATION:** AECC subsequent to receipt of a Certificate of Convenience and Necessity (CCN) from the APSC initiated construction of the project at a 159 acre site east of Fulton, Arkansas. Fulton is located in Hempstead County. The CCN (Order No. 7) for the generating station was issued on November 18, 1999. The CCN (Order No. 3) for the transmission line was issued on May 9, 2000.

The project, when completed, will initially consist of a single 153 MW gas-fired, simple-cycle combustion turbine generating unit. Other on-site facilities include a 90-foot exhaust stack, step-up and auxiliary transformers, motor control centers, bus ductwork, an electric substation, and control, maintenance, and operations buildings. The project also includes 4 miles of 115 kV transmission line that will tie the station to the existing transmission grid. The transmission line will be built to 161 kV specifications in anticipation that additional transmission line capacity may be needed in the future.

The facility is designed to accommodate conversion of the unit to combined cycle operation, but will be initially operated as a simple cycle unit. The site has been sized to accommodate additional simple or combined cycle units. However, the environmental assessment announced herein will cover only the initial 153 MW simple cycle unit and related electric transmission



line. Only those facilities are being considered for RUS financial assistance.

The only alternative to providing financial assistance to AECC for the construction of the subject project being considered by RUS would be to take no action, therefore, not provide financial assistance.

An EIS for the proposed generating station was submitted by AECC to the APSC on July 1, 1999. Information on the proposed transmission line was submitted to the APSC on February 15, 2000. RUS has independently evaluated the information contained in both submittals to the APSC and believes that it accurately assesses the environmental impacts of the project. In accordance with the provisions of §§ 1794.53 and 1794.74 of RUS' Environmental Policies and Procedures, the information referenced above will serve as RUS' environmental assessment for this project.

The environmental assessment can be reviewed at the AECC headquarters located at 8000 Scott Hamilton Drive, Little Rock, Arkansas (501-570-2462). This document will also be available for public inspection at the Hempstead County Library, 500 South Elm Street, Hope, Arkansas (870-777-4564). It can also be reviewed at the headquarters of RUS at the address provided previously.

Questions and comments should be sent to RUS at the address provided. RUS will accept questions and comments on its proposed action for at least 30 days from the date of publication of this notice.

RUS will take no final action related to the project until after notification of that action is published in the **Federal Register** and in the same newspapers that this notice is being published.

Dated: November 16, 2000.

**Lawrence R. Wolfe,**

*Acting Director, Engineering and Environmental Staff.*

[FR Doc. 00-30098 Filed 11-24-00; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Georgia Transmission Corporation, Notice of Availability of an Environmental Assessment

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

**ACTION:** Notice of availability of an environmental assessment.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS) is issuing an environmental assessment with respect to the potential

environmental impacts related to the construction of approximately 7 miles of 230 kilovolt transmission line in Cobb County, Georgia. RUS may provide financing assistance to Georgia Transmission Corporation for the project.

**FOR FURTHER INFORMATION CONTACT:** Bob Quigel, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250-1571, telephone: (202) 720-0468. Bob's e-mail address is [bquigel@rus.usda.gov](mailto:bquigel@rus.usda.gov). Information is also available from Susan Ingall of Georgia Transmission Corporation at (770) 270-7425. Susan's e-mail address is [susan.ingall@gatrans.com](mailto:susan.ingall@gatrans.com).

**SUPPLEMENTARY INFORMATION:** Georgia Transmission Corporation proposes to construct the 230 kilovolt transmission line between the existing South Acworth Substation and the existing Hawkins Store Road Substation. The transmission line will be 7.1 miles long and will be located near Acworth and Kennesaw, Georgia, in northern Cobb County.

The proposed transmission line will require a 25 to 35-foot wide corridor adjacent to existing rights-of-way such as roads and railroads. Where the transmission line will not adjacent to an existing right-of-way a 100-foot wide corridor will be necessary. The transmission line will be suspended via concrete or steel single-pole structures which will support three conductors and an overhead ground wire. The support structures will average 75 to 80 feet in height and will be spaced approximately 500 to 600 feet apart.

Georgia Transmission Corporation prepared an environmental analysis for RUS which describes the project and assesses its environmental impacts. RUS has conducted an independent evaluation of the environmental analysis and believes that it accurately assesses the impacts of the proposed project. This environmental analysis will serve as RUS' environmental assessment of the project. No significant impacts are expected as a result of the construction of the project.

The environmental assessment can be reviewed at the Georgia Transmission Corporation headquarters located at 2100 East Exchange Place, Tucker, GA. This document will also be available at the Cobb County Law Library, 10 East Park Square, Marietta, Georgia 30090, telephone (770) 528-1884. It can also be reviewed at the headquarters of RUS at the address provided above.

Questions and comments should be sent to RUS at the address provided. RUS will accept questions and comments on the environmental assessment for at least 30 days from the date of publication of this notice.

Any final action by RUS related to the proposed project will be subject to, and contingent upon, compliance with all relevant Federal environmental laws and regulations and completion of environmental review procedures as prescribed by the 7 CFR Part 1794, Environmental Policies and Procedures.

Dated: November 21, 2000.

**Lawrence R. Wolfe,**

*Acting Director, Engineering and Environmental Staff.*

[FR Doc. 00-30097 Filed 11-24-00; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Old Dominion Electric Cooperative; Notice of Intent

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

**ACTION:** Notice of intent to prepare an environmental assessment.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR parts 1500-1508), and the RUS' Environmental Policies and Procedures (7 CFR part 1794) proposes to prepare an Environmental Assessment for possibly granting financial assistance to Old Dominion Electric Cooperative (Old Dominion) to construct a 510 megawatt, natural gas-fired combustion turbine electric generation plant in Cecil County, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Bob Quigel, Engineering and Environmental Staff, Rural Utilities Service, at (202) 720-0468. Bob's E-mail address is: [bquigel@rus.usda.gov](mailto:bquigel@rus.usda.gov).

**SUPPLEMENTARY INFORMATION:** Old Dominion proposes to construct the natural gas-fired electric generation plant in the community of Rock Springs, located in northwestern Cecil County, Maryland. The proposed plant site is at the intersection of Old Mill Road and U.S. Route 222.

The Old Dominion ownership portion of the project will consist of three natural gas-fired combustion turbine generation units with an output of 170 megawatts each. The entire plant layout will be designed and permitted to

accommodate 6 combustion turbine units and would have a total output of 1,020 megawatts. The environmental impact has been described for 6 units. The entire plant will be situated on approximately 26 acres of the 93-acre site. No major natural gas pipeline or electric transmission line improvements will be needed at either location beyond the proposed site boundaries. A short electric transmission line span will be constructed on a 5-acre parcel owned by Old Dominion and is adjacent to the plant to tie the plant to an existing 500 kilovolt transmission line located southwest of Old Mill Road.

Alternatives considered by RUS and Old Dominion to constructing the generation facility as proposed include: (a) No action, (b) load management, (c) purchased power, (d) renewable energy, (e) a combined cycle combustion turbine plant, and (f) alternative site locations.

Old Dominion is preparing an environmental analysis to be submitted to RUS for review. RUS will use the environmental analysis to determine the significance of the impacts of the project and may adopt it as its environmental assessment of the project. RUS' environmental assessment of the project will be available for review and comment for 30 days. Notice of availability of the environmental assessment will be published in the **Federal Register** and in newspapers with a circulation in the project area. It is anticipated that the environmental assessment will be available in November or December of this year.

RUS will determine, based on the environmental assessment of the project, whether or not the impacts of the construction and operation of the plant poses a significant impact. Public notification of RUS' finding will be published in the **Federal Register** and in newspapers with a circulation in the project area.

Any final action related to the proposed project will be subject to, and contingent upon, compliance with environmental review requirements prescribed by the Council on Environmental Quality and the Rural Utilities Service's regulations.

Dated: November 17, 2000.

**Mark S. Plank,**

*Acting Director, Engineering and Environmental Staff.*

[FR Doc. 00-30096 Filed 11-24-00; 8:45 am]

BILLING CODE 3410-15-P

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Regulations and Procedures Technical Advisory Committee; Notice of Open Meeting

The Regulations and Procedures Technical Advisory Committee will meet on December 12, 2000, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

#### Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on pending regulations.
4. Discussion of deemed export rule.
5. Discussion of anti-boycott regulations.
6. Roundtable discussion with Bureau of Export Administration officials.
7. Election of Chair and Vice Chair.

The meeting will be open to the public and a limited number of seats will be available. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials, two weeks prior to the meeting date, to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, 14th St. & Constitution Ave. NW, U.S. Department of Commerce, Washington, DC 20230.

For more information or copies of the minutes, contact Lee Ann Carpenter on (202) 482-2583.

Dated: November 20, 2000.

**Lee Ann Carpenter,**

*Committee Liaison Officer.*

[FR Doc. 00-30130 Filed 11-24-00; 8:45 am]

BILLING CODE 3510-JT-M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 57-2000]

#### Foreign-Trade Zone 54—Clinton County, New York; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Clinton, New York, grantee of FTZ 54, requesting authority to expand its general-purpose zone site to include an additional site in Plattsburgh, New York. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 13, 2000.

FTZ 54 was approved on February 14, 1980 (Board Order 153, 45 FR 12469, 2/26/80) and expanded on September 23, 1982 (Board Order 196, 47 FR 43102, 9/30/82), and on May 29, 1996 (Board Order 829, 61 FR 28840, 6/6/96). The zone project currently includes three general-purpose zone sites: *Site 1* (123 acres)—Clinton County Air Industrial Park, Plattsburgh; *Site 2* (11 acres)—One Trans-Boarder Drive, Champlain, at I-87 and U.S. Route 11, operated by Trans-Border Customs Services, Inc.; and *Site 3* (200 acres)—Champlain Industrial Park, located on New York State Route 11 in Champlain (also includes two temporary parcels (both expire 11/30/01) located at 5 Coton Lane (4 acres) and 2002 Ridge Road (15,000 sq ft)).

The applicant is now requesting authority, on behalf of the Plattsburgh Airbase Redevelopment Corporation, to expand the general-purpose zone to include an additional site (*Proposed Site 4*; 3,200 acres) located at the former Plattsburgh Air Force Base, Interstate 87 and U.S. Route 9, Plattsburgh. The property is owned by the United States Air Force, which is in the process of conveying the property to the County of Clinton Industrial Development Agency, a municipal corporation, as part of a base conversion project.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 26, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the

subsequent 15-day period to February 12, 2001.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

The Development Corporation of Clinton County, New York, 61 Area Development Drive, Plattsburgh, New York 12901  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: November 14, 2000.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 00-30145 Filed 11-24-00; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 58-2000]

#### Foreign-Trade Zone 20—Hampton Roads, Virginia Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Virginia Port Authority (VPA), grantee of Foreign-Trade Zone (FTZ) 20, requesting authority to expand its zone in and adjacent to the Norfolk-Newport News Customs port of entry area. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 15, 2000.

FTZ 20 was approved on April 15, 1975 (Board Order 105, 40 FR 17884, 4/23/75), and expanded on May 8, 1997 (Board Order 887, 62 FR 28446, 5/23/97), and on July 28, 2000 (Board Order 1113, 65 FR 50179, 8/17/00). The zone project currently consists of the following sites in Virginia: *Site 2* (9 acres, 65,000 sq. ft.) located at 108 Lakeview Parkway, Suffolk; *Site 3* (31 acres, 3 parcels) located at 630 Woodlake Drive, at 1720 S. Military Highway, and at 575 Woodlake Drive, Chesapeake; *Site 4* (905 acres) located at Norfolk International Terminals, 7737 Hampton Boulevard, Norfolk; *Site 5* (242 acres) located at Portsmouth Marine Terminal, 2000 Seaboard Avenue, Portsmouth; *Site 6* (184 acres) located at Newport News Marine Terminal, 25th & Warwick Boulevard, Newport News; *Site 7* (490 acres, 6 parcels) located at Warren County Industrial Corridor, Routes 340, 522 and 661, Front Royal; *Site 8* (394 acres) located at Bridgeway Commerce Park, Interstate 664, Suffolk; *Site 9* (672 acres)

located at Cavalier Industrial Park, Interstate 64 and U.S. Route 13, Chesapeake; *Site 10* (26 acres) located at D.D. Jones Transfer & Warehouse, Inc., facility, 1920 Campostella Road, Chesapeake; *Site 11* (177 acres) located at New Boone Farm Industrial Park, Interstate 664, Chesapeake; *Site 12* (60 acres) located at PortCentre Commerce Park, Route 264, Portsmouth; *Site 13* (154 acres) located at Suffolk Industrial Park, 595 Carolina Road, Suffolk; *Site 14* (6,187 acres, 2 parcels) at the Goddard Space Flight Center-Wallops Flight Facility, Accomack County; *Site 15* (449 acres) at the Accomack Airport Industrial Park, U.S. Highway 13 & Parkway Road, Melfa (Accomack County); *Site 16* (5 acres) located at 525 & 533 Byron Street, Norfolk, within the Battlefield Lakes Technical Center (expires 7/31/2001); and, *Site 17* (4 acres) located at 600, 604 and 608 Greentree Road, Chesapeake, within the Butts Station Commerce Center (expires 7/31/2001). (*Site 1* has been deleted.) The applicant is requesting authority to expand the general-purpose zone to include the Battlefield Lakes Technical Center (*Site 16*) and Butts Station Commerce Center (*Site 17*) on a permanent basis and to include a new site in the Eastern Shore region of Virginia: *Proposed Site 18* (130 acres)—within the 579-acre Port of Cape Charles Sustainable Technologies Industrial Park, two miles from U.S. 13 on SR 1108, Bayshore Drive, Northampton County, Virginia. The site is owned by the Joint Industrial Development Authority of Northampton County and Towns. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 26, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (February 12, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia 23510-1696  
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S.

Department of Commerce, 14th and Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: November 15, 2000.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 00-30146 Filed 11-24-00; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-846]

#### Brake Rotors From the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews

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

**SUMMARY:** The Department of Commerce has received requests to conduct new shipper reviews of the antidumping duty order on brake rotors from the People's Republic of China. In accordance with 19 CFR 351.214(d), we are initiating reviews for Beijing Concord Auto Technology Inc., Qingdao Meita Automotive Industry Co., Ltd., and Shandong Laizhou Huanri Group General Co.

**EFFECTIVE DATE:** November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1766.

#### 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 amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce ("the Department") regulations are to 19 CFR Part 351 (April 2000).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests from Beijing Concord Auto Technology Inc. ("Concord"), Qingdao Meita Automotive Industry Co., Ltd. ("Meita"), and Shandong Laizhou Huanri Group General Co. ("Huanri"), in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on brake rotors from the People's Republic of China

("PRC"), which has an April anniversary month.

As required by 19 CFR 351.214(b)(2)(i) and (iii)(A), each of the three companies identified above has certified that it did not export brake rotors to the United States during the period of investigation ("POI"), and that it has never been affiliated with any exporter or producer which did export brake rotors during the POI. Each company has further certified that its export activities are not controlled by the central government of the PRC, satisfying the requirements of 19 CFR 351.214(b)(2)(iii)(B). Pursuant to the Department's regulations at 19 CFR 351.214(b)(2)(iv)(A), Concord, Huanri, and Meita each submitted documentation establishing the date on which it first shipped the subject merchandise to the United States, the

volume of that shipment, and the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) of the Act, as amended, and 19 CFR 351.214(b), and based on information on the record, we are initiating the new shipper reviews for Concord, Huanri, and Meita.

It is the Department's practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide de jure and de facto evidence of an absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to Concord, Huanri, and Meita (including a separate rates section), allowing approximately 37 days for response. If the response from

each respondent provides sufficient indication that it is not subject to either de jure or de facto government control with respect to its exports of brake rotors, each review will proceed. If, on the other hand, a respondent does not demonstrate its eligibility for a separate rate, then it will be deemed to be affiliated with other companies that exported during the POI, and the review of that respondent will be rescinded.

#### Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating new shipper reviews of the antidumping duty order on brake rotors from the PRC. We intend to issue the preliminary results of these reviews not later than 180 days after the date on which the reviews are initiated.

Antidumping Duty Proceeding	Period to be reviewed
PRC: Brake Rotors, A-570-846: Beijing Concord Auto Technology Inc. .... Qingdao Meita Automotive Industry Co., Ltd. Shandong Laizhou Huanri Group General Co.	04/01/00-09/30/00

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

Interested parties that need access to proprietary information in these new shipper reviews should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305 and 351.306.

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

Dated: November 20, 2000.

**Louis Apple,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 00-30142 Filed 11-24-00; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-825]

#### Sebacic Acid From the People's Republic of China: Rescission of antidumping duty administrative review

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

**ACTION:** Notice of rescission of antidumping duty administrative review.

**SUMMARY:** On September 6, 2000, in response to a request made by Guangdong Chemicals Import and Export Corporation, Sinochem Tianjin Import and Export Corporation, and ICC Chemical Corporation, the Department of Commerce published the notice of initiation of an antidumping duty administrative review on sebacic acid from the People's Republic of China for the period July 1, 1999, through June 30, 2000. Because these parties have withdrawn their request for review, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(1).

**EFFECTIVE DATE:** November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Christopher Priddy or James Nunno, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1130 or (202) 482-0783, respectively.

#### 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 amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

#### Background

On July 31, 2000, Guangdong Chemicals Import and Export Corporation (Guangdong), Sinochem Tianjin Import and Export Corporation (Tianjin), and ICC Chemical Corporation requested that the Department conduct an administrative review of the antidumping duty order on sebacic acid from the People's Republic of China for the review period July 1, 1999, through June 30, 2000. On September 6, 2000, the Department published in the **Federal Register** a notice of initiation of administrative review with respect to Guangdong and Tianjin. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 65 FR 53980 (Sept. 6, 2000). On October 19, 2000, Guangdong, Tianjin, and ICC

Chemical Corporation withdrew their request for an administrative review in the above-referenced case.

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Because Guangdong and Tianjin's withdrawal was submitted within the 90-day time limit, and no other party requested a review, we are rescinding the review. We will issue appropriate appraisal instructions directly to the U.S. Customs Service.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued in accordance with section 777(i)(1) of the Act and 19 CFR 351.213(d)(1) and (d)(4).

Dated: November 20, 2000.

**Louis Apple,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 00-30143 Filed 11-24-00; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-823-809, A-841-804]

#### Preliminary Determinations of Critical Circumstances: Steel Concrete Reinforcing Bars From Ukraine and Moldova

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

**EFFECTIVE DATE:** November 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Magd Zalok or Mark Manning at (202) 482-4162 and (202) 482-3936, respectively; AD/CVD Enforcement, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### Preliminary Determinations of Critical Circumstances

##### *The Applicable Statute and Regulations*

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

##### *Background*

On July 18, 2000, the Department of Commerce (the Department) initiated investigations to determine whether imports of steel concrete reinforcing bars (rebar) from Ukraine and Moldova, among others, are being, or are likely to be, sold in the United States at less-than-fair-value (LTFV) (65 FR 45754, July 25, 2000). On August 14, 2000, the International Trade Commission (ITC) determined that there is a reasonable indication of material injury to the domestic industry from imports of rebar from Ukraine and Moldova, among other countries. On August 22, 2000, the petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of rebar from the above-referenced two countries.<sup>1</sup>

In accordance with 19 CFR 351.206(c)(2)(i), because the petitioner submitted critical circumstances allegations more than 20 days before the scheduled date of the preliminary determinations, the Department must issue preliminary critical circumstances determinations not later than the date of the preliminary determinations. In a policy bulletin issued on October 8, 1998, the Department stated that it may issue preliminary critical circumstances determinations prior to the date of the preliminary determinations of dumping, assuming sufficient evidence of critical circumstances is available (*see Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations*, 63 FR 55364). In accordance with this policy, at this time we are issuing the preliminary critical circumstances decision in the investigations of imports of rebar from Ukraine and Moldova for the reasons discussed below and in the concurrent Memorandum from Holly Kuga to Troy H. Cribb: Antidumping Duty

<sup>1</sup> The petitioner also alleged that there is a reason to believe or suspect that critical circumstances exist with respect to imports of rebar from Belarus. However, we are not making a determination with respect to this country at this time.

Investigations of Steel Concrete Reinforcing Bar from Ukraine and Moldova—Preliminary Affirmative Determinations of Critical Circumstances (Critical Circumstances Preliminary Determinations Memorandum).

##### *Critical Circumstances*

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 351.206(h)(2) of the Department's regulations provides that an increase in imports of 15 percent during the "relatively short period" of time may be considered "massive."

Section 351.206(i) of the Department's regulations defines "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds that importers, exporters, or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

In determining whether the above criteria have been satisfied, we examined: (1) The evidence presented in the petition; (2) recent import statistics released by the Census Bureau after the initiation of the LTFV investigation; and (3) the ITC preliminary injury determination.

##### *History of Dumping and Importer Knowledge*

We are not aware of any existing antidumping order in any country on rebar from Ukraine and Moldova. For

this reason, we do not find a history of dumping from those countries pursuant to section 733(e)(1)(A)(i). However, the Department has looked to the second criterion for determining knowledge of dumping.

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling rebar at LTFV, pursuant to section 733(e)(1)(A)(ii) of the Act, the Department's normal practice is to consider margins of 25 percent or more sufficient to impute knowledge of dumping. *See Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China*, 62 FR 31972, 31978 (June 11, 1997). In these instant cases, given that we have not yet made a preliminary finding of dumping, the most reasonable source of information concerning knowledge of dumping is the petition itself. In the petitions, the petitioner calculated estimated dumping margins of 41.69 percent for Ukraine and 59.98 percent for Moldova. Since these estimated dumping margins exceed the 25 percent threshold, we have preliminarily imputed knowledge of dumping to importers, exporters, or producers of subject merchandise from Ukraine and Moldova. *See the Critical Circumstances Preliminary Determinations Memorandum.*

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that there was likely to be material injury by reason of dumped imports, under section 733(e)(1)(A)(ii) of the Act, the Department normally will look to the preliminary injury determination of the ITC. If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, the Department will determine that a reasonable basis exists to impute importer knowledge that there was likely to be material injury by reason of dumped imports. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 62 FR 61964 (November 20, 1997). In these instant cases, the ITC found that a reasonable indication of present material injury due to dumping exists for imports of rebar from Ukraine and Moldova. *See ITC's Preliminary Determinations*, August 14, 2000, Investigation Nos. 731-TA-872-883. Therefore, we preliminarily find that there is a reasonable basis to believe or suspect that importers knew or should have known that dumped imports of rebar from Ukraine and

Moldova were likely to cause material injury.

#### *Massive Imports*

In determining whether there are "massive imports" over a "relatively short period," pursuant to section 733(e)(1)(B) of the Act, the Department normally compares the import volume of the subject merchandise for three months immediately preceding the filing of the petition (*i.e.*, the base period), and three months following the filing of the petition (*i.e.*, the comparison period). However, as stated in section 351.206(i) of the Department's regulations, if the Secretary finds that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a time period of not less than three months from that earlier time. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.

In this case, the petitioner argues that importers, exporters, or producers of rebar from Ukraine and Moldova had reason to believe that an antidumping proceeding was likely before the filing of the petition. In determining whether imports from Ukraine and Moldova have been massive, the petitioner also alleges that rebar is a product for which demand is subject to seasonal shifts and that it is appropriate to use a seasonal methodology to examine whether an import surge occurred with respect to the above-referenced countries.

Based upon information contained in the petition, we found that press reports and published statements were sufficient to establish that, by December 1999, importers, exporters, and foreign producers knew or should have known that a proceeding was likely concerning rebar from Ukraine and Moldova. We disagree with the petitioner's analysis of massive imports based on seasonality because the evidence on the record does not substantiate that imports of rebar are subject to seasonal shifts. *See Critical Circumstances Preliminary Determinations Memorandum* for detailed discussion of this issue. Accordingly, we examined the increase in import volumes from May 1999 through December 1999 (the base period), as compared to the import volume during January 2000 through August 2000 (the comparison period), and found that imports of rebar from Ukraine and Moldova increased by 69.30 percent and 22.08 percent, respectively. *See the Critical*

Circumstances Preliminary Determinations Memorandum.

Therefore, pursuant to section 733(e) of the Act and section 351.206(h) of the Department's regulations, we preliminarily determine that there have been massive imports of rebar from Ukraine and Moldova over a relatively short time.

#### *Conclusion*

Given the above-referenced analysis, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist for imports of rebar from Ukraine and Moldova.

#### *Suspension of Liquidation*

In accordance with section 733(e)(2) of the Act, if the Department issues affirmative preliminary determinations of sales at LTFV in the investigations with respect to Ukraine and Moldova, the Department, at that time, will direct the U.S. Customs Service to suspend liquidation of all entries of rebar from Ukraine and Moldova that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication in the **Federal Register** of our preliminary determinations of sales at LTFV. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins reflected in the preliminary determinations of sales at LTFV published in the **Federal Register**. This suspension of liquidation will remain in effect until further notice.

#### *Final Critical Circumstances Determination*

We will make a final determination concerning critical circumstances for Ukraine and Moldova when we make our final determinations regarding sales at LTFV in those investigations, which will be 75 days (unless extended) after the preliminary LTFV determinations.

#### *ITC Notification*

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. This notice is issued and published pursuant to section 777(i) of the Act.

Dated: November 17, 2000.

**Troy H. Cribb,**

*Assistant Secretary for Import Administration.*

[FR Doc. 00-30144 Filed 11-24-00; 8:45 am]

BILLING CODE 3510-DS-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Notice of Intent To Conduct Restoration Planning**

**AGENCIES:** National Oceanic and Atmospheric Administration, U.S. Department of Commerce; U.S. Fish and Wildlife Service, U.S. Department of the Interior; State of Maryland Department of the Environment; and State of Maryland Department of Natural Resources

**SUMMARY:** The agencies listed above (the Trustees) are providing notice of their efforts to plan restoration actions for injuries to natural resources in Swanson Creek and the Patuxent River caused by the April 7, 2000, release of 126,000 gallons of oil from a ruptured pipeline owned by Potomac Electric Power Company (Pepco). The pipeline supplied oil to Pepco's Chalk Point Generating Station and is managed by Support Terminal Services Operating Partnership (ST Services). The purpose of this restoration planning is to evaluate potential injuries to natural resources and services, and use that information to determine the need for and scale of restoration actions.

The Trustees seek public involvement in the restoration planning process for this spill. Opportunities for public comment are provided through public review and comment on documents contained in the Administrative Record, as well as on the Draft and Final Restoration Plans when they have been prepared.

**SUPPLEMENTARY INFORMATION:****Pipeline Break and Oil Spill Incident**

On April 7, 2000, a break in the pipeline that supplies oil to the Pepco Chalk Point Generating Station released an estimated 126,000 gallons of oil into Swanson Creek and the surrounding marsh area. A storm during the night of April 8, 2000, blew the oil over the containment booms that were placed at the mouth of Swanson Creek and into the Patuxent River and its tributaries. As a result, the oil spread about 10 miles, primarily downstream of the spill location.

Since the spill, the Trustees' have initiated a number of preassessment data collection activities. Findings demonstrate or suggest four general areas of natural resource injuries: (1) Wetlands and shorelines; (2) fisheries and other aquatic resources; (3) birds and wildlife; and (4) lost interim use of public services. The Trustees have

implemented or are developing studies to assess the extent of these injuries.

The natural resource Trustees for this oil spill incident are the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); U.S. Department of the Interior, Fish and Wildlife Service (FWS); State of Maryland Department of the Environment (MDE); and State of Maryland Department of Natural Resources (MDNR). The Trustees are designated pursuant to the National Contingency Plan, 40 C.F.R. 300.600 and 300.605.

The Responsible Parties (RP's) for this incident are Pepco, the pipeline owner, and ST Services, the manager of the pipeline. To date, the RP's have cooperated with the Trustees in the performance and/or funding of response, cleanup and preassessment data collection activities.

**Administrative Record**

The Trustees have opened an Administrative Record (Record) in compliance with 15 CFR 990.45. The Record will include documents relied upon by the Trustees during the assessment performed in conjunction with the incident. To date, the Record contains:

- (1) A copy of this notice;
- (2) A letter from the Trustees to Pepco inviting their participation in a cooperative natural resource damage assessment;
- (3) A letter from the Trustees to ST Services inviting their participation in a cooperative natural resource damage assessment; and
- (4) A letter to the Trustees from ST Services indicating their willingness to participate in a cooperative natural resource damage assessment.

The Record is on file at the NOAA Damage Assessment Center in Silver Spring, Maryland. Duplicate copies will be maintained for public review at the following locations:

Calvert County, Swanson Creek Command Center, Calvert County Industrial Park 230 Bugeye Square, Prince Frederick, MD 20678  
St. Mary's County, Pepco Community Outreach Center, Light Point Commerce Center, 30383 Three Notch Road, Charlotte Hall, MD 20622  
Information Resource Center, Maryland Department of Natural Resources 580 Taylor Avenue, B-3, Annapolis, MD 21401

**Trustees' Determination of Jurisdiction:**

Following the notice of the pipeline break and oil discharge, the Trustees initiated preassessment data collection

activities. The following determinations were made as required by 15 CFR 990.41:

(1) The spill of approximately 126,000 gallons of fuel oil from the pipeline on April 7, 2000, into the Swanson Creek Marsh, Swanson Creek, and the Patuxent River was an incident as defined at 15 CFR Section 990.30.

(2) The incident was not permitted under Federal, state, or local law; it did not occur from a public vessel; and it did not occur from an offshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. 1651, *et seq.*

(3) Based upon information gathered during the response and preassessment phases, the Trustees have determined that natural resources under the trusteeship of NOAA, DOI, and Maryland, have been injured as a result of the incident. The oil released contains components that are toxic at sufficiently high exposure levels to aquatic organisms, birds, wildlife, and vegetation. In addition, the Trustees observed birds, marshes and aquatic organisms that were exposed to the oil from this discharge.

Based on the above findings, the Trustees made the determination that they have jurisdiction to pursue restoration pursuant to the Oil Pollution Act, 33 U.S.C. 2702 and 2706 (b)-(c).

**Trustee Determination to Conduct Restoration Activities:**

For the reasons discussed below, the Trustees have made the determination required by 15 C.F.R. Section 990.42(a) and are proceeding with restoration planning to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of this incident.

(1) Injuries have resulted from the incident. The Trustees base this determination upon data collected and analyzed pursuant to 15 CFR Section 990.43 that demonstrate that injuries to natural resources are likely to have resulted from the incident, including, but not limited to, the following:

(A) Wetlands and Shorelines: Spilled oil spread throughout Swanson Creek and about 10 miles downstream from Chalk Point, oiling approximately 25 miles of shoreline and 75 acres of wetlands. As part of the response, data was collected on types of shorelines impacted and degree(s) of oiling. This work, along with aerial photography and field measurements, will be used to define the extent and degree of impact.

(B) Birds and Wildlife: Oiled birds, mammals, reptiles and amphibians were collected during the response. Ruddy



ducks and muskrats were the two biggest categories of oiled animals. Ospreys and great blue herons were also found oiled but to a lesser extent. The diamondback terrapin is a resource of special concern to the State of Maryland; both adults and nesting beaches for this species were oiled as a result of the spill. The Trustees are continuing to monitor the nesting success of ospreys and great blue herons and will develop studies to determine the impact of the spill on the muskrats and diamondback terrapins.

(C) Shellfish, Finfish and Crabs: The watershed provides valuable spawning and nursery habitat for anadromous species such as striped bass, white perch and herring, all of which were entering their spawning period at the time of the spill. The effect of the spill on these species will be determined during the damage assessment.

(D) Lost Use: MDE issued fishing, shellfishing, and crabbing advisories and closures immediately following the spill. These areas have since been reopened. In addition, sections of the river and its tributaries were closed to boat traffic as part of the response.

(2) Response actions during clean up have not adequately addressed the injuries resulting from the incident. Although response actions were initiated promptly, the nature of discharge and the sensitivity of the environment precluded prevention of injuries to some natural resources. It is anticipated that injured natural resources will eventually return to baseline levels, but there is a potential for significant interim losses to have occurred and to continue to occur, until return to baseline is achieved.

(3) Feasible primary and compensatory restoration exists to address injuries from this incident. Among the available procedures are marsh injury assessment studies to be used in conjunction with Habitat Equivalency Analysis to determine compensation for injuries to marsh vegetation and marsh services. Other approaches are available for evaluating injuries to fauna such as migratory birds. Components of a restoration plan may include wetland habitat enhancement, water quality improvement projects, bird and wildlife enhancement activities and compensation for lost human use.

*Public Involvement:* Pursuant to 15 CFR 990.44, the Trustees seek public involvement in restoration planning through public review and comment on the documents contained in the Administrative Record. Comments should be sent to Jim Hoff, NOAA Damage Assessment Center, Room

10218, 1305 East West Highway, Silver Spring, MD 20910-3281, (301) 713-3038 ext. 188.

**FOR FURTHER INFORMATION CONTACT:**

Jim Hoff, NOAA Damage Assessment Center, Room 10218, 1305 East-West Highway, Silver Spring, MD 20910-3281; (301) 713-3038 ext. 188.

Beth McGee, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, MD 21401; (410) 573-4524.

Carolyn V. Watson, Maryland Department of Natural Resources, Tawes State Office Bldg, 580 Taylor Avenue C4, Annapolis, MD 21401; (410) 260-8113.

Bob Summers, Maryland Department of the Environment, 2500 Broening Hwy., Baltimore, MD 21224; (410) 631-3680.

Dated: November 3, 2000

**Margaret A. Davidson**

*Acting Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 00-30127 Filed 11-24-00; 8:45 am]

**BILLING CODE 3510-JE-U**

## CONSUMER PRODUCT SAFETY COMMISSION

### "Federal Register" Citation of Previous Announcement: November 21, 2000 (Volume 65, Number 225, Page 69915)

*Previously Announced Time and Date of Meeting:* 2 p.m., November 29, 2000.

*Changes in Meeting:* The closed meeting regarding the Compliance Status Report is canceled. The meeting will be rescheduled.

For a recorded message containing the latest agenda information, call (301) 504-0709.

**FOR FURTHER INFORMATION CONTACT:**

Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504-0800.

Dated: November 22, 2000.

**Sadye E. Dunn,**

*Secretary.*

[FR Doc. 00-30272 Filed 11-22-00; 1:22 pm]

**BILLING CODE 6355-01-M**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Proposed Collection; Comment Request

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork

Reduction Act of 1995, the Department of Defense Medical Examination Review Board announces the proposed public information collection and seeks public comment on the provisions thereof.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms or information technology.

**DATES:** Consideration will be given to all comments received by January 26, 2001.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to SAF/PAX, Air Force Public Affairs, 1690 Air Force Pentagon, Washington, DC 20330-1690, Attention: Lt Col Anne Morris.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call SAF/PAX at (703) 692-6228.

*Title:* The Public and the United States Air Force (USAF): Recruiting and Retention Challenges.

*Needs and Uses:* For the first time in its history, the USAF is struggling to meet its recruiting goals. The USAF also faces the challenge of improving retention levels for those people who have joined the Air Force. A combination of environmental factors, including increasing operations tempo, frequency and length of deployments and the robust American economy of the past few years have rendered continuing service in the USAF less desirable for some of its members. Both recruitment and retention challenges impact the Air Force's ability to sustain mandated end strength. To address these requirements and challenges, the USAF has launched the first paid network television advertising campaign in its history. New television advertisements began airing in September 2000 as a primary element of a focused national campaign to tell the Air Force story to Americans and, in the process, address recruiting and retention challenges. Continued audience research is needed to guide evaluation of the campaign's



effectiveness and planning of future campaigns.

*Affected Public:* Residents (15 years and older) of telephone-equipped households in the U.S.

*Annual Burden Hours:* 1,000.

*Number of Respondents:* 4,500.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 13.3 Minutes.

*Frequency:* At roughly 3-month intervals.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Information Collection

These three surveys will serve multiple purposes. They will gauge recruitment-age youth's and their influencers' awareness of, familiarity with, attitudes about and feelings toward the Air Force. These measures will be made at roughly 3-month intervals during the course of the current USAF television advertising campaign, giving insight into the communication initiative's ongoing performance. The surveys will allow direct comparison of target youth and influential adult thinking about factors affecting recruitment decision-making. Findings from these surveys of the civilian population also will be compared with similar data to be gathered from the internal USAF population at approximately the same time, providing a valuable head-to-head comparison of civilians' and Air Force people's perceptions of what the Air Force does and why a young person should want to join.

**Janet A. Long,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 00-30128 Filed 11-24-00; 8:45 am]

BILLING CODE 5001-05-U

## DEPARTMENT OF ENERGY

### Office of Science; Basic Energy Sciences Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Monday, December 11, 2000, 8:00 a.m. to 5:00 p.m.

**ADDRESSES:** Marriott at Metro Center; 775 12th Street, NW; Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Sharon Long; Office of Basic Energy

Sciences; U. S. Department of Energy; 19901 Germantown Road; Germantown, MD 20874-1290; Telephone: (301) 903-5565.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Meeting:* The purpose of this meeting is to provide advice and guidance with respect to the basic energy sciences research program.

*Tentative Agenda:* Agenda will include discussions of the following:

Monday, December 11, 2000

- News from Basic Energy Sciences

- Subpanel Report on the Review of the Intense Pulsed Neutron Source (IPNS) at Argonne National Laboratory and the Manuel Lujan, Jr. Neutron Scattering Center (MLNSC) at the Los Alamos Neutron Science Center at Los Alamos National Laboratory

- Future Activities

*Public Participation:* The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Sharon Long at 301-903-6594 (fax) or sharon.long@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule. This notice is being published less than 15 days before the date of the meeting due to the Thanksgiving holiday.

*Minutes:* The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; 1E-190, Forrestal Building; 1000 Independence Avenue, S.W.; Washington, D.C. 20585; between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C. on November 20, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee, Management Officer.*

[FR Doc. 00-30125 Filed 11-24-00; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Office of Science; Biological and Environmental Research Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Biological and Environmental Research Advisory Committee. Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Monday, December 11, 2000, 8:30 a.m. to 5:00 p.m.; and Tuesday, December 12, 2000, 8:30 a.m. to 12:00 p.m.

**ADDRESSES:** American Geophysical Union, 2000 Florida Avenue, N.W., Washington, D.C. 20009.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Thomassen (301-903-9817; david.thomassen@science.doe.gov), or Ms. Shirley Derflinger (301-903-0044; shirley.derflinger@science.doe.gov), Designated Federal Officers, Biological and Environmental Research Advisory Committee, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC-70, 19901 Germantown Road, Germantown, Maryland 20874-1290. The most current information concerning this meeting can be found on the website: <http://www.science.doe.gov/ober/berac/announce.html>

**SUPPLEMENTARY INFORMATION:** *Purpose of the Meeting:* To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the biological and environmental research program.

#### Tentative Agenda

Monday, December 11, and Tuesday, December 12, 2000:

- Welcoming Remarks
- Opening of Meeting
- Remarks from Dr. Mildred S. Dresselhaus, Director, Office of Science
- Report by Dr. Ari Patrinos, Associate Director for Biological and Environmental Research (BER) on the Status of BER
- Update on Office of Biological and Environmental Research Activities
- Discussion of Roadmap for BERAC Report, Bringing the Genome to Life
- Report from the Natural and Accelerated Bioremediation Research (NABIR) Subcommittee

- Review of Subcommittee Activities
- New Business
- Public Comment (10-minute rule)

*Public Participation:* The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you

would like to make oral statements regarding any of the items on the agenda, you should contact David Thomassen or Shirley Derflinger at the address or telephone numbers listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule. This notice is being published less than 15 days before the date of the meeting due to the Thanksgiving holiday.

**Minutes:** The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on November 21, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee, Management Officer.*

[FR Doc. 00-30123 Filed 11-24-00; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Los Alamos

**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), Los Alamos. The Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Wednesday, December 13, 2000, 6:00 p.m.—9:00 p.m.

**ADDRESSES:** Town Hall, 139 Longview Drive, White Rock, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Ann DuBois, Northern New Mexico Citizens' Advisory Board, 1640 Old Pecos Trail, Suite H, Santa Fe, NM 87505. Phone (505) 989-1662; fax (505) 989-1752 or e-mail: adubois@doeal.gov.

**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. Opening Activities, 6:00–6:30 p.m.
2. Public Comments, 6:30–7:00 p.m.
3. Reports:
  - Air Quality Reports—Dr. John Till Presentation on WIPP
4. Committee Reports:
  - Waste Management
  - Environmental Restoration
  - Monitoring and Surveillance
  - Community Outreach
  - Budget
5. Other Board business will be conducted as necessary.

This agenda is subject to change at least one day in advance of the meeting.

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ann DuBois at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the beginning of the meeting.

**Minutes:** Minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 1640 Old Pecos Trail, Suite H, Santa Fe, NM. Hours of operation for the Public Reading Room are 9:00 a.m.—4:00 p.m. on Monday through Friday. Minutes will also be made available by writing or calling Ann DuBois at the Board's office address or telephone number listed above. Minutes and other Board documents are on the Internet at <http://www.nnmcab.org>.

Issued at Washington, DC on November 21, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 00-30124 Filed 11-24-00; 8:45 am]

**BILLING CODE 6450-50-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Biomass Research and Development Technical Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee. The Federal Advisory Committee Act (Public Law No. 92-463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the first meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000.

**Dates:** December 13, 2000.

**Time:** 9 a.m.—4 p.m.

**ADDRESSES:** 1800 M Street, NW., 3rd Floor, Waugh Auditorium, Washington, DC 20036.

#### FOR FURTHER INFORMATION CONTACT:

Richard F. Moorer, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585; (202) 586-7766.

#### SUPPLEMENTARY INFORMATION:

**Purpose of Meeting:** To provide advice and guidance that promotes research and development leading to bioenergy and biobased products. Tentative Agenda: Agenda will include discussions on the following:

- Legal Briefing on Federal Advisory Committee Act (FACA)
- Biomass Research and Development Act of 2000
- Charter of the Biomass Research and Development Technical Advisory Committee
- Accomplishments and Ongoing actions to promote the increased use of bioenergy and biobased products
  - Recent and proposed solicitations to promote bioenergy and biobased products
  - Next steps
  - Public comments
  - Coordination among Federal agencies
  - Strategic Plan
  - Report to Congress

**Public Participation:** In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. If you would like to file a written statement with the Committee, you may do so

either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Richard F. Moorer at 202-586-7766 or [Biocoord@ee.doe.gov](mailto:Biocoord@ee.doe.gov) (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. The Chair will conduct the meeting to facilitate the orderly conduct of business.

**Minutes:** The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; Room 1E-190; Forrestal Building; 1000 Independence Avenue, SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on November 21, 2000.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 00-30126 Filed 11-24-00; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR01-1-000]

#### Associated Natural Gas Company; Notice of Petition for Rate Approval

November 20, 2000.

Take notice that on November 1, 2000, Associated Natural Gas Company (ANG) filed, pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a firm maximum reservation rate of \$1.9662 per MMBtu, a firm minimum reservation rate of \$0.0000, maximum and minimum commodity rates of \$0.00273 per MMBtu, an interruptible maximum rate of \$0.03663, and an interruptible minimum rate of \$0.00273 per MMBtu for transportation services performed under its blanket certificate issued pursuant to 18 CFR 284.224.

ANG states that its facilities consist of two discrete, non-integrated systems. One of these systems is located entirely in Arkansas. The other system is located

almost entirely in Arkansas but crosses the Arkansas-Missouri border and extends approximately 50 feet into Missouri where it interconnects with another local distribution company in Missouri. ANG requests approval of the proposed rates to facilitate ANG's deliveries of gas across the Arkansas-Missouri border. The proposed rates will apply only to the delivery of gas on the ANG system located in northeast Arkansas and Southeast Missouri.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before December 5, 2000. This petition for rate approval is on file with the Commission and is 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 385.200(a)(1)(iii) and the instruction on the Commission's web sit at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 00-30086 Filed 11-24-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-102-000]

#### Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 20, 2000.

Take notice that on November 15, 2000, Kern River Gas Transmission

Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective January 1, 2001:

Second Revised Sheet No. 5  
First Revised Sheet No. 6

Kern River states that the purpose of this filing is to revise its tariff to incorporate the Gas Research Institute (GRI) surcharges approved by the Commission for 2001.

Kern River states that a copy of this filing has been served upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal 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 385.200(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 00-30073 Filed 11-24-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-103-000]

#### Northwest Alaskan Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 20, 2000.

Take notice that on November 15, 2000 Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 2, Forty-

Eighth Revised Sheet No. 5, proposed to be effective January 1, 2001.

Northwest Alaskan states that the instant filing is submitted pursuant to Section 4 of the Natural Gas Act, Section 9 of the Alaskan Natural Gas Transportation Act of 1976 and Part 154 of the Commission's Regulations. Northwest Alaskan is submitting this filing pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and Pan-Alberta Gas (U.S.), Inc. (PAG-US), and pursuant to Rate Schedules X-1, X-2 and X-3, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (January 1, 2001 through June 30, 2001) the demand charges and demand charge adjustments which Northwest Alaskan will charge during the period.

Northwest Alaskan states that included in Appendix B attached to the filing are the workpapers supporting the derivation of the revised demand charge and demand charge adjustment reflected on the tariff sheet included therein.

Northwest Alaskan states that it is serving copies of the instant filing to its affected customers.

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>.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30087 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-100-000]

#### Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 20, 2000.

Take notice that on November 15, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets to become effective January 1, 2001:

*Third Revised Volume No. 1*

Nineteenth Revised Sheet No. 5

*Original Volume No. 2*

Twenty-Sixth Revised Sheet No. 2.2

Northwest states that the purpose of this filing is to revise its tariff to incorporate the Gas Research Institute (GRI) surcharges approved by the Commission for 2001.

Northwest states that a copy of this filing has been served upon its customers and interested state regulatory 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>.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30071 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-101-000]

#### Panhandle Eastern Pipe Line Company; Notice of Filing Report

November 20, 2000.

Take notice that on November 15, 2000, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing its final reconciliation report in accordance with the February 12, 1997 Stipulation and Agreement in Docket No. RP96-260-000 (Settlement).

Panhandle states that pursuant to the Commission's September 30, 1999 order in Docket No. RP99-497-000, it established the Carryover Docket No. RP96-260-000 Settlement Volumetric Surcharge applicable to Rate Schedules IT and EIT, to be effective during the twelve month period commencing October 1, 1999. On August 31, 2000 Panhandle filed in Docket No. RP00-525-000 to suspend the Carryover Docket No. RP96-260-000 Settlement Volumetric Surcharge applicable to Rate Schedules IT and EIT effective October 1, 2000. The Commission accepted Panhandle's filing on September 27, 2000.

Panhandle further states copies of this filing are being served on all to the proceedings in Docket Nos. RP96-260-000 and RP00-525-000.

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 on or before November 28, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30072 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-99-000]

#### Southern Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff

November 20, 2000.

Take notice that on November 15, 2000, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to become effective December 15, 2000:

2nd Revised Sheet No. 78

2nd Revised Sheet No. 92

Southern states that the purpose of this filing is to follow-through with its proposal set forth in its Order No. 637 Compliance Filing in Docket No. RP00-476 in which Southern agreed to allow intraday storage transfers. Southern proposes to allow shippers under Rate Schedule ISS and CSS to request a transfer at any time prior to the nomination deadline applicable to the request for transfer.

Southern states that copies of the filing will be served upon its shippers 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 motion 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>.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30070 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ES01-12-000, et al.]

#### MDU Resources Group, Inc., et al.; Electric Rate and Corporate Regulation Filings

November 17, 2000.

Take notice that the following filings have been made with the Commission:

##### 1. MDU Resources Group, Inc.

[Docket No. ES01-12-000]

Take notice that on November 15, 2000, MDU Resources Group, Inc. submitted an application pursuant to section 204 of the Federal Power Act requesting authorization to incur short-term indebtedness in an amount not to exceed \$75 million.

*Comment date:* December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

##### 2. H.Q. Energy Services (U.S.) Inc.

[Docket No. ER97-851-012]

Take notice that on November 9, 2000, H.Q. Energy Services (U.S.) Inc. (H.Q. Energy), tendered for filing an updated generation market power study in support of sales of electric energy at market based prices, pursuant to the Commission's order in H.Q. Energy Services (U.S.) Inc., 81 FERC ¶ 61,184 (1997). H.Q. Energy also tendered for filing a First Revised FERC Rate Schedule No. 1 setting forth proposed revisions to its tariff to provide for the sale of specified ancillary services and the reassignment of transmission rights to become effective as of the day after the date of filing.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Detroit Edison Company DTE Energy Trading, Inc.

[Docket No. ER00-3672-001]

Take notice that on November 9, 2000, Detroit Edison Company and DTE Energy Trading, Inc., tendered for filing a request to withdraw its proposed revisions to tariffs and power supply agreements, proposed service agreements and proposed modifications to codes of conduct filed with the

Commission on September 14, 2000 in the above referenced docket.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 4. PJM Interconnection L.L.C.

[Docket No. ER00-3576-001]

Take notice that on November 9, 2000, PJM Interconnection L.L.C., tendered for filing a refund report in the above-referenced docket.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Idaho Power Company

[Docket No. ER97-1481-002]

Take notice that on November 13, 2000, Idaho Power Company tendered for filing an updated market power analysis in compliance with the Commission's order in Docket No. ER97-1481.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Carolina Power & Light Company

[Docket No. ER00-3435-002]

Take notice that on November 13, 2000, Carolina Power & Light (CP&L or the Company), tendered for filing revised tariff sheets in compliance with the Commission's order issued October 11, 2000 in Carolina Power & Light Company, 93 FERC ¶ 61,032 (2000).

CP&L requests that this compliance filing be made effective August 17, 2000, consistent with the Commission's acceptance of the Company's filing in October 11 order.

Copies of the filing were served upon CP&L's OATT customers, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Ameren Energy Generating Company

[Docket No. ER00-3412-002]

Take notice that on November 9, 2000, Ameren Energy Generating Company (AEG), tendered for filing a revised version of its market-based rate tariff and a revised version of an amended power supply agreement with one customer, each modified in compliance with the Commission's October 11, 2000 order in this proceeding.

AEG seeks an effective date of August 15, 2000 for these changes.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**8. Xcel Energy Services, Inc.**

[Docket No. ER01-408-000]

Take notice that on November 9, 2000, Xcel Energy Services Inc. (XES), on behalf of Northern States Power Companies (NSP), tendered for filing a Long-Term Market-Based Electric Service Agreement and an Electric Service Agreement between NSP and Energy Alternatives, Inc. as Agent for Dakota Electric Association.

NSP requests that this Long-Term Market-Based Electric Service Agreement be made effective on August 30, 2000 and the Electric Service Agreement be made effective on September 1, 2000.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**9. Sierra Pacific Power Company**

[Docket No. ER01-409-000]

Take notice that on November 9, 2000, Sierra Pacific Power Company (Sierra) tendered for filing Service Agreements (Service Agreements) with the following entities for Point-to-Point Transmission Service under Sierra Pacific Resources Operating Companies FERC Electric Tariff, Revised Volume No. 1, Open Access Transmission Tariff (Tariff):

For Non-Firm Point-to-Point Transmission Service

1. Sacramento Municipal Utility District
2. The Legacy Energy Group, LLC
3. Morgan Stanley Capital Group Inc.

For Short-Term Firm Point-to-Point Transmission Service

1. Sacramento Municipal Utility District
2. The Legacy Energy Group, LLC
3. Morgan Stanley Capital Group Inc.

Sierra filed the executed Service Agreements with the Commission in compliance with Sections 13.4 and 14.4 of the Tariff and applicable Commission regulations. Sierra also submitted revised Sheet Nos. 195 and 196 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Sierra requests waiver of the Commission's notice requirements to permit and effective date of November 10, 2000 for Attachment E, and to allow the Service Agreements to become effective according to their terms.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California and all interested parties.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**10. Consumers Energy Company; Michigan Electric Transmission Company**

[Docket No. ER01-410-000]

Take notice that on November 9, 2000, Consumers Energy Company (Consumers) and Michigan Electric Transmission Company (Michigan Transco), tendered for filing a Michigan Transco Open Access Transmission Tariff (OATT) which is to supersede, for the most part, Consumers' OATT (Consumers FERC Electric Tariff No. 6). The revision is to reflect the proposed transfer of Consumers' transmission assets to Michigan Transco. Copies of the filing were served upon all customers under Consumers' OATT and upon the Michigan Public Service Commission.

Consumers and Michigan Transco request that the filed OATT be allowed to take effect on the date of the transfer of those assets, expected to occur approximately February 1, 2001.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**11. Consumers Energy Company**

[Docket No. ER01-411-000]

Take notice that on November 9, 2000, Consumers Energy Company (Consumers) tendered for filing a Facilities Agreement between Consumers and SEI Michigan, L.L.C. [SEI] (Agreement). Under the Agreement, Consumers is to provide electrical connection facilities between a generating plant to be built by SEI and Consumers transmission system. Consumers requested that the Agreement be allowed to become effective October 4, 2000.

Copies of the filing were served upon SEI and the Michigan Public Service Commission.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**12. California Independent System Operator Corporation**

[Docket No. ER01-412-000]

Take notice that on November 9, 2000, the California Independent System Operator Corporation, tendered for filing a Scheduling Coordinator Agreement between the ISO and Merrill Lynch Capital Services, Inc., for acceptance by the Commission.

The ISO states that this filing has been served on Merrill Lynch Capital Services, Inc. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Scheduling Coordinator Agreement to

be made effective as of October 23, 2000.

*Comment date:* November 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**13. Southern California Edison Company**

[Docket No. ER01-414-000]

Take notice that on November 13, 2000, Southern California Edison Company (SCE), tendered for filing the Agreement For Interconnection Service (Agreement), between SCE and Harbor Cogeneration Company (Harbor).

The Agreement specifies the terms and conditions under which SCE will interconnect Harbor's 80,000 kW generating facility with SCE's Harborgen Substation pursuant to SCE's Transmission Owner Tariff.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**14. Duke Energy Corporation**

[Docket No. ER01-415-000]

Take notice that on November 9, 2000, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with The Detroit Edison Company, for Non-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.

**15. Cinergy Services, Inc.**

[Docket No. ER01-416-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy) and Engelhard Power Marketing, Inc., are requesting a cancellation of Service Agreement No. 96, under Cinergy Operating Companies, Market-Based Power Sales Tariff—MB, FERC Electric Tariff Original Volume No. 7.

Cinergy requests an effective date of November 13, 2000.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**16. Cinergy Services, Inc.**

[Docket No. ER01-417-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing an executed Market-Based Service Agreement and a Confirmation Letter for long term service under Cinergy's Market-Based Power Sales Standard Tariff—MB (the Tariff) entered into between Cinergy and City of Hamilton, Ohio (Hamilton).

Cinergy and Hamilton are requesting an effective date of January 1, 2001 and the same Rate Designation as per the original filing.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**17. Cinergy Services, Inc.**

[Docket No. ER01-418-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy) and PPL Inc., are requesting a cancellation of Service Agreement No. 111, under Cinergy Operating Companies, Resale of Transmission Rights and Ancillary Service Rights, FERC Electric Tariff Original Volume No. 8.

Cinergy requests an effective date of July 1, 2000.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**18. Cinergy Services, Inc.**

[Docket No. ER01-419-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy) and PPL Inc. are requesting a cancellation of Service Agreement No. 32, under Cinergy Operating Companies, Cost-Based Power Sales Tariff—CB, FERC Electric Tariff Original Volume No. 6.

Cinergy requests an effective date of July 1, 2000.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**19. Cinergy Services, Inc.**

[Docket No. ER01-420-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy) and PPL Inc. are requesting a cancellation of Service Agreement No. 32, under Cinergy Operating Companies, Market-Based Power Sales Tariff—MB, FERC Electric Tariff Original Volume No. 7.

Cinergy requests an effective date of July 1, 2000.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**20. Cinergy Services, Inc.**

[Docket No. ER01-421-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy) and Engelhard Power Marketing, Inc. are requesting a cancellation of Service Agreement No. 96, under Cinergy Operating Companies, Cost-Based Power Sales Tariff—CB, FERC Electric Tariff Original Volume No. 6.

Cinergy requests an effective date of November 13, 2000.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**21. Cinergy Services, Inc.**

[Docket No. ER01-422-000]

Take notice that on November 10, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Service Agreement under Cinergy's Cost-Based Power Sales Standard Tariff—CB (the Tariff) entered into between Cinergy and Strategic Energy, L.L.C. (Strategic). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**22. Cinergy Services, Inc.**

[Docket No. ER01-423-000]

Take notice that on November 13, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Service Agreement under Cinergy's Market-Based Power Sales Standard Tariff—MB (the Tariff) entered into between Cinergy and Strategic Energy, L.L.C. (Strategic). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**23. Pacific Gas and Electric Company**

[Docket No. ER01-424-000]

Take notice that on November 13, 2000, Pacific Gas and Electric Company (PG&E), tendered for filing a new Grid Management Charge Pass-Through Tariff (GMC Pass-Through Tariff). This filing seeks to recover the costs proposed in the California Independent System Operator Corporation's (ISO) GMC filing in Docket No. ER01-313-000 on November 1, 2000.

PG&E requests an effective date of January 1, 2001 or the date the Commission makes effective the ISO's filing in Docket No. ER01-313-000.

Copies of this filing have been served upon the California Public Utilities Commission, all affected customers and the ISO.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**24. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company LLC**

[Docket No. ER01-425-000]

Take notice that on November 13, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply Company) tendered Second Revised Service Agreement No. 17 to complete the filing requirement for one (1) new Customer of the Market Rate Tariff under which Allegheny Energy Supply offers generation services. The Power Purchase and Sale Agreement portion of Second Revised Service Agreement No. 17 for Coastal Merchant Energy, L.P. will maintain the effective date of November 22, 1999, in accordance with the Commission's Order at Docket No. ER00-862-000 and the Netting Agreement will maintain an effective date as of May 12, 2000 as accepted by the Commission in Docket No. ER00-2751-000.

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, the West Virginia Public Service Commission, and all parties of record.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

**25. Virginia Electric and Power Company**

[Docket No. ER01-426-000]

Take notice that on November 13, 2000, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing a Retail Network Integration Transmission Service and Network Operating Agreement (Service Agreement) by Virginia Electric and Power Company to AEP Retail Energy LLC designated as Service Agreement No. 310 under the Company's Retail Access Pilot Program, pursuant to Attachment L of the Company's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 5, to Eligible Purchasers effective June 7, 2000.

Dominion Virginia Power requests an effective date of November 10, 2000, the date of filing of the Service Agreement.

Copies of the filing were served upon AEP Retail Energy LLC, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.



*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **26. Virginia Electric and Power Company**

[Docket No. ER01-427-000]

Take notice that on November 13, 2000, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to The Detroit Edison Company designated as Service Agreement No. 308 under the Company's FERC Electric Tariff, Second Revised Volume No. 5 and a Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to The Detroit Edison Company designated as Service Agreement No. 309 under the Company's FERC Electric Tariff, Second Revised Volume No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to The Detroit Edison Company under the rates, terms and conditions of the Open Access Transmission Tariff.

Dominion Virginia Power requests an effective date of November 10, 2000, the date of filing of the Service Agreements.

Copies of the filing were served upon The Detroit Edison Company, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **27. Southwest Power Pool, Inc.**

[Docket No. ER01-430-000]

Take notice that on November 13, 2000, Southwest Power Pool, Inc. (SPP), tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Southwestern Public Service—Wholesale Merchant Function (Transmission Customer).

SPP seeks an effective date of January 1, 2001 for the service agreement.

A copy of this filing was served on the Transmission Customer.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **28. Southwest Power Pool, Inc.**

[Docket No. ER01-431-000]

Take notice that on November 13, 2000, Southwest Power Pool, Inc. (SPP),

tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Southwestern Public Service—Wholesale Merchant Function (Transmission Customer).

A copy of this filing was served on the Transmission Customer.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **29. Allegheny Energy Supply Company, L.L.C. The Potomac Edison Company, West Penn Power Company (d/b/a Allegheny Power)**

[Docket No. ER01-432-000]

Take notice that on November 13, 2000, Allegheny Energy Supply Company, L.L.C. (Allegheny Energy Supply), tendered for filing its First Revised Rate Schedule FERC No. 3. The filing updates the Appendices to the Agreement to include the effects of the transfer of assets of The Potomac Edison Company, changes the definition of "Indexed Price" to conform with the Commission's Order at Docket No. ER00-2309-000 and revises the format of the entire Agreement to conform with the designation and pagination requirements of the Commission's Order No. 614.

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, the West Virginia Public Service Commission and all parties of record.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **30. The Montana Power Company**

[Docket No. ER01-433-000]

Take notice that on November 13, 2000, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 executed Firm and Non-Firm Point-To-Point Transmission Service Agreements with the Eugene Water & Electric Board under Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff).

A copy of the filing was served upon the Eugene Water & Electric Board.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **31. Wisconsin Public Service Corporation**

[Docket No. ER01-434-000]

Take notice that on November 13, 2000, Wisconsin Public Service Corporation (WPSC), tendered for filing a revised market-based rate tariff including a form of umbrella service agreement. The revised tariff is designed to accommodate the use of the EEI Master Power Purchase & Sales Agreement and includes provisions regarding the resale of transmission rights.

WPSC requests waiver of the Commission's notice of filing requirements to allow the tariff to become effective on November 14, 2000, the day after filing.

Copies of the filing were served upon all of WPSC's tariff customers, the state commissions of Wisconsin and Michigan, and other concerned parties.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **32. Southwestern Public Service Company**

[Docket No. ER01-435-000]

Take notice that on November 13, 2000, Xcel Energy Services, Inc., on behalf of Southwestern Public Service Company (Southwestern), tendered for filing an executed umbrella service agreement under Southwestern's market-based sales tariff with Otter Tail Power Company (Otter Tail). This umbrella service agreement provides for Southwestern's sale and Otter Tail's purchase of capacity and energy at market-based rates pursuant to Southwestern's market-based sales tariff.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

## **33. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC**

[Docket No. ER01-436-000]

Take notice that on November 13, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Service Agreement No. 99 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply Company offers generation services, and to incorporate a Netting Agreement with The Energy Authority, Inc., into the tariff provisions.

Allegheny Energy Supply requests a waiver of notice requirements to make



Service Agreement No. 99 effective as of September 12, 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, the West Virginia Public Service Commission, and all parties of record.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 34. Western Resources, Inc.

[Docket No. ER01-444-000]

Take notice that on November 13, 2000, Western Resources, Inc. (WR), tendered for filing an agreement between WR and Kansas Electric Power Cooperative (KEPCo). This agreement includes (i) an Order No. 614 compliant version of the Service Agreement between WR and KEPCo and, (ii) a statement of intent to refund the time value of money pursuant to § 35.19(a) of the Federal Energy Regulatory Commission's regulations. WR states that the purpose of this agreement is to permit KEPCo to take service under WR' Market Based Power Sales Tariff on file with the Commission.

This agreement is proposed to be effective October 1, 2000.

Copies of the filing were served upon KEPCo and the Kansas Corporation Commission.

*Comment date:* December 4, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 35. Duke Power

[Docket No. ER01-450-000]

Take notice that on November 13, 2000, Duke Power (Duke), a division of Duke Energy Corporation, tendered for filing a Service Agreement with Oglethorpe Power Corporation for power sales at market-based rates.

Duke requests that the proposed Service Agreement be permitted to become effective on October 30, 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:* December 4, 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, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,  
Secretary.

[FR Doc. 00-30083 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP01-1-000]

#### Colorado Interstate Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Fort Morgan Storage Field Expansion Project and Request for Comments on Environmental Issues

November 20, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Fort Morgan Storage Field Project involving construction and operation of facilities by Colorado Interstate Gas Company (CIG) in Weld, Adams and Morgan Counties, Colorado and Morton County Kansas.<sup>1</sup> These facilities would consist of about 53.2 miles of 24 inch-diameter pipeline and 2,825 horsepower (hp) of compression. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys

with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice CIG provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)).

### Summary of the Proposed Project

CIG proposes to construct, operate, and abandon facilities in Colorado and Kansas to increase the maximum daily storage withdrawal quantity and increase capacity on its transmission system. CIG seeks authority to:

- Drill one injection well/withdrawal well and convert one observation well to a salt water disposal well at the Fort Morgan Storage Field and upgrade two segments of the Fort Morgan Storage Field gathering system from an MAOP of 1,800 and 2,000 to an MAOP of 2,160 psig;
- Increase Fort Morgan Storage Field allowed maximum storage gas in place from 14,322 MMcf to 14,858 MMcf, and increase the average shut-in reservoir bottom hole pressure to a maximum of 2,390 psia;
- Add 4 injection/withdrawal wells and convert 8 injection/withdrawal wells to observation wells at the Boehm Storage Field;
- Install a 600 horsepower compressor along with hydrogen sulfide treatment and appurtenant facilities at the Boehm Storage Field to remove Keyes Sands Reservoir base gas. The compressor would be used until the pressure in the Keyes Sand Reservoir is too low to be effectively utilized. CIG would then abandon the compressor and the Keyes Sands Reservoir;
- Construct 26.2 miles of 24-inch-diameter pipeline loop adjacent to CIG's existing pipeline which would run between CIG's existing Cheyenne Compressor Station and Ault Meter Station in Weld County, Colorado;
- Construct new Fort Lupton Compressor Station consisting of three natural gas-fired reciprocating engines each rated at 2,225 horsepower and appurtenant facilities in Weld County, Colorado;
- Construct 27 miles of 24-inch-diameter pipeline loop and appurtenant facilities from CIG's proposed Fort

<sup>1</sup> CIG's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

Lupton Compressor Station in Weld County, Colorado to CIG's existing Watkins Compressor Station in Adams County, Colorado; and

- Install miscellaneous facilities within the Watkins Compressor Station that include yard piping, pipe valves, fittings, controls and regulation and measurement equipment.

CIG states that these facilities would increase its storage pool deliverability from 775 MMcf to 877 MMcf per day and increase capacity from the Cheyenne Compressor Station.

The general location of the project facilities is shown in appendix 1.

#### Land Requirements for Construction

Construction of CIG's proposed facilities would require about 780 acres of land. Following construction, about 413 acres would remain as permanent right-of-way. The remaining 367 acres of land would be restored and allowed to revert to its former use.

The nominal construction right-of-way for the Ault to Cheyenne Loop (5C North) would be 85 feet wide, with 50 feet retained as permanent right-of-way. About 75.5 percent of the route of the loop would abut or overlap existing easements. The loop would deviate away from existing rights-of-way in multiple segments, totaling 6.44 miles, because of the Pawnee National Grassland Center or to avoid existing facilities.

The nominal construction right-of-way for the Watkins to Fort Lupton Loop (5C South) would be 85 feet wide (75 feet through wetland areas), with 50 feet retained as permanent right-of-way. About 97.8 percent of the route of the loop would abut or overlap existing easements. The loop would deviate away from existing rights-of-way in multiple segments, totaling 0.69 miles, because of archaeological sites, or to avoid existing facilities.

Construction of the new Fort Lupton Compressor Station would disturb about 11 acres, of which 10 acres would be required for operation of the facility and 1 acre for the access road. The proposed Boehm Storage Field Enhancement would consist of a 400 square foot dehydration plant which would affect approximately 6.7 acres within the Cimarron National Grassland with 3.67 acres required for the facility. Additional minor land disturbances would be associated with pig launching facilities and valves. These disturbances would be limited to existing meter stations, compressor stations, or within the proposed permanent right-of-way.

#### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us<sup>2</sup> to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Water resources, fisheries, and wetlands;
- Vegetation and wildlife;
- Endangered and threatened species;
- Public safety;
- Land use;
- Cultural resources;
- Air quality and noise;
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 6.

<sup>2</sup> "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

#### Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by CIG. This preliminary list of issues may be changed based on your comments and our analysis.

- Geology and Soils
  - Shallow topsoil depth
  - Erosion prone soils
- Water Resources and Wetlands
  - Crossing 5 perennial and 3 intermittent streams
  - Crossing 13 wetlands
- Threatened and Endangered Species
  - Potential impacts on 6 federally listed species, including the Bald eagle, Preble's meadow jumping mouse, Ute ladies'-tresses, Whooping crane, Least tern, and Piping plover
- Land Use
  - Impacts on about 9 miles of public lands
  - Impacts on about 25 miles of rangeland
  - Impacts on about 23 miles of agricultural land
- Air and Noise Quality
  - Impacts on local air quality and noise environment as a result of the new Fort Lupton Compressor Station

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas/Hydro Group PJ-11.3.
- Reference Docket No. CP01-001-000.
- Mail your comments so that they will be received in Washington, DC on or before December 21, 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>.

### Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by starting that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208-0004 or on the FERC website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with Access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30068 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP01-4-000, CP01-5-000, CP01-8-000]

### Maritimes & Northeast Pipeline L.L.C., et al.; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Maritimes Phase III/Hubline Project and Request for Comments on Environmental Issues

November 20, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Maritimes Phase III/Hubline Project involving construction and operation of facilities by Maritimes & Northeast Pipeline, L.L.C. (Maritimes) in Essex and Middlesex Counties, Massachusetts and Algonquin Gas Transmission Company (Algonquin) in primarily offshore Essex, Suffolk, Plymouth, and Norfolk Counties, Massachusetts.<sup>1</sup> There would be minor onshore facilities in Suffolk and Norfolk Counties. The project facilities would consist of about 25 miles of 30- and 24-inch-diameter onshore pipeline and about 35 miles of 24- and 16-inch-diameter offshore pipeline. This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right to eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice Maritimes and Algonquin provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent

domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)).

### Summary of the Proposed Project

Maritimes wants to extend its mainline system from a point near Methuen, Massachusetts, to an interconnection with Algonquin's proposed HubLine facilities in Beverly, Massachusetts. Maritimes' proposed Phase III facilities would have an initial capacity to deliver approximately 360,000 million British thermal units per day of natural gas. Algonquin wants to interconnect with the proposed Maritimes system in Beverly, Massachusetts, by constructing the proposed HubLine facilities from Beverly to an interconnect with its existing I-9 pipeline system at the Sithe Fore River Power Plant in Weymouth, Massachusetts. Maritimes seeks authority to construct and operate:

- Approximately 23.8 miles of 30-inch-diameter pipeline and 1.0 mile of 24-inch-diameter pipeline; and
- Appurtenant facilities to include three mainline valves, one tap valve, two cathodic protection ground beds, and two meter stations.

Algonquin seeks authority to construct and operate:

- Approximately 29.4 miles of 24-inch-diameter offshore mainline pipeline;
- Approximately 5.4 miles of 16-inch-diameter offshore lateral pipeline to the existing Massachusetts Water Resources Authority (MWRA) Waste Water Treatment facility on Deer Island; and
- One new meter station on Deer Island, and a block valve and receiver and regulator facilities near the interconnect with the existing I-9 pipeline.

Texas Eastern Transmission Corporation (Texas Eastern) proposes to acquire capacity on the HubLine facilities. Texas Eastern does not propose any related facilities.

The general location of the project facilities is shown in appendix 1.<sup>2</sup> If you are interested in obtaining detailed maps of a specific portion of the project, send in your request using the form in appendix 3.

<sup>2</sup> The appendices references in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 688 First Street, NE., Washington, DC 20426, or call (202) 208-1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

<sup>1</sup> Maritimes' and Algonquin's applications were filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

## Land Requirements for Construction

Construction of the proposed onshore facilities would require about 343 acres of land. Following construction, about 0.6 acre would be maintained as new aboveground facility sites. The remaining acres of land would be restored and generally allowed to revert to its former use. Construction of the proposed offshore facilities would disturb about 76.3 areas of sea floor.

## The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us,<sup>3</sup> to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety;
- Land use;
- Cultural resources;
- Air quality and noise;
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EIS. A Draft EIS will be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period

period will be allotted for review of the Draft EIS. We will consider all comments we receive on the Draft EIS and publish a Final EIS including our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section in this NOI beginning on page 5.

## Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Maritimes and Algonquin, and filings in response to the notice of the applications. This preliminary list of issues may be changed based on your comments and our analysis.

- Eleven federally listed endangered or threatened species may occur in the proposed project area.
- A number of Massachusetts certified vernal pools, and estimated habitat for rare wetlands wildlife, would be crossed by the Phase III Pipeline.
- Up to 5.5 miles of public or private recreation, conservation, or open space lands would be crossed by the Phase III Pipeline.
- The Phase III Pipeline would cross or be within the watershed of Emerson Brook Reservoir, a public water supply.
- A total of 0.7 linear miles of proposed facilities would be within residential areas.
- The Phase III Pipeline would require three major open water crossings greater than 100 feet in width (Merrimack River, Waters River/Danvers River, and Danvers River/Beverly Harbor).
- The HubLine Pipeline would cross or be in proximity to several areas of potential concern, including the South Essex Ocean Sanctuary, the Boston Harbor Islands National Park area, commercial and recreational fishing areas, diving areas, special anchorage areas, shipping lanes, commuter ferry and water taxi routes, and existing utilities.

## Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the

more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426
- Label one copy of the comments for the attention of Gas Group 2.
- Reference Docket Nos. CP01-4-000 and CP01-5-000.
- Mail your comments so that they will be received in Washington, DC on or before December 22, 2000.

Comments may also 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> under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on "Login to File" and then "New User Account."

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The public scoping meetings will be held jointly with public hearings conducted by the Massachusetts Energy Facilities Siting Board. The locations and time for the meetings are listed below:

### *Date, Time and Location*

December 4, 2000, 7:30 p.m.—Danvers Senior Center, 25 Stone Street, Danvers, Massachusetts

December 6, 2000, 7:00 p.m.—Fuller Middle School, 143 South Main Street, Middleton, Massachusetts

The public meetings are designed to provide you with another opportunity to offer your comments on the proposed Maritimes Phase III/HubLine Project. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the EIS. A transcript of the meetings will be made so that your comments will be accurately recorded.

In addition, an INTERAGENCY MEETING will be held on Tuesday, December 5, 2000, at the Massachusetts Executive Office of Environmental Affairs, 251 Causeway Street, 8th floor, Coastal Zone Management Conference Room, Boston at 9:00 a.m. While the public may attend, the primary purpose of the agency meeting is for the FERC to receive scoping comments from federal, state, and local government agencies.

<sup>3</sup> "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

### Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208-0004 or on the FERC website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in these docket numbers. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30069 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### Notice of Intent To File Application for New License

November 20, 2000.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

- a. *Type of filing:* Notice of Intent to File Application for New License.
- b. *Project No.:* 935.
- c. *Date filed:* November 6, 2000.
- d. *Submitted by:* PacifiCorp.
- e. *Name of Project:* Merwin Hydroelectric Project.
- f. *Location:* On the Lewis River, near the City of Woodland in Clark and Cowlitz County, Washington. Lands within the project boundary include acreage of the Gifford-Pinchot National Forest.
- g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.
- h. *Effective date of current license:* October 1, 1983.
- i. *Expiration date of current license:* April 30, 2006.
- j. The 136-megawatt project consists of a 313-foot-high, concrete-arch dam on the Lewis River about 20 miles from its confluence with the Columbia River, a 4,040-acre reservoir, three 15.5-foot diameter penstocks, and a powerhouse with three semi-outdoor generating units.
- k. *Pursuant to 18 CFR 16.7, information on the project is available at:* PacifiCorp, ATTN: Frank Shrier, 325 N.E. Multnomah, Suite 1500, Portland, OR 97232, Phone: 503-813-6622.
- l. *FERC contract:* Vince Yearick (202) 219-3073 or e-mail at [vince.yearick@ferc.fed.us](mailto:vince.yearick@ferc.fed.us)
- m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2004.
- n. A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. The notice 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 k above.

**David P. Boergers,**  
Secretary.

[FR Doc. 00-30084 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### Notice of Intent To File Application for New License

November 20, 2000.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

- a. *Type of filing:* Notice of Intent to File Application for New License.
- b. *Project No.:* 2111.
- c. *Date filed:* November 6, 2000.
- d. *Submitted By:* PacifiCorp.
- e. *Name of Project:* Swift No. 1 Hydroelectric Project.
- f. *Location:* On the Lewis River, near the town of Cougar in Skamania County, Washington. Federal lands within the project boundary include acreage of the Gifford-Pinchot National Forest.
- g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.
- h. *Effective date of current license:* May 1, 1956.
- i. *Expiration date of current license:* April 30, 2006.
- j. The 240-megawatt project consists of a 512-foot-high, earthfill dam on the Lewis River about 45 miles upstream of its confluence with the Columbia River, a 4,860-acre reservoir, three 13-foot diameter penstocks, and a powerhouse with three generating units.
- k. *Pursuant to 18 CFR 16.7, information on the projects is available at:* PacifiCorp, ATTN: Frank Shrier, 325 N.E. Multnomah, Suite 1500, Portland, OR 97232, Phone: 503-813-6622.
- l. *FERC contract:* Vice Yearick (202) 219-3073 or e-mail at [vicee.yearick@ferc.fed.us](mailto:vicee.yearick@ferc.fed.us)
- m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2004.
- n. A copy of this notice of intent 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 notice 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 k above.

David P. Boergers,  
Secretary.

[FR Doc. 00-30085 Filed 11-24-00; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6908-6]

### Contractor Access to Confidential Business Information Under the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** The United States Environmental Protection Agency has authorized the following contractor to access information that has been, or will be, submitted to the EPA under section 114 of the Clean Air Act (CAA) as amended: Alpha Gamma Technologies, Inc., 900 Ridgefield Drive, Suite 350, Raleigh, NC 27609, contract number 68D00282.

Some of this information may be claimed to be confidential business information (CBI) by the submitter.

**DATES:** Access to confidential data submitted to EPA will occur no sooner than ten days after issuance of this notice.

**FOR FURTHER INFORMATION CONTACT:** Roberto Morales, Document Control Officer, Office of Air Quality Planning and Standards (MD-11), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-0880.

**SUPPLEMENTARY INFORMATION:** The EPA is issuing this notice to inform all submitters of information under section 114 of the CAA that the EPA may provide the above mentioned contractor access to these materials on a need-to-know basis. This contractor will provide technical support to the Office of Air Quality Planning and Standards (OAQPS) in developing Federal Air Pollution Control Regulations.

In accordance with 40 CFR 2.301(h), the EPA has determined that the above contractor requires access to CBI submitted to the EPA under sections 112 and 114 of the CAA in order to perform work satisfactorily under the above noted contract. The contractor's personnel will be given access to

information submitted under section 114 of the CAA. The contractor's personnel will be required to sign nondisclosure agreements and will receive training on appropriate security procedures before they are permitted access to CBI.

Clearance for access to CAA CBI is scheduled to expire on September 30, 2003 under contract 68D00282.

Dated: November 20, 2000.

Bob Perciasepe,  
Assistant Administrator for Air and Radiation.

[FR Doc. 00-30112 Filed 11-24-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6908-2]

### Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of programs and activities receiving financial assistance from the Environmental Protection Agency that are covered by Title IX of the Education Amendments of 1972, as amended.

**SUMMARY:** In accordance with subpart F of the final common rule for the enforcement of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681, *et seq.* ("Title IX") this notice lists those programs and activities that receive financial assistance from the U.S. EPA and are covered by Title IX. Title IX prohibits recipients of Federal financial assistance from discriminating on the basis of sex in education programs or activities. Subpart F requires each Federal agency that awards Federal financial assistance to publish in the **Federal Register** a notice of the programs covered by the Title IX regulations within sixty (60) days after the effective date (September 29, 2000) of the final common rule. The final common rule for the enforcement of Title IX was published in the **Federal Register** by twenty (20) Federal agencies, including the EPA, on August 30, 2000, (65 FR 52857-52895).

**EFFECTIVE DATE:** November 27, 2000.

**ADDRESSES:** Address all comments concerning this notice to U.S. Environmental Protection Agency, Office of Civil Rights, Mail Code 1201A, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Ann E. Goode, Director, Office of Civil Rights, U.S. Environmental Protection Agency, Mail Code 1201A, 1200 Pennsylvania, Ave., NW, Washington, D.C. 20460. Telephone: (202) 564-7272 (voice), (202) 501-1822 (TDD). Facsimile: (202) 501-1836.

**SUPPLEMENTARY INFORMATION:** Title IX prohibits recipients of Federal financial assistance from discriminating on the basis of sex in educational programs or activities. Specifically, the statute states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," with specific exceptions for various entities, programs, and activities. 20 U.S.C. 1681(a). This statute was modeled after Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, and national origin in all programs or activities that receive Federal financial assistance. The goal of Title IX is to ensure that Federal funds are not utilized for and do not support sex-based discrimination, and that individuals have equal opportunities, without regard to sex, to pursue, engage or participate in, and benefit from academic, extracurricular, research, occupational training, employment, or other educational programs or activities. For example (and without limitation), subject to exceptions described in these Title IX regulations, Title IX prohibits a recipient from discriminating on the basis of sex in: student admissions, scholarship awards and tuition assistance, recruitment of students and employees, the provision of courses and other academic offerings, the provision of and participation in athletics and extracurricular activities, and all aspects of employment, including, but not limited to, selection, hiring, compensation, benefits, job assignments and classification, promotions, demotions, tenure, training, transfers, leave, layoffs, and termination. Of course, Title IX prohibits discrimination on the basis of sex in the operation of, and the provision or denial of benefits by, education programs conducted by noneducational institutions, including, but not limited to, prisons, museums, job training institutes, and for profit and nonprofit organizations.

# **List of Programs and Activities Receiving Financial Assistance From EPA and Covered by Title IX**

The following is a list of programs and activities receiving financial assistance from the EPA as of September 2000 that are covered by Title IX. The list is comprised of Active Environmental Education Grants and Active Grants to Public and Private Colleges and Universities.

## *Active Environmental Education Grants*

Alabama Mayors Corporation for Economic Cultural  
Alameda County Office of Education  
Alaska Discovery Foundation, Inc.  
Alliance for New Jersey Environmental Education  
American Institute for Learning  
American Lung Association of Arizona  
American Lung Association of Illinois  
Arab Community Center for Economic  
Arkansas 4-H Foundation  
Association of Vermont Recyclers  
Benedictine University  
Better Housing League/Greater Cincinnati  
Bi-State Regional Commission  
Bitterroot Ecological Awareness Resources  
Bluemont Elementary  
Boston Public School District  
Boys & Girls Clubs of East Jackson County  
Boys & Girls Clubs of Greater Kansas City  
Cacapon Institute  
Calypso Farm and Ecology Center  
Campbell County School District  
Carson City School District  
Castro Valley Unified School District  
CBIA Education Foundation  
Cenla Pride  
Center for Alaskan Coastal Studies, Inc.  
Central Arkansas Planning & Development District  
Central Community College  
Chance, Inc.  
Chattahoochee High School  
Chattahoochee-Flint Regional Development Center  
Chesapeake Audubon Society  
City of Austin  
City of Gary  
City of Naples Utilities Department  
City of New York Parks and Recreation  
City of Tumwater  
City of Westland  
City Seeds  
Coastal Carolina University  
Colorado Alliance for Environmental Education  
Colorado River Union High School District  
Columbia Basin College  
Communities Creating Connections, Inc.  
Contra Costa County Health Services Department  
Cooperating School Districts  
Cornell Coop Extension-St. Lawrence City  
Council for Environmental Education  
Council on the Environment, Inc.  
County of Somerset  
Creation Station  
Crook County Soil & Water Conservation  
Center for Instructional Staff Development & Evaluation  
Cumberland River Compact, Inc.  
Delaware Academy of Science

Delaware Department of Natural Resources  
Delaware Ecumenical Council on Children  
Douglas Unified School District #27  
Downingtown Area School District  
Drexel University  
Eastern Oregon University  
Educational Broadcasting Corporation  
Emporia State University  
Environmental Educ. Council of Ohio  
Environmental Learning for Kids  
Fairview Area Schools  
Florida Atlantic University  
Florida Institute of Technology  
Four Corners School of Outdoor Education  
Frenchman Bay Conservancy  
Friends of Bluff Lake  
Friends of the Rio Grande Nature Center  
Friends of the Salt Springs Park, Inc.  
Friends of the Urban Forest  
Front Range Earth Force  
Georgia Department of Natural Resources  
Grand Traverse Tribal Council  
Great Bay Stewards, Inc.  
Greater Newark Conservancy  
Green City Data Project of Colorado  
Guilderland Central School District  
H.M. McKemy Middle School  
Hackensack Meadowlands Development Co.  
Hawaii Nature Center  
Haywood County 4-H Club  
Heart of Oklahoma Council of Camp Fire  
Hudson River Sloop Clearwater  
Indiana Dunes Environmental Learning  
Inner-City Coalition on the Environment  
Integrated Day Charter School  
Inter-American U. of Puerto Rico, Inc.  
Iowa State University  
Jackson Public Schools  
Jefferson County Public Schools  
Kansas Association for Conservation & Environmental Education  
Kansas City Kansas Community College  
Keep Providence Beautiful  
Kids Consortium, Inc.  
Kirkwood Community College  
Lake Champlain Basin Science Center  
Lake County Forest Preserve  
Lake Superior State University  
Lake Washington School District  
Land Partners Through Stewardship  
Lewis & Clark School  
Louisiana Environmental Education Association  
Lower Cape Communications, Inc.  
Mahoning Valley/Northeast Ohio Camp  
Mahopac Central Middle School  
Matanuska-Susitna Borough School District  
Metropolitan Dade County Dept of Environment  
Michigan Recycling Coalition  
Michigan Technological University  
Miller Springs Alliance, Inc.  
Milton Public Schools  
Milwaukee Community Service Corps, Inc.  
Missouri Botanical Garden  
Montana Audubon, Inc.  
Montana Science Institute, Inc.  
Montana State University-Bozeman  
Murray State University  
National Black Men's Health Network, Inc.  
Navajo Resource Conservation Development Council  
North Carolina Association of Soil and Water Conservation  
Nebraska Game and Parks Commission  
Nebraska Groundwater Foundation

Nebraska State 4-H Camp  
New England Aquarium Corporation  
Norman Public Schools-Washington Elementary  
North American Association for Environmental Education  
North County Workforce Partnership  
Northeast Sustainable Energy Association  
Old Dominion University Research Foundation  
Oldham County Board of Education  
Oregon Graduate Institute of Science  
Oregon State University  
Patriots' Trail Girl Scout Council  
Pennsylvania Environmental Council  
People's C.O.R.E.  
Phipps Community Development Corporation  
Piedmont Park Conservancy  
Pocono Environmental Education Center  
Portsmouth Public School  
Prairiewoods:Franciscan Spirituality  
Radford University  
Regional Council of Rural Counties  
Rogue Valley Council of Governments  
Saint Francis College  
Saint Regis Mohawk Tribe  
Salish Sea Expeditions  
San Francisco Unified School District  
San Juan Resource Conservation  
San Marcos Consolidated ISD  
School Board of Broward County  
School District of Philadelphia  
Seguin Outdoor Learning Center  
Seneca Park Zoo Society  
Sequoia Foundation  
Shade-Central City School District  
Shelburne Farms  
Shenendehowa Central School District  
Society of American Foresters  
Soundwaters, Inc.  
Southwest Detroit Environmental Vision  
Southwest Environmental Center  
Southwest Youth Corporations  
Springfield Library and Museums Association  
Starkville School District  
State of Vermont  
Stony Brook-Millstone Watershed Association  
Southwest Center for Education & the National Swampscott Public Schools  
Teaching Responsible Earth Education  
The Catskill Center for Conservation  
The Childrens Treehouse  
The College of Santa Fe  
The Surplus Exchange, Inc.  
The Tides Center/Caya  
Theodore Roosevelt Sanctuary  
Thorne Ecological Institute  
Trinidad Rancheria  
Twin Cities Tree Trust  
University of Alaska Fairbanks  
University of Alaska Southeast  
University of California  
University of Delaware  
University of Findlay  
University of Minnesota Dakota County  
University of Mississippi  
University of North Dakota  
University of Rhode Island  
University of South Carolina  
University of Texas Health Science  
University of the Virgin Islands  
University of Utah  
University of Wisconsin-Green Bay

Urban Tree Connection  
Utah Society for Environmental Education  
Vermont Center for the Book  
Vermont D.O.H.  
Victor Central School  
Washington Department of Fish and Wildlife  
Washington State University  
Watterson Accelerated Elementary PTA  
Weehawken Board of Education  
West Chester University of Pennsylvania  
West Harlem Environmental Action, Inc.  
Wilson County Schools  
Winooski Valley Park District  
Woonsocket Education Department  
YMCA of Middle Tennessee

*Active Grants to Public and Private Colleges and Universities*

Alabama A&M University  
American University  
Antioch New England Graduate School  
Arizona State University  
Arkansas University for Medical Sciences  
Auburn University  
Baylor College of Medicine  
Bill Priest Institute  
Bishop State Community College  
Board of Regents, UCCSN  
Boise State University  
Boston University  
Boston University Medical Campus  
Bowie State University  
Bowling Green State University  
Brigham Young University  
Brown University  
Bucks County Community College  
California Inst of Technology  
California Polytechnic State University  
California State University  
California State University Hayward  
Carnegie Mellon University  
Case Western Reserve University  
Casper College  
Catonsville Community College  
Central Carolina Technical College  
Central Michigan University  
Central Washington University  
Charles County Community College  
Clark University  
Clarkson University  
Clemson University  
Cleveland State University  
College of Southern Maryland  
College of the Holy Cross  
College/University of Charleston  
Colorado School of Mines  
Colorado State University  
Columbia University  
Community College of Baltimore County  
Connecticut University Health Center  
Cornell University  
Crowder College  
Dallas County Community College Dist  
Dartmouth College  
Delaware Technical & Community College  
Delaware Valley College  
Duke University  
Duke University Medical Center  
Duquesne University  
East Central University  
Eastern IA Community College District  
Eastern Michigan University  
El Centro College  
Emory University  
Evergreen State College  
Ferris State University

Florida International University  
Florida State University  
Front Range Community College  
Gannon University  
George Mason University  
George Washington University  
Georgia State University Research Foundation  
Georgia Tech Applied Research Corp.  
Georgia Tech Research Corporation  
Georgia Univ. Research Foundation  
Grand Valley State University  
Gulf Coast Research Laboratory  
Hampshire College  
Harvard College  
Heidelberg College  
Hendrix College  
Houston Community College Southeast  
Humboldt State University Foundation  
Illinois Institute of Technology  
Imperial Valley College  
Indiana University  
Iowa State University  
Jacksonville State University  
Jefferson Medical College  
Jobs for Youth-Boston, Inc.  
Johns Hopkins University  
Jr. College District of Mineral Area  
Kansas State Forester  
Kansas State University  
Kansas University Medical Center  
Kent State University  
Kirkwood Community College  
Lamar University  
Langston University  
Lehigh University  
Linn-Benton Community College  
Loma Linda University  
Louisiana State University and A & M College  
Louisiana State University  
Louisiana Universities Marine  
Louisville University RES Foundation, Inc.  
Loyola University of Chicago  
Manhattan College  
Marquette University  
Marshall University Research Corp  
Massachusetts Institute of Technology  
McNeese State University  
Medical College of Ohio  
Medical College of Wisconsin  
Medical University of South Carolina  
Merrimack College  
Metropolitan Community Colleges  
Miami University  
Miami-Dade Community College  
Michigan State University  
Michigan Technological University  
Mississippi State University  
Montana State University  
Montana Tech of the University of Montana  
Montclair State University  
Morgan State University  
Mount Sinai School of Medicine  
MS-AL Sea Grant Consortium  
New Jersey Institute of Technology  
New Jersey University of Medicine and Dentistry  
New Mexico State University  
New York University School of Medicine  
New York University  
New York University Medical Center  
North Carolina Central University  
North Carolina State University  
North Dakota State University  
Northern Arizona University

Northern Kentucky University  
Northland College  
Northwest Indian College  
Northwestern University  
Occidental College  
Ohio State University Research Foundation  
Ohio University  
Oklahoma State University  
Oregon Graduate Institute of Science and Technology  
Oregon Health Sciences University  
Oregon State University  
Pennsylvania State University  
Pima County Community College  
Portland State University  
Pratt University  
Princeton University  
Purdue University  
Red Rocks Community College  
Rensselaer Polytechnic Institute  
Research Foundation of CUNY  
Roger Williams University  
Rutgers the State University of NJ-Piscataway  
Rutgers University  
Rutgers University-Cook College  
Saint Louis Community College  
Saint Mary's College of Maryland  
Saint Vincent College  
Salem State College  
Salisbury State University  
San Diego State University  
San Francisco State University  
Shaw University  
Sistema Universitario Ana G. Mendez  
South Dakota State University  
Southern Arkansas University Tech  
Southern University A&M College at Baton Rouge  
Southwest Texas State University  
Southwestern Community College District  
Spelman College  
Stanford University  
Suny Research Foundation.  
Syracuse University-Maxwell School  
Tarleton State University  
Temple University School of Medicine  
Tennessee Technological University  
Texas A&M Research Foundation  
Texas Engineering Experiment Station  
Texas Tech University  
Texas University Medical Branch  
Tufts College  
Tufts University  
Tufts University School of Medicine  
Tulane University  
Tulane University Medical Center  
UMDNJ-New Jersey Medical School  
UMDNJ-Robert Wood Johnson Medical School  
UMDNJ-School of Public Health  
University and Community College System of Nevada  
University of Alabama  
University of Alabama at Birmingham  
University of Alabama in Huntsville  
University of Alaska  
University of Alaska-Anchorage  
University of Alaska-Fairbanks  
University of Alaska Southeast-SITKA  
University of Arizona  
University of Arkansas  
University of Arkansas for Medical Science  
University of California  
University of California Berkeley  
University of California Davis



University of California Irvine  
 University of California Los Angeles  
 University of California Riverside  
 University of California San Diego  
 University of California Santa Barbara  
 University of California Santa Cruz  
 University of Cincinnati  
 University of Colorado  
 University of Colorado at Boulder  
 University of Colorado at Colorado Springs  
 University of Colorado at Denver  
 University of Colorado Health Science Center  
 University of Connecticut  
 University of Dayton  
 University of Delaware  
 University of Findlay  
 University of Florida  
 University of Georgia  
 University of Guam  
 University of Hawaii  
 University of Idaho  
 University of Illinois  
 University of Illinois at Chicago  
 University of Illinois at Urbana-Champaign  
 University of Iowa  
 University of Kansas Medical Center  
 University of Kentucky  
 University of Kentucky Research Foundation  
 University of Louisiana at Lafayette  
 University of Louisville  
 University of Louisville Res. Foundation, Inc.  
 University of Maine  
 University of Maryland  
 University of Maryland-Baltimore  
 University of Maryland-Cambridge  
 University of Maryland-College Park  
 University of Maryland Baltimore County  
 University of Maryland Biotechnology Institute  
 University of Maryland Eastern Shore  
 University of Massachusetts  
 University of Massachusetts Boston  
 University of Massachusetts Lowell  
 University of Massachusetts, Amherst  
 University of Maryland Center for Environmental Studies  
 University of Memphis  
 University of Miami  
 University of Michigan  
 University of Minnesota  
 University of Mississippi  
 University of Missouri  
 University of Missouri-Columbia  
 University of Montana  
 University of Nebraska  
 University of Nebraska at Omaha  
 University of Nebraska-Lincoln  
 University of Nebraska-Omaha  
 University of Nevada  
 University of Nevada-Las Vegas  
 University of New Hampshire  
 University of New Mexico  
 University of New Mexico ATR Institute  
 University of New Mexico Board of Regents  
 University of New Mexico Health Sciences Center  
 University of New Orleans  
 University of North Carolina  
 University of North Carolina at Chapel Hill  
 University of North Dakota  
 University of North Texas  
 University of Northern Iowa  
 University of Notre Dame  
 University of Oklahoma  
 University of Oklahoma Health Science Center

University of Oregon  
 University of Pennsylvania  
 University of Pittsburgh  
 University of Redlands  
 University of Rhode Island  
 University of Rochester  
 University of South Alabama  
 University of South Carolina  
 University of South Dakota  
 University of South Florida  
 University of Southern California  
 University of Southern Maine  
 University of Southern Mississippi  
 University of Southwestern Louisiana  
 University of Tennessee  
 University of Texas  
 University of Texas at Arlington  
 University of Texas at Austin  
 University of Texas at Brownsville  
 University of Texas at El Paso  
 University of Texas Health Science Center  
 University of the South  
 University of Toledo  
 University of Tulsa  
 University of Utah  
 University of Vermont  
 University of Virginia  
 University of Washington  
 University of West Florida  
 University of Wisconsin  
 University of Wisconsin-Green Bay  
 University of Wyoming  
 Utah State University  
 Vanderbilt University School of Medicine  
 Vermont Technical College  
 Virginia Commonwealth University  
 Virginia Institute of Marine Science  
 Virginia Polytechnic Inst & State University  
 Washington State University  
 Washington University  
 Wayne State University  
 Wesleyan University  
 Western Kentucky University  
 Western Michigan University  
 Western Nevada Community College  
 Wiley College  
 Wilkes University  
 William Marsh Rice University  
 Wright State University  
 Wytheville Community College  
 Xavier University of Louisiana  
 Yale University

Other grant programs and activities and grantees or recipients may also be covered by Title IX if they involve education programs. A complete list of all financial assistance provided by EPA is available on the Internet from the EPA's Grants Information and Control System (GICS) through the EPA's Envirofacts Warehouse at <http://www.epa.gov/enviro/html/gics/>. This information is also published in the Catalog of Federal Domestic Assistance, which is published each year by the General Services Administration (GSA). The Catalog's website address is <http://www.cfda.gov>. Catalog information is available by calling, toll free, 1-800-669-8331 or by writing to: Federal Domestic Assistance Catalog Staff (MVS), General Services Administration, Reporters Building,

Room 101, 300 7th Street, SW., Washington, DC 20407.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Dated: November 20, 2000.

**Mary M. O'Lone,**

*Acting Director, Office of Civil Rights.*

[FR Doc. 00-30114 Filed 11-24-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-30504; FRL-6753-6]

### Pesticide Product Registrations; Conditional Approval

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application submitted by Milliken Chemical, to conditionally register the pesticide product Antimicrobial AlphaSan RC 5000 containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** By mail: Marshall Swindell, Antimicrobial Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-6341; e-mail address: [swindell.marshall@epa.gov](mailto:swindell.marshall@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 Additional Information, Including Copies of This Document and Other Related 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** listings at <http://www.epa.gov/fedrgstr/>.

To access a fact sheet which provides more detail on this registration, go to the Home Page for the Office of Pesticide Programs at <http://www.epa.gov/pesticides/>, and select "fact sheet."

2. *In person.* The Agency has established an official record for this action under docket control number OPP-30504. 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 Hwy., 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.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, Arlington, VA (703) 305-5805. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Such requests should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

## II. Did EPA Conditionally Approve the Application?

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of Silver Sodium Hydrogen Zirconium Phosphate, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of Silver Sodium Hydrogen Zirconium Phosphate during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C) of FIFRA, the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions,

and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

## III. Conditionally Approved Registration

*Application approved but not published.* Milliken Chemical, P.O. Box 1927, Spartanburg, SC 29304, submitted an application to EPA to register the pesticide product Antimicrobial AlphaSan RC 5000 (EPA File Symbol 11631-E) containing the active ingredient silver sodium hydrogen zirconium phosphate at 99.9%. However, since the notice of receipt of the application to register the product as required by section 3(c)(4) of FIFRA, as amended, did not publish in the **Federal Register**, interested parties may submit comments on or before December 27, 2000 for this product.

EPA conditionally approved the application on May 22, 2000, as Antimicrobial AphaSan RC 5000 for use as a powder, liquid, or solid dispersion into, or on the surface of various plastics, fibers, coatings, adhesives, sealants and building materials. These materials are used to manufacture a wide variety of nonfood contact, finished treated articles (EPA Registration Number 11631-2).

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 9, 2000.

**Frank Sanders,**

*Director, Antimicrobial Division, Office of Pesticide Programs.*

[FR Doc. 00-30116 Filed 11-24-00]

**BILLING CODE 6560-50-S**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Meeting of the President's Committee of Advisors on Science and Technology

**ACTION:** Notice of meeting cancellation.

**SUMMARY:** On November 16, 2000, 65 FR 69308, the Office of Science and Technology Policy (OSTP) published a notice to announce a meeting of the President's Committee of Advisors on Science and Technology (PCAST) to be held on December 1, 2000. This notice is to announce that the meeting is

cancelled due to conflicts in members' schedules.

**Barbara Ann Ferguson,**

*Assistant Director, Budget and Administration, Office of Science and Technology Policy.*

[FR Doc. 00-30052 Filed 11-24-00; 8:45 am]

BILLING CODE 3170-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

November 17, 2000.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before January 26, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A-804, 445 Twelfth Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the

information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.:* 3060-0190.

*Title:* Section 73.3544—Application to obtain a modified station license.

*Form No.:* n/a.

*Type of Review:* Revision of currently approved collection.

*Respondents:* Business or other for-profit; Not-for-profit institutions.

*Number of Respondents:* 325.

*Estimated Hours Per Response:* 2 hours for informal applications (These hours include the contracting hour cost to the respondents and the respondents hour burden)/0.25 hours for notifications.

*Frequency of Response:* On occasion.

*Cost to Respondents:* \$45,000.

*Estimated Total Annual Burden:* 306 hours.

*Needs and Uses:* Section 73.3544(b) sets forth the filing procedures for broadcast licensees to obtain a modified station license when prior authority is not required to make changes to the station. Licensees are required to notify the FCC in writing when there is a change in the name of the licensee where there is no change in ownership or control. An informal application (written request) may be filed by licensees: (1) Correcting the routing instructions and description of an AM station directional antenna system field monitoring point, when that point is not changed; (2) changing the type of AM station directional antenna monitor; (3) changing the location of the station main studio; or (4) changing the location of a remote control point of an AM or FM station.

TV or FM licensees changing the type of transmitting antenna or output power of their transmitter must file the appropriate license application form (FCC Form 302-FM/302-TV, 3060-0506/0029) with the FCC.

Section 73.3544(c) allows licensees to provide written notification when a change in the name of the licensee occurs where no change in ownership or control is involved.

The data is used by FCC staff to ensure changes are in accordance with FCC rules and regulations and to issue a modified station license.

*OMB Approval No.:* 3060-0488.

*Title:* Section 73.30—Petition for authorization of an allotment in the 1605-1705 kHz band.

*Form No.:* n/a.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 1.

*Estimated Hours Per Response:* 2 hours (1 hour respondent/1 hour contracting attorney).

*Frequency of Response:* On occasion.

*Cost to Respondents:* \$200.

*Estimated Total Annual Burden:* 1 hour.

*Needs and Uses:* Section 73.30(a) requires any party interested in applying for an AM broadcast station to be operated on one of the ten channels in the 1605-1705 kHz band must first file a petition for the establishment of an allotment to its proposed community of service. Each petition must include the following information: (1) Name of community for which allotment is sought; (2) station call letters; (3) frequency of its licensed operation; and (4) whether operation with stereo is proposed.

The data is used by FCC staff to determine whether applicant meets basic technical requirements to migrate to the expanded band.

*OMB Approval No.:* 3060-0182.

*Title:* Section 73.1620—Program tests.

*Form No.:* n/a.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit, Not-for profit institutions.

*Number of Respondents:* 1416.

*Estimated Hours Per Response:* 1 hour—5 hours (1 hour for Sections 73.1620(a)-(f); 5 hours for Section 73.1620(g)).

*Frequency of Response:* On occasion.

*Cost to Respondents:* \$0.

*Estimated Total Annual Burden:* 1480 hours.

*Needs and Uses:* Section 73.1620(a)(1) requires permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification. Section 73.1620(a)(2) requires a permittee of an AM or FM station with a directional antenna to file a request for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license. Section 73.1620(f) requires licensees of UHF TV stations, assigned to the same allocated channel which a 1000 watt UHF translator station is authorized to use, to notify the licensee of the translator station at least 10 days prior to commencing or resuming operation and certify to the FCC that such advance notice has been given. Section 73.1620(g) requires permittees to report any deviations from their promises, if any, in their application for license to cover their construction

permit (FCC Form 302) and on the first anniversary of their commencement of program tests. The notification in Section 73.1620(a) alerts the Commission that construction of a station has been completed and that the station is broadcasting program material. The notification in Section 73.1620(f) alerts the UHF translator station that the potential of interference exists. The report in Section 73.1620(g) stating deviations are necessary to eliminate possible abuses of the FCC's processes and to ensure that comparative promises relating to service to the public are not inflated.

*OMB Approval No.:* 3060-0187.

*Title:* Section 73.3594—Local public notice of designation for hearing.

*Form No.:* n/a.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 6.

*Estimated Hours Per Response:* 3 hours (These hours include the contracting hour cost to the respondents and the respondents hour burden).

*Frequency of Response:* On occasion.

*Cost to Respondents:* \$9,898.

*Estimated Total Annual Burden:* 12 hours.

*Needs and Uses:* Section 73.3594 requires that applicants of any AM, FM or TV broadcast station designated for hearing must give notice of such designation. Section 73.3594(a) requires that this notice be given in a daily newspaper of general circulation published in the community in which the station is or will be located. This notice must be published twice a week for two consecutive weeks. Section 73.3594(b) requires applicants for modification, assignment, transfer or renewal of an operating broadcast station to give notice over the broadcast station in addition to publishing the notice in a daily newspaper. Section 73.3594(g) requires that applicant file a statement with the FCC setting forth information regarding the publication or broadcast. This notice gives interested parties an opportunity to respond.

*OMB Approval Number:* 3060-0308.

*Title:* Section 90.505—Developmental operation, showing required.

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Business or other for-profit, not-for-profit institutions, State, Local or Tribal government.

*Number of Respondents:* 100.

*Estimated Time Per Response:* 2 hours per response.

*Total Annual Burden:* 200 hours.

*Total Annual Cost:* No annual cost burden on respondents from either capital or start-up costs.

*Needs and Uses:* The information collection requirement contained in Section 90.505 is needed to gather data on developmental programs for which a developmental authorization is sought. The information is used to evaluate the desirability of issuing such an authorization from spectrum use and interference potential considerations. If the information was not collected the value of developmental programs would be severely limited.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-30058 Filed 11-24-00; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections Approved By Office of Management and Budget

November 17, 2000.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

#### Federal Communications Commission

*OMB Control No.:* 3060-0511.

*Expiration Date:* 11/30/2003.

*Title:* ARMIS Access Report.

*Form No.:* FCC Report 43-04.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 150 respondents; 621 hours per response (avg.); 93,150 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* Annually.

*Description:* Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, allows the Commission, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures

of moneys. Section 219(b) of the Communications Act of 1934, as amended, 47 U.S.C. 219(b), authorizes the Commission by a general or special orders to require any carrier subject to this Act to file monthly reports concerning any matters with respect to which the Commission is authorized or required by law to act. ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps; to provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy. The ARMIS 43-04 Report provides jurisdictional separations and access charge data by Part 36 category of the Commission's Rules and Regulations. The ARMIS 43-04 Report monitors revenue requirements, joint cost allocations, jurisdictional separations and access charges. The information contained in the ARMIS 43-04 Report provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities. Obligation to respond: Mandatory.

*OMB Control No.:* 3060-0512.

*Expiration Date:* 11/30/2003.

*Title:* ARMIS Annual Summary

Report.

*Form No.:* FCC Report 43-01.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 150 respondents; 135 hours per response (avg.); 20,250 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* Annually.

*Description:* Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, allows the Commission, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys. Section 219(b) of the Communications Act of 1934, as amended, 47 U.S.C. 219(b), authorizes the Commission by a general or special orders to require any carriers subject to this Act to file annual reports concerning any matters with respect to which the Commission is authorized or required by law to act. ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps; to provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative

policy. The ARMIS 43-01 Report contains financial and operating data and is used to monitor the incumbent local exchange carriers (ILECs) and to perform routine analyses of costs and revenues. ARMIS 43-01 Report facilitates the annual collection of the results of accounting, rate base, and cost allocation requirements prescribed in Parts 32, 36, 64, 65, and 69 of the Commission's Rules and Regulations. The information contained in the ARMIS 43-01 Report provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities. Obligation to respond: Mandatory.

*OMB Control No.:* 3060-0513.

*Expiration Date:* ARMIS Joint Cost Report.

*Title:* ARMIS Joint Cost Report.

*Form No.:* FCC Report 43-03.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 150 respondents; 83 hours per response (avg.); 12,450 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* Annually.

*Description:* Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, allows the Commission, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys. Section 219(b) of the Communications Act of 1934, as amended, 47 U.S.C. 219(b), authorizes the Commission by a general or special orders to require any carrier subject to this Act to file monthly reports concerning any matters for which the Commission is authorized, or required by law, to act. ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps; to provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy. The ARMIS Joint Cost Report, FCC Report 43-03, contains financial and operating data. The ARMIS 43-03 Report details the incumbent local exchange carriers (ILECs) regulated and nonregulated cost and revenue allocations by study area pursuant to Part 64 of the Commission's Rules. The information contained in the ARMIS 43-03 Report provides the necessary detail to enable the Commission to fulfill its regulatory

responsibilities. Obligation to respond: Mandatory.

*OMB Control No.:* 3060-0804.

*Expiration Date:* 10/31/2003.

*Title:* Universal Service—Health Care Providers Universal Service Program.

*Form No.:* FCC Forms 465, 466, 466-A, 467, and 468.

*Respondents:* Not for profit institutions; Business or other for-profit.

*Estimated Annual Burden:* 5255

respondents; 1.85 hours per response (avg.); 9755 total annual burden hours.

*Estimated Annual Reporting and*

*Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; third party disclosure.

*Description:* The Telecommunications Act of 1996 (1996 Act) directed the Commission to initiate a rulemaking reform to our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission adopted rules providing, among other things, that rural health care providers receive access to advanced telecommunications services at rates that are reasonably comparable to those available in urban areas. All rural health care providers planning to order eligible telecommunications services at discounted rates under the universal service program must file the following forms: FCC Form 465, Description of Service Requested & Certification. Rural health care providers ordering discounted telecommunications services under the universal service program must submit FCC Form 465, Description of Service Requested and Certification to the Administrator. Rural health care providers must certify their eligibility to receive discounted telecommunications services. 47 CFR 54.615(c). The Administrator will then post a description of the services sought on a website for all potential competing service providers to see and respond to as if they were requests for proposals (RFPs). (No. of respondents: 1200; hours per response: 2.5 hours; total annual burden: 3000 hours). b. FCC Form 466, Funding Request and Certification. Rural health care providers that have ordered telecommunications under the universal service discount program must file FCC Form 466, Funding Request and Certification Form, with the Administrator. The data reported will be used to ensure that health care providers have selected the most cost-effective method of providing the requested services. 47 CFR 54.603(b)(4). (No. of respondents: 1350; hours per response: 2 hours; total annual burden: 2700 hours). c. FCC Form 466-A, Internet Toll Charge Discount Request.

If a rural health care provider is only seeking support for toll charges to access the Internet, it must submit Form 466-A. (No. of respondents: 5; hours per response: 1 hour; total annual burden: 5 hours). d. FCC Form 467, Connection Certification. Rural health care providers participating in the universal service support mechanism must submit Form 467 to inform the Administrator that they have begun to receive, or have stopped receiving, the telecommunications services for which universal service support has been allocated. The data reported will be used to ensure that universal service support is distributed to telecommunications carriers serving eligible health care providers pursuant to 47 CFR 54.611. (No. of respondents: 1350; hours per response: 1.5 hours; total annual burden: 2025 hours). e. FCC Form 468, Telecommunications Carrier Form. Rural health care providers ordering telecommunications services under the universal service support mechanism must submit FCC Form 468, Telecommunications Carrier Form to the Administrator. The data reported will be used to ensure that the telecommunications carrier receives the appropriate amount of credit for providing telecommunications services to eligible health care providers. 47 CFR 54.605-611. (No. of respondents: 1350; hours per response: 1.5 hours; total annual burden: 2025 hours). Obligation to respond: Required to obtain or retain benefits.

*OMB Control No.:* 3060-0292.

*Expiration Date:* 11/30/2003.

*Title:* Part 69—Access Charges.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 5832 respondents; 4.74 hours per response (avg.); 27,702 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; monthly; annually; biennially.

*Description:* Part 69 of the Commission's rules and regulations establishes the rules for access charges for interstate or foreign access provided by telephone companies on or after January 1, 1984. Part 69 essentially consists of rules or the procedures for the computation of access charges. (a) Section 69.3 requires the biennial or annual submission of access charge tariffs. (b) Section 69.116(c) and 69.117(c) require local exchange carriers to file information with NECA semi-annually pertaining to the number of lines in their study areas and the interexchange carriers to which such

lines are presubscribed. This information will be used by NECA to assess revenue requirements needed to fund the Universal Service Fund and Lifeline Assistance programs. (c) Section 69.104(k)(1) requires that a state or local telephone company wishing to implement an end user common line reduction or waiver for its subscribers file information with the Commission demonstrating that its state lifeline assistance plan meets certain criteria. This is a one-time filing requirement which is effective until December 31, 1997. (d) Section 69.104(l) requires local telephone carriers to calculate for NECA their projected revenue requirements for the lifeline assistance program until December 31, 1997. (e) Section 69.605 requires carriers who are participating in the pool to report access revenues and cost data so that NECA may compute monthly pool revenue distributions. The information is used to compute charges in tariffs for access service (or origination and termination) and to compute revenue pool distributions. Neither process could be implemented without the information. Obligation to respond: Required to obtain or retain benefits.

*OMB Control No.:* 3060-0952.

*Expiration Date:* 10/31/2003.

*Title:* Proposed Demographic Information and Notifications, Second FNPRM, CC Docket No. 98-147 and Fifth NPRM, CC Docket No. 96-98.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 1400 respondents; 4 hours per response (avg.); 5600 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; Third Party Disclosure.

*Description:* In CC Docket No. 98-147, the Commission solicited comment on whether requesting carriers should receive demographic and other information from incumbent local exchange carriers (ILECs) to determine whether they wish to collocate at particular remote terminations. In CC Docket No. 98-96, comment was sought on whether ILECs should provide certain notifications to completing carriers. If adopted, the proposed requirements will implement section 706 of the Communications Act of 1934, as amended, to promote deployment of advanced services without significantly degrading the performance of other services. Obligation to respond: Mandatory.

Public reporting burdens for the collections of information are as noted above. Send comments regarding the

burden estimates or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-30059 Filed 11-24-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

November 17, 2000.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before January 26, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, SW., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the

information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

#### SUPPLEMENTARY INFORMATION:

*OMB Approval Number:* 3060-0364.

*Title:* Section 80.409(d) and (e) Ship radiotelegraph logs, Ship radiotelephone logs.

*Form No.:* N/A.

*Type of Review:* Revision of currently approved collection.

*Respondents:* Businesses or other for-profit, state, local or tribal government, not-for-profit institutions.

*Number of Respondents:* 10,950.

*Estimated Time Per Response:* 30 hours per response.

*Frequency of Response:* N/A.

*Total Annual Burden:* 328,500 hours.

*Total Annual Cost:* \$0.

*Needs and Uses:* The Notice of Proposed Rule Making in WT 00-48, FCC 00-105 proposes to change these recordkeeping requirements. These changes incorporate the new GMDSS radio equipment and will reduce the estimated time per response. The recordkeeping requirement contained in these rule sections is necessary to document that compulsory radio equipped vessels and high seas vessels maintain listening watches and logs as required by statutes and treaties (including treaty requirements contained in appendix 11 of the International Radio Regulations, chapter IV, Regulation 19 of the International Convention for the Safety of Life at Sea, the Bridge-to-Bridge Radio Telephone Act, the Great Lakes Agreement, and the Communications Act of 1934, as amended.) A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. If the information were not collected, documentation concerning station operations would not be available and treaty requirements would not be complied with.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-30060 Filed 11-24-00; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:17 a.m. on Tuesday, November 21, 2000, the Board of Directors of the Federal Deposit Insurance Corporation

met in closed session to consider supervisory, resolution, corporate, and personnel matters.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than November 16, 2000, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at

550—17th Street, N.W., Washington, D.C.

Dated: November 22, 2000.

Federal Deposit Insurance Corporation.

**James D. LaPierre,**

*Deputy Executive Secretary.*

[FR Doc. 00-30231 Filed 11-22-00; 11:03 am]

**BILLING CODE 6717-01-M**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

**Title:** FEMA Grant Administration Forms.

**Type of Information Collection:** Reinstatement, with change, of a previously approved collection for which approval has expired.

**OMB Number:** 3067-0206.

**Abstract:** This collection of information focuses on the standardization and consistent use of standard and FEMA forms associated with grantees requests for disaster and non-disaster Federal assistance, submission of financial and administrative reporting, and recordkeeping. The use of the forms will minimize burden on the respondents and enable FEMA to continue to improve in its grants administration practices.

**Affected Public:** State, Local or Tribal Government.

**Estimated Total Annual Burden Hours:** 31,775 hours—28,210 hours for non-disaster grants and 3,565 hours for disaster grants. A breakdown of the burden is charted below:

## NON-DISASTERS

FEMA forms	Number of respondents (A)	Number of response per respondent (B)	Hours per response and recordkeeping (C)	Annual burden hours (AxBxC)
SF-424 Application For Federal Assistance .....	56	1	45 minutes .....	42 hours.
FEMA Form 20-10 Financial Status Report .....	56	20	1 hour .....	1120 hours.
FEMA Form 20-15 Budget Information-Construction Program.	56	5	17.2 hours .....	4816 hours.
FEMA Form 20-16, 20-16A, 20-16B, 20-16C Summary Sheet For Assurances and Certification.	56	1	1.7 hours .....	95.2 hours.
SF-LLL Disclosure of Lobby Activities .....	56	2	10 minutes .....	11.2 hours.
FEMA Form 20-17 Outlay Report and Request for Reimbursement.	56	15	17.2 hours .....	14448 hours.
FEMA Form 20-18 Report of Government Property .....	56	2	4.2 hours .....	470.4 hours.
FEMA Form 20-19 Reconciliation of Grants and Cooperative Agreements.	56	20	5 minutes .....	56 hours.
FEMA Form 20-20 Budget Information-Non-Construction Program.	56	10	9.7 hours .....	5432 hours.
FEMA Form 76-10A Obligating Document For Award/Amendment.	56	2	1.2 hour .....	134.4 hours.
Audits of States, Local Governments, and Non-Profit Organizations.	56	1	30 hours .....	1680 hours.
Total .....	.....	4,424	.....	28,210 hours.

## DISASTERS

Fema forms	Number of respondents (A)	Number of response per respondent (B)	Hours per response and recordkeeping (C)	Annual burden hours (AxBxC)
SF-424 Application For Federal Assistance .....	56	64	2 hours .....	128 hours.
FEMA Form 20-10 Financial Status Report .....	56	256	10.5 hours .....	2688 hours.
FEMA Form 20-16, 20-16A, 20-16B, 20-16C Summary Sheet For Assurances and Certification.	56	64	1 hour .....	64 hours.
FEMA Form 20-18 Report of Government Property .....	56	64	1 hour .....	64 hours.



## DISASTERS—Continued

Fema forms	Number of respondents (A)	Number of response per respondent (B)	Hours per response and recordkeeping (C)	Annual burden hours (AxBxC)
FEMA Form 20–20 Budget Information-Non-Construction Program.	56	64	9.7 hours .....	621 hours.
Total .....	.....	512	.....	3,565 hours.

Estimated Costs to Respondents:  
\$600,547.50.

**Comments**

Interested persons are invited to submit written comments on the proposed information collection to Attention: Desk Officer for the Federal Emergency Management Agency, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503 within 30 days of the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472, telephone number (202) 646–2625, FAX number (202) 646–3347, or e-mail address: [muriel.anderson@fema.gov](mailto:muriel.anderson@fema.gov).

Dated: November 20, 2000.

**Reginald Trujillo,**

*Director, Program Services Division,  
Operations Support Directorate.*

[FR Doc. 00–30075 Filed 11–24–00; 8:45 am]

**BILLING CODE 6718–01–P**

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

[FEMA–1347–DR]

**Arizona; Amendment No. 2 to Notice of  
a Major Disaster Declaration**

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Arizona, (FEMA–1347–DR), dated October 27, 2000, and related determinations.

**EFFECTIVE DATE:** November 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Arizona is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 27, 2000:

Pinal County for Individual Assistance and Public Assistance

Gila River Indian Community for Individual Assistance and Public Assistance

Maricopa County for Public Assistance (already designated for Individual Assistance)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 00–30076 Filed 11–24–00; 8:45 am]

**BILLING CODE 6718–02–P**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Office of the Secretary****Agency Information Collection  
Activities: Proposed Collections;  
Comment Request**

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS

Reports Clearance Officer on (202) 690–6207.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Projects:**

1. Public Health Service Acquisition Regulation—PHSAR Part 380—Special Program Requirements Affecting PHS Acquisitions, and Part 352—Solicitation Provisions and Contract Clauses—0990–0128—Extension—This clearance request addresses recordkeeping and reporting requirements in the Public Health Service Acquisition Regulation (PHSAR) for acquisitions involving safety and health, drugs and medical supplies, reusable cylinders, and laboratory animals. Respondents: State or local governments, Businesses or other for-profit, non-profit institutions, Small businesses; Burden Information for Drugs and Medical Supplies—Total Number of Respondents: 43; Annual Frequency of Response: three times; average Burden per Response: 2 hours; Estimated Annual Burden for Drugs and Medical Supplies Requirement: 258 hours.—Burden Information on Reusable Cylinders—Total Number of Respondents: 8; Annual Frequency of Response: five times; Average Burden per Response: 1 hour; Estimated Annual Burden for Reusable Cylinders Requirement: 40 hours.—Burden Information for Laboratory Animals—Total Number of Respondents: 63; Annual Frequency of Response: one time; Average Burden per Response: 10 hours; Estimated Annual Burden for Laboratory Animals Requirement: 630 hours.—Burden Information for Safety



and Health—Total Number of Respondents: 60; Annual Frequency of Response: one time; Average Burden per Response: 8 hours; Estimated Annual Burden for Health and Safety Requirement: 480 hours.—Total Burden: 1,408 hours.

2. Uniform Relocation and Real Property Acquisition Under Federal and Federally-assisted Programs (45 CFR Part 15 and 49 CFR Part 24)—0990—0150—Extension—HHS has adopted standard government-wide regulations on acquisition of real property and relocation of persons thereby displaced. Federal agencies and State and local governments must maintain records of their displacement activities sufficient to demonstrate compliance with these regulations. Respondents: State or local governments; Annual Number of Respondents: one; Frequency of Response: once; Burden per Response: one hour.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 60 days of this notice.

Dated: November 6, 2000.

**Dennis P. Williams,**

*Deputy Assistant Secretary, Budget.*

[FR Doc. 00–30055 Filed 11–24–00; 8:45 am]

**BILLING CODE 4150–24–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Notice of a Meeting of the National Bioethics Advisory Commission (NBAC)

**SUMMARY:** Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is given of a meeting of the National Bioethics Advisory Commission. The Commission will discuss its ongoing projects: (a) Draft report on ethical issues in international research, and (b) ethical and policy issues in the oversight of human subjects research in the United States. Some Commission members may participate by telephone conference. The meeting is open to the public and opportunities for statements by the public will be provided on December 7 from 1–1:30 pm.

#### Dates/Times and Location

December 7, 2000, 8:30 am–5 pm, The Embassy Row Hilton, 2015 Massachusetts Avenue NW, Washington, DC 20036  
December 8, 2000, 8 am–12 pm, Same Location as Above

**SUPPLEMENTARY INFORMATION:** The President established the National Bioethics Advisory Commission (NBAC) on October 3, 1999 by Executive Order 12975 as amended. The mission of the NBAC is to advise and make recommendations to the National Science and Technology Council, its Chair, the President, and other entities on bioethical issues arising from the research on human biology and behavior, and from the applications of that research.

#### Public Participation

The meeting is open to the public with attendance limited by the availability of space on a first come, first serve basis. Members of the public who wish to present oral statements should contact Ms. Jody Crank by telephone, fax machine, or mail as shown below as soon as possible, at least 4 days before the meeting. The Chair will reserve time for presentations by persons requesting to speak and asks that oral statements be limited to five minutes. The order of persons wanting to make a statement will be assigned in the order in which requests are received. Individuals unable to make oral presentations can mail or fax their written comments to the NBAC staff office at least five business days prior to the meeting for distribution to the Commission and inclusion in the public record. The Commission also accepts general comments at its website at [bioethics.gov](http://bioethics.gov). Persons needing special assistance, such as sign language interpretation or other special accommodations, should contact NBAC staff at the address or telephone number listed below as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jody Crank, National Bioethics Advisory Commission, 6705 Rockledge Drive, Suite 700, Bethesda, Maryland 20892–7979, telephone (301) 402–4242, fax number (301) 480–6900.

Dated: November 20, 2000.

**Eric M. Meslin,**

*Executive Director, National Bioethics Advisory Commission.*

[FR Doc. 00–30057 Filed 11–22–00; 1:58 pm]

**BILLING CODE 4167–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

**NAME:** National Committee on Vital and Health Statistics (NCVHS), National Health Information Infrastructure Workgroup, Health Statistics for the 21st Century Workgroup.

**TIME AND DATE:** December 19, 2000, 10 a.m.–4 p.m.

**PLACE:** Hubert H. Humphrey Building, 200 Independence Avenue, SW, Conference Room 425A, Washington, DC 20201.

**STATUS:** Open.

**PURPOSE:** The National Health Information Infrastructure Workgroup and the Health Statistics for the 21st Century Workgroup will meet in a joint planning session to discuss further integration of the issues reviewed in their interim reports: “Toward a National Health Information Infrastructure” and “Shaping a Vision for 21st Century Health Statistics.” The working groups will also discuss the development of a complementary framework for their final reports. The interim reports may be downloaded from the NCVHS homepage at: <http://www.ncvhs.hhs.gov/>.

**NOTICE:** In the interest of security, HHS has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Persons without a government identification card may need to have the guard call for an escort to the meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: <http://www.ncvhs.hhs.gov/>.

Dated: November 17, 2000.

**James Scanlon,**

*Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.*

[FR Doc. 00–30094 Filed 11–24–00; 8:45 am]

**BILLING CODE 4151–05–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### National Partnerships for Human Immunodeficiency Virus (HIV) Prevention With a Focus on Business and Labor, Youth-at-High Risk, and Migrant Workers

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

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

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds. CDC will provide approximately \$2.2 million dollars to support a technical assistance and leadership program for National Partnerships for Human Immunodeficiency Virus (HIV) Prevention. This program addresses the "Healthy People 2010" focus areas of HIV Prevention, Educational and Community-Based Programs, and Sexually Transmitted Diseases.

The purpose of this announcement is to request comments on this proposed program. After consideration of comments submitted, CDC will publish a program announcement to solicit applications. A more complete description of the program goals, eligible applicants, availability of funds, program requirements, and evaluation criteria follow.

**DATES:** The public is invited to submit comments by December 11, 2000.

**ADDRESS:** Submit your comments to and obtain additional information from:

Technical Information and Communications Branch, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE Mail Stop E49, Atlanta, GA 30333, Fax (404) 639-2007, E-mail: [HIVMAIL@CDC.GOV](mailto:HIVMAIL@CDC.GOV), Telephone (404) 639-2072

#### SUPPLEMENTARY INFORMATION:

##### Purpose

The purpose of the program is to develop local, regional, state, and national leadership and support for HIV prevention programs and policies. It is also to provide technical assistance and service delivery in support of capacity building and skills development for community-based organizations, State and local health departments, and other organizations conducting HIV prevention activities at the local,

regional, state, and national levels. This announcement is intended to help address gaps in leadership and technical assistance in the development and delivery of HIV prevention services.

For the purpose of this announcement, the following definitions apply:

*Leadership activities* are defined as the development of communication and mobilization strategies including network development, partnership formation and coalition building, to raise and maintain community as well as national awareness of HIV prevention needs and programs in specified populations. Leadership activities may also include developing and implementing strategies for needs assessments, policy analysis and service integration in collaboration with the private sector, federal partners, health departments, community-based organizations and community planning groups.

*Technical Assistance activities* are defined as the provision of information and skills and consultation and training for individuals and organizations to improve the delivery and effectiveness of HIV prevention interventions. Service delivery activities may also be included under the technical assistance activity. Technical Assistance funds available under this announcement must support assistance that improves the capacity of recipient agencies to design, develop, implement, and/or evaluate effective HIV prevention interventions for one or more of the three populations described below.

##### Eligible Applicants

To be eligible for funding under this announcement, applicants must be (1) a tax-exempt, non-profit national business or labor related, youth related, or migrant worker related organization, whose net earnings in no part accrue to the benefit of any private shareholder or person; or (2) an academic institution working in collaboration with such organizations; or (3) a federally recognized Indian tribal government, a non-federally recognized tribe or other organization that qualifies under the Indian Civil Rights Act, State Charter Tribes, Urban Indian Health Programs, Indian Health Boards, and/or Inter-Tribal Councils. Proof of tax-exempt status must be provided with the application. CDC will not accept an application without proof of tax-exempt status. Tax-exempt status is determined by the Internal Revenue Service (IRS) Code, Section 501(c). Tax-exempt status may be proved by either providing a copy of the pages from the IRS' most recent list of 501(c) tax-exempt

organizations or a copy of the current IRS Determination Letter.

**Note:** Public Law 104-65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

#### Below Is Additional Eligibility Criteria for Each Category

##### Category I—Business- or Labor-Related Organization Programs

A. A business- or labor-related organization is a non-profit, professional or voluntary organization, that (1) has businesses, business leaders, or labor leaders as a focus or constituency; or (2) is a labor union; or (3) is a trade association. In addition, the organization (4) has a formal or informal network, chapters, affiliates, constituent organizations, or offices in at least two U.S. States or territories; and (5) has access to national or regional corporate, business, union, or labor leaders and managers (e.g., human resource managers). For example, a labor union with chapters in at least two States would meet the definition of a national business- or labor-related organization, whereas an individual State chapter of a national labor union would not.

B. Has a documented two-year record of providing technical assistance or leadership activities focusing on HIV prevention with business and labor organizations and their employees or members.

##### Category II—Youth-Related Organization Programs

A. A youth-related organization is a non-profit organization that has youth, and/or service providers who work with youth, as a focus or constituency. The organization must have a formal or informal network, chapters, affiliates, constituent organizations, or offices in at least two U.S. States or territories. For example, an agency with a linked network of youth-serving providers with members residing in at least two States or Territories would meet the definition of a youth-related organization, whereas an individual chapter of a national organization would not.

B. Has a documented two-year record of providing technical assistance, prevention services and/or leadership activities focusing on HIV prevention for Gay, Lesbian, Bisexual, Transgendered and Questioning (GLBTQ) youth, homeless/run-away or street youth, and/or young women of color.

C. Has a young person, age 24 or younger from the target population, on

the Board that oversees programmatic activities, or has an Advisory Committee to the Board that is made up of young people age 24 or younger from the target population.

### **Category III—Migrant Worker-Related Programs**

A. A migrant worker-related organization is a non-profit organization that has migrant workers and/or the service providers who work with migrant workers, as a focus or constituency. The organization must have a formal or informal network, chapters, affiliates, constituent organizations, or offices in at least two U.S. States or territories. For example, an agency with a linked network of migrant worker-serving providers with members residing in at least two States or Territories would meet the definition of a migrant farm worker-related organization, whereas an individual chapter of a national organization would not.

B. Has a documented two-year record of providing culturally tailored technical assistance or leadership activities focusing on HIV prevention for migrant workers.

### **Availability of Funds**

Approximately \$2.2 million is available in FY 2001 to fund approximately nine awards. It is expected that the average award will be \$225,000, ranging from \$200,000 to \$300,000. It is expected that the awards will begin on or about April 1, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

### **Funding Preferences**

Preference for funding in all categories will be given to:

1. Ensuring that leadership development and/or technical assistance is available to the designated target populations as a primary focus; and
2. Addresses gaps in current national/regional or local technical assistance services (gaps may be defined by geography; target population, race/ethnicity, risk behavior; or intervention type).

### **Additional Funding Preferences by Category**

Preference for funding will be given to ensuring the following:

#### *Category I—Business and Labor*

That both business and labor organizations are funded in at least one of the two designated activities.

#### *Category II—Youth*

That recipients, under the leadership activity, address a variety of strategies and/or programs to raise awareness and stimulate HIV prevention intervention development in youth serving organizations that have, as a primary focus, the designated at-risk populations.

That recipients, under the technical assistance activity, use a variety of intervention types (e.g. small group interventions, counseling and testing, prevention case management) and/or other proven interventions identified in the CDC Compendium of Effective Programs, titled, "Compendium of HIV Prevention Interventions with Evidence of Effectiveness" November 1999, CDC Prevention Research Synthesis to reach the designated population (e.g. young women of color, GLBTQ youth, runaway, homeless, or street youth).

### **Category III—Migrant Workers**

That recipients, under the leadership activity, address a variety of strategies and/or programs to raise awareness and stimulate HIV prevention intervention development in migrant worker-serving organizations, and that recipients under the technical assistance activity use a variety of intervention types (e.g. small group interventions, counseling and testing, prevention case management); and/or other strategies and interventions that are proven to be effective in providing services to the designated community.

### **Program Requirements**

Recipients in all categories must conduct the following activities:

- a. Incorporate cultural competency and linguistic appropriateness into all technical assistance and skills building efforts, including those involving the development, production, dissemination, and marketing of health communication or prevention messages;
- b. Use epidemiologic data, behavioral research, and program evaluation, to inform technical assistance and intervention development which meet the needs of the designated populations;
- c. Coordinate program activities with relevant public sector partners, including national, regional, State, and local HIV prevention programs to prevent duplication of efforts;
- d. Review and ensure consistency with applicable State and local comprehensive HIV prevention community plans when conducting program activities at the State and local levels;
- e. Facilitate the dissemination of successful prevention interventions and

program models through meetings, workshops, conferences, and communications with project officers;

- f. Compile "lessons learned" from the project and share these with the CDC;
- g. Monitor and conduct process evaluation of all major program activities and services supported with CDC HIV prevention funds under this cooperative agreement; and
- h. Submit CDC forms for initiating and completing technical assistance services. Forms will be provided by CDC.

### *Category I—Business- or Labor-Related Organization Programs—Recipient Activities*

#### **Activity A—Leadership Activities**

1. Develop and promote, at the national, State, and local levels and, when appropriate, at the international level, leadership in and support for HIV prevention policies and strategies, that promote private-public partnerships to enhance HIV/AIDS awareness and prevention;
2. Influence and strengthen, at the national, State, and local levels and, when appropriate, at the international level, private sector engagement in shaping societal and community norms that dispel HIV/AIDS stigma, reduce discrimination against persons with HIV/AIDS, and facilitate HIV prevention by encouraging the adoption and maintenance of safer behaviors;
3. Support the private sector development of policies and programs addressing HIV/AIDS and HIV prevention education in the workplace at the national, State, regional, local and, when appropriate, international levels.

#### **Activity B—Technical Assistance Activities**

1. Provide businesses and business- and labor-related organizations with technical assistance related to:
  - Adopting and implementing appropriate CDC-recommended policies on HIV/AIDS in the workplace
  - Educating managers and labor leaders about these policies
  - Educating workers about HIV/AIDS in the workplace
  - Educating workers and their families about HIV prevention, and
  - Contributing to community efforts to control HIV transmission;
2. Facilitate State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with business, labor, and business- and labor-related organizations to strengthen and promote HIV prevention efforts in the community;

3. Facilitate business, labor and business- and labor-related organizations in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention efforts in the community.

*Category II—Youth-Related Organization Programs—Recipient Activities*

**Activity A—Leadership**

1. Develop and promote, at the national, State, and local levels and, when appropriate, at the international level, leadership support for HIV prevention policies, programs and services for HIV prevention for young women of color, homeless, run-away and street youth, and/or GLBTQ youth;

2. Influence and strengthen, at the national, State, and local levels and, when appropriate, at the international level, societal and community norms that dispel HIV/AIDS stigma, reduce discrimination against persons with HIV/AIDS, and facilitate HIV prevention by supporting the adoption and maintenance of safer behaviors in youth.

**Activity B—Technical Assistance**

1. Include CDC-funded CBOs, other CBOs, Health Department staff, State Education agencies, and other potential consumers of the proposed services in planning and evaluating the proposed technical assistance and service delivery program.

2. Ensure the effective and efficient provision of technical assistance and/or delivery of effective services to address HIV prevention for the designated youth populations. (Examples include, but are not limited to, intervention replication or adaptation, use of behavioral and social sciences to increase intervention effectiveness, increasing the cultural competence and linguistic appropriateness of interventions, service integration, developing effective health communications messages, conducting population-based needs assessments, and evaluation planning and implementation.) Recipients should work closely with CDC to identify interventions for the designated youth populations that have a sound basis in science or proven program experience and are suitable for dissemination.

These services are to be provided through the use of information transfer, skills building, technical consultation, technical services, and technology transfer. These services should be culturally appropriate and based in science.

3. Implement a plan for developing and maintaining ongoing technical assistance and service delivery collaboration with CDC-funded CBOs, capacity-building assistance providers, other CBOs, and State and local Health Departments.

4. Implement a system that responds to technical assistance and service delivery requests. The system must include mechanisms for assessing and prioritizing requests; linking requests to other technical assistance and service resources and to services provided by other Technical Assistance providers.

5. Identify and complement the technical assistance and service delivery efforts for the target population available locally. Cooperate with other national, regional, State, and local technical assistance and service providers to (a) avoid duplication of effort and (b) ensure that capacity-building assistance is allocated according to gaps in available services and the needs of organizations serving youth at high risk for acquiring and transmitting HIV and other STDs.

6. Coordinate program activities with appropriate national, regional, State, and local governmental and non-governmental HIV prevention partners (e.g., health departments, CBOs) and CPGs. (Note: For this announcement, the term “coordinate” means exchanging information and altering activities for mutual benefit.)

7. Incorporate cultural competency, age, and linguistic and educational appropriateness into all capacity-building activities;

8. Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with youth and youth serving organizations to strengthen and promote HIV prevention among youth in the community.

9. Assist youth serving organizations in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention among youth in the community.

10. Participate in the CDC-coordinated Capacity-Building Assistance Network to enhance communication, coordination, and training.

*Category III—Migrant Worker-Related Programs—Recipient Activities*

**Activity A—Leadership**

1. Develop and promote, at the national, State, and local levels and, when appropriate, at the international

level, leadership support for HIV prevention policies, programs and services for HIV prevention for migrant workers.

2. Influence and strengthen, at the national, State, and local levels and, when appropriate, at the international level, societal and community norms that dispel HIV/AIDS stigma, reduce discrimination against migrant workers with HIV/AIDS, and facilitate HIV prevention by supporting the adoption and maintenance of safer behaviors in migrant workers.

**Activity B—Technical Assistance**

1. Include CDC-funded CBOs, other CBOs, Health Department staff, State Education agencies, and other potential consumers of the proposed services in planning and evaluating the proposed technical assistance and service delivery program.

2. Ensure the effective and efficient provision of technical assistance and/or delivery of effective services to address HIV prevention for migrant workers. (Examples include, but are not limited to, intervention replication or adaptation, use of behavioral and social sciences to increase intervention effectiveness, increasing the cultural competence and linguistic appropriateness of interventions, service integration, developing effective health communications messages, conducting population-based needs assessments, and evaluation planning and implementation.) Recipients should work closely with CDC to identify interventions for the migrant worker population that have a sound basis in science or proven program experience and are suitable for dissemination.

These services are to be provided through the use of information transfer, skills building, technical consultation, technical services, and technology transfer. These services should be culturally and linguistically appropriate and based in science.

3. Implement a plan for developing and maintaining ongoing technical assistance and service delivery collaboration with CDC-funded CBOs, other CBOs, and State and local Health Departments.

4. Implement a system that responds to technical assistance and service delivery requests. The system must include mechanisms for assessing and prioritizing requests; linking requests to other technical assistance and service resources and to services provided by other Technical Assistance providers.

5. Identify and complement the technical assistance and service delivery efforts for the target population available locally. Cooperate with other

national, regional, State, and local technical assistance and service providers to (a) avoid duplication of effort and (b) ensure that technical assistance is allocated according to gaps in available services and the needs of organizations serving migrant workers at risk for acquiring and transmitting HIV and other STDs.

6. Coordinate program activities with appropriate national, regional, State, and local governmental and non-governmental HIV prevention partners (e.g., health departments, capacity-building assistance providers, CBOs) and CPGs. (Note: For this announcement, the term "coordinate" means exchanging information and altering activities for mutual benefit.)

7. Incorporate cultural and linguistic competency, and educational appropriateness into all technical assistance and prevention activities;

8. Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with migrant workers and/or organizations serving migrant workers to strengthen and promote HIV prevention among this community.

9. Assist migrant serving organizations in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention among youth in the community.

#### Evaluation Criteria

1. Organizational History and Capacity: (15 Total Points).
2. Assessment of Need: (10 Total Points).
3. Long-term Goals: (15 Total Points).
4. Program Proposal: (20 Total Points).
5. Scientific, Theoretical, or Conceptual Foundation for Proposed Activities: (15 Total Points).
6. Plan of Evaluation: (10 Total Points).
7. Project Management and Staffing: (15 Total Points).
8. Budget Breakdown and Justification: (Not Scored).
9. Past Performance history with CDC: (Not Scored).

Dated: November 20, 2000.

**Joseph R. Carter,**

*Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 00-30078 Filed 11-24-00; 8:45 am]

**BILLING CODE 4163-18-P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

##### Proposed Information Collection Activity; Comment Request

##### Proposed Projects

*Title:* Federal Tax Offset, Administrative Offset, and Passport Denial.

*OMB No.:* 0970-0161.

*Description:* The Tax Refund Offset and Administrative Offset Program collects past-due child support by intercepting certain Federal payments, including Federal Tax refunds of parents who have been ordered to pay child support and are behind in paying the debt. The program is a cooperative effort including the Department of Treasury's Financial Management Service (FMS), the Federal Office of Child Support Enforcement (OCSE) and State Child Support Enforcement (CSE) agencies. The Passport Denial program reports non-custodial parents who owe arrears above a threshold to Department of State (DOS), which will then deny passports to these individuals. On an ongoing basis, CSE agencies submit to OCSE the names, Social Security Numbers (SSNs) and the amount(s) of past due child support of people who are delinquent in making child support payments.

*Respondents:* State IV-D Agencies.

#### ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. responses per respondent	Average burden hours per response	Total burden hours
Input Record .....	54	52	.3	842.4
Output Record .....	54	52	.46	1292
Payment File .....	54	26	.27	379
Certification Letter .....	54	1	.4	21.6
Estimated Total Annual Burden Hours .....	.....	.....	.....	2535

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests

should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: November 20, 2000.

**Bob Sargis,**

*Reports Clearance Officer.*

[FR Doc. 00-30056 Filed 11-24-00; 8:45 am]

**BILLING CODE 4184-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Health Care Financing Administration**  
[HCFA-1165-N]**Medicare Program; December 11, 2000, Meeting of the Practicing Physicians Advisory Council****AGENCY:** Health Care Financing Administration (HCFA), HHS.**ACTION:** Notice of meeting.**SUMMARY:** In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.**DATES:** The meeting is scheduled for December 11, 2000, from 8:30 a.m. until 5 p.m., e.s.t.**ADDRESSES:** The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.**FOR FURTHER INFORMATION CONTACT:** Paul Rudolf, M.D., J.D., Executive Director, Practicing Physicians Advisory Council, Room 435-H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 690-7874. News media representatives should contact the HCFA Press Office, (202) 690-6145. Please refer to the HCFA Advisory Committees Information Line (1-877-449-5659 toll free)/(410-786-9379 local) or the Internet (<http://www.hcfa.gov/fac>) for additional information and updates on committee activities.**SUPPLEMENTARY INFORMATION:** The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare or Medicaid in the previous

year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Jerold M. Aronson, M.D.; Richard Bronfman, D.P.M.; Joseph Heyman, M.D.; Sandra Hullett, M.D.; Stephen A. Imbeau, M.D.; Jerilynn S. Kaibel, D.C.; Angelyn L. Moultrie, D.O.; Derrick K. Latos, M.D.; Dale Lervick, O.D.; Sandra B. Reed, M.D.; Amilu Rothhammer, M.D.; Maisie Tam, M.D.; Victor Vela, M.D.; Kenneth M. Viste, Jr., M.D.; and Douglas L. Wood, M.D. The Council Chairperson is Derrick L. Latos, M.D.

Council members will be updated on the following subjects—status of the Stark II Regulations and Advance Beneficiary Notices.

The agenda will provide for discussion and comment on the listed following topics:

- Proposed Program Integrity Customer Service Project.
- Health Care Financing Administration/Office of the Inspector General Audits.
- Guidelines for Documenting Evaluation and Management Services.
- Physician Regulatory Issues Team (Sentinel Clinicians, Sentinel Data, Frequently Asked Questions and Medicare Basics).

For additional information and clarification on the topics listed, call the contact person in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Individual physicians or medical organizations that represent physicians that wish to make 5-minute oral presentations on agenda issues should contact the Executive Director by 12 noon, December 1, 2000, to be scheduled. Testimony is limited to listed agenda issues only. The number of oral presentations may be limited by the time available. A written copy of the presenter's oral remarks should be submitted to the Executive Director no later than 12 noon, December 4, 2000, for distribution to Council members for review prior to the meeting. Physicians and organizations not scheduled to speak may also submit written

comments to the Executive Director and Council members. The meeting is open to the public, but attendance is limited to the space available. Individuals requiring sign language interpretation for the hearing impaired or other special accommodation should contact John Lanigan at (202) 690-7418 at least 10 days before the meeting.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92-463 (5 U.S.C. App. 2, section 10(a)); 45 C.F.R. Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 22, 2000.

**Michael M. Hash,***Acting Administrator, Health Care Financing Administration.*

[FR Doc. 00-30271 Filed 11-24-00; 8:45 am]

**BILLING CODE 4120-01-P****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Forest Management and Timber Harvest in Mississippi and Alabama****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice.International Paper (Applicant) has requested an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking the threatened gopher tortoise (*Gopherus polyphemus*) over the next 5 years incidental to forest management for timber production and wildlife enhancement, road construction, research, and timber harvest. The anticipated take and measures to minimize and mitigate these takings will occur on 80,000 acres of the Applicant's fee simple and leased lands in Lamar, George, Pearl River, Greene, Stone, Harrison, Perry, Forrest, and Jackson counties, Mississippi; and in Washington and Mobile counties, Alabama. The proposed permit would authorize incidental take of up to 1,420 tortoises that are not associated with gopher tortoise colonies. Of the tortoises incidentally taken, most would be harmed but not actually killed or

physically injured during this 5-year plan.

To minimize and mitigate for taking of gopher tortoises, the Applicant will protect, restore, and maintain habitat for 1,280 tortoises within 240 gopher tortoise colonies within stands where timber will be thinned or regenerated. Adaptive management will be used to ensure that at least 10 colony tortoises are conserved in restored and managed habitat for every 11 tortoises potentially subject to incidental take. The Applicant's Habitat Conservation Plan (HCP) is an interim 5-year plan and permit during which time additional research and planning will be completed for a more long-term comprehensive HCP. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the gopher tortoise is provided in the Applicant's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of a draft EA and HCP for the incidental take application. Copies of the draft EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE033112-0 in such comments. You may mail comments to the Service's Regional Office (see

**ADDRESSES**). You may also comment via the internet to "david\_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. **DATES:** Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before December 27, 2000.

**ADDRESSES:** Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE033112-0 in requests of the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Mr. Will McDearman, Fish and Wildlife

Biologist, Jackson Field Office, Mississippi (see **ADDRESSES** above), telephone: 601/321-1124.

**SUPPLEMENTARY INFORMATION:** The gopher tortoise was listed in 1987 as a threatened species in the western part of its geographic range, west of the Tombigbee and Mobile Rivers in Alabama, Mississippi and Louisiana. The gopher tortoise is a burrowing animal that historically inhabited fire-maintained longleaf pine communities on moderately well drained to xeric soils in the Coastal Plain. These longleaf pine communities consisted of relatively open fire-maintained forests, without a closed overstory, with a well developed herbaceous plant layer of grasses and forbs. About 80% of the original habitat for gopher tortoises was lost by the time the species was listed due to conversions to urban and agricultural land use. On remaining forests, management practices converting longleaf pine to densely planted pine stands for pulpwood production, fire exclusion, and infrequently prescribed fire further reduced the open forest with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Over 19,000 gopher tortoises have been estimated to occur in the listed range. The tortoise, however, is a long-lived animal with low reproductive rates. Remaining populations, though relatively widespread, are individually small, fragmented, and usually in poor habitat without adequate reproduction for a self-sustaining viable population. Frequent fire no longer naturally occurs in the listed range due to past effects of habitat alteration and fragmentation. Without prescribed fire and other restoration actions the quality of gopher tortoise habitat continues to decline. Land management to avoid the incidental take of tortoises will not recover the species since restoration and active management to maintain habitat is required.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the incidental take permit application.

The biological goal of the Applicant's HCP is to conserve, restore, and sustain all gopher tortoise colonies for a 5-year period in stands where timber will be thinned or regenerated. Prior to timber harvests, each stand will be



comprehensively surveyed for gopher tortoise colonies. A management area will be designated for each colony where thinning, prescribed fire, and other measures will be used to reduce or eliminate encroaching shrubs, hardwoods, and as necessary pine trees to create an open forest and optimal conditions for gopher tortoises. Since the density of tortoises is greater in colonies, the objective of the plan is to conserve and manage segments of the population that most likely continue to breed.

Gopher tortoise surveys on 20,000 acres of transects on the Applicant's land have not identified any colonies or populations that are potentially viable with 50 or more interbreeding tortoises. Gopher tortoises occur, overall, at low densities on the Applicant's land. The focus of this interim plan is to conserve the most likely breeding segments of the population that are important for short-term survival. During this period, a long-term plan will be developed based on additional research and comprehensive surveys on up to 80,000 acres of habitat. The goal of the future plan is restore and manage habitat for aggregations of colonies with the greatest potential to contribute to recovery.

The HCP has the following objectives:

1. Survey Applicant's lands within the historic gopher tortoise range to identify tortoise occurrence in relation to soil type and other habitat parameters in order to develop predictive models of tortoise occurrence.

2. Conduct research to form a scientific basis for submission of an HCP for at least an additional 25 years that would seek to build and maintain viable gopher tortoise populations on the Applicant's lands.

3. Conduct research to evaluate adverse effects of mechanized forest management and harvesting, and other silvicultural practices on gopher tortoises.

4. Identify gopher tortoise colonies and designate management areas around these sites. Improve and perpetuate favorable habitat conditions around these management areas.

5. Conduct research necessary to implement long term mitigation with the goal of creating larger, contiguous gopher tortoise management units that will become viable population centers contributing to species recovery goals.

6. Demonstrate successful application of adaptive management, sound science, and third party involvement in development of a broad-base HCP that has the core objective of contributing to gopher tortoise recovery.

7. Establish management, mitigation, and monitoring protocol for implementation of future versions of the HCP in longer term incidental take authorizations.

8. Inform and train applicant's employees, contractors, and recreational users on the gopher tortoise management guidelines specified in the HCP.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: November 17, 2000.

**H. Dale Hall,**

*Acting Regional Director.*

[FR Doc. 00-30218 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### **Notice of Intent To Prepare a ACEC/River Management Plan and EIS for the Wild and Scenic Klamath River in Oregon and That Portion of the Klamath River Down to the Slack Water of Copco Reservoir in California**

**AGENCIES:** Bureau of Land Management Oregon and California, Oregon Parks and Recreation Department.

**ACTION:** Notice of Intent To Prepare an ACEC/River Management Plan and Environmental Impact Statement for the Klamath River in Southern Oregon and Northern California.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Lakeview District/Klamath Falls Resource Area will be directing the preparation of an ACEC/River Management Plan and Environmental Impact Statement (EIS) evaluating the impacts of river uses in southern Oregon and northern California.

**DATES:** This is a scoping notice and responses to scoping are to be received at the Klamath Falls Resource Area Office, 2795 Anderson Avenue, Bldg. 25, Klamath Falls, OR 97603 by January 31, 2001.

Public scoping meetings for the River Management Plan will be held after the first of the year, 2001, in Klamath Falls, Oregon and/or Copco or Yreka or Redding, California.

The Draft River Management Plan and DEIS analysis would be available for public review by the fall of 2001. Comments will be accepted for the DEIS for 90 days. After incorporation of DEIS comments the document will be finalized and re-sent out for review after the first of the year, 2002. Comments will be accepted on the FEIS for 30 days.

**ADDRESSES:** Comments should be sent to Manager, Bureau of Land Management, Klamath Falls Resource Area, 2795 Anderson Avenue, Klamath Falls, OR 97603, ATTN: Klamath River Plan.

**FOR FURTHER INFORMATION CONTACT:** Larry Frazier, Natural Resources Branch Chief, (541) 883-6916.

**SUPPLEMENTARY INFORMATION:** The proposed ACEC/River Management Plan is located on the Klamath Falls Resource Area of the Lakeview District, Oregon and the Redding Field Office, California. An ACEC designation for this project was completed as part of the Klamath Falls Resource Area Resource Management Plan (1995). The Upper Klamath River was designated by the Secretary of the Interior as a Scenic River and was included in the National Wild and Scenic Rivers system under section 2(a)(ii) of the National Wild and Scenic Rivers Act on September 22, 1994. The same reach of river was designated a State Scenic Waterway in 1988 under Oregon's State Scenic Waterway Act.

The ACEC designation begins from the John C. Boyle Dam.

The purposes of undertaking an ACEC/River Management Plan and EIS at this time are to evaluate current river uses in an environmental document that will then be included as part of the environmental review in the Federal Energy Regulatory Commission (FERC) Relicensing process of hydroelectric uses on the river in 2005. The depth of analysis on some issues for the ACEC/River Management Plan will be dependent upon the results of scoping.

Tentative issues to be addressed are water quality and quantity, fisheries, recreation, cultural resources, wildlife, botanical resources, scenic river, and hydroelectric relicensing processes.



The proposed project area for the Klamath River in Oregon is @11 miles long from the John C. Boyle Dam to the OR/CA State Line and encompasses @4960 acres. The California portion of the project is from the OR/CA State Line to the slack water of Copco Reservoir in California, a distance of @10 miles and encompasses @4200 acres.

The proposed project is within Klamath County, Oregon and Siskiyou County, California. The proposed project is approximately 12–25 miles south west of Klamath Falls, Oregon beginning at the John C. Boyle Dam.

The BLM/Klamath Falls Resource Area, 2795 Anderson Avenue, Bldg. 25, Klamath Falls, OR 97603, (541) 883–6916 will be the lead agency in preparation of documents. Future documents will be available from this address. Related documents include the Final Eligibility and Suitability Report for the Upper Klamath Wild and Scenic River Study (1990) (Department of the Interior). Copies of this document are available from the Klamath Falls Resource Area office. Another related document is the Klamath Wild and Scenic River Eligibility Report and Environmental Assessment (1994) (National Park Service, Pacific Northwest Region). Copies of this document are available at the National Park Service, Northwest Regional Office, 909 First Avenue, Seattle, WA 98104–1060.

The interdisciplinary team will be made up of a team leader, wildlife, fisheries, botany, archaeology, recreation, hydrology, and planning specialists. An Interagency Review Committee comprised of representatives from county, state, and federal agencies will ensure the project complies with regulatory processes in California and Oregon. The Upper Basin Subcommittee of the Klamath Provincial Advisory Committee will assist in the gathering of information from private river users, local private landowners and other interested parties to include in the interdisciplinary analysis.

The Oregon Parks and Recreation Department is a cooperative agency in the preparation of this document. Other cooperating agencies are the BLM/Redding Field Office in California. The proposed project is for the BLM/Klamath Falls Resource Area to prepare an ACEC/River Management Plan and Environmental Impact Statement for the Klamath River project area. For this River Management Plan and EIS, the State of Oregon will prepare a chapter in the EIS document that will be the management plan for the State scenic waterway and the scenic river.

Comments, including names and addresses of respondents, will be available for public review at the Klamath Falls Resource Area office during regular business hours (8 a.m. to 5 p.m., M–F, except holidays) and may be published as part of the EIS or other related documents. Individuals may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this promptly at the beginning of your written comment. Such request will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

If this management direction is approved, one or more of the alternatives would amend the Klamath Falls Resource Area Resource Management Plan (June 1995) and the Redding Resource Management Plan (June 1993). If the proposed direction amends the RMP plans in both California and Oregon, Bureau of Land Management regulations and associated manuals and handbooks for land use planning would apply.

Sincerely,

**Teresa A. Raml,**

*Manager, Klamath Falls Resource Area.*

[FR Doc. 00–30064 Filed 11–24–00; 8:45 am]

**BILLING CODE 4310–40–U**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV–020–1220–XQ]

#### Sierra Front-Northwestern Great Basin Resource Advisory Council—Notice of Meeting—Agenda Amendment, Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Amend the **Federal Register** Notice, published November 1, 2000 for the Special Resource Advisory Council Meeting—Black Rock Desert Management Plan, to include discussion of the Southern Nevada Public Lands Management Act acquisition nominations.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), a Department of the Interior, Bureau of Land Management (BLM) Resource Advisory Council meeting will be held

as indicated below. Topics for discussion include the review of public comments received on the Black Rock Desert Management Plan, and the time line proposed for completion of the final management plan and environmental impact statement. The second round of Southern Nevada Public Lands Management Act acquisition nominations will also be discussed. This meeting is open to the public. The public comment period for the Black Rock Desert Management Plan will begin at 11 a.m. The public comment period for the Southern Nevada Public Management Act will begin at 3 p.m. The public may present written comments to the Council. Individuals who plan to attend and need further information about the meeting, should contact Les Boni at the Winnemucca Field Office, BLM, 5100 E. Winnemucca Blvd., Reno, Nevada 89445, or by telephone at (775) 623–1500.

**LOCATION, DATE AND TIME:** The Council will meet on Monday, December 4, 2000, beginning at 9 a.m. and may continue into the evening, at the Fernley Town Complex, 595 Silver Lace Blvd., Fernley, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Les Boni, Assistant Field Manager Nonrenewable Resources, Winnemucca Field Office, 5100 E. Winnemucca Blvd., Winnemucca, Nevada 89445, telephone (775) 623–1500.

Dated: November 12, 2000.

**Terry A. Reed,**

*Winnemucca Field Manager.*

[FR Doc. 00–30062 Filed 11–24–00; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO–200–1430–EQ]

#### Notice of Realty Action—Lake County

**AGENCY:** Bureau of Land Management, Department of Interior.

**ACTION:** Notice of Realty Action, Federal Land Policy and Management Act Section 302 Lease, in Lake County, Colorado.

**SUMMARY:** All public land within the City of Leadville, Colorado is available for lease under Section 302 of the Federal Land Policy and Management Act of 1976 as amended, and the regulations thereunder 43 CFR part 2920 for authorization of historic commercial or residential use. Owners of qualified improvements may make application and after analysis they may be offered a 20-year lease to allow continued

Public land use. They will be required to pay an annual rental based on a fair market appraisal.

**DATES:** Interested parties may comment on this action on or before Jan. 5, 2001.

**ADDRESSES:** Field Office Manager, Bureau of Land Management, 3170 East Main St., Canon City, CO 81212.

**FOR FURTHER INFORMATION CONTACT:**

David Hallock, BLM Realty Specialist, at the above address, e-mail dave\_hallock@CO.BLM.gov, or phone: (719) 269-8536.

**SUPPLEMENTARY INFORMATION:** Typical qualified parcels are isolated remnants of Public land resulting from the patenting of mining claims (private land) that entirely surround the parcel. Additionally, the parcel is now overlapped by city lots and the parcel was developed prior to the Federal Land Policy and Management Act of 1976 and has been historically and unintentionally used for either commercial or residential purposes.

**Levi D. Deike,**

*Field Office Manager, Royal Gorge Field Office.*

[FR Doc. 00-30129 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Concession Contract Negotiations

**AGENCY:** National Park Service.

**ACTION:** Public notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to award an extension of an existing concession contract to the current concessioner authorizing the continued operation of Nauset Knoll Motor Lodge facilities and services for the public at Cape Cod National Seashore, Massachusetts for a term of one year from January 1, 2001 through December 31, 2001.

**EFFECTIVE DATE:** December 27, 2000.

**ADDRESSES:** National Park Service, Concession Management Program, Boston Support Office, 15 State Street, Boston, MA 02109-3572, Telephone (617) 223-5209.

**SUPPLEMENTARY INFORMATION:** This contract extension is being awarded to The Benz Corporation, Orleans, Massachusetts. It is necessary to award the contract extension in order to avoid interruption of visitor services.

This action is issued pursuant to 36 CFR part 51.23. This is not a request for proposals and no prospectus is being issued. Park planning documents call

for the future conversion of the Nauset Knoll Motor Lodge to Government use.

Dated: October 30, 2000.

**Chrysandra L. Walter,**

*Acting Regional Director, Northeast Region.*

[FR Doc. 00-30150 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Final Environmental Impact Statement, Anacapa Island Restoration Plan, Channel Islands National Park, Ventura County, California; Notice of Approval of Record of Decision

**SUMMARY:** (Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, as amended) and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service has prepared and approved a Record of Decision for the Final Environmental Impact Statement/Anacapa Island Restoration Plan for Channel Islands National Park. The 30-day no-action period was initiated October 13, 2000, with the U.S. Environmental Protection Agency's **Federal Register** notification of the filing of the Final Environmental Impact Statement.

**Decision:** The National Park Service (NPS) has determined through field surveys and corroborated with researchers and other agency pest management experts that non-native black rats are having a severely deleterious effect upon unique native plants and animals on Anacapa Island. After due consideration the NPS has determined it is essential to implement aerial broadcast of the rodenticide Brodifacoum, multi-year seasonal control activities, human safety and health safeguards, monitoring, and other elements of an island-specific, comprehensive program described as "Alternative 2" as soon as practical. This course of action and five alternatives were identified and analyzed in the Final and Draft Environmental Impact Statements (former issued October 13, 2000, latter issued July 7, 2000).

**Public Review and Consultation:** Public scoping leading to preparation of the Draft EIS was initiated in November, 1999. A public meeting was conducted on December 8, 1999. The Draft EIS was announced on July 7, 2000; the Final EIS was announced on October 13, 2000. Meetings and availability of both EIS documents were widely publicized

in local and regional print and radio media, via the internet, at area libraries, and by direct mailings. Approximately 20 comments were received overall.

In addition, the NPS consulted extensively with experts in the field of vertebrate pest ecology worldwide, conservation organizations and universities, and regulatory and resource protection agencies including the California Coastal Commission, US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency.

As a result of these collaborations, five action alternatives were identified and compared, and it was further determined that Alternative 2 comprised the "environmentally preferred" alternative.

**Copies:** Interested parties desiring to review the Record of Decision may obtain a copy by contacting the Superintendent, Channel Islands National Park, 1901 Spinnaker Drive, Ventura, California 93001; or via telephone request at (805) 658-5700.

Dated: November 17, 2000.

**John J. Reynolds,**

*Regional Director, Pacific West Region.*

[FR Doc. 00-30148 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Lower St. Croix National Scenic Riverway, MN and WI, Environmental Impact Statement

**AGENCIES:** National Park Service, Minnesota Department of Natural Resources, Wisconsin Department of Natural Resources.

**ACTION:** Notice of extension of the no action period for the final cooperative management plan/final environmental impact statement for the Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.

**SUMMARY:** Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service, Minnesota Department of Natural Resources, and Wisconsin Department of Natural Resources (collectively, the "managing agencies") have prepared a final cooperative management plan/final environmental impact statement (FCMP/FEIS) for the Lower St. Croix National Scenic Riverway. The Environmental Protection Agency published a notice of availability for this document in the October 20, 2000

**Federal Register** (65 FR 63076). The notice stated that the required 30-day no action period for the proposal would end on November 20, 2000.

The managing agencies listed above have elected to delay signing a record of decision on this project, and to extend the no action period until January 31, 2001. No decision will be made about the proposal until after this date; the agencies will not undertake actions to implement any portion of this plan until after this date.

The decision to extend the no action period was made because (a) the managing agencies and the U.S. Fish and Wildlife Service have elected to reinstate consultation on the project pursuant to section 7 of the Endangered Species Act, (b) CD-ROM versions of the document were not available until mid-November, possibly precluding some persons from reviewing the document, and (c) the cover sheet in the FCMP/FEIS listed an incorrect post office box where comments may be sent. The correct address for comments is printed below.

**DATES:** The no-action period on this FEIS will now expire January 31, 2001.

**ADDRESSES:** Copies of the FCMP/FEIS are available by request by writing the Superintendent, Lower St. Croix National Scenic Riverway, P.O. Box 708, St. Croix Falls, WI 54024-0708. Comments also may be sent to this address. Copies of the FCMP/FEIS also may be requested by telephone at 715-483-3284, extension 625 or by e-mail from SACN\_Superintendent@nps.gov. The document can be picked-up in person at the Lower St. Croix National Scenic Riverway headquarters at 401 Hamilton Street North, St. Croix Falls, WI.

**FOR FURTHER INFORMATION CONTACT:** Superintendent, Lower St. Croix National Scenic Riverway at the address and telephone listed above.

**SUPPLEMENTARY INFORMATION:** The Lower St. Croix National Scenic Riverway is a narrow corridor that runs for 52 miles along the boundary of Minnesota and Wisconsin, from St. Croix Falls/Taylor Falls to the confluence with the Mississippi River at Prescott/Point Douglas. The National Park Service manages a portion of the upper 27 miles of lands and waters of this corridor. The states of Minnesota and Wisconsin administer the lower 25 miles. The states and the federal government jointly conduct planning for the riverway.

The purpose of the cooperative management plan is to set forth the basic management philosophy for the riverway and to provide the strategies

for addressing issues and achieving identified management objectives. The FCMP/FEIS describes and analyzes the environmental impacts of a proposed action and four action alternatives for the future management direction of the riverway. The FCMP/FEIS also evaluates a preferred management structure and two management structure options for the riverway. No action alternatives are evaluated for both management direction and management structure.

The responsible officials are Mr. William Schenk, Midwest Regional Director, National Park Service; Mr. Allen Garber, Commissioner, Minnesota Department of Natural Resources; and Mr. George Meyer, Secretary, Wisconsin Department of Natural Resources.

Dated: November 17, 2000.

**William W. Schenk,**

*Regional Director, Midwest Region.*

[FR Doc. 00-30149 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Ellis Island South Side, New York Harbor, New Jersey, Notice of Intent To Prepare an Environmental Impact Statement and Notice of Public Meetings**

In accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-109 section 102(c)), the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for Ellis Island South Side located in upper New York Harbor, within the State of New Jersey. The purpose of the EIS is to assess the environmental consequences of alternative rehabilitation and management strategies including transportation access that will be described in a Development Concept Plan (DCP) that will form the basis for the EIS.

The NPS will hold a series of scoping meetings to provide the public with an opportunity to provide input into the planning and assessment process. Meetings will be held at the following times and locations: 6-8 P.M., December 6, 2000, at the Department of Environmental Protection Meeting Room (1st Floor), Main DEP Building, 401 East State Street, Trenton, NJ; 11 A.M.-1 P.M., December 7, 2000, 3rd Floor Conference Room, Ellis Island Main Building; and 6-8 P.M., December 7, 2000, Conference Room 2, Bowling Green Custom House, Manhattan, NY.

The purpose of these meetings will be to obtain both written and verbal

comments concerning the future direction and development of Ellis Island South Side. Those persons wishing to obtain additional information should contact the Superintendent, Statue of Liberty NM and Ellis Island, Liberty Island, New York NY 10004.

The Draft DCP/EIS is expected to be completed and available for public review and comment in the early summer of 2000. After public and interagency review of the draft document comments will be considered, and a final EIS and record of decision shall be prepared.

Dated: November 15, 2000.

**Thomas Dyer,**

*Chief of Planning, Northeast Region Development Office.*

[FR Doc. 00-30147 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 18, 2000. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by December 12, 2000.

**Carol D. Shull,**

*Keeper of the National Register.*

#### **Arizona**

##### *Maricopa County*

Windsor Square Historic District, Roughly bounded by 7th St., Camelback Rd., Central St., and Oregon Ave., Phoenix, 00001499

#### **Colorado**

##### *Jefferson County*

Rio Grande Southern Railroad Engine No. 20, 17155 West 44th Ave., Golden, 00001500

#### **Connecticut**

##### *Hartford County*

Canty, Marietta, House, 61 Mahl Ave., Hartford, 00001536

#### **Florida**

##### *Escambia County*

James House, 1606 N. Martin Luther King Blvd., Pensacola, 00001501

*Leon County*

Chaires Community Historic District,  
Roughly along Chaires Cross Rd., Road to  
the Lake, and Hancock St., Chaires,  
00001502

**Maryland***Howard County*

Montrose, 13370 Brighton Dam Rd.,  
Clarksville, 00001506

*Prince George's County*

Chapel of the Incarnation, 14070 Brandywine  
Rd., Brandywine, 00001505  
St. Thomas' Church, 14300 St. Thomas  
Church Rd., Upper Marlboro, 00001504

*Queen Anne's County*

Collins, Jackson, House, 201 S. Commerce  
St., Centreville, 00001503

**Minnesota***Carver County*

Heck, Albertine and Fred, House, 8941  
Audobon Rd., Chanhassen, 00001508

*Nicollet County*

Montgomery, Sarah and Thomas, House, 408  
Washington Ave. S, St. Peter, 00001509  
Schumacher, Emily and Stephen, House, 202  
3rd St. N, St. Peter, 00001507

**Mississippi***Warren County*

Waterways Experiment Station, Roughly  
bounded by Spillway, Durden Creek,  
Tennessee Rd., and Dam Spillway,  
Vicksburg, 00001511

**Missouri***Cole County*

Lincoln University Hilltop Campus Historic  
District (Boundary Increase I), 820  
Chestnut St., Jefferson City, 00001513

*St. Louis Independent City*

Carr School, (St. Louis Public Schools of  
William Bittner MPS AD) 1419 Carr St., St.  
Louis (Independent City), 00001512

**Montana***Deer Lodge County*

Anaconda Street Railway Barn, (Anaconda  
MPS) 922 West Third, Anaconda,  
00001515  
Branscombe Automobile Machine Shop,  
(Anaconda MPS) 125 West Commercial,  
Anaconda, 00001522  
Collins, James V., House, (Anaconda MPS)  
422 West Third St., Anaconda, 00001521  
Glover Cabin, (Anaconda MPS) Washoe Park,  
Anaconda, 00001524  
Granite Apartments, (Anaconda MPS) 214 E.  
Third St., Anaconda, 00001517  
Lorraine Apartments, (Anaconda MPS) 218  
East Third, Anaconda, 00001520  
Mitchell, Willard E., Stadium, (Anaconda  
MPS) 1100 Blk of W. Fifth St., Anaconda,  
00001518  
New Brunswick House, The, (Anaconda  
MPS) 325 East Front, Anaconda, 00001514  
Sheehan Boardinghouse, (Anaconda MPS)  
412 E. Third St., Anaconda, 00001519

*Missoula County*

University Area Historic District, Roughly  
bounded by S 4th East St., Beckwith Ave.,  
Arthur Ave., and Higgins Ave., Missoula,  
00001523

**New Jersey***Burlington County*

Budd, J.F., Baby Shoe Factory, 231 Penn  
Ave., Burlington City, 00001525

*Essex County*

Ahavas Sholom, 145 Broadway, Newark,  
00001530

**New York***Delaware County*

Bristol, Amos, Tavern, Cty Rte. 14, West  
Meredith, 00001526

*Essex County*

Keene Valley Library, Main St., Keene Valley,  
00001528

*Orange County*

Tuxedo Park Railroad Station, NY 17,  
Tuxedo, 00001529

*Washington County*

Fort Edward D&H Train Station, East and  
Wing Sts., Fort Edward, 00001527

**South Carolina***Bamberg County*

Mizpah Methodist Church, Jct. of U.S. 301  
and S-5-31, Olar, 00001531

**Texas***Dallas County*

Medical Dental Building, (Oak Ridge MPS)  
300 Blk. of West Jefferson Blvd., Dallas,  
00001537

*Falls County*

Falls County Courthouse, 1 Courthouse Sq,  
Marlin, 00001532

**Wisconsin***La Crosse County*

10th and Cass Streets Neighborhood Historic  
District, Roughly bounded by Main St., S.  
11th St., Cameron Ave., and S 8th St., La  
Crosse, 00001534

*Polk County*

Minneapolis, St. Paul and Sault Saint Marie  
Railway Depot, 114 Depot Rd., Osceola,  
00001535  
Osceola Commercial Historic District,  
Roughly along Cascade St., from First Ave.  
to Third Ave., Osceola, 00001533  
[FR Doc. 00-30151 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-70-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****Glen Canyon Adaptive Management Work Group (AMWG) and Glen Canyon; Technical Work Group (TWG)**

**AGENCY:** Bureau of Reclamation,  
Interior.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement and to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102-575) of 1992. The AMP provides an organization and process to ensure the use of scientific information in decision making concerning Glen Canyon Dam operations and protection of the affected resources consistent with the Grand Canyon Protection Act. The AMP has been organized and includes a federal advisory committee (the AMWG), a technical work group (the TWG), a monitoring and research center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and information for the AMWG to act upon.

**DATES AND LOCATION:** The AMWG will conduct one public meeting as follows:

**Phoenix, Arizona—January 11-12, 2001**

The meeting will begin at 9:30 a.m. and conclude at 4 p.m. on the first day and begin at 8 a.m. and conclude at 12 noon on the second day. The meeting *will be held at the Bureau of Indian Affairs—Western Regional Office, 2 Arizona Center, Conference Rooms A and B (12th Floor), 400 North 5th Street, Phoenix, Arizona.*

**Agenda:** The purpose of the meeting will be to discuss the following: management objectives, basin hydrology, FY 2002 budget, development of the AMP Strategic Plan, environmental compliance, Fish and Wildlife Service recovery goals, and other administrative and resource issues pertaining to the AMP.

**DATES AND LOCATION:** The Glen Canyon Technical Work Group will conduct the following public meetings:

**Phoenix, Arizona—December 7-8, 2000**

The meeting will begin at 8 a.m. and conclude at 6 p.m. the first day. Location of the meeting will be at the Arizona Department of Water Resources, 500 N. Third Street, Phoenix, Arizona, Conference Room A. The meeting on the second day will begin at 8 a.m. and conclude at noon and *will be held at the*

*Bureau of Indian Affairs—Western Regional Office, 2 Arizona Center, Conference Rooms A and B (12th Floor), 400 North 5th Street, Phoenix, Arizona.*

Agenda: The purpose of the meeting will be small group presentations and to identify major issues for the AMWG to address in January, including an update on the Science Advisory Board, Protocol Evaluation Panel process, and preliminary results of the Low Steady Summer Flow.

#### **Phoenix, Arizona—January 10, 2000**

The meeting will begin at 9:30 a.m. and conclude at 4 p.m. Location of the meeting will be at the Bureau of Indian Affairs—Western Regional Office, 2 Arizona Center, Conference Rooms A and B (12th Floor), 400 North 5th Street, Phoenix, Arizona.

Agenda: The purpose of the meeting will be to discuss the following: Low Steady Summer Flows Report, Experimental Flows Ad Hoc Committee report, discussion of Strategic Plan Ad Hoc Committee work, and other administrative and resource issues pertaining to the AMP.

Agenda items may be revised prior to any of the meetings. Final agendas will be posted 15 days in advance of each meeting and can be found on the Bureau of Reclamation's website under Environmental Programs at: <http://www.uc.usbr.gov>. Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings.

To allow full consideration of information by the TWG and AMWG members, written notice must be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138-1102; telephone (801) 524-3758; faxogram (801) 524-3858; E-mail at: [rpeterson@uc.usbr.gov](mailto:rpeterson@uc.usbr.gov) at least five (5) days prior to the meeting. Any written comments received will be provided to the TWG and AMWG members at the meetings.

#### **FOR FURTHER INFORMATION CONTACT:**

Randall Peterson, telephone (801) 524-3758; faxogram (801) 524-3858; [rpeterson@uc.usbr.gov](mailto:rpeterson@uc.usbr.gov).

Dated: November 21, 2000.

**Larry Todd,**

*Acting Commissioner, Bureau of Reclamation.*

[FR Doc. 00-30104 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-MN-P**

## **DEPARTMENT OF THE INTERIOR**

### **Office of Surface Mining Reclamation and Enforcement**

#### **Notice of Proposed Information Collection**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information under 30 CFR part 882, Reclamation of private lands; and Form OSM-76, Abandoned Mine Land Problem Area Description form.

**DATES:** Comments on the proposed information collection must be received by January 26, 2001, to be assured of consideration.

**ADDRESSES:** Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 210-SIB, Washington, DC 20240. Comments may also be submitted electronically to [jtreleas@osmre.gov](mailto:jtreleas@osmre.gov).

**FOR FURTHER INFORMATION CONTACT:** To request a copy of either information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208-2783.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that OSM will be submitting to OMB for approval. These collections are contained in (1) 30 CFR Part 882, Reclamation on private lands; and (2) Form OSM-76, Abandoned Mine Land Problem Area Description form. OSM will request a 3-year term of approval for each information collection activity.

*Comments are invited on:* (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the

public comments will accompany OSM's submissions of the information collection requests to OMB.

*The following information is provided for the information collection:* (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; (4) the Bureau form number; and (5) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

*Title:* Reclamation on Private Lands, 30 CFR 882.

*OMB Control Number:* 1029-0057.

*Summary:* Public Law 95-87 authorizes Federal, State, and Tribal governments to reclaim private lands and allows for the establishment of procedures for the recovery of the cost of reclamation activities on privately owned lands. These procedures are intended to ensure that governments have sufficient capability to file liens so that certain landowners will not receive a windfall from reclamation.

*Bureau Form Number:* None.

*Frequency of Collection:* Once.

*Description of Respondents:* State governments and Indian tribes.

*Total Annual Responses:* 1.

*Total Annual Burden Hours:* 16.

*Title:* Abandoned Mine Land Problem Area Description Form, OSM-76.

*OMB Control Number:* 1029-0087.

*Summary:* This form will be used to update the Office of Surface Mining Reclamation and Enforcement's inventory of abandoned mine lands. From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

*Bureau Form Number:* OSM-76.

*Frequency of Collection:* On occasion.

*Description of Respondents:* State governments and Indian tribes.

*Total Annual Responses:* 1,800.

*Total Annual Burden Hours:* 4,000.

Dated: November 21, 2000.

**Richard G. Bryson,**  
*Chief, Division of Regulatory Support.*  
[FR Doc. 00-30153 Filed 11-24-00; 8:45 am]

**BILLING CODE 4310-05-M**

## **INTERNATIONAL TRADE COMMISSION**

### **Sunshine Act Meeting**

**TIME AND DATE:** December 1, 2000 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701-TA-403 and 731-TA-895-897 (Preliminary)(Pure Magnesium from China, Israel, and Russia)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on December 1, 2000; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on December 8, 2000.)

5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: November 22, 2000.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 00-30234 Filed 11-22-00; 11:17 am]

**BILLING CODE 7020-02-U**

## DEPARTMENT OF JUSTICE

### Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

**AGENCY:** Department of Justice ("DOJ").

**ACTION:** Notice of Department of Justice Financial Assistance Subject to Title IX of the Education Amendments of 1972, as amended.

**SUMMARY:** In accordance with Subpart F of the final common rule for the enforcement of Title IX of the Education Amendments of 1972, as amended ("Title IX"), this notice lists federal financial assistance administered by the U.S. DOJ that is covered by Title IX. Title IX prohibits recipients of federal financial assistance from discriminating on the basis of sex in education programs or activities. Subpart F of the Title IX common rule requires each federal agency that awards federal financial assistance to publish in the **Federal Register** a notice of the federal financial assistance covered by the Title IX regulations within sixty (60) days after the effective date of the final common rule. The final common rule for the enforcement of Title IX was published in the **Federal Register** by twenty-one (21) federal agencies, including DOJ, on August 30, 2000 (65 FR 52857-52895). DOJ's portion of the

final common rule will be codified at 28 CFR Part 54.

**SUPPLEMENTARY INFORMATION:** Title IX prohibits recipients of federal financial assistance from discriminating on the basis of sex in educational programs or activities. Specifically, the statute states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," with specific exceptions for various entities, programs, and activities. 20 U.S.C. 1681(a). Title IX and the Title IX common rule prohibit discrimination on the basis of sex in the operation of, and the provision or denial of benefits by, education programs or activities conducted not only by educational institutions but by other entities as well, including, for example, law enforcement agencies, departments of corrections, and for profit and nonprofit organizations.

#### List of Federal Financial Assistance Administered by the Department of Justice to Which Title IX Applies

**Note:** All recipients of federal financial assistance from DOJ are subject to Title IX, but Title IX's anti-discrimination prohibitions are limited to the educational components of the recipient's program or activity, if any.

Failure to list a type of federal assistance below shall not mean, if Title IX is otherwise applicable, that a program or activity is not covered by Title IX.

The following types of federal financial assistance were derived from Appendix A of DOJ's Title VI regulations, 28 CFR 42 Subpart C.

1. Assistance provided by the Office of Justice Programs (OJP), the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), including block, formula, and discretionary grants, victim compensation payments, and victim assistance grants (title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711-3796, as amended (Public Law 90-351, as added Public Law 98-473); the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601-5785, as amended (Public Law 93-415, as amended by Public Law 96-509, Public Law 98-473, and Public Law 102-586); the Victims of Crime Act of 1984, 42 U.S.C. 10601-10608 (Public Law 98-473)).

2. Assistance provided by the Bureau of Prisons (BOP) including technical

assistance to State and local governments for improvement of correctional systems; training of law enforcement personnel, and assistance to legal services programs (18 U.S.C. 4042).

3. Assistance provided by the National Institute of Corrections (NIC) including training, grants, and technical assistance to State and local governments, public and private agencies, educational institutions, organizations and individuals, in the area of corrections (18 U.S.C. 4351-4353).

4. Assistance provided by the Drug Enforcement Administration (DEA) including training, joint task forces, information sharing agreements, cooperative agreements, and logistical support, primarily to State and local government agencies (21 U.S.C. 871-890).

5. Assistance provided by the Community Relations Service (CRS) in the form of discretionary grants to public and private agencies under the Cuban-Haitian Entrant Program (title V of the Refugee Education Assistance Act of 1980, Public Law 96-422).

6. Assistance provided by the Federal Bureau of Investigation (FBI) including field training, training through its National Academy, National Crime Information Center, and laboratory facilities, primarily to State and local criminal justice agencies (Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3711-3796).

7. Assistance provided by the Immigration and Naturalization Service (INS) including training and services primarily to State and local governments under the Alien Status Verification Index (ASVI); and citizenship textbooks and training primarily to schools and public and private service agencies (8 U.S.C. 1360, 8 U.S.C. 1457).

8. Assistance provided by the United States Marshals Service through its Cooperative Agreement Program for improvement of State and local correctional facilities (20 U.S.C. 524 note).

9. Assistance provided by the Attorney General through the Equitable Transfer of Forfeited Property Program (Equitable Sharing) primarily to State and local law enforcement agencies (21 U.S.C. 881(e)).

10. Assistance provided by the Department of Justice participating agencies that conduct specialized training through the National Center for State and Local Law Enforcement Training, a component of the Federal Law Enforcement Training Center

(FLETC), Glenco, Georgia (Pursuant to Memorandum Agreement with the Department of Treasury).

In addition to the above, further information on DOJ federal financial assistance can be found by consulting the Catalog of Domestic Financial Assistance (CFDA) at <http://www.cfda.gov>. If using the Internet site, please select "Search the Catalog," select "Browse the Catalog—By Agency," and then click on "The Department of Justice." Catalog information is also available by calling, toll free, 1-800-699-8331 or by writing to: Federal Domestic Assistance Catalog Staff (MVS), General Services Administration, Reporters Building, Room 101, 300 7th Street, SW, Washington, DC 20407.

The following is a partial list of federal financial assistance administered by DOJ as derived from the CFDA. For further information on any of these types of federal financial assistance, please consult the CFDA. Abbreviations following each type of federal financial assistance indicate which Justice Department component administers the relevant federal financial assistance, and are as follows: DEA—Drug Enforcement Administration; OJP—Office of Justice Programs; CRS—Community Relations Services; INS—Immigration and Naturalization Service; FBI—Federal Bureau of Investigation; OJJDP—Office of Juvenile Justice and Delinquency Prevention; BJS—Bureau of Justice Statistics; NIJ—National Institute of Justice; BJA—Bureau of Justice Assistance; CPO—Corrections Program Office.

Law Enforcement Assistance—Narcotics and Dangerous Drugs—Laboratory Analysis (DEA)  
 Law Enforcement Assistance—Narcotics and Dangerous Drugs Technical Laboratory Publications (DEA)  
 Law Enforcement Assistance—Narcotics and Dangerous Drugs Training (DEA)  
 Public Education on Drug Abuse—Information (DEA)  
 County and Municipal Agency Domestic Preparedness Equipment Support Program (OJP)  
 State Domestic Preparedness Equipment Support Program (OJP)  
 Americans With Disabilities Act Technical Assistance Program (DOJ)  
 Education and Enforcement of the Antidiscrimination Provision of the Immigration and Nationality Act (DOJ)  
 Community Relations Service (CRS)  
 Cuban and Haitian Entrant Resettlement Program (INS)  
 Law Enforcement Assistance—FBI Advanced Police Training (FBI)  
 Law Enforcement Assistance—FBI Crime Laboratory Support (FBI)

Law Enforcement Assistance—FBI Field Police Training (FBI)  
 Law Enforcement Assistance—FBI Fingerprint Identification (FBI)  
 Law Enforcement Assistance—National Crime Information Center (FBI)  
 Law Enforcement Assistance—Uniform Crime Reports (FBI)  
 Combined DNA Index System (FBI)  
 Law Enforcement Assistance—National Instant Criminal Background Check System (FBI)  
 Citizenship Education and Training (INS)  
 Juvenile Accountability Incentive Block Grants (OJJDP)  
 Domestic Violence Victims' Civil Legal Assistance Program (OJP)  
 Grants to Combat Violent Crimes Against Women on Campuses (OJP)  
 Juvenile Justice and Delinquency Prevention—Allocation to States (OJJDP)  
 Juvenile Justice and Delinquency Prevention—Special Emphasis (OJJDP)  
 National Institute for Juvenile Justice and Delinquency Prevention (OJJDP)  
 Missing Children's Assistance (OJJDP)  
 Gang-Free Schools and Communities—Community-Based Gang Intervention (OJJDP)  
 Victims of Child Abuse (OJJDP)  
 Title V—Delinquency Prevention Program (OJJDP)  
 Part E—State Challenge Activities (OJJDP)  
 State Justice Statistics Program for Statistical Analysis Centers (BJS)  
 National Criminal History Improvement Program (NCHIP) (BJS)  
 National Institute of Justice Research, Evaluation, and Development Project Grants (NIJ)  
 National Institute of Justice Visiting Fellowships (NIJ)  
 Criminal Justice Research and Development—Graduate Research Fellowships (NIJ)  
 Corrections and Law Enforcement Family Support (NIJ)  
 National Institute of Justice Crime Laboratory Improvement Program (NIJ)  
 National Institute of Justice Domestic Anti-Terrorism Technology Development Program (NIJ)  
 National Institute of Justice W.E.B. DuBois Fellowship Program (NIJ)  
 Public Safety Officers' Benefits Program (BJA)  
 Crime Victim Assistance (OJP)  
 Crime Victim Compensation (OJP)  
 Emergency Federal Law Enforcement Assistance (BJA)  
 Federal Surplus Property Transfer Program (BJA)  
 Byrne Formula Grant Program (BJA)  
 Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program (BJA)  
 Crime Victim Assistance/Discretionary Grants (OJP)  
 Children's Justice Act Partnerships for Indian Communities (OJP)  
 Drug Court Discretionary Grant Program (OJP)  
 Violent Offender Incarceration and Truth in Sentencing Incentive Grants (CPO)  
 Violence Against Women Discretionary Grants for Indian Tribal Governments (OJP)

Violence Against Women Formula Grants (OJP)  
 Rural Domestic Violence and Child Victimization Enforcement Grant Program (OJP)  
 Grants to Encourage Arrest Policies (OJP)  
 Local Law Enforcement Block Grants Program (BJA)  
 Residential Substance Abuse Treatment for State Prisoners (CPO)  
 Executive Office for Weed and Seed (DOJ)  
 Correctional Grant Program for Indian Tribes (OJP)  
 Motor Vehicle Theft Protection Act Program (BJA)  
 State Identification Systems Grant Program (BJA)  
 Corrections—Training and Staff Development (DOJ)  
 Corrections—Research and Evaluation and Policy Formulation (DOJ)  
 Corrections—Technical Assistance/Clearinghouse (DOJ)  
 State Criminal Alien Assistance Program (BJA)  
 Bulletproof Vest Partnership Program (BJA)  
 Tribal Court Assistance Program (BJA)  
 Planning, Implementing, and Enhancing Strategies in Community Prosecution (BJA)  
 Regional Information Sharing Systems (BJA)  
 Closed-Circuit Televising of Child Victims of Abuse (BJA)  
 National White Collar Crime Center (BJA)  
 Scams Targeting the Elderly (BJA)  
 State and Local Anti-Terrorism Training (BJA)  
 Public Safety Officers' Educational Assistance (BJA)  
 Public Safety Partnership and Community Policing Grants (DOJ)  
 Troops to COPS (DOJ)  
 Police Corps (OJP)  
 Juvenile Mentoring Program (OJJDP)  
 Enforcing Underage Drinking Laws Program (OJJDP)  
 Drug Prevention Program (OJJDP)  
 Drug-Free Communities Support Program Grants (OJJDP)  
 Reduction and Prevention of Children's Exposure to Violence (OJJDP)  
 Tribal Youth Program (OJJDP)  
 National Evaluation of the Safe Schools/Healthy Students Initiative (OJJDP)  
 National Incident Based Reporting System (BJS)  
 (Authority: 20 U.S.C. 1681–1688)  
 Dated: November 18, 2000.

**Bill Lann Lee,**

*Assistant Attorney General, U.S. Department of Justice.*

[FR Doc. 00–30046 Filed 11–24–00; 8:45 am]

**BILLING CODE 4410–13–P**



**DEPARTMENT OF JUSTICE****Immigration and Naturalization Service****Agency Information Collection Activities; Comment Request**

**ACTION:** Request OMB Emergency Approval; H-1B Data Collection and Filing Fee Exemption

The Department of Justice, Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. INS is requesting emergency review from OMB of this information collection to ensure compliance with Public Law 106-311 and Public Law 106-313 (the American Competitiveness in the Twenty-first Century Act of 2000) enacted October 17, 2000. This legislation increased the additional filing fee and added primary and secondary schools and nonprofit entities engaging in established curriculum related training to the list of entities exempt from paying the additional filing fee. Emergency review and approval of this ICR ensures that the collection instrument is in place by the December 17, 2000 effective date. Therefore, OMB approval has been requested by December 1, 2000.

If granted, the emergency approval is only valid for 180 days. All comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, 725-17th Street, N.W., Suite 10235, Washington, DC 20503; Attention: Ms. Lauren Wittenberg, Department of Justice Desk Officer, 202-395-4718. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Ms. Wittenberg at 202-395-6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted

until January 26, 2001. During the 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points;

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revised information collection.

(2) *Title of the Form/Collection:* H-1B Data Collection and Filing Fee Exemption.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-129W. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. This addendum to the Form I-129 will be used by the INS to determine if an H-1B petitioner is exempt from the additional filing fee of \$1,000, as provided by Section 241(c)(9) of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 128,092 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 64,046 annual burden hours.

If additional information is required contract: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: November 20, 2000.

**Richard A. Sloan,**

*Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.*

[FR Doc. 00-30081 Filed 11-24-00; 8:45 am]

**BILLING CODE 4410-10-M**

**LEGAL SERVICES CORPORATION****Sunshine Act Meeting of the Board of Directors**

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will meet on November 28, 2000 via conference call. The meeting will begin at 3:00 p.m. and continue until conclusion of the Board's agenda.

**LOCATION:** 750 First Street, NE, 11th Floor, Washington, DC 20002, in Room 11026.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:** 1. Approval of the agenda.

2. Consider and act on the Board of Directors' Semiannual Report to Congress for the period of April 1, 2000 to September 30, 2000.

3. Consider and act on other business.

4. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336-8800.

Dated: November 21, 2000.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 00-30190 Filed 11-21-00; 8:45 am]

**BILLING CODE 7050-01-P**



## NATIONAL LABOR RELATIONS BOARD

### Appointments of Individuals To Serve as Members of Performance Review Boards

5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning October 1, 1999 and ending September 30, 2000.

#### *Name and Title*

Richard L. Ahearn—Regional Director, Region 9  
 Frank V. Battle—Deputy Director of Administration  
 Kenneth A. Bolles—Chief Counsel to Board Member  
 Mary Joyce Carlson—Deputy General Counsel  
 Harold J. Datz—Chief Counsel to Board Member  
 Yvonne T. Dixon—Director, Office of Appeals  
 Robert A. Giannasi—Chief Administrative Law Judge  
 Lester A. Heltzer—Deputy Executive Secretary  
 John E. Higgins—Solicitor  
 Peter B. Hoffman—Regional Director, Region 34  
 Gloria Joseph—Director of Administration  
 Barry J. Kearney—Associate General Counsel, Advice  
 Richard A. Siegel—Associate General Counsel, Operations-Management  
 John J. Toner—Executive Secretary  
 Dennis P. Walsh—Chief Counsel to Board Member  
 Jeffrey D. Wedekind—Acting Chief Counsel to the Chairman

**John J. Toner,**

*Executive Secretary.*

[FR Doc. 00-30088 Filed 11-24-00; 8:45 am]

BILLING CODE 7545-01-M

## NORTHEAST DAIRY COMPACT COMMISSION

### Notice of Meeting

**AGENCY:** Northeast Dairy Compact Commission.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Compact Commission will hold its regular monthly meeting to

consider matters relating to administration and enforcement of the price regulation, the budget for year 2001, and the election of officers.

**DATES:** The meeting will begin at 10:00 a.m. on Wednesday, December 6, 2000.

**ADDRESSES:** The meeting will be held at the Centennial Inn, Armenia White Room, 96 Pleasant Street, Concord, New Hampshire.

#### **FOR FURTHER INFORMATION CONTACT:**

Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229-1941.

**Authority:** 7 U.S.C. 7256.

Dated: November 20, 2000.

**Daniel Smith,**

*Executive Director.*

[FR Doc. 00-30118 Filed 11-24-00; 8:45 am]

BILLING CODE 1650-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

### PECO Energy Company and PSEG Nuclear LLC et al.; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-44 for the Peach Bottom Atomic Power Station (PBAPS), Unit 2, and Facility Operating License No. DPR-56 for PBAPS, Unit 3, to the extent currently held by the Delmarva Power & Light Company (DP&L) and the Atlantic City Electric Company (ACE) in connection with each of their 7.51 percent undivided ownership interests in each of the two Peach Bottom units. The transfer would be to PSEG Nuclear LLC, and to either the PECO Energy Company (PECO) as a subsidiary of Exelon Corporation, or to Exelon Generation Company, LLC (EGC) as an indirect subsidiary of Exelon Corporation, depending on the timing of the transfers. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

The Commission previously issued an order on April 21, 2000, approving the transfer of half of the ownership interests of DP&L and ACE in PBAPS Units 2 and 3 to PSEG Nuclear LLC and the other half to PECO. One of the bases of that order was that the interests of

DP&L and ACE would be transferred collectively and simultaneously. On the other hand, it was not necessarily assumed that PECO would be a subsidiary of Exelon Corporation. PECO became a subsidiary of Exelon Corporation on October 20, 2000.

According to an application for approval dated October 10, 2000, filed by PECO on behalf of itself, PSEG Nuclear LLC, DP&L, and ACE, the transfer of each of the half-interests of DP&L and ACE may not occur at the same time; the transfer of the ACE interests may be delayed until after the transfer of the DP&L interests. If the DP&L and ACE interests are not transferred simultaneously and collectively, decommissioning funding arrangements would be changed from what had been previously approved by the April 21, 2000 order. In particular, a contractual guarantee by ACE would be utilized to provide, in part, decommissioning funding assurance with respect to any DP&L transfer occurring first. Furthermore, those DP&L and ACE interests originally proposed and approved to be transferred to PECO are now explicitly being proposed to be transferred directly from DP&L and ACE, or ultimately and indirectly through PECO, to EGC. Although the transfer of PECO's current 42.49 percent ownership interest in PBAPS, Units 2 and 3, to EGC has been approved by an order dated August 3, 2000, approving certain license transfers, the transfer of half of the current DP&L and ACE ownership interests to EGC has not been expressly approved by the NRC. By the October 10, 2000, application filed, PECO is seeking all NRC approvals that would be necessary to permit the implementation of any of the foregoing scenarios. PECO is also requesting that the effectiveness of the April 21, 2000 NRC order be extended for one additional year.

PECO is the licensed operator of PBAPS, and would continue to be responsible for the operation, maintenance, and eventual decommissioning of PBAPS until all PECO interests in PBAPS are transferred to EGC. No physical changes to PBAPS or operational changes are being proposed in the application.

The proposed conforming amendments would remove references in the licenses to ACE and DP&L as appropriate to the timing of the requisite license transfers, and reflect the appropriate transferees.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall

give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By December 18, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon counsel for PECO Energy Company, Paul J. Zaffuts, Esquire, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW, Washington, DC 20036–5869 (tel: 202–467–7537 and e-mail: [pjzaffuts@mlb.com](mailto:pjzaffuts@mlb.com)); counsel for PSEG Nuclear LLC, David A. Repka, Esquire, Winston & Strawn, 1400 L Street, NW, Washington, DC 20005–3502 (tel: 202–371–5726 and e-mail: [drepka@winston.com](mailto:drepka@winston.com)); counsel for Atlantic City Electric Company and Delmarva Power & Light Company, John H. O'Neill, Jr., Esquire, and Matias F. Travieso-Diaz, Esquire, Shaw Pittman, 2300 N. Street, NW, Washington, DC 20037–1128 (tel: 202–663–8148 e-mail: [john.o'neill@shawpittman.com](mailto:john.o'neill@shawpittman.com)); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: [ogclt@nrc.gov](mailto:ogclt@nrc.gov)); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by December 27, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated October 10, 2000, which may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, and is accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site: <http://www.nrc.gov>.

Dated at Rockville, Maryland this 20th day of November 2000.

For the Nuclear Regulatory Commission.

**John P. Boska,**

*Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00–30101 Filed 11–24–00; 8:45 am]

**BILLING CODE 7590–01–P**

## **NUCLEAR REGULATORY COMMISSION**

### **Experts' Meeting on Burnup Credit in Phenomena Identification and Ranking Table (PIRT)**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Nuclear Regulatory Commission will hold a meeting to develop a Phenomena Identification and Ranking Table (PIRT) for allowing burnup credit in spent fuel shipping casks. PIRT's have been used at NRC since 1988, and they provide a structured way to obtain a technical understanding that is needed to address certain issues. About fifteen of the world's best technical experts are participating in this activity, and the experts represent a balance between industry, universities, foreign researchers, and regulatory organizations. The PIRT activity is addressing technical issues related to burnup credit in the criticality safety analyses of PWR spent fuel in transport casks.

**DATES:** December 12–14, 2000, 8:30 am–5:30 pm.

**ADDRESSES:** Advisory Committee on Reactor Safeguards (ACRS) Room (T2B3) of the Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, MD.

**SUPPLEMENTARY INFORMATION:** The meeting agenda will be posted on the NRC Web site at [www.nrc.gov/RES/meetings.html](http://www.nrc.gov/RES/meetings.html) by December 5, 2000. The meeting is open to the public. Attendees will need to obtain a visitor badge at the TWFN building lobby, but an escort is not required.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Ebert, SMSAB, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research, Washington, D.C. 20555–0001, telephone (301) 415–6501.

Dated at Rockville, Maryland, this 17th day of November, 2000.

For the Nuclear Regulatory Commission.

**Farouk Eltawila,**

*Acting Director, Division of Systems Analysis and Regulatory Effectiveness Office of Nuclear Regulatory Research.*

[FR Doc. 00-30103 Filed 11-24-00; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Consolidated Guidance: 10 CFR Part 20—Standards for Protection Against Radiation

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

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

**SUMMARY:** The NRC is announcing the availability of, and requesting comments on, draft NUREG-1736, "Consolidated Guidance: 10 CFR Part 20—Standards for Protection Against Radiation," dated September 2000. This document, consolidates numerous guidance documents into a single, comprehensive source. It complements the NUREG-1556 series, "Consolidated Guidance about Materials Licenses." Since Part 20 applies to all NRC licensees, in varying degrees, the applicability of this document extends beyond the materials scope of the NUREG-1556 series. This document is intended for use by applicants, all licensees, Part 76 certificate holders, NRC license reviewers, inspectors, and other NRC personnel. It combines references to the guidance for applicants and licensees previously found in various Regulatory Guides, NUREG reports, Information Notices, etc.

*Discussion:* Each section within NUREG 1736 provides the following:

- A statement of the requirement (reflecting revisions published in the **Federal Register** through October 13, 1999);
- A discussion of the requirement;
- A statement of the requirement's applicability;
- A guidance statement;
- A list of existing regulatory guidance (Regulatory Guides, NUREG reports);
- A list of existing implementation guidance (Information Notices, health physics positions, Part 20 questions and answers, etc.).

This document also identifies prior guidance, which is now outdated. For those "Existing Regulatory Guidance Documents" that are designated as "outdated," plans will be underway for withdrawal or revision prior to this document being published in its final

form. Documents in this category are limited to Regulatory Guides. "Implementing Guidance Documents," or document sections, that are designated as "outdated" are considered historical and are presently not subject to updating or augmenting. This "outdated" guidance is being superseded by the guidance contained within NUREG 1736. Documents in this category include Health Physics Positions (HPPOS), Part 20 Questions and Answers (Q&As), and Circulars.

Note that this document is strictly for public comment. It is not for use in preparing, reviewing, or implementing licenses until it is published in its final form. It is being distributed for comments to encourage public participation in its development. The NRC staff's disposition of public comments will be documented in NUREG 1736 as an appendix once it is published in its final form, and will be made publicly available electronically by visiting the NRC's Home Page (<http://www.nrc.gov/nrc/nucmat.html>).

**DATES:** The comment period ends February 26, 2001. Comments received after that time will be considered if practicable.

**ADDRESSES:** Submit written comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Hand-deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:15 a.m. and 4:30 p.m. on Federal workdays. Comments may also be submitted through the Internet by addressing electronic mail to [d1m1@nrc.gov](mailto:d1m1@nrc.gov).

Those considering public comment may request a free single copy of draft NUREG-1736, by writing to the U.S. Nuclear Regulatory Commission, ATTN: Mrs. Carrie Brown, Mail Stop TWFN 9-C24, Washington, D.C. 20555-0001. Alternatively, submit requests through the Internet by addressing electronic mail to [cxb@nrc.gov](mailto:cxb@nrc.gov). A copy of draft NUREG-1736, is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, D.C. 20555-0001.

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing," directed that the Federal government's writing be in plain language. The NRC requests comments on this licensing guidance NUREG specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed above.

The NRC staff notes the correct title for NUREG 1736 is "Consolidated Guidance : 10 CFR Part 20—Standards for Protection Against Radiation." This will be corrected once this document is issued in its final form.

#### FOR FURTHER INFORMATION, CONTACT:

Mrs. Carrie Brown, TWFN 9-F-C24, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-8092; electronic mail address: [cxb@nrc.gov](mailto:cxb@nrc.gov).

#### Electronic Access

Draft NUREG-1736 is available electronically by visiting the NRC's Home Page (<http://www.nrc.gov/nrc/nucmat.html>).

Dated at Rockville, Maryland, this 20th day of November, 2000.

For the Nuclear Regulatory Commission,

**Patricia K. Holahan,**

*Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, NMSS.*

[FR Doc. 00-30102 Filed 11-24-00; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27278]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

November 17, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 12, 2000, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing

should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After December 12, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

**Wisconsin Energy Corporation, et al. (70-9741)**

Wisconsin Energy Corporation ("WEC"), a holding company exempt from registration under section 3(a)(1) of the Act,<sup>1</sup> and its wholly owned public utility subsidiary Wisconsin Electric Power Company ("Wisconsin Electric"), both located at 231 West Michigan Street, P.O. Box 2949, Milwaukee, Wisconsin 53201 (together, "Applicants"), have filed an application ("Application") under sections 9(a)(2) and 10 of the Act requesting authorization for a transaction in which: (1) Wisconsin Electric and Edison Sault Electric Company ("Edison Sault"), a wholly owned electric utility subsidiary of WEC, will transfer ownership of and control over their transmission assets ("Transmission Assets") to American Transmission Company LLC ("Transco"), a Wisconsin limited liability company, which will be a single-purpose transmission company; (2) Wisconsin Electric and Edison Sault will receive member units of the Transco in proportion to the value of the Transmission Assets; (3) Wisconsin Electric will purchase Class A shares of ATC Management Inc. ("Corporate Manager"), a Wisconsin corporation, in proportion to the value of the Transmission Assets; and (4) Wisconsin Electric will purchase one Class B share of the Corporate Manager. In addition, WEC requests an order from the Commission affirming its continued section 3(a)(1) exemption from registration under the Act.

WEC owns directly all of the common stock of two public utility companies: Wisconsin Electric, a combination electric and gas utility company, and Edison Sault, an electric utility company.<sup>2</sup> In addition, WEC owns all of

the common stock of WICOR, Inc. ("WICOR"), a public utility holding company incorporated under the laws of the State of Wisconsin, which also is exempt from registration under section 3(a)(1) of the Act by order of the Commission.<sup>3</sup> WICOR has one wholly owned public utility subsidiary, Wisconsin Gas Company ("Wisconsin Gas"), which is a gas utility company organized under the laws of the State of Wisconsin.

Wisconsin Electric generates, transmits, distributes, and sells electric energy in southeastern, east central and northern Wisconsin and in the Upper Peninsula of Michigan. As of December 31, 1999, Wisconsin Electric had approximately 1.0 million electric customers. During 1999, Wisconsin Electric had electric operating revenues of \$1.69 billion, total operating revenues of \$2.02 billion, and net income of \$212 million, after dividends on preferred stock.

In 1999, the State of Wisconsin enacted legislation ("Transco Legislation") that facilitates the formation of Transco. The Transco Legislation, among other things, encourages public utility affiliates of Wisconsin holding companies, including Wisconsin Electric, to transfer ownership of their transmission assets to Transco by beneficially adjusting the calculation of an existing limit on the amount of unregulated investments these holding companies and their affiliates can make, after the transfer of their transmission assets to Transco. Transco will be managed by the Corporate Manager, which will also own a portion of Transco's membership units. All Transco participants will ultimately own a direct or indirect interest in Transco and the Corporate Manager in proportion to the value of the transmission assets each participant contributes to Transco.<sup>4</sup> Transco is expected to transfer operational control of its assets to the Midwest Independent System Operator, Inc. by November 1, 2001.

Applicants expect that the firms taking interests in Transco and the Corporate Manager will include, in addition to Wisconsin Electric and Edison Sault: Wisconsin Public Service Corporation ("WPSC"), a wholly-owned subsidiary of WPS Resources

Corporation ("WPSR"), a public utility company claiming exemption from registration under section 3(a)(1) of the Act by rule 2; Wisconsin Power and Light Company ("WP&L"); South Beloit Water, Gas and Electric Company ("South Beloit"), a wholly owned subsidiary of WP&L with transmission assets in Illinois; Wisconsin Public Power Inc. ("WPPI"), a municipal electric utility company owned by 30 Wisconsin municipalities;<sup>5</sup> and Madison Gas and Electric Company (collectively, "Member Utilities").<sup>6</sup>

Other transmission-owning utilities may, in the future, decide to become members of the Transco.

Applicants expect that the initial participants in Transco will contribute their transmission assets to Transco on or about January 1, 2001 ("Operations Date"). For purposes of establishing relative shares, the Transmission Assets will be valued at their contribution value ("Contribution Value"), which is defined as original cost less accumulated depreciation as adjusted on a dollar-for-dollar basis for deferred taxes, excess deferred taxes and deferred investment credits. Applicants expect that Wisconsin Electric's and Edison Sault's Contribution Value at December 31, 2000 will be approximately \$252 million, and their aggregate initial interest in Transco will approximate 50.8%. Applicants further state that this percentage may fluctuate based on various factors, including the number of participants in Transco.

The Transmission Assets proposed to be transferred include: (1) Transmission lines and transmission substations; (2) transformers providing transformation within the bulk transmission system and between the bulk and area transmission systems; (3) lines connecting to generation sources and step-up substations; (4) radial taps from the transmission system up to, but not including, the facilities that establish the final connection to distribution

<sup>5</sup> WPPI, and any other transmission-dependent tax-exempt entity that participates in Transco, will not be contributing transmission assets to Transco. Applicants state that, because the participation of these entities will reduce the transmission revenue otherwise received by Transco, these entities will purchase their interests for a price that is designed to keep the other participants in Transco whole.

<sup>6</sup> WPSR and WPSC filed a separate application under the Act seeking approval of WPSC's proposed participation in Transco on October 12, 2000 (SEC File No. 70-9767). WPSC's and WPSR's filing is being noticed contemporaneously with this notice. In addition, Alliant Energy Corporation, WP&L, South Beloit, Transco and Corporate Manager filed a separate application-declaration under the Act seeking approval of WP&L's proposed participation in Transco, certain intrasystem transactions, and various financing transactions (SEC File No. 70-9735).

<sup>1</sup> The Commission granted WEC an exemption under section 3(a)(1) of the Act by order dated April 10, 2000. See Holding Co. Act Release No. 27163.

<sup>2</sup> Applicants state that Edison Sault currently is not an "affiliate" of any public utility company for purposes of section 9(a)(2) of the Act. Under section 9(a)(2), any person seeking to acquire, directly or indirectly, any security of any public utility company must apply to the Commission for approval "if such person is an affiliate, under clause (A) of paragraph (11) of subsection (a) of section 2, of such company and of any other public utility or holding company, or will by virtue of such acquisition become such an affiliate". Because

Edison Sault will not become such an "affiliate" until after its acquisition of Transco's member units, its proposed transaction is not subject to approval under section 9(a)(2).

<sup>3</sup> See note 1, supra.

<sup>4</sup> Edison Sault and another participant in Transco, South Beloit Water, Gas and Electric Company are not expected to receive shares in the Corporate Manager.

facilities or retail customers; (5) substations that provide primarily a transmission function; and (6) voltage control devices and power flow control devices directly connected to the transmission system. Applicants expect that, as of December 31, 2000, the original cost of the Transmission Assets of Wisconsin Electric and Edison Sault will be approximately \$442.9 million and \$41 million, respectively. The net book value<sup>7</sup> of the Transmission Assets of Wisconsin Electric and Edison Sault at December 31, 2000 is expected to be approximately \$223.8 million and \$31.4 million, respectively.

Applicants state that the transmission-owning Member Utilities and Transco expect to enter into various agreements ("Agreements") under which the Member Utilities will provide Transco with operations and maintenance services, control area operations, and other services. Any services provided or received by Applicants under any of these Agreements will be provided at cost, unless authorized or directed by appropriate governmental or regulatory authority in accordance with rules 90 and 91 under the Act.

#### **WPS Resources Corporation, et al. (70-9767)**

WPS Resources Corporation ("WPSR"), a public utility holding company claiming exemption under section 3(a)(1) of the Act by rule 2, and Wisconsin Public Service Corporation ("WPSC", and together with WPSR, "Applicants"), WPSR's wholly owned public utility subsidiary,<sup>8</sup> both located at 700 North Adams Street, Green Bay, Wisconsin 54301, have filed an application ("Application") under sections 9(a) and 10 of the Act.

Applicants request authorization for: (1) WPSC, or a limited liability company of which WPSC will be the sole member ("WPSC-NEWCO"), to receive a proportionate share of the membership interests of American Transmission Company, LLC, a Wisconsin limited liability company ("Transco") in exchange for the transfer of WPSC's transmission facilities, associated substations and real property interests (the "WPSC Transmission Assets") to Transco;<sup>9</sup> (2) WPSC to purchase Class A

shares of ATC Management Inc., a Wisconsin corporation created to manage Transco ("Manager"); (3) WPSC to purchase one Class B Share of Manager; and (4) WPSC to acquire all of WPSC-NEWCO's membership interests in exchange for cash.<sup>10</sup>

WPSR's public-utility subsidiaries are: WPSC; Upper Peninsula Power Company; and Wisconsin River Power Company. WPSC is engaged principally in the generation, purchase, distribution and sale of electric power in northeastern and central Wisconsin and in a portion of the Upper Peninsula of Michigan. WPSC also is engaged in the purchase, distribution and sale of natural gas in northeastern and central Wisconsin and in a portion of the Upper Peninsula of Michigan. As of December 31, 1999, WPSC provided retail electric service to approximately 388,000 customers and retail gas service to approximately 230,000 customers. WPSC provides wholesale electric service to various customers including municipal utilities, rural electrification cooperatives, energy marketers, other investor owned utilities and a municipal joint action agency. At and for the twelve months ended September 30, 2000, WPSR's consolidated assets, operating revenue and net income were \$2,188,504, \$1,528,310, and \$66,407 respectively. At and for the twelve months ended September 30, 2000, WPSC's consolidated assets, operating revenue and earnings available for common stock were \$1,420,591, \$749,412 and \$71,988 respectively.

In 1999, the State of Wisconsin enacted legislation ("Transco Legislation") that facilitates the formation of Transco, which will be a for-profit single-purpose transmission company. The Transco Legislation, among other things, encourages public utility affiliates of Wisconsin holding companies, including WPSC, to transfer ownership of their transmission assets to Transco by beneficially adjusting the calculation of an existing limit on the amount of unregulated investments these utilities and their affiliates can make, after the transfer of their assets to

contributed by other utility companies that are to become members of the Transco.

<sup>10</sup> Applicants state that it may be necessary to effect the proposed transfer of transmission assets through WPSC-NEWCO as a result of certain limitations imposed by WPSC's mortgage indenture. Accordingly, WPSC also requests authority to form WPSC-NEWCO and to acquire all of WPSC-NEWCO's membership interests in exchange for one or more cash payments to WPSC-NEWCO. After WPSC-NEWCO receives Transco's member units, it will pay to the trustee under the WPSC mortgage indenture cash in an amount approximately equal to WPSC's corresponding cash payment to WPSC-NEWCO.

Transco. Manager will manage Transco and will also hold a portion of Transco's membership interests. All Transco participants will ultimately own direct or indirect interests in Transco and Manager in proportion to the value of the transmission assets and/or cash each participant contributes to Transco. Transco is expected to transfer operational control of its assets to the Midwest Independent System Operator, Inc. by November 1, 2001.

It is expected that the participation in Transco and Manager will include in addition to WPSR and WPSC: Wisconsin Power and Light Company ("WP&L"); South Beloit Water, Gas and Electric Company ("South Beloit") a wholly owned subsidiary of WP&L with transmission assets in Illinois; Wisconsin Energy Corporation ("WEC"), an exempt holding company; Wisconsin Electric Power Co. ("Wisconsin Electric"), a wholly owned subsidiary of WEC; and Edison Sault Electric Company ("ESE"), a wholly owned subsidiary of WEC with transmission assets in Michigan;<sup>11</sup> Wisconsin Public Power, Inc. ("WPPI"), a municipal electric company owned by 30 Wisconsin municipalities;<sup>12</sup> and Madison Gas & Electric Company (collectively, "Member Utilities").<sup>13</sup> Other transmission-owning utilities may, in the future, decide to become members of Transco.

Applicants' final percentage ownership interest in Transco, as well as the definitive number of Transco member units and Manager Class A shares to be acquired will depend upon the actual number of participants in Transco and the contribution value ("Contribution Value")<sup>14</sup> of the transmission assets transferred to

<sup>11</sup> Neither ESE nor South Beloit will receive shares in Manager.

<sup>12</sup> WPPI, and any other transmission-dependent tax-exempt entity that participates in Transco, may not contribute transmission assets to Transco. Applicants state that, because the participation of these entities will reduce the transmission revenue otherwise received by Transco, these entities will purchase their interests for a price that is designated to keep the other participants in Transco whole.

<sup>13</sup> WEC and Wisconsin Electric filed a separate application under the Act seeking approval of WPSC's and ESE's proposed participation in Transco on August 25, 2000 (SEC File No. 70-9741). WEC's and Wisconsin Electric's filing is being noticed contemporaneously with this notice. In addition, Alliant Energy Corporation, WP&L, South Beloit, Transco and Manager filed a separate application-declaration under the Act seeking approval of WP&L's proposed participation in Transco, certain intrasystem transactions, and various financing transactions (SEC File NO. 70-9735).

<sup>14</sup> Contribution Value is defined as original cost less accumulated depreciation, as adjusted on a dollar-for-dollar basis for deferred taxes, excess deferred taxes, and deferred investment tax credits.

<sup>7</sup> "Net book value" is defined as original cost less accumulated depreciation.

<sup>8</sup> WPSC is also a holding company because it owns an interest in another subsidiary of WPSR, Wisconsin River Power Company. WPSC claims exemption from registration under section 3(a)(2) of the Act by rule 2 under the Act.

<sup>9</sup> Applicants' proportional share in the Transco will be based on the book value of the WPSC Transmission Assets contributed relative to that

Transco by those participants. It is expected that WPSC's Contribution Value as of December 31, 2000 will be approximately \$63 million, and its initial interest in Transco will be approximately 12.62%. WPSR, the other participating Wisconsin utilities, and South Beloit intend to contribute their transmission assets to Transco on or about January 1, 2001 (the "Operations Date"). Depending on the number of initial members of the Transco, it is expected that Applicants' interest in Transco and Manager will be between 10% and 15% of each entity. The Transco's other participants will make similar initial contributions.

The WPSC Transmission Assets proposed to be transferred include: (1) Transmission lines and transmission substations; (2) transformers providing transformation within the bulk transmission system and between the bulk and area transmission systems; (3) lines connecting to generation sources and step-up substations; (4) radial taps from the transmission system up to, but not including, the facilities that establish the final connection to distribution facilities or retail customers; (5) substations that provide primarily a transmission function; and (6) voltage control devices and power flow control devices directly connected to the transmission system. Applicants expect that, as of December 31, 2000, the original cost of the WPSC Transmission Assets will be approximately \$139 million. The net book value<sup>15</sup> of the WPSC Transmission Assets at December 31, 2000 is expected to be approximately \$70 million.

Applicants state that the transmission-owning Member Utilities and Transco expect to enter into various agreements ("Agreements") under which the Member Utilities will provide Transco with operations and maintenance services, control area operations, and other services. Any services provided or received by Applicants under any of these Agreements will be provided at cost in accordance with rules 90 and 91 under the Act, unless authorized or directed by appropriate governmental or regulatory authority.<sup>16</sup>

<sup>15</sup> "Net book value" is defined as original cost less accumulated depreciation.

<sup>16</sup> Applicants state that certain of the Agreements may provide for certain services between Transco and affiliates of WPSR, including WPSC, to be rendered at market rates, without regard to cost.

For the Commission, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-30133 Filed 11-24-00; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 27, 2000.

An open meeting will be held on Wednesday, November 29, 2000, at 10:00 a.m. in Room 1C30, the Williams O. Douglas Room.

The subject matter of the open meeting will be:

The Commission will hear oral argument on an appeal by Seaboard Investment Advisers, Inc. and Eugene W. Hansen (together, the "Respondents") as well as the Division of Enforcement from an administrative law judge's initial decision.

The law judge found that the United States District Court for the Eastern District of Virginia had issued an order, with Respondents' consent without admitting or denying liability, permanently enjoining the Respondents from violating Sections 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940 and Advisers Act Rule 206(4)-1(a)(5) and from violating an earlier Commission Order Making Findings and Imposing Remedial Sanctions and Cease and Desist Order. On the basis of the injunction, the law judge revoked the registration of Seaboard and suspended Hansen from being associated with an investment adviser for a period of twelve months.

Among the issues likely to be argued are the following:

(1) Whether the record establishes that the Respondents were permanently enjoined from violating antifraud provisions of the securities laws and from violating an earlier Commission cease-and-desist order; and

(2) If so, what sanction, if any, is appropriate in the public interest.

For further information, contact Alissa L. Baum at (202) 942-0923.

Closed meetings will be held on Wednesday, November 29, 2000 and Thursday, November 30, 2000 at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or

more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Wednesday, November 29, 2000 will be: post argument discussion; and an opinion.

The subject matters of the closed meeting scheduled for Thursday, November 30, 2000 will be: institution and settlement of injunctive actions; and institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: November 22, 2000.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 00-30235 Filed 11-22-00; 11:28 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43586; File No. SR-DTC-00-09]

### Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of a Proposed Rule Change Relating to the Profile Surety Program in the Direct Registration System

November 17, 2000.

On June 29, 2000, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> a proposed rule change. Notice of the proposal was published in the **Federal Register** on August 11, 2000.<sup>2</sup> The Commission received six comment letters in response to the proposed rule change.<sup>3</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> Securities Exchange Act Release No. 43125 (August 7, 2000), 65 FR 49278.

<sup>3</sup> Letters from Robert J. Duke, Director of Underwriting, The Surety Association of America (August 28, 2000); Jerome J. Clair, Chairman, Securities Industry Association Operations Committee (August 30, 2000); Dan W. Schneider, Baker and McKenzie (on behalf of EquiServe L.P.) (August 31, 2000); and William A. Harris, Vice President and Assistant General Counsel, ChaseMellon Shareholder Services (September 1, 2000); Joseph M. Velli, Senior Executive Vice

The Commission is publishing this order to grant approval of the proposed rule change.

## I. Description

On April 19, 2000, the Commission granted approval of a DTC rule filing concerning changes to the Profile Modification System ("Profile"), a feature of the Direct Registration System ("DRS").<sup>4</sup> Pursuant to that rule filing, a screen-based indemnification was incorporated into DRS.<sup>5</sup> Because companies issuing securities in DRS after September 15, 1999, are required to use Profile and because Profile was deemed inoperable without an indemnification agreement, DTC adopted a screen-based indemnification as an accommodation to those issuers and their transfer agents wanting to issue securities in DRS on or after September 15, 1999.<sup>6</sup> The screen-based indemnification adopted by DTC was substantially in the form of an indemnification approved by the DRS Committee in 1999<sup>7</sup> and will be used in DRS until such time as the DRS Committee agreed to an alternative indemnification.<sup>8</sup>

President, The Bank of New York (September 6, 2000); and Larry E. Thompson, Managing Director and Deputy General Counsel, The Depository Trust and Clearing Corporation (September 19, 2000).

<sup>4</sup> For a description of DRS and Profile, refer to Securities Exchange Act Release Nos. 35038 (December 1, 1994), 59 FR 63652 (concept release relating to DRS); 41862 (September 10, 1999), 64 FR 51162 (September 21, 1999) (order approving implementation of the Profile Modification feature of DRS); 42366 (January 28, 2000), 65 FR 5714 (February 4, 2000) (order approving an interpretation of an existing rule pertaining to DRS); 42704 (April 19, 2000), 65 FR 24242 (April 25, 2000) (order approving modification of Profile to incorporate use of an electronic screen-based indemnification).

<sup>5</sup> Profile contains two indemnities. The first is applicable when a DTC participant (*i.e.*, generally a broker-dealer) requests that a customer's registered book-entry position be transferred from the books of the issuer to the participant's account at DTC, to be held in street name for the benefit of the customer. The second indemnity is applicable when a DRS limited participant (*i.e.*, a transfer agent) requests a shareholder's position at a broker-dealer be transferred from the broker-dealer's account at DTC to the books of the issuer and registered in the name of the shareholder. Except for language reflecting whether the broker-dealer or the transfer agent is the requestor or the guarantor, the language of these two indemnities is identical. Securities Exchange Act Release No. 42704 (April 19, 2000), 65 FR 25242 (April 25, 2000).

<sup>6</sup> Securities Exchange Act Release No. 41862 (September 10, 1999), 64 FR 51162 (September 21, 1999).

<sup>7</sup> DRS Committee meeting minutes of January 12, 1999. Minutes of the DRS Committee meetings are available from DTC. The DRS Committee is an industry committee responsible for designing DRS. Its members include the Securities Transfer Association, the Corporate Transfer Association, the Securities Industry Association, the American Society of Corporate Secretaries, and DTC.

<sup>8</sup> Subsequent to the DRS Committee's approval of the screen-based indemnification, a number of

At the time DTC filed the rule change modifying Profile to incorporate the use of a screen-based indemnification into DRS, industry representatives on the DRS Committee contemplated the organization currently administering one of the three signature guarantee programs in connection with transfers of physical certificates<sup>9</sup> would develop a similar surety program to accommodate some version of a screen-based indemnification to be used in Profile. The program envisioned by the DRS Committee would have required guarantors (*i.e.*, the initiator of the instruction in Profile to move an investor's position) to subscribe to surety bond coverage that would have specifically covered a claim that a DRS transfer was unauthorized in the event that a guarantor refused or failed to satisfy the claim. However, the DRS Committee was unable to reach a consensus on a program, thereby making it impossible for any of the signature guarantee program administrators to extend its program or develop a similar program to accommodate the Profile indemnification.

On April 20, 1999, representatives of the DRS Committee met in an effort to find an alternative solution. At that meeting, those in attendance concluded because of its role as administrator of DRS, DTC would be a logical party to administer an electronic indemnification program. As a result, DTC proposed to implement and administer the DRS Profile Surety Program ("PSP") and filed the present rule change.

PSP is designed to provide for a surety bond to back the representation a guarantor makes under the screen-based indemnity. Since PSP is modeled in large part after the NYSE's Medallion Signature Program, many of the two programs' details are similar.

All broker-dealers and transfer agents participating in DRS will be required to

transfer agents raised concerns regarding the perceived lack of protections in the indemnification for issuers and transfer agents. The DRS Committee agreed to reopen discussions in an attempt to develop an alternative indemnification that would address the transfer agents' concerns. After a year of discussions, an impasse developed and discussions ceased. Since Profile was effectively inoperable due to a lack of any indemnification, DTC determined to adopt the screen-based indemnification approved by the DRS Committee in 1999. Any changes to the language of the screen-based indemnities will be subject to a rule filing pursuant to Section 19(b) of the Exchange Act.

<sup>9</sup> Today, physical certificates must be signature guaranteed by a guarantor participating in a signature guarantee program. The Medallion Signature Program, the Securities Transfer Association Medallion Program, and the Securities Exchange Medallion Program are the three operating signature guarantee programs.

procure a surety bond in order to send electronic instructions through Profile. (Profile will be programmed to not accept an instruction until the guarantor enters a valid PSP membership number.) The surety company issuing the surety bond for PSP will either be a company selected by DTC as the administrator of PSP or a surety company selected by the DRS user. If a DRS user elects to use a surety company other than one DTC has selected, the surety company selected will be required to issue its surety bond in a form consistent with the bond issued by the surety company selected by DTC. For example, the surety bond must have a coverage limit of \$2 million per occurrence and an aggregate limit of \$6 million. DTC will also require that all companies issuing surety bonds must be highly rated by an approved rating service.

## II. Comment Letters

The Commission received six comment letters.<sup>10</sup> In stating its support for PSP, the Securities Industry Association stated it believed that the PSP had been formulated by the DRS Committee to address the concerns of certain interested parties and should finally make DRS the electronic alternative to certificate ownership for many investors.

The Surety Association of America ("SAA") expressed qualified support for the implementation of PSP. The SAA stated that institutions that were able to qualify under the paper-based medallion programs might not be able to qualify under PSP because PSP is requiring higher bond limits than the current paper-based medallion programs, which in turn requires guarantors to have greater financial strength, stronger internal controls, and stronger risk management. Furthermore the SAA requested that the Commission refrain from approving the filing until their membership has had an opportunity to review the proposed bond form and requirements of the PSP.<sup>11</sup>

The Bank of New York ("BONY") also qualified its support of PSP. BONY expressed its belief that the screen-based indemnification agreement was inadequate and stated that implementation of the PSP should be

<sup>10</sup> *Supra* note 3.

<sup>11</sup> DTC has informed the Commission that its has had conversations with the SAA and will make the bond form publicly available. Telephone conversation between Larry E. Thompson, Managing Director and Deputy General Counsel, The Depository Trust and Clearing Corporation, and Jerry W. Carpenter, Assistant Director, Commission (November 16, 2000).



conditioned on revisions to the screen-based indemnity.

ChaseMellon Shareholder Services ("CMSS") expressed no position on whether it supported DTC's proposal. Rather it expressed its belief that the screen-based indemnification language is vague and does not provide transfer agents with sufficient assurances that requested transfers are authorized. CMSS suggested several modifications to the indemnification language to better address perceived potential for transfer agent liability.

Baker & McKenzie (on behalf of EquiServe L.P.) contends that DTC's rule filing is vague, specifically with regards to the surety bond processing arrangements, the claims procedures, and the standards used by DTC to select a designated surety. Baker & McKenzie also states that there should be no aggregate limit on the surety bond under PSP. This commenter also elaborated on what it believes to be the deficiencies of DRS and Profile.

In its letter, DTC responded specifically to the issues raised by Baker & McKenzie's comment letter and generally to the issues raised by CMSS and BONY. DTC states that while the Baker & McKenzie letter was submitted as a comment letter to this proposed rule filing on PSP, the bulk of the letter raises issues relating to the screen-based indemnity language, which was the subject of another DTC rule filing approved by the Commission on April 19, 2000.<sup>12</sup> DTC states it is "mystified" by the Baker & McKenzie letter in light of the contributions made by EquiServe to the indemnity language, which language Baker & McKenzie criticize in its comment letter. DTC states that the language of the screen-based indemnity is based closely on language approved in 1998 by the DRS Committee, on which EquiServe has always been represented, and reflects comments received from EquiServe when the language of the screen-based indemnity was being finalized. DTC states that many of the issues that Baker & McKenzie raise either have already been resolved over the last several years or are issues that key industry officials, including representatives from EquiServe, have decided to move beyond in order to advance DRS.

### III. Discussion

Section 17A(b)(3)(F) of the Act<sup>13</sup> requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and

settlement of securities transactions and to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.<sup>14</sup> As set forth below, the Commission believes that DTC's proposed rule change is consistent with its obligations under Section 17A(b)(3)(F).<sup>15</sup>

As the Commission has stated in previous orders dealing with the DRS, the primary purpose of Profile is to provide a more prompt and accurate mechanism for the transfer of an investor's book-entry position between the investor's broker-dealer and the transfer agent for the issue than the multistep, paper based processing otherwise used by the industry. Without Profile, investors holding securities positions in DRS, a majority of whom were issued securities in DRS through corporate actions, would continue to be disadvantaged by their inability to transfer their shares to their broker-dealer (or back to the transfer agent) without significant delays.

The adoption of PSP by DTC does not affect DRS's operations or its mechanisms to facilitate a more efficient manner of transfer ownership of investors' book-entry positions. The purpose of PSP is to provide an additional layer of protection for transfer agents and broker-dealers using DRS. DTC developed PSP in an effort to foster cooperation and coordination between transfer agents, issuers, and broker-dealers by addressing concerns of risk resulting from unauthorized instructions to transfer investors' book-entry positions.

We have considered the views of commenters. Three commenters (BONY, CMSS, and Baker & McKenzie) raised a number of issues regarding Profile and the screen-based indemnifications that were not the subject of this filing. BONY also predicated its support of PSP on the condition that the condition that the screen-based indemnifications be revised. Baker & McKenzie indicated its belief that the specifics of PSP were not sufficiently described in DTC's filing.

<sup>14</sup> The prompt and accurate clearance and settlement of securities transactions includes the transfer of record ownership of securities. 15 U.S.C. 78q-1(a)(1)(A).

<sup>15</sup> The Commission also notes that when enacting Section 17A, Congress set forth its findings that the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership, is necessary for the protection of investors; inefficient procedures for clearance and settlement impose unnecessary costs on investors; and that new data processing and communication techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement. 15 U.S.C. 78q-1(a)(1)(A), (B), and (C). DRS, including Profile supported by PSP, advance these objectives.

The adoption of PSP does not affect the ability of the DRS Committee to continue to negotiate alternative indemnification language. DTC has stated it will use the screen-based indemnification only until such time as an alternative indemnification agreement is reached by the DRS Committee. If and when that happens, DTC will modify PSP accordingly.

In addition, DTC structured PSP, including the increased aggregate limit amount of surety coverage, in the manner specified by the DRS Committee. The limit was increased to accommodate transfer agents' concerns that the current signature guarantee programs' aggregate limits were too low for transfer activity in an electronic environment. The DRS Committee is always free to revisit the issue of surety coverage amounts and to adjust PSP as necessary. The assertion made by Baker & McKenzie that the surety coverage should contain no aggregate limit is not feasible because no surety company is likely to provide coverage where its exposure is unlimited.

Finally, PSP's application and subscription agreement, which describes the coverage and claims process to be applied under PSP, are available from DTC upon request. DRS users that deem PSP's coverage insufficient may independently purchase additional insurance to cover outstanding liabilities.

The Commission urges the DRS Committee to continue to meet to address on-going concerns regarding liability and to continue to discuss improvements in the design of DRS. These efforts will contribute to the industry's objective of promoting the immobilization of physical certificates.

As set forth above, the Commission finds that DTC's establishment of PSP is consistent with Section 17A(b)(3)(F) of the Act<sup>16</sup> because it will facilitate the use of a more efficient mechanism by which to transfer investors' book-entry positions and thereby promotes the prompt and accurate settlement of securities transactions. Furthermore, since PSP will provide additional protection to DRS users for liabilities that may arise in certain DRS transactions, PSP should foster cooperation between person engaged in the clearance and settlement of securities transactions.

### V. Conclusion

On the basis of the foregoing, the Commission finds that DTC's proposal to modify Profile to include an electronic screen-based indemnification

<sup>12</sup> Securities Exchange Act Release No. 42704 (April 19, 2000), 65 FR 24242 (April 25, 2000).

<sup>13</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>16</sup> 15 U.S.C. 78q-1(b)(3)(F).



is consistent with the requirements of the Act and in particular with the requirements of 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 N. SR-DTC-00-09) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 00-30137 Filed 11-24-00; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43575; File No. SR-NASD-00-66]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Maximum Share Size Order Parameters for the Nasdaq National Market Execution System

November 16, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 6, 2000, the National Association of Securities Dealers, Inc., through its wholly-owned subsidiary The Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq filed with the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(5) thereunder.<sup>4</sup> Pursuant to Rule 19b-4(f)(5), Nasdaq has designated this proposal as one effecting a change in an existing order-entry or trading system of a self-regulatory organization that does not: (1) Significantly affect the protection of investors or the public interest, (2) impose any significant burden on competition, or (3) significantly have the effect of limiting the access to or availability of the system. As such, the proposed rule change is immediately effective upon the Commission's receipt of this filing. The Commission is

publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to amend Rule 4710(d) of the National Association of Securities Dealers, Inc. ("NASD" or "Association"), to expand the maximum share size parameter for orders entered into the Nasdaq National Market Execution System ("NNMS"). Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

\* \* \* \* \*

#### 4710. Participant Obligations in NNMS

(a) through (c) No Change.

(d) Order Entry Parameters.

(1) No Change.

(2) No Change.

(3) NNMS will not accept orders that exceed [9,900] *999,999* shares, and no participant in the NNMS system shall enter an order into the system that exceeds [9,900] *999,999 shares*.

(e) No Change.

\* \* \* \* \*

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

Nasdaq is proposing to expand the maximum share size parameter for single orders entered into the NNMS. Currently, the maximum number of shares that may be entered into NNMS using a single order is 9,900. Under the rule change proposed here, that single order maximum share amount will be increased to 999,999 shares. As outlined in the Commission's approval order of the NNMS system, the smaller 9,900-share order entry size was a response to then existing technological system constraints.<sup>5</sup> In the interim between the

Commission's approval of NNMS and the system's upcoming implementation, Nasdaq technology staff diligently worked to modify and improve the NNMS order processing and execution platform to accommodate a larger single order size maximum. As the result of those efforts, Nasdaq is now prepared to provide to NNMS participants a single order share maximum entry capability of 999,999 shares. Expansion of NNMS's automatic execution single order maximum size parameter will give users the optional ability to seek automatic execution of larger orders in the NNMS system than would be allowed under current NNMS rules. In addition to providing increased flexibility and functionality to NNMS users, the proposal also establishes uniformity in maximum single-order size parameters between Nasdaq's automatic execution and order delivery systems.

For the reasons set forth above, Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act<sup>6</sup> in that the proposal is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in processing information with respect to and facilitating transactions in securities, as well as removing impediments to and perfecting the mechanism of a free and open market, and, in general, to protect investors and the public interest.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)<sup>7</sup> of the Act and Rule 19b-4(f)(5)<sup>8</sup> thereunder in that it constitutes a change in an existing order-entry or trading system of a self-regulatory organization that does not: (1) Significantly affect the protection of investors or the public interest, (2)

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(5).

<sup>5</sup> See Securities Exchange Act Release No. 42344 (January 14, 2000), 65 FR 3897.

<sup>6</sup> 15 U.S.C. 78o-3(b)(6).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(5).

impose any significant burden on competition, or (3) significantly have the effect of limiting the access to or availability of the system. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by December 18, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 00-30134 Filed 11-24-00; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43564; File No. SR-NASD-00-61]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Penalty for Market Makers That Voluntarily or Accidentally Withdraw Their Quotes or Fail To Refresh Their Quotes and the Time Period Market Makers Have To Apply To Reinstate Their Quotes

November 15, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 18, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly-owned subsidiary, Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing this proposed rule change to amend NASD Rules 4620 and 4730 to reduce the penalty for market makers that voluntarily or accidentally withdraw their quotes or fail to refresh their quotes in a timely manner. The proposal would also increase the time period market makers have to apply to reinstate their quotes.

The text of the proposed rule change follows. Proposed new rule language is in italics; proposed deletions are in brackets.

#### 4620. Voluntary Termination of Registration

(a) A market maker may voluntarily terminate its registration in a security by withdrawing its quotations from The Nasdaq Stock Market. A market maker that voluntarily terminates its registration in a security may not re-register as a market maker in that security for [twenty (20)] *ten (10)* business days. Withdrawal from SOES participation as a market maker in a Nasdaq National Market security shall constitute termination of registration as a market maker in that security for purposes of this Rule; provided, however, that a market maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn

from participation in the Automated Confirmation Transaction System and thereby terminates its registration as a market maker in Nasdaq National Market issues may register as a market maker at any time after a clearing arrangement has been reestablished and the market maker has complied with ACT participant requirements contained in Rule 6100.

(b) Notwithstanding the above, a market maker that accidentally withdraws as a market maker may be reinstated if:

(1) The market maker notified Market Operations of the accidental withdrawal as soon as practicable under the circumstances, but *no later than 7:00 p.m. Eastern Time on the same day* [within at least one hour] of such withdrawal, and immediately thereafter provided written notification of the withdrawal and reinstatement request;

\* \* \* \* \*

#### 4730. Participant Obligations in SOES

\* \* \* \* \*

##### (b) Market Makers

\* \* \* \* \*

(6) In the case of an NNM security, a Market Maker will be suspended from SOES if its bid or offer has been decremented to zero due to SOES executions and will be permitted a standard grace period, the duration of which will be established and published by the Association, within which to take action to restore a two-sided quotation in the security for at least one normal unit of trading. A Market Maker that fails to reenter a two-sided quotation in a NNM security within the allotted time will be deemed to have withdrawn as a Market Maker ("SOESed out of the Box"). Except as provided below in this subparagraph and in subparagraph (7), a Market Maker that withdraws in an NNM security may not reenter SOES as a Market Maker in the security for [twenty (20)] *ten (10)* business days.

(A) Notwithstanding the above, a market maker can be reinstated if:

(i) the market maker makes a request for reinstatement to Market Operations as soon as practicable under the circumstances, but *no later than 7:00 p.m. Eastern Time on the same day* [within at least one hour] of having been SOESed out of the Box, and immediately thereafter provides written notification of the reinstatement request;

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>9</sup> 17 CFR 200.30-3(a)(12).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

(a) Penalty for Withdrawing Quotes

NASD Rule 4620 permits a market maker to voluntarily terminate its registration in a security by withdrawing its quote from the market or by withdrawing from the Small Order Execution System ("SOES"). A market maker that voluntarily terminates its registration in an issue may not reregister as a market maker in that security for twenty business days ("20 days penalty").

Under NASD Rule 4730, the 20 day penalty also applies to market makers in Nasdaq National Market ("NNM") securities that fail to update their quotes in a timely manner after their displayed size is reduced to zero. Presently, all market makers in NNM securities must be registered as SOES market makers. For NNM securities, SOES automatically executes unpreferred orders in rotation against those market makers who are at the best quoted bid or offer on Nasdaq at the time the order is entered. If a market maker's displayed size in an NNM security is reduced to zero, the quote is placed in a "closed quote" status and re-ranked at the bottom of the quotes displayed in the Nasdaq montage. If the market maker does not update its quote size or price in a NNM security within five minutes, the quote is placed in a SOES suspended state (*i.e.*, the market maker has been "SOESed-out-of-the-Box"). Market Makers that are SOESed-out-of-the-Box for a security may not reenter SOES as a market maker in that security for twenty business days.<sup>3</sup>

The purpose of the twenty day period is to prevent market makers from withdrawing from the market without consequence.<sup>4</sup> A market maker that is prohibited from making a market for a security is penalized economically by the lost transaction revenue, and also sustains damage to its reputation, which can lead to future economic losses. The NASD believes, however, that a ten day penalty will now achieve the same deterrent effect as the 20 day penalty. The penalty was set twenty days in 1988, when the daily average share volume was approximately 122.5 million shares a day. As of September 7, 2000, the daily average share volume for this year is approximately 1.63 billion shares a day. With the increase

in trading on Nasdaq, the 20 day period is a much greater penalty now than in 1988. Therefore, the NASD proposes to reduce the penalty period to ten business days.

Under the proposal, a market maker that voluntarily or accidentally withdraws its quotes (in either a NMS or SmallCap security), or is SOESed-out-of-the-Box for a NNM security, may reregister (or reenter in the case of SOES-out) as a market maker after ten business days.<sup>5</sup>

(b) Applying to Reinstate Quotes

To avoid the 20 day penalty, market makers that accidentally withdraw their quotes or are SOESed-out-of-the-Box can apply to be reinstated within one hour from the time their quote lapse.<sup>6</sup> A Nasdaq officer (or staff when the withdrawal is accidental) can grant the reinstatement if he or she determines that the SOES-out or accidental withdrawal was not an attempt by the market maker to avoid its obligation to make a continuous, two-sided market.<sup>7</sup> In making his or her decision, the Nasdaq officer or staff will consider, among other things, whether the market conditions in the issue or other issues in which the market maker makes a market included unusual volatility or other unusual activity.<sup>8</sup> The Nasdaq officer (or staff) also will consider the number of accidental withdrawals or the frequency with which the firm has been SOESed-out-of-the-Box.<sup>9</sup> There are limits, however, to the number of reinstatements a firm can receive within a calendar year. The number varies based on the number of markets made by the firm the previous year.<sup>10</sup> A decision by a Nasdaq officer or staff to not reinstate a market maker can be appealed by the firm to the Market Operations Review Committee ("Committee").<sup>11</sup>

As discussed earlier, trading volumes on Nasdaq have increased enormously. One result of the increase in trading volumes is that market makers must actively manage their quotes and trading in many securities, which increases the chances a market maker may fail to

comply with the one hour deadline, especially when the quotes lapse in less actively traded securities. Nasdaq cannot consider a reinstatement application that is untimely filed. Therefore, a market maker that otherwise would be reinstated (because it was not trying to avoid its market making obligations) cannot be reinstated because of its failure to comply with a procedural requirement of the rule. In this situation, the market maker is subject to the 20 day penalty. As such, the liquidity in these less actively traded securities can be decreased even further because there is one less market maker during the penalty period. For these reasons, the NASD is requesting to permit market makers until 7:00 p.m. Eastern Time on the day they accidentally withdrew their quotes or were SOESed-out-of-the-Box to apply for reinstatement.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) and Section 11A of the Exchange Act.<sup>12</sup> Section 15A(b)(6) requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principals of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. In addition, the rules must not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Section 11A(a)(1)(C) of the Exchange Act<sup>13</sup> states that it is the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure (1) economically efficient executions of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer.

The NASD believes establishing a 10 day penalty period for market makers that voluntarily or accidentally

<sup>5</sup> This proposal does not address the situation when a market maker is SOESed-out-of-the-Box for a SmallCap security. To encourage market makers to participate in SOES for SmallCap securities, the NASD filed with the Commission a proposal to completely eliminate the 20 day penalty when a market maker is SOESed-out-of-the-Box for a SmallCap security. See SR-NASD-99-73 (filed December 16, 1999).

<sup>6</sup> See NASD Rules 4620 and 4730.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>3</sup> NASD Rule 4730(b)(6).

<sup>4</sup> See Securities Exchange Act Release No. 27591 (June 9, 1988), 53 FR 22594 (June 16, 1988).

<sup>12</sup> 15 U.S.C. 78o-3(b)(6) and 15 U.S.C. 78k-1.

<sup>13</sup> 15 U.S.C. 78k-1(1)(C).

withdraw their quotes or are SOESed-out-of-the-Box is consistent with Sections 15A(b)(6) and 11A of the Exchange Act because the 10 day period will continue to penalize market makers that fail to keep quotes in the market. Reducing the period to 10 days will not diminish the deterrent effect of the penalty because market makers will continue to be penalized economically through the lost trade revenue and will continue to suffer harm to their reputation. In addition, because of the enormous increase in trading on Nasdaq since the 20 day penalty was established, the NASD believes that a 10 day penalty period today may be more severe than the 20 day penalty was in 1988.

Based on the daily average share volume in 1988, which was 122.5 million shares per day, the average share volume on a single day on Nasdaq is equal to approximately 13 days average share volume in 1988. While the daily average share volume is not a direct measure of the amount of business any one particular market maker may lose during a penalty period, the number does not demonstrate the extraordinary increase in trading on Nasdaq. Therefore, the NASD believes that a 10 day penalty period will continue to serve as a significant deterrent. As such, the NASD believes the proposed penalty will continue to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, protect investors and the public interest, and promote the maintenance of fair and orderly markets.

The NASD also believes that allowing market makers until 7:00 p.m. Eastern Time on the day in which they accidentally withdrew their quotes or were SOESed-out-of-the-Box to apply for reinstatement is consistent with Sections 15A(b)(6) and 11A of the Exchange Act. As discussed earlier, the volume of trading on Nasdaq has increased significantly over the past few years. This surge in volume requires market makers to actively manage their quotes and trading in many securities. Due to these increased demands, it is likely that a market maker cannot file a request for reinstatement within one hour from the time its quotes lapse, especially when the quotes lapse in a less actively traded security.

The direct benefit of extending the deadline is that market makers would have more of an opportunity to have their requests considered on the substantive merits. Furthermore, this proposal does not diminish the standards that an applicant must meet to be reinstated. Applications that

comply with the new filing deadline will continue to be reviewed in accordance with the standards codified in NASD Rules 4620 and 4730.

Another potential benefit would be to maintain liquidity in some less actively traded stocks by reducing the potential that a market maker will be subject to the penalty period for procedural reasons only, and, thus, be prohibited from making a market in a stock. For these reasons, the NASD believes that the proposal will promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, protect investors and the public interest, and promote the maintenance of fair and orderly markets.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq 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*

Nasdaq neither solicited nor received written comments.

### **III. Date of Effectiveness of the Proposed Rule Change and timing for Commission Act**

Within 35 days of the 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 Nasdaq consents, the Commission will:

(A) By order approve the 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 proposal is consistent with the Exchange Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-00-61 and should be submitted by December 18, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 00-30135 Filed 11-24-00; 8:45 am]

**BILLING CODE 8010-01-M**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-43583; File No. SR-NASD-00-62]

### **Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc., Relating to the Removal of Duplicative Provisions**

November 17, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 19, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.<sup>3</sup> The Commission is publishing this notice to

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Nasdaq originally submitted the proposal on October 19, 2000. On November 8, 2000, Nasdaq submitted a letter from Sara Nelson Bloom, Assistant General Counsel, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation ("Division"), Commission, amending the filing ("Amendment No. 1"). In Amendment No. 1, Nasdaq made several corrections to its rule text and designated the proposed rule change as effective pursuant to Section 19(b)(3)(A)(i) of the Act, and Rule 19b-4(f)(3) thereunder. 15 U.S.C. 78s(b)(3)(A)(i), 17 CFR 240.19b-4(f)(3). Because of the nature of the Amendment, the Commission deems the filing date to be November 8, 2000, the date of the final amendment.

solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Nasdaq is filing with the Commission a proposed rule change regarding revisions to the Nasdaq Marketplace Rules to eliminate duplicative provisions and make conforming changes. Below is the text of the proposed rule change. Additions are *italicized* and deletions are in brackets.

#### **4310. Qualification Requirements for Domestic and Canadian Securities**

To qualify for inclusion in Nasdaq, a security of a domestic or Canadian issuer shall satisfy all applicable requirements contained in paragraphs (a) or (b), and (c) hereof.

(a) No change.

(b) No change.

(c) In addition to the requirements contained in paragraph (a) or (b) above, and unless otherwise indicated, a security shall satisfy the following criteria for inclusion in Nasdaq:

(1)–(20) No change.

(21) Deleted and reserved.

(22)–(24) No change.

(25)–(29) Deleted and reserved.

(d) No change.

#### **IM-4310. Voting Rights Policy**

Renumbered IM-4351 and moved to follow Rule 4351.

#### **4320. Qualification Requirements for Non-Canadian Foreign Securities and American Depositary Receipts**

To qualify for inclusion in Nasdaq, a security of a non-Canadian foreign issuer, an American Depositary Receipt (ADR) or similar security issued in respect of a security of a foreign issuer shall satisfy the requirements of paragraphs (a), (b) or (c), and (d) and (e) of this Rule.

(a)–(d) No change.

(e) In addition to the requirements contained in paragraphs (a), (b) or (c), and (d), the security shall satisfy the following criteria for inclusion in Nasdaq:

(1)–(18) No change.

(19) Deleted and reserved.

(20) No change.

(21)–(25) Deleted and reserved.

(f) No change.

Cross reference to IM-4310 is deleted.

#### **4420. Quantitative Designation Criteria**

(a)–(g) No change.

#### **(h) Units**

##### **(1) Minimum Inclusion Period and Notice of Withdrawal**

*In the case of units, the minimum period for inclusion of the units shall be 30 days from the first day of inclusion, except the period may be shortened if the units are suspended or withdrawn for regulatory purposes. Issuers and underwriters seeking to withdraw units from inclusion must provide*

*Nasdaq with notice of such intent at least 15 days prior to withdrawal.*

##### **(2) Disclosure Requirements for Units**

*Each Nasdaq National Market issuer of units shall include in its prospectus or other offering document used in connection with any offering of securities that is required to be filed with the Commission under the federal securities laws and the rules and regulations promulgated thereunder a statement regarding any intention to delist the units immediately after the minimum inclusion period.*

#### **4460. Non-Quantitative Designation Criteria for Issuers Excepting Limited Partnership**

Cross reference to IM-4310 is deleted.

Renumbered as Rule 4350 and Amended as follows:

#### **4350. [Non-Quantitative Designation Criteria] Qualitative Listing Requirements for Nasdaq National Market and Nasdaq SmallCap Market Issuers Except[ing] for Limited Partnerships Traded on the Nasdaq National Market**

##### **(a) Applicability**

No provisions of this Rule shall be construed to require any foreign issuer to do any act that is contrary to a law, rule or regulation of any public authority exercising jurisdiction over such issuer or that is contrary to generally accepted business practices in the issuer's country of domicile. Nasdaq shall have the ability to provide exemptions from the applicability of these provisions as may be necessary or appropriate to carry out this intent.

*Nasdaq shall review the issuer's past corporate governance activities. This review may include activities taking place while the issuer is listed on Nasdaq or an exchange that imposes corporate governance requirements, as well as activities taking place after the issuer is no longer listed on Nasdaq or an exchange that imposes corporate governance requirements. Based on such review, Nasdaq may take any appropriate action, including placing of restrictions on or additional requirements for listing, or the denial of listing of a security if Nasdaq determines that there have been violations or evasions of such corporate governance standards. Determinations under this subparagraph shall be made on a case-by-case basis as necessary to protect investors and the public interest.*

##### **(b) Distribution of Annual and Interim Reports**

(1) Each [Nasdaq National Market] issuer shall distribute to shareholders copies of an annual report containing audited financial statements of the company and its subsidiaries. The report shall be distributed to shareholders a reasonable period of time prior to the company's annual meeting of shareholders and shall be filed with Nasdaq at the time it is distributed to shareholders.

(2) Each [NNM] issuer which is subject to SEC Rule 13a-13 shall make available copies of quarterly reports including statements of operating results to shareholders either prior to or as soon as practicable following the company's filing of its Form 10-Q with the Commission. If the form of such quarterly

report differs from the Form 10-Q, the issuer shall file one copy of the report with Nasdaq in addition to filing its Form 10-Q pursuant to Rule 4310(c)(14). The statement of operations contained in quarterly reports shall disclose, as a minimum, any substantial items of an unusual or nonrecurrent nature and net income before and after estimated federal income taxes or net income and the amount of estimated federal taxes.

(3) Each [NNM] issuer which is not subject to SEC Rule 13a-13 and which is required to file with the Commission, or another federal or state regulatory authority, interim reports relating primarily to operations and financial position, shall make available to shareholders reports which reflect the information contained in those interim reports. Such reports shall be made available to shareholders either before or as soon as practicable following filing with the appropriate regulatory authority. If the form of the interim report provided to shareholders differs from that filed with the regulatory authority, the issuer shall file one copy of the report to shareholders with Nasdaq in addition to the report to the regulatory authority that is filed with Nasdaq pursuant to Rule 4310(c)(14).

##### **(c) Independent Directors**

Each [NNM] issuer shall maintain a sufficient number of independent directors on its board of directors to satisfy the audit committee requirement set forth in Rule [4460]4350(d)(2).

##### **(d) Audit Committee**

###### **(1) Audit Committee Charter**

Each Issuer must certify that it has adopted a formal written audit committee charter and that the [A]udit [C]ommittee has reviewed and reassessed the adequacy of the formal written charter on an annual basis. The charter must specify the following:

(A) the scope of the audit committee's responsibilities, and how it carries out those responsibilities, including structure, processes, and membership requirements;

(B) the audit committee's responsibility for ensuring its receipt from the outside auditors of a formal written statement delineating all relationships between the auditor and the company, consistent with Independence Standards Board Standard 1, and the audit committee's responsibility for actively engaging in a dialogue with the auditor with respect to any disclosed relationships or services that may impact the objectivity and independence of the auditor and for taking, or recommending that the full board take, appropriate action to oversee the independence of the outside auditor; and

(C) the outside auditor's ultimate accountability to the board of directors and the audit committee, as representatives of shareholders, and these shareholder representatives' ultimate authority and responsibility to select, evaluate, and, where appropriate, replace the outside auditor (or to nominate the outside auditor to be proposed for shareholder approval in any proxy statement).

###### **(2) Audit Committee Composition**

(A) Each issuer must have, and certify that it has and will continue to have, an audit

committee of at least three members, comprised solely of independent directors, each of whom is able to read and understand fundamental financial statements, including a company's balance sheet, income statement, and cash flow statement or will become able to do so within a reasonable period of time after his or her appointment to the audit committee. Additionally, each issuer must certify that it has, and will continue to have, at least one member of the audit committee that has past employment experience in finance or accounting, requisite professional certification in accounting, or any other comparable experience or background which results in the individual's financial sophistication, including being or having been a chief executive officer, chief financial officer or other senior officer with financial oversight responsibilities.

(B) Notwithstanding paragraph (A), one director who is not independent as defined in Rule 4200, and is not a current employee or an immediate family member of such employee, may be appointed to the audit committee, if the board, under exceptional and limited circumstances, determines that membership on the committee by the individual is required by the best interests of the corporation and its shareholders, and the board discloses, in the next annual proxy statement subsequent to such determination, the nature of the relationship and the reasons for that determination.

(C) Exception for Small Business Filers—Paragraphs (2)(A) and (2)(B) do not apply to issuers that file reports under SEC Regulation S-B. Such issuers must establish and maintain an [A]audit [C]committee of at least two members, a majority of the members of which shall be independent directors.

#### (e) Shareholder Meetings

Each [NNM] issuer shall hold an annual meeting of shareholders and shall provide notice of such meeting to Nasdaq.

#### (f) Quorum

Each [NNM] issuer shall provide for a quorum as specified in its by-laws for any meeting of the holders of common stock; provided, however, that is no case shall such quorum be less than 33⅓ [percent] % of the outstanding shares of the company's common voting stock.

#### (g) Solicitation of Proxies

Each [NNM] issuer shall solicit proxies and provide proxy statements for all meetings of shareholders and shall provide copies of such proxy solicitation to Nasdaq.

#### (h) Conflicts of Interest

Each [NNM] issuer shall conduct an appropriate review of all related party transactions on an ongoing basis and shall utilize the company's [A]audit [C]committee or a comparable body of the [B]board of [D]directors for the review of potential conflict of interest situations where appropriate.

#### (i) Shareholder Approval

(1) Each [NNM] issuer shall require shareholder approval of a plan or arrangement under subparagraph (A) below, or prior to the issuance of designated

securities under subparagraph (B), (C), or (D) below:

(A) When a stock option or purchase plan is to be established or other arrangement made pursuant to which stock may be acquired by officers or directors, except for warrants or rights issued generally to security holders of the company or broadly based plans or arrangements including other employees (e.g., ESOPs). In a case where the shares are issued to a person not previously employed by the company, as an inducement essential to the individual's entering into an employment contract with the company, shareholder approval will generally not be required. The establishment of a plan or arrangement under which the amount of securities which may be issued does not exceed the lesser of 1% of the number of shares of common stock, 1% of the voting power outstanding, or 25,000 shares will not generally require shareholder approval;

(B) When the issuance or potential issuance will result in a change of control of the issuer;

(C) In connection with the acquisition of the stock or assets of another company if:

(i) Any director, officer or substantial shareholder of the issuer has a 5% or greater interest (or such persons collectively have a 10% or greater interest), directly or indirectly, in the company or assets to be acquired or in the consideration to be paid in the transaction or series of related transactions and the present or potential issuance of common stock, or securities convertible into or exercisable for common stock, could result in an increase in outstanding common shares or voting power of 5% or more; or

(ii) Where, due to the present or potential issuance of common stock, or securities convertible into or exercisable for common stock, other than a public offering for cash:

a. The common stock has or will have upon issuance voting power equal to or in excess of 20% of the voting power outstanding before the issuance of stock or securities convertible into or exercisable for common stock; or

b. The number of shares of common stock to be issued is or will be equal to or in excess of 20% of the number of shares of common stock outstanding before the issuance of the stock or securities; or

(D) In connection with a transaction other than a public offering involving:

(i) The sale, issuance or potential issuance by the issuer of common stock (or securities convertible into or exercisable for common stock) at a price less than the greater of book or market value which together with sales by officers, directors or substantial shareholders of the company equals 20% or more of common stock or 20% or more of the voting power outstanding before the issuance; or

(ii) The sale, issuance or potential issuance by the company of common stock (or securities convertible into or exercisable for common stock) equal to 20% or more of the common stock or 20% or more of the voting power outstanding before the issuance for less than the greater of book or market value of the stock.

(2) Exceptions may be made upon application to Nasdaq when:

(A) The delay in securing stockholder approval would seriously jeopardize the financial viability of the enterprise; and

(B) Reliance by the company on this exception is expressly approved by the [A]audit [C]committee or a comparable body of the [B]board of [D]directors.

A company relying on this exception must mail to all shareholders not later than ten days before issuance of the securities a letter alerting them to its omission to seek the shareholder approval that would otherwise be required and indicating that the [A]audit [C]committee [of the Board] or a comparable body of the board of directors has expressly approved the exception.

(3) Only shares actually issued and outstanding (excluding treasury shares or shares held by a subsidiary) are to be used in making any calculation provided for in this paragraph (i). Unissued shares reserved for issuance upon conversion of securities or upon exercise of options or warrants will not be regarded as outstanding.

(4) Voting power outstanding as used in this rule refers to the aggregate number of votes which may be cast by holders of those securities outstanding which entitle the holders thereof to vote generally on all matters submitted to the company's security holders for a vote.

(5) An interest consisting of less than either 5% of the number of shares of common stock or 5% of the voting power outstanding of an issuer or party shall not be considered a substantial interest or cause the holder of such an interest to be regarded as a substantial security holder.

(6) Where shareholder approval is required, the minimum vote which will constitute shareholder approval shall be a majority of the total votes cast on the proposal in person or by proxy.

*Cross Reference IM-4300, Future Priced Securities*

#### (j) Voting Rights

(1) No rule, stated policy, practice, or interpretation of Nasdaq shall permit the authorization for quotation and/or transaction reporting through an automated inter-dealer quotation system (authorization), or the continuance of authorization, of any common stock or other equity security of a domestic issuer, if the issuer of such security issues any class of security, or takes other corporate action, with the effect of nullifying, restricting, or disparately reducing the per share voting rights of holders of an outstanding class or classes of common stock of such issuer registered pursuant to section 12 of the Act.

(2) For the purposes of paragraph (j)(1), the following shall be presumed to have the effect of nullifying, restricting, or disparately reducing the per share voting rights of an outstanding class or classes of common stock:

(A) Corporate action to impose any restriction on the voting power of shares of the common stock of the issuer held by a beneficial or record holder based on the number of shares held by such beneficial or record holder;

(B) Corporate action to impose any restriction on the voting power of shares of the common stock of the issuer held by a

beneficial or record holder based on the length of time such shares have been held by such beneficial or record holder;

(C) Any issuance of securities through an exchange offer by the issuer for shares of an outstanding class of the common stock of the issuer, in which the securities issued have voting rights greater than or less than the per share voting rights of any outstanding class of the common stock of the issuer; or

(D) Any issuance of securities pursuant to a stock dividend, or any other type of distribution of stock, in which the securities issued have voting rights greater than the per share voting rights of any outstanding class of the common stock of the issuer.

(3) For the purposes of paragraph (j)(1), the following, standing alone, shall be presumed not to have the effect of nullifying, restricting, or disparately reducing the per share voting rights of holders of an outstanding class or classes of common stock:

(A) The issuance of securities pursuant to an initial registered public offering;

(B) The issuance of any class of securities, through a registered public offering, with voting rights not greater than the per share voting rights of any outstanding class of the common stock of the issuer;

(C) The issuance of any class of securities to effect a bona fide merger or acquisition, with voting rights not greater than the per share voting rights of any outstanding class of the common stock of the issuer; or

(D) Corporate action taken pursuant to state law requiring a state's domestic corporation to condition the voting rights of a beneficial or record holder of a specified threshold percentage of the corporation's voting stock on the approval of the corporation's independent shareholders.

(4) The following terms shall have the following meanings for purposes of this Rule:

(A) The term "common stock" shall include any security of an issuer designated as common stock and any security of an issuer, however designated, which, by statute or by its terms, is a common stock (e.g., a security which entitles the holders thereof to vote generally on matters submitted to the issuer's security holders for a vote).

(B) The term "equity security" shall include any equity security defined as such pursuant to SEC Rule 3a11-1 under the Act.

(C) The term "domestic issuer" shall mean an issuer that is not a "foreign private issuer" as defined in SEC Rule 3b-4 under the Act.

(D) The term "security" shall include any security defined as such pursuant to Section 3(a)(10) of the Act, but shall exclude any class of security having a preference or priority over the issuer's common stock as to dividends, interest payments, redemption or payments in liquidation, if the voting rights of such securities only become effective as a result of specified events, not relating to an acquisition of the common stock of the issuer, which reasonably can be expected to jeopardize the issuer's financial ability to meet its payment obligations to the holders of that class of securities.

*Cross Reference—IM-4310, Voting Rights Policy*

#### **(k) Listing Agreement**

Each [NNM] issuer shall execute a Listing Agreement in the form designated by Nasdaq.

#### **[(I) Units**

##### **(1) Minimum Inclusion Period and Notice of Withdrawal**

In the case of units, the minimum period for inclusion of the units shall be 30 days from the first day of inclusion, except the period may be shortened if the units are suspended or withdrawn for regulatory purposes. Issuers and underwriters seeking to withdraw units from inclusion must provide Nasdaq with notice of such intent at least 15 days prior to withdrawal.

##### **(2) Disclosure Requirements for Units**

Each Nasdaq National Market issuer of units shall include in its prospectus or other offering document used in connection with any offering of securities that is required to be filed with the Commission under the federal securities laws and the rules and regulations promulgated thereunder a statement regarding any intention to delist the units immediately after the minimum inclusion period.

#### **[(m)] (k) Peer Review**

(1) Each issuer must be audited by an independent public accountant that:

(A) Has received an external quality control review by an independent public accountant ("peer review") that determines whether the auditor's system of quality control is in place and operating effectively and whether established policies and procedures and applicable auditing standards are being followed; or

(B) Is enrolled in a peer review program and within 18 months receives a peer review that meets acceptable guidelines.

(2) The following guidelines are acceptable for purposes of this paragraph [(m)]:

(A) The peer review should be comparable to AICPA standards included in Standards for Performing on Peer Reviews, codified in the AICPA's SEC Practice Section Reference Manual;

(B) The peer review program should be subject to oversight by an independent body comparable to the organizational structure of the Public Oversight Board as codified in the AICPA's SEC Practice Section Reference Manual; and

(C) The administering entity and the independent oversight body of the peer review program must, as part of their rules of procedure, require the retention of the peer review working papers for 90 days after acceptance of the peer review report and allow Nasdaq access to those working papers.

#### **[(I[n]) Direct Registration Program**

If an issuer establishes or maintains a Direct Registration Program for its shareholders, the issuer shall, directly or through its transfer agent, participate in an electronic link with a securities depository registered under Section 17A of the Exchange Act to facilitate the electronic transfer of securities held pursuant to such program.

#### **4351. Voting Rights**

*Voting rights of existing shareholders of publicly traded common stock registered under Section 12 of the Act cannot be disparately reduced or restricted through any corporate action or issuance. Examples of such corporate action or issuance include, but are not limited to, the adoption of time-phased voting plans, the adoption of capped voting rights plans, the issuance of super-voting stock, or the issuance of stock with voting rights less than the per share voting rights of the existing common stock through an exchange offer.*

*Cross Reference IM-4300, Future Priced Securities*

*IM-4351, Voting Rights Policy*

Text of existing IM-4310 relocated here.

#### **4470. [Non-Quantitative Designation Critical Qualitative Listing Requirements for Nasdaq National Market Issuers That Are Limited Partnerships]**

##### **(a) Applicability**

No change.

##### **(b) Distribution of Annual and Interim Reports**

No change.

##### **(c) Corporate General Partner/Independent Directors**

Each issuer that is a limited partnership shall maintain a corporate general partner or co-general partner, which shall have the authority to manage the day-to-day affairs of the partnership. Such corporate general or co-partner shall maintain a sufficient number of independent directors on its board of directors to satisfy the audit committee requirement set forth in Rule [4460]4350(d)(2).

##### **(d) Audit Committee**

The corporate general partner or co-general partner of each issuer that is a limited partnership must satisfy the audit committee requirements set forth in Rule [4460]4350(d).

(e)-(i) No change.

#### **4480. Termination Procedure**

(a) Failure to maintain compliance with the provisions of Rules 4350, 4450, [4460], or 4470 will result in the termination of an issuer's designation unless an exception is granted as provided in the Rule 4800 Series. Termination shall become effective in accordance with the terms of notice by Nasdaq.

(b) No change.

#### **IM-4300. Interpretive Material Regarding Future Priced Securities Summary**

No change.

#### **How the Rules Apply**

##### **Shareholder Approval**

NASD Rule 4350(i)(1)(D)[4310(c)(25)(H)(i) relating to Nasdaq SmallCap issuers and Rule 4460(i)(1) relating to Nasdaq National Market issuers] provides, in part:

Each issuer shall require shareholder approval \* \* \* prior to the issuance of designated securities \* \* \* in connection



with a transaction other than a public offering involving \* \* \* the sale, issuance or potential issuance by the issuer of common stock (or securities convertible into or exercisable for common stock) at a price less than the greater of book or market value which together with sales by officers, directors or substantial shareholders of the company equals [equal to] 20 [percent] % or more of the common stock or 20 [percent] % or more of the voting power outstanding before the issuance [for less than the greater of book or market value of the stock].<sup>4</sup>

\* \* \* \* \*

Some Future Priced Securities may contain features to obviate the need for shareholder approval by: (1) placing a cap on the number of shares that can be issued upon conversion, such that the holders of the Future Priced Security cannot, without prior shareholder approval, convert the security into 20 [percent] % or more of the common stock or voting power outstanding before the issuance of the Future Priced Security;<sup>5</sup> or (2) placing a floor on the conversion price, such that the conversion price will always be at least as high as the greater of book or market value of the common stock prior to the issuance [emphasis added] of the Future Priced Securities. Even when a Future Priced Security contains these features, however, shareholder approval is still required under Rule[s] 4310(c)(25)(H)(i)(b) and 4460] 4350(i)(1)(B) if the issuance will result in a change of control.

#### Voting Rights

NASD Rule [4310(c)(21)] 4351 provides:

Voting rights of existing shareholders of publicly traded common stock registered under Section 12 of the Act cannot be disparately reduced or restricted through any corporate action or issuance.

[Rule 4460(j) and] IM-[4310] 4351 also provides rules relating to voting rights of Nasdaq issuers.

\* \* \* \* \*

#### The Bid Price Requirement

No change.

#### Listing of Additional Shares

NASD Rule 4310(c)(17) provides:

["The issuer shall be required to file on a form designated by Nasdaq notification of \* \* \* the issuance of additional shares of any class of securities included in Nasdaq \* \* \* no later than 15 calendar days prior to \* \* \* the issuance of additional shares."]

*The issuer shall be required to notify Nasdaq on the appropriate form no later than*

<sup>4</sup> Nasdaq may make exceptions to this requirement when the delay in securing stockholder approval would seriously jeopardize the financial viability of the enterprise and reliance by the company on this exception is expressly approved by the Audit Committee or a comparable body of the Board of Directors.

<sup>5</sup> In order to obviate the need for shareholder approval through such an arrangement, those shares already issued in connection with the Future Priced Security must not be entitled to vote on the proposal to approve the issuance of additional shares upon conversion of the Future Priced Security.

*15 calendar days prior to: \* \* \* issuing securities that may potentially result in a change of control of the issuer, or \* \* \* entering into a transaction that may result in the potential issuance of common stock (or securities convertible into common stock) greater than 10% of either the total shares outstanding or the voting power outstanding on a pre-transaction basis.*

Issuers should be cognizant that under this rule notification is required at least 15 days PRIOR [emphasis added] to issuing any security (including a Future Priced Security) convertible into shares of a class of securities already listed on Nasdaq. Failure to provide such notice can result in an issuer's removal from Nasdaq.

#### Public Interest Concerns

No change.

#### Change of Control and Change in Financial Structure

No change.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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 NASD has prepared summaries, set forth in Section 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

Currently, Nasdaq issuers and their counsel must navigate through three sets of Corporate Governance requirements depending on whether the issuer is a Nasdaq SmallCap Market issuer or a Nasdaq National Market issuer and whether the issuer is domestic or foreign. These three sets of rules, however, are largely identical. Furthermore, the layout of and citation to some of these rules is extremely cumbersome. For example, a SmallCap issuer seeking information about shareholder approval in connection with an acquisition of another company would have to look at Rule 4310(c)(25)(G)(i)(c)(2)(A). Accordingly, in an effort to simplify the Marketplace Rules and make them more user friendly, Nasdaq proposes to eliminate the duplication of these rules and have the Corporate Governance rules appear in a single location applicable to all

issuers,<sup>6</sup> other than Limited Partnerships traded on the Nasdaq National Market. The comparable rules relating to Limited Partnerships would not be combined with those of other issuers because of the unique structure of Limited Partnerships, the fact that different corporate governance rules apply to such issuers, and the fact that the existing Limited Partnership rules only apply to Nasdaq National Market issuers.

To give effect to this change, the Nasdaq proposes to have the corporate governance sections of current Rule 4310 (relating to domestic SmallCap issuers) and Rule 4320 (relating to foreign SmallCap issuers) deleted.<sup>7</sup> Nasdaq proposes to have existing Rule 4460 (which now relates only to National Market issuers other than Limited Partnerships) be renumbered to Rule 4350 and amended to apply to all Nasdaq issuers.<sup>8</sup>

The language of the voting rights rules presently differ between the SmallCap Market and National Market. Nasdaq, however, has applied these rules consistently across the two markets. In fact, when the voting rights rules were first adopted for the Small Cap Market, Nasdaq stated that it would interpret the rules of both market segments uniformly.<sup>9</sup> Nasdaq does not believe that the disparity in language between the two markets serves any useful purpose and proposes adopting a single voting rights rule applicable to both markets. Further, Nasdaq believes that this change will give effect to the SEC's goal that Nasdaq, the American Stock Exchange ("Amex"), and the New York Stock Exchange ("NYSE") all adopt a uniform policy with respect to the voting rights of common stock shareholders.<sup>10</sup> Accordingly, Nasdaq proposes eliminating the existing Rule 4460(j) and incorporating existing Rule

<sup>6</sup> The Rule 4300 Series applies to all Nasdaq issuers. Nasdaq National Market issuers must also comply with the Rule 4400 Series.

<sup>7</sup> In addition to the primary corporate governance sections, those sections relating to voting rights, audit committees, listing agreements, auditor peer review, and direct registration programs would also be combined in the new rules applicable to all issuers.

<sup>8</sup> Nasdaq represents that one provision of Rule 4460 is not being moved to Rule 4350. The Units provision (existing Rule 4460(l)) will be moved to existing Rule 4420 because it contains a provision, Disclosure Requirements for Units, that solely applies to Nasdaq National Market issuers. Telephone conversation between Arnold Golub, Senior Attorney, Office of General Counsel, Nasdaq, and Lisa Jones, Attorney, Division, Commission, November 17, 2000.

<sup>9</sup> See Securities Exchange Act Release No. 34518 (August 11, 1994), 59 FR 42614 (August 18, 1994) ("Voting Rights Release").

<sup>10</sup> See *Id.*



4310(c)(21)<sup>11</sup> into new Rule 4351. The Voting Rights Policy presently located at IM-4310 would be relocated as IM-4351.

## 2. Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>12</sup> which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The changes proposed are designed to simplify the use of Nasdaq's rules by issuers and investors.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will impose any burden on competition.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The NASD has neither solicited nor received written comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act<sup>13</sup> and Rule 19b-4(f)(3) thereunder because it is concerned solely with the administration of the NASD.<sup>14</sup> At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

## 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 Room. Copies of such filing will also be available for inspection at the principal office of the NASD.

All submissions should refer to File No. SR-NASD-00-62 and should be submitted by December 18, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 00-30136 Filed 11-24-00; 8:45 am]

**BILLING CODE 8010-01-M**

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection Activities: Emergency Consideration Request

In compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is requesting emergency consideration from OMB by 12/06/2000 of the information collections listed below.

1. Beneficiary Interview and Auditor's Observations Form-0960-NEW.

The information collected through the Beneficiary Interview and Auditor's Observations form, SSA-322, will be used by SSA's Office of the Inspector General (OIG) to interview beneficiaries and/or their caregivers to determine whether representative payees are complying with their duties and responsibilities. Respondents to this collection will be randomly selected Supplemental Security Income recipients and Social Security beneficiaries that have representative payees.

*Number of Respondents:* 150.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 38 hours.

<sup>15</sup> 17 CFR 200.30-30-2(a)(12).

## Background Information

In May of this year Congress held hearings on SSA's representative payee program. These hearings were the result of an investigation conducted by SSA's OIG involving a representative payee who embezzled over \$300,000 of Social Security payments, and recent media attention. Following these hearings SSA began a number of initiatives to improve oversight of representative payees. One of the initiatives requested by Congress was for OIG to perform audits of representative payees. Specifically, Congress requested an independent OIG review and assessment of SSA's representative payee program. In conjunction with this oversight, Congress has further advised SSA that briefings on the representative payee program are expected and additional congressional hearings are planned in early spring. This information collection is therefore necessary to comply with the congressional reporting requirements in a timely manner and to augment other data needed for determining whether representative payees are complying with their duties.

You can obtain a copy of the collection instruments and/or OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him.

### SSA Address

Social Security Administration,  
DCFAM, Attn: Frederick W.  
Brickenkamp, 6401 Security Blvd., 1-  
A-21 Operations Bldg., Baltimore,  
MD 21235

Dated: November 20, 2000.

**Frederick W. Brickenkamp,**  
*Reports Clearance Officer.*

[FR Doc. 00-30082 Filed 11-24-00; 8:45 am]

**BILLING CODE 4120-29-U**

## DEPARTMENT OF STATE

### [Public Notice No. 3464]

### Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 "C" Street NW, Washington, D.C., December 11-12, 2000 in Conference Room 1105. Prior notification and a valid photo are mandatory for entrance into the building. One week before the meeting, members of the public planning to attend must notify Gloria Walker, Office of Historian (202-663-1124) providing relevant dates of birth,

<sup>11</sup> Existing Rule 4310(c)(21) is identical to the voting rights rules on the NYSE and Amex. See NYSE Listed Company Manual Section 313 and Amex Company Guide Section 122.

<sup>12</sup> 15 U.S.C. 78o-3(b)(6).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>14</sup> 17 CFR 240.19b-4(f)(3).

Social Security numbers, and telephone numbers.

The Committee's sessions from 1:30 p.m. until 5:00 p.m. on Monday, December 11, 2000, will be closed in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The agenda calls for discussions of agency declassification decisions concerning the Foreign Relations series. These are matters not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure. The remaining session of the Committee will meet in open session from 9:00 a.m. through 11:00 a.m. on Tuesday, December 12, 2000, to discuss transfer of Department of State electronic records to the National Archives and Records Administration and the modernization of the Foreign Relations series.

Questions concerning the meeting should be directed to David Patterson, Acting, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663-1127, (e-mail [history@state.gov](mailto:history@state.gov)).

Dated: November 17, 2000.

**David Patterson,**

*Acting Executive Secretary.*

[FR Doc. 00-30141 Filed 11-24-00; 8:45 am]

BILLING CODE 4710-11-U

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Implementation of the Third Round of Accelerated Tariff Eliminations Under Provisions of the North American Free Trade Agreement

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notification of articles proposed for accelerated tariff elimination under the North American Free Trade Agreement.

**SUMMARY:** Section 201(b) of the North American Free Trade Agreement

Implementation Act ("the Act") (19 U.S.C. 3331(b)) grants the President, subject to the consultation and layover requirements of section 103(a) of the Act (19 U.S.C. 3313(a)), the authority to proclaim any accelerated schedule for duty elimination that may be agreed to by the United States, Mexico and Canada under Article 302(3) of the North American Free Trade Agreement ("the NAFTA"). This notice is intended to inform the public of the list of products with respect to which the United States has provisionally agreed to accelerate the elimination of duties as a result of the third round of consultations with Mexico and Canada.

**FOR FURTHER INFORMATION CONTACT:** Kent Shigetomi, Director, Mexico and NAFTA Affairs, Office of Western Hemisphere Affairs, Office of the United States Trade Representative, Room 523, 600 17th Street, NW, Washington, DC, 20508; telephone: (202) 395-3412; fax: (202) 395-9517. The list of products with respect to which the United States has provisionally agreed to accelerate tariff elimination, as well as the lists for Mexico can be obtained from the USTR Internet Web Page, at [www.ustr.gov](http://www.ustr.gov) under [World Regions/Western Hemisphere/North American Free Trade Agreement/NAFTA Reports and Publications].

**SUPPLEMENTARY INFORMATION:** Article 302(3) of the NAFTA provides that the Parties may consider and agree to accelerate the elimination of customs duties set out in their schedules. Pursuant to this provision, on May 27, 1999, the Office of the U.S. Trade Representative ("USTR") published a **Federal Register** notice (64 FR 28857) soliciting petitions from interested persons regarding products for which accelerated tariff elimination would be appropriate. For trade between the United States and Canada, all duties subject to tariff reductions were eliminated on January 1, 1998. Therefore, this acceleration round has resulted in two parallel agreements, one between the United States and Mexico and another between Mexico and Canada.

Section 201(b) of the Act authorizes the President to proclaim such modifications in NAFTA duty treatment as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions provided in the NAFTA, subject to the consultation and layover requirements of section 103(a) of the Act. Pursuant to section 103(a), a report has been submitted to the House Ways and Means and Senate Finance Committees that sets forth the proposed action to be proclaimed, the reasons therefore, and the advice obtained from the U.S. International Trade Commission ("USITC") and appropriate advisory committees. After expiration of the 60-day consultation and layover period, the President may proclaim the proposed changes in NAFTA duty treatment. In developing the list of products proposed for tariff acceleration, USTR considered the advice of the USITC and consulted with the appropriate private sector trade advisory groups. As was the practice under the prior NAFTA and United States-Canada Free Trade Agreement tariff acceleration processes, the United States did not agree to provide accelerated tariff elimination for any products with respect to which the domestic industry opposed tariff elimination. The United States has agreed to accelerated tariff elimination, effective January 1, 2001, on the products listed in the Annex to this notice. These products currently are dutiable when entered from Mexico under the NAFTA. Each of these products was considered during the second round of tariff acceleration discussions, but no agreement was reached at that time. However, the Governments agreed to continue appropriate domestic procedures with the goal of reaching agreement at a later date (63 FR 32036). Such agreements have now been reached on the products listed.

**Peter Allgeier,**

*Associate U.S. Trade Representative for the Western Hemisphere.*

### LIST OF HTS SUBHEADINGS FOR WHICH THE UNITED STATES HAS PROVISIONALLY AGREED TO ACCELERATE ELIMINATION OF DUTIES FOR NAFTA QUALIFYING GOODS OF MEXICO

2905.17.00	6402.99.18	6403.51.90	6403.99.40
2921.30.10	6403.19.10	6403.59.30	6403.99.60
6402.19.05	6403.19.30	6403.59.60	6403.99.75
6402.30.30	6403.19.50	6403.59.90	6403.99.90
6402.91.40	6403.40.30	6403.91.30	6405.10.00
6402.99.05	6403.40.60	6403.91.60	6405.20.30
6402.99.10	6403.51.30	6403.91.90	6405.20.90
	6403.51.60	6403.99.20	6405.90.90

[FR Doc. 00-30138 Filed 11-24-00; 8:45 am]

BILLING CODE 3901-01-P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Cooperative Agreement DTRS656-00-H-0004]

#### Quarterly Performance Review Meeting on the Cooperative Agreement "Better Understanding of Mechanical Damage in Pipelines"

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** RSPA has entered into a cooperative agreement with the Gas Research Institute (GRI) to co-fund a two year research program to identify and characterizing mechanical damage, the leading cause of reportable accidents in both gas and hazardous liquid pipelines, using the technology of magnetic flux leakage (MFL) oriented in the circumferential direction on an in-line inspection tool. RSPA along with GRI invite the pipeline industry, in-line inspection ("smart pig") vendors, and the general public to a quarterly performance review meeting hosted by RSPA to report on progress with the research "Better Understanding of Mechanical Damage in Pipelines." The meeting is open to anyone, and no registration is required. This work is being managed by GRI and performed by Battelle Memorial Institute (Battelle), along with the Southwest Research Institute (SwRI). The meeting will cover a review of the overall project plan, the status of the contract tasks, progress made during the past quarter, and projected activity for the next quarter.

**DATES:** The quarterly performance review meeting will be held on Thursday, December 7, 2000 beginning at 9 a.m. and ending around 1 p.m.

**ADDRESSES:** The quarterly review meeting will be held in room 6244 of the Department of Transportation Headquarters Building, 400 7th Street, SW., Washington, DC. Non-federal personnel must enter the building through the southwest entrance at 7th and E Streets, SW., in order to receive a temporary building pass.

**FOR FURTHER INFORMATION CONTACT:** Lloyd W. Ulrich, Agreement Officer's Technical Representative, Office of Pipeline Safety, telephone: (202) 366-4556, FAX: (202) 366-4566, e-mail: [lloyd.ulrich@rspa.dot.gov](mailto:lloyd.ulrich@rspa.dot.gov). You may also contact Harvey Haines, Principal

Investigator, GRI, telephone: (773) 399-8223, FAX: (773) 864-3495, e-mail: [harvey.haines@gastechnology.org](mailto:harvey.haines@gastechnology.org).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

RSPA has entered into a Cooperative Agreement (Cooperative Agreement DTRS656-00-H-0004) with the Gas Research Institute (GRI) to co-fund a two year research program to identify and characterizing mechanical damage, the leading cause of reportable accidents in both gas and hazardous liquid pipelines, using the technology of magnetic flux leakage (MFL) oriented in the circumferential direction on an in-line inspection tool.

We plan to conduct public semi-annual quarterly performance review meetings for the duration of this research. This meeting is the first semi-annual one to be conducted to update the public and interested governmental parties on the research, such as pipeline operators, vendors, RSPA technical and regional staff and the National Transportation Safety Board. Semi-annual meetings in the future will be held in conjunction with industry meetings, such as the American Petroleum Institute Pipeline Conference, in order to reach a broad audience. We want the pipeline industry and especially that segment of the pipeline industry involved with in-line inspection to be aware of the status of this research. The meetings allow disclosure of the results to interested parties and provide an opportunity for interested parties to ask questions concerning the research. Attendance at this meeting is open to all and does not require advanced registration nor advanced notification to RSPA. Each of the semi-annual meetings will be announced in the **Federal Register** at least two weeks prior to the meeting.

The quarterly performance review meetings held between the semi-annual meetings described above will be held in conjunction with meetings of the joint GRI/PRCI Technical Committee.

##### II. The Research

This research continues work that DOT supported at Battelle to improve In-Line Inspection NDE measurements of mechanical damage and more closely coordinates work that GRI is supporting at SwRI to develop a critical assessment criteria based on these NDE measurements. This program extends the work conducted under the DOT-funded contract "Detection of Mechanical Damage in Pipelines"

(Contract DTRS-56-96-C-0010)<sup>1</sup> by looking at the circumferential magnetic flux leakage field instead of the traditional axial field and extends the critical assessment criteria research to work with full scale samples that are being used for MFL measurements. The goal of the research is to evaluate and develop techniques for assessing pipeline metal loss, mechanical damage, and cracks using circumferential MFL. These techniques are expected to complement the techniques used for axial MFL systems.

The research will extend the failure assessment methodology for mechanically damaged pipes to include the influence of local cold working due to the gouging/denting process on the pipe's remaining life. The program will combine full scale tests and MFL monitoring of pipes, laboratory tests and elastic-plastic finite element analyses to develop a validated methodology for determining the remaining life of a damaged pipe. The proposed SwRI research will complement the work at Battelle in developing MFL methods for detecting and characterizing mechanical damage.

##### III. Agenda for the Meeting

The following is the agenda for the meeting:

- "Overview of DOT/GRI project for finding and characterizing in-line inspection for mechanical damage"—Lloyd Ulrich-DOT (15 min)
- "Project History and Impact of the In-Line Inspection for Mechanical Damage."—Harvey Haines-GRI (15 min)
- "Defect Manufacture and installation"—Tom Bubenik-Battelle (30 min)
- "Circumferential Magnetizer design and construction"—Bruce Nestleroth-Battelle (30 min)
- Break
- "Non-Linear Harmonics Measurement and test set-up"—Al Crouch-SwRI (30 min)
- "Burst test Setup"—Al Crouch-SwRI (10 min)
- "Tool Development for Implementation in Actual Pipelines"—Carl Torres-Tuboscope (30 min)
- "Wrap up and comments"—Ulrich & Haines (10-15 min)

Issued in Washington, DC on November 20, 2000.

**Jeffrey D. Wiese,**

*Manager, Program Development, Office of Pipeline Safety.*

[FR Doc. 00-30053 Filed 11-24-00; 8:45 am]

BILLING CODE 4910-60-P

<sup>1</sup> The final report on this research dated June 2000 is available on the OPS web site, <http://ops.dot.gov>.

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

October 16, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 27, 2000 to be assured of consideration.

**Bureau of Alcohol, Tobacco and Firearms (BATF)**

OMB Number: 1512-0021.

Form Number: ATF F 4587 (5330.4).

Type of Review: Extension.

Title: Application to Register as an Importer of U.S. Munitions Import List Articles.

Description: Filing of this form with ATF and payment of the associated fee authorizes the registrant to import U.S. Munitions Import List articles, such as firearms, ammunition, military vehicles, aircraft, vessels of war, etc. Maintenance of this form by ATF allows determinations about the eligibility of an entity to import such articles into the U.S.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 300.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Other (optionally for 1 to 5 years).

Estimated Total Reporting Burden: 150 hours.

OMB Number: 1512-0502.

Recordkeeping Requirement ID Number: ATF REC 5210/12 and ATF REC 5210/1.

Type of Review: Extension.

Title: Tobacco Products

Manufacturers—Notice For Tobacco Products (5210/12); and Records of Operations (5210/1).

Description: Tobacco products manufacturers maintain a record system showing tobacco and tobacco product receipts, production and dispositions which support removals subject to tax; transfers in bond; and inventory records. These records are vital to tax enforcement.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 108.

Estimated Burden Hours Per

Recordkeeper: 1.

Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Frank Bowers, (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00-30066 Filed 11-24-00; 8:45 am]

BILLING CODE 4810-31-M

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

November 17, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance

Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 27, 2000 to be assured of consideration.

**Internal Revenue Service (IRS)**

OMB Number: 1545-0949.

Form Number: IRS Form 2587.

Type of Review: Extension.

Title: Application for Special Enrollment Examination.

Description: This information relates to the determination of the eligibility of individual seeking enrollment status to practice before the Internal Revenue Service.

Respondents: Individuals or households.

Estimated Number of Respondents: 8,000.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: Other (one-time filing).

Estimated Total Reporting Burden: 800 hours.

OMB Number: 1545-1145.

Form Number: IRS Form 706-GS(T) and Schedules A and B.

Type of Review: Extension.

Title: Generation-Skipping Transfer Tax Return For Terminations.

Description: Form 706-GS(T) is used by trustees to compute and report the Federal Generation-Skipping Tax (GST) tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping (minutes)	Learning about the law or the form (minutes)	Preparing the form (minutes)	Copying, as- sembling, and sending the form to the IRS (minutes)
705-GS(T) .....	39	32	32	20
Schedule A .....	13	13	37	20
Schedule B .....	13	9	19	20

Frequency of Response: Annually.  
Estimated Total Reporting/  
Recordkeeping Burden: 702 hours.

OMB Number: 1545-1558.  
Revenue Procedure Number: Revenue  
procedure 97-43.

Revenue Ruling Number: Revenue  
ruling 97-39.  
Type of Review: Extension.

*Title:* Procedures for Electing Out of Exemptions Under Section 1.475(c)-1 (97-53); and Mark-to-Market Accounting Method for Dealers in Securities (97-39).

*Description:* Revenue procedure 97-43 provides taxpayers automatic consent to change to mark-to-market accounting for securities after the taxpayer elects under section 1.475(c)-1, subject to specified terms and conditions. Revenue Ruling 97-39

provides taxpayers additional mark-to-market guidance in a questions and answer format.

*Respondents:* Business or other for-profit.

*Estimated Number of Reporting:* 200.

*Estimated Burden Hours Per*

*Respondent:* 5 hours.

*Estimated Total Reporting Burden:*

1,000 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244,

1111 Constitution Avenue, NW, Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 00-30067 Filed 11-24-00; 8:45 am]

**BILLING CODE 4830-01-U**

# Corrections

Federal Register

Vol. 65, No. 228

Monday, November 27, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER97-4185-001, et al.]

#### Texas-New Mexico Power Company, et al.; Electric Rate and Corporate Regulation Filings

##### Correction

In notice document 00-28876 beginning on page 67738 in the issue of Monday, November 13, 2000, make the following correction:

On page 67738, in the second column, under the heading, **2. Dominion Nuclear Marketing III, Inc.**, the docket number should read "Docket No. ER00-3746-001".

[FR Doc. C0-28876 Filed 11-24-00; 8:45 am]

BILLING CODE 1505-01-D

## FEDERAL TRADE COMMISSION

### 16 CFR Part 1

#### Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996

##### Correction

In rule document 00-29469 beginning on page 69665 in the issue of Monday, November 20, 2000, make the following correction:

##### § 1.98 [Corrected]

On page 69666, in the second column, under the authority citation, add the following amendatory instruction:  
"3. Revise §1.98 to read as follows:"

[FR Doc. C0-29469 Filed 11-24-00; 8:45 am]

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43504; File No. SR-MBSCC-00-01]

#### Self-Regulatory Organizations; MBS Clearing Corporation; Order Approving a Proposed Rule Change Relating to Letters of Credit

##### Correction

In notice document 00-29286 beginning on page 69356 in the issue of

Thursday, November 16, 2000, the docket number is corrected to read as set forth above.

[FR Doc. C0-29286 Filed 11-24-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 93

[Docket No. FAA-1999-5926]

RIN 2120-AG74

#### Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones

##### Correction

In rule document 00-29622 beginning on page 69846 in the issue of Monday, November 20, 2000, make the following correction:

##### §§ 93.305 and 93.307 [Corrected]

On page 69847, in the third column, in amendatory instruction 2., in the seventh line, "because" should read "become".

[FR Doc. C0-29622 Filed 11-24-00; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

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**Monday,  
November 27, 2000**

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## **Part II**

### **Department of the Treasury**

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#### **Community Development Financial Institutions Fund**

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**Notice of Funds Availability (NOFA)  
Inviting Applications for the Community  
Development Financial Institutions  
Program—Small and Emerging CDFI  
Assistance (SECA) Component; Notice**

**DEPARTMENT OF THE TREASURY****Community Development Financial Institutions Fund****Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Small and Emerging CDFI Assistance (SECA) Component**

**AGENCY:** Community Development Financial Institutions Fund, Department of the Treasury.

**ACTION:** Notice of Funds Availability (NOFA) inviting applications.

**SUMMARY:** The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 *et seq.*) (the “Act”) authorizes the Community Development Financial Institutions Fund (the “Fund”) of the U.S. Department of the Treasury to select and provide financial and technical assistance to eligible applicants under the Community Development Financial Institutions (“CDFI”) Program. The interim rule (12 CFR part 1805), most recently revised and published in the **Federal Register** on August 14, 2000, provides guidance on the contents of the necessary application materials, evaluation criteria, and other program requirements. More detailed application content requirements are found in the application packet. While the Fund encourages applicants to review the interim rule, all of the application content requirements and the evaluation criteria contained in the interim rule are also contained in the application packet. Subject to funding availability, the Fund intends to award up to \$10 million in appropriated funds under this NOFA and expects to issue approximately 70 to 100 awards. The Fund reserves the right to award in excess of \$10 million in appropriated funds under this NOFA provided that funds are available and the Fund deems it appropriate. The Fund reserves the right to fund, in whole or in part, any, all or none of the applications submitted in response to this NOFA.

This NOFA is issued in connection with the SECA Component of the CDFI Program. The SECA Component provides direct assistance to CDFIs and entities that propose to become CDFIs in order to enhance their capacity to serve their respective Target Markets. The SECA Component includes direct assistance in the form of technical assistance (TA) and financial assistance (FA). The SECA Component replaces the TA Component of the CDFI Program, administered by the Fund in 1998, 1999

and 2000, through which the Fund provided TA to CDFIs and entities proposing to become CDFIs.

**DATES:** Applications may be submitted on and following November 27, 2000 up to the application deadline. The deadline for receipt of an application is 6 p.m. EST, March 27, 2001.

Applications received in the offices of the Fund after that date and time will be rejected and returned to the sender.

**ADDRESSES:** Applications shall be sent to: Awards Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. Applications sent electronically or by facsimile will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** If you have any questions about programmatic requirements, contact the SECA Program Manager. Should you wish to request an application package or have questions regarding application procedures, contact the Awards Manager. The SECA Program Manager and the Awards Manager may be reached by e-mail at [cdfihelp@cdfi.treas.gov](mailto:cdfihelp@cdfi.treas.gov), by telephone at (202) 622-8662, by facsimile at (202) 622-7754 (these are not toll free numbers), or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. Allow at least one to two weeks from the date the Fund receives an application request for receipt of the application package. Application materials and other information regarding the Fund and its programs may be downloaded from the Fund's web site at <http://www.treas.gov/cdfi>.

**SUPPLEMENTARY INFORMATION:****I. Background**

Credit and investment capital are essential ingredients for developing affordable housing, starting or expanding businesses, creating and retaining jobs from these businesses, revitalizing neighborhoods, and empowering people. Access to financial services is critical to help bring more Americans into the economic mainstream. As a key urban and rural policy initiative, the CDFI Program funds and supports a national network of financial institutions that is specifically dedicated to funding and supporting community development. This strategy builds strong institutions that make loans and investments and provide services to economically distressed investment areas and in economically disadvantaged targeted populations. The Act authorizes the Fund to select entities to receive FA and

TA. This NOFA invites applications from eligible organizations for TA or for a combination of TA and FA for the purpose of promoting community development activities.

The program connected with this NOFA constitutes the SECA Component of the CDFI Program, involving direct FA and/or TA to CDFIs that provide loans, investments and other activities to their target markets. Under this SECA Component NOFA, the Fund anticipates making a maximum TA award in the amount of \$50,000 to any one applicant seeking TA only. However, the Fund, in its sole discretion, reserves the right to award amounts in excess of the anticipated maximum amount of TA if the Fund deems it appropriate. Also, under the SECA Component, the Fund anticipates making a maximum FA award in the amount of \$150,000. Together with the \$50,000 maximum TA award, the maximum award available to any one applicant seeking FA and TA will be \$200,000. Under the SECA Component, applicants seeking FA must also request TA.

Previous awardees of FA under the CDFI Program (*i.e.*, those that were selected by the Fund prior to submission of the SECA Component application to receive FA) are eligible to apply for TA only under this NOFA. Any previous awardee of TA only under the CDFI Program, any entity not previously selected for an award under the CDFI Program, or any previous awardee under another Fund program is eligible to apply for TA, or a combination of FA and TA, under this NOFA, provided it also meets the definition of a “small and emerging” CDFI, as defined in this NOFA. Previous Fund awardees must be aware that success in a previous funding round should not be considered indicative of success under this NOFA. In addition, organizations will not be penalized for having previously received awards from the Fund, except as mentioned above and to the following extent:

(1) The Fund is generally prohibited from obligating more than \$5 million in assistance, in the aggregate, under the CDFI Program, to any one organization and/or its subsidiaries and affiliates during any three year period; and

(2) The Fund reserves the right not to make an award to a previous CDFI Program awardee that has failed to meet its performance goals, financial soundness covenants (if applicable), and/or certain other terms, conditions or requirements contained in previously executed assistance agreement(s).



## II. Eligibility

The Act and the interim rule specify the eligibility requirements that each applicant must meet in order to be eligible to apply for assistance under this SECA Component NOFA. At the time an entity submits its application, the entity must be a duly organized and validly existing legal entity under the laws of the jurisdiction in which it is incorporated or otherwise established. Also, an entity must meet, or propose to meet, CDFI certification eligibility requirements.

If the applicant does not meet the CDFI eligibility requirements, the application shall include a realistic plan for the applicant to meet the CDFI certification criteria by March 27, 2003 (the deadline may be extended at the sole discretion of the Fund). In no event will the Fund disburse FA to the applicant until the applicant is certified as a CDFI. The Fund, in its sole discretion, may disburse TA to an applicant prior to its certification as a CDFI in circumstances when, in the judgment of the fund, said TA will help the applicant meet a certification requirement(s). Further details regarding eligibility and other program requirements are found in the application packet.

In general, to be certified, a CDFI and its affiliates must collectively have a primary mission of promoting community development. In addition, the applicant organization must: provide loans or equity investments, serve an investment area or a targeted population, provide development services, maintain community accountability, and be a non-governmental entity. If an applicant is a Depository Institution Holding Company or an affiliate of a Depository Institution Holding Company, the applicant and its affiliates must collectively meet all eligibility requirements. If an applicant is a subsidiary of an insured depository institution, the insured depository institution and all of its subsidiaries must collectively meet all of the eligibility requirements.

In addition to the above, there are other eligibility factors for applicants seeking FA (and TA) under the SECA Component. Applicants for FA and TA (as opposed to TA only under the SECA Component) must be "small and emerging" entities. With respect to an entity that is not a Depository Institution Holding Company or an Insured Depository Institution, a "small and emerging" entity is one that (i) possesses total assets of \$5 million or less as of the last day of its most recent

fiscal year that ended prior to March 1, 2001 and (ii) prior to the date of application for SECA Component funds, has never been selected to receive FA under the CDFI Program.

An applicant that is a Depository Institution Holding Company or an Insured Depository Institution will be considered a "small and emerging" entity if it (i) prior to the date of application for SECA Component funds, has never been selected to receive FA under the CDFI Program and (ii) received its original charter from the appropriate regulatory agency no more than three years prior to the date of this NOFA. For purposes of this NOFA, the Fund will not consider the asset size of a Depository Institution Holding Company or Insured Depository Institution in evaluating whether such an entity is "small and emerging."

## III. Types of Assistance

An applicant under this NOFA may submit an application for a TA grant or for both FA and TA. FA may be provided in the form of an equity investment (including, in the case of certain insured credit unions, secondary capital accounts), grant, loan, deposit, credit union shares, or any combination thereof. Applicants for FA shall indicate the dollar amount, form, and terms and conditions of the assistance requested. Applicants for TA under this NOFA shall describe the type(s) of TA requested, when the TA will be acquired, the provider(s) of the TA, the cost of the TA, and a narrative explanation of how the TA will enhance their community development impact.

## IV. Application Packet

An applicant under this NOFA, whether applying for TA or both FA and TA, must submit the materials described in the application form.

## V. Matching Funds

Applicants seeking FA under this NOFA must obtain matching funds from sources other than the Federal government on the basis of not less than one dollar for each dollar of FA provided by the Fund (matching funds are not required for TA). Matching funds must be at least comparable in form and value to the FA provided by the Fund. Non-Federal funds obtained or legally committed on or after January 1, 1999, and before December 31, 2002, may be considered when determining matching funds availability. The Fund reserves the right to recapture and reprogram funds if an applicant fails to raise the required matching funds by December 31, 2002, or to grant an extension of such matching funds

deadline for specific applicants selected for assistance, if the Fund deems it appropriate. Funds used by an applicant as matching funds for a previous award under the CDFI Program or under another Federal grant or award program cannot be used to satisfy the aforementioned matching funds requirement.

## VI. Evaluation

Applications received will be reviewed for eligibility and completeness. If determined to be eligible and complete, applications will be evaluated by the Fund on a competitive basis in accordance with the criteria described in this NOFA. In conducting its substantive review, the Fund will evaluate applications according to the criteria, and use the procedure described, in this NOFA.

### Phase One

In Phase One of the substantive review, each Fund reader will evaluate applications on a 100-point scale, using the following criteria and allocation of points:

(a) *Comprehensive Business Plan*: 60 point maximum; with a minimum score of 30 points required to advance to Phase Two review (TA only applicants); or 70 point maximum, with a minimum score of 35 points required to advance to Phase Two review (applicants seeking TA and FA combined). The score for the Comprehensive Business Plan is based on a composite assessment of an applicant's strength and weaknesses under five sub-criteria for TA only applicants and six sub-criteria for those applicants seeking TA and FA. Scoring of the sub-criteria is weighted to reflect whether the applicant is a start-up organization or an established organization. The Fund defines a start-up organization as an entity that has been in operation three years or less, as of the date of this NOFA (meaning, for purposes of this NOFA, having incurred initial operating expenses on or after November 27, 1997).

The sub-criteria are:

- (1) Community development tract record (established organizations only): 10 point maximum;
- (2) Financial and operational capacity: 10 point maximum (established organizations); 4 point maximum (start-ups);
- (3) Capacity, skills and experience of the management team: 14 point maximum (established organizations); and 30 point maximum (start-ups);
- (4) Market analysis, program design and implementation plan, and funding sources: 14 point maximum;

(5) Projected activities and community development impact: 12 point maximum; and

(6) Financial projections and resources: 10 point maximum (TA only applicants will not be evaluated under this sub-criterion).

In the case of an applicant that has previously received TA from the Fund under the CDFI Program, the Fund will consider whether the applicant will expand its operations into a new Target Market, offer more products or services, improve the quality of its products and services, and/or increase the volume of its activities. The Fund will consider the applicant's level of success in meeting its performance goals, financial soundness covenants (if applicable), and other requirements contained in its existing assistance agreement(s) with the Fund, and the benefits that will be created with new Fund assistance over and above benefits created by previous Fund assistance.

(b) *Technical Assistance Proposal (TAP)*: 40 point maximum; with a minimum score of 20 points to advance to Phase Two review (TA only applicants); or 30 point maximum with a 15 point minimum to advance to Phase Two review (applicants seeking FA and TA combined). The TAP provides the applicant with an opportunity to address the organizational improvements needed to achieve the objectives of its comprehensive business plan. Such assessment is accompanied by a budget and a TA award request. In the TAP, the applicant should describe how improving its organization will translate to community development impact, particularly within its Target Market. The budget and accompanying narrative will be evaluated for the eligibility of proposed uses of the TA award. Eligible types of TA award uses include, but are not limited to, the following: (1) acquiring consulting services; (2) paying staff salary for the limited purposes of completing tasks and/or fulfilling functions that are otherwise eligible TA award uses under this NOFA; (3) acquiring/enhancing technology items; and (4) acquiring training for staff or management. The Fund will not consider requests under this NOFA for expenses that, in the determination of the Fund, are deemed to be ongoing operating expenses rather than non-recurring expenses. The Fund will consider requests for use of TA to pay for staff salary only when the applicant demonstrates and represents that: the proposed staff time to be paid for by the TA will be used for, generally speaking, a non-recurring activity that will build the applicant's capacity to achieve its

objectives as set forth in its Comprehensive Business Plan; the proposed capacity-building activity would otherwise be contracted to a consultant or not be undertaken; and the staff person assigned to the proposed task has the competence to successfully complete the activity.

This limited use of TA may cover only that portion of a staff person(s) salary that represents the time that staff person(s) spends on the identified capacity-building activities, but must not exceed 50% of said salary for a period not to exceed 24 months. For example, it may be an eligible use of a TA grant to pay the salary of staff assigned the task of updating a market analysis or designing underwriting criteria for a new loan product, when the market analysis or the loan product is critical to achieving the objectives of the Comprehensive Business Plan. A TA award may not be used to assist an awardee to prepare an application for funding to the Fund or any other source.

#### *Phase Two*

Once the initial substantive evaluation process is complete, the Fund will determine which applications will receive further consideration for funding. The Fund will make that determination based on application scores (standardized if deemed appropriate), recommendations of individuals performing initial reviews, and the amount of funds available. Applicants that advance to Phase Two may receive a site visit(s) and/or telephone interview(s) conducted by a Fund reviewer for the purpose of obtaining clarifying or confirming information. At this point in the process, applicants may be required to submit additional clarifying information about their application in order to assist the Fund with its final evaluation. After conducting such site visit(s) and/or telephone interview(s), the Fund reviewer will evaluate applications in accordance with the criteria outlined above and will prepare a recommendation memorandum regarding the type, uses and amount, if any, of assistance that should be provided to the applicant.

The Fund reserves the right, in its sole discretion, to use a review panel comprised of Fund staff to consider each Fund reviewer's recommendation memorandum and make a final recommendation to the Fund's selecting official. The Fund's selecting official will consider the panel's recommendation, if applicable, and the reviewer's recommendation memorandum in order to make the final funding decision. In making the funding

decision, the Fund's selecting official also may consider the institutional diversity and geographic diversity of applicants (e.g., selecting a CDFI from a State in which the Fund has not previously made an award over a CDFI in a State in which the Fund has already made several awards).

Further, the Fund's selecting official will make a final funding determination based on the applicant's file, including, without limitation, recommendations of the Phase One reader(s), the Phase Two reviewer, the panel, if applicable, and the amount of funds available. In the case of regulated CDFIs, the selecting official will also take into consideration the views of the appropriate Federal banking agencies. In the case of recommendations for TA awards over \$50,000, the Fund will seek to ensure that there is a likelihood of significant community development impact resulting from such awards.

The Fund reserves the right to change these evaluation procedures if the Fund deems it appropriate.

#### **V. Waiver**

The CDFI Program Regulations at 12 CFR §§ 1805.504(d)(4)(i)(A) and 1805.504(d)(4)(i)(B) provide that an applicant that is an Insured Credit Union proposing to meet all or a portion of its matching funds requirements by using retained earnings that have been accumulated since its inception must increase its member and/or non-member shares by an amount that is at least equal to four times the amount of retained earnings that is committed as matching funds within 24 months from September 30 of the calendar year in which the applicable application deadline falls. For purposes of this NOFA, the Fund is waiving said four-fold requirement and will instead require that such an Insured Credit Union applicant must increase its member and/or non-member shares by an amount that is at least equal to two times the amount of retained earnings that is being used as matching funds by September 30, 2003. The Fund believes that changing this requirement, for purposes of the SECA Component NOFA, from a four-fold to a two-fold requirement is an appropriate accommodation for entities that are "small and emerging."

#### **VI. Information Sessions**

In connection with this NOFA, the Fund will conduct Information Sessions to disseminate information to organizations contemplating applying for, and other organizations interested in learning about, the SECA Component of the CDFI Program. Registration is

required. The Fund will conduct 13 in-person Information Sessions, beginning January 4, 2001, as follows: Baltimore, MD, January 4, 2001; Manchester, NH, January 5, 2001; Seattle, WA, January 8, 2001; Casper, WY, January 9, 2001; Chicago, IL, January 10, 2001; Los Angeles, CA, January 9, 2001; Nashville, TN, January 11, 2001; Reno, NV, January 11, 2001; Phoenix, AZ, January 12, 2001; Kansas City, MO, January 16, 2001; Dallas, TX, January 17, 2001; Jacksonville, FL, January 18, 2001; and Jersey City, NJ (New York City), January 19, 2001.

In addition to the in-person sessions listed above, the Fund will broadcast an Information Session using interactive video-teleconferencing technology on January 23, 2001 from 1 p.m. to 4 p.m. EST. Registration is required. This Information Session will be produced in Washington, DC, and will be downlinked via satellite to the local Department of Housing and Urban Development (HUD) offices located in the following cities: Albany, NY;

Albuquerque, NM; Anchorage, AK; Atlanta, GA; Baltimore, MD; Bangor, ME; Birmingham, AL; Boise, ID; Boston, MA; Buffalo, NY; Burlington, VT; Camden, NJ; Casper, WY; Charleston, WV; Chicago, IL; Cincinnati, OH; Cleveland, OH; Columbia, SC; Columbus, OH; Dallas, TX; Denver, CO; Des Moines, IA; Detroit, MI; Fargo, ND; Flint, MI; Fort Worth, TX; Fresno, CA; Grand Rapids, MI; Greensboro, NC; Hartford, CT; Helena, MT; Honolulu, HI; Houston, TX; Indianapolis, IN; Jackson, MS; Jacksonville, FL; Kansas City, KS; Knoxville, TN; Las Vegas, NV; Little Rock, AR; Los Angeles, CA; Louisville, KY; Lubbock, TX; Manchester, NH; Memphis, TN; Miami, FL; Milwaukee, WI; Minneapolis/St. Paul, MN; Nashville, TN; New Orleans, LA; New York, NY; Newark, NJ; Oklahoma City, OK; Omaha, NE; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Providence, RI; Reno, NV; Richmond, VA; Sacramento, CA; St. Louis, MO; Salt

Lake City, UT; San Antonio, TX; San Diego, CA; San Francisco, CA; San Juan, PR; Santa Ana, CA; Seattle, WA; Shreveport, LA; Sioux Falls, SD; Spokane, WA; Springfield, IL; Syracuse, NY; Tampa, FL; Tucson, AZ; Tulsa, OK; Washington, DC; and Wilmington, DE.

Additional information sessions targeting specific locations and/or populations may be added to this list; please visit the Fund's web site for further information.

For more information, or to register for an Information Session, please contact the Fund at (202) 622-8662 or visit the Fund's web site at <http://www.treas.gov/cdfi>.

**Authority:** 12 U.S.C. 4703, 4703 note, 4704, 4706, 4707, and 4717; 12 CFR part 1805.

Dated: November 21, 2000.

**Maurice A. Jones,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. 00-30154 Filed 11-24-00; 8:45 am]

**BILLING CODE 4810-70-7**

# Reader Aids

## Federal Register

Vol. 65, No. 228

Monday, November 27, 2000

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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 27, 2000****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

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California; published 10-27-00

Milk marketing orders:  
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**HEALTH AND HUMAN SERVICES DEPARTMENT Food and Drug Administration**

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Food additives:

Peroxyacetic acid, etc.; safe use as an antimicrobial agent on red meat carcasses; published 11-27-00

**NATIONAL CREDIT UNION ADMINISTRATION**

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**PERSONNEL MANAGEMENT OFFICE**

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**SECURITIES AND EXCHANGE COMMISSION**

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**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

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DG Flugzeugbau GmbH; published 10-13-00

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**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

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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—

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Harbor porpoise take reduction plan; comments due by 11-27-00; published 10-27-00

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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

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Oncor Communications, Inc.; forbearance petition; comments due by 11-30-00; published 11-9-00

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## HEALTH AND HUMAN SERVICES DEPARTMENT

### Food and Drug Administration

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## 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

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Single family mortgage insurance—

Section 221(d)(2) mortgage insurance program; discontinuation; comments due by 11-27-00; published 9-28-00

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### Fish and Wildlife Service

Endangered and threatened species:

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Migratory bird hunting:

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## INTERIOR DEPARTMENT

### Minerals Management Service

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### Surface Mining Reclamation and Enforcement Office

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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

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Postal security devices and information-based indicia; production, distribution, and use; comments due by 11-30-00; published 10-2-00

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Refunds and exchanges; comments due by 11-28-00; published 9-29-00

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## TRANSPORTATION DEPARTMENT

### Coast Guard

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### Federal Aviation Administration

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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. 782/P.L. 106-501

Older Americans Act Amendments of 2000 (Nov. 13, 2000; 114 Stat. 2226)

### H.R. 1444/P.L. 106-502

Fisheries Restoration and Irrigation Mitigation Act of 2000 (Nov. 13, 2000; 114 Stat. 2294)

### H.R. 1550/P.L. 106-503

To authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes. (Nov. 13, 2000; 114 Stat. 2298)

### H.R. 2462/P.L. 106-504

To amend the Organic Act of Guam, and for other purposes. (Nov. 13, 2000; 114 Stat. 2309)

### H.R. 2498/P.L. 106-505

Public Health Improvement Act (Nov. 13, 2000; 114 Stat. 2314)

### H.R. 3388/P.L. 106-506

Lake Tahoe Restoration Act (Nov. 13, 2000; 114 Stat. 2351)

### H.R. 3621/P.L. 106-507

To provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army. (Nov. 13, 2000; 114 Stat. 2359)

### H.R. 5239/P.L. 106-508

To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes. (Nov. 13, 2000; 114 Stat. 2360)

### S. 700/P.L. 106-509

Ala Kahakai National Historic Trail Act (Nov. 13, 2000; 114 Stat. 2361)

### S. 938/P.L. 106-510

Hawaii Volcanoes National Park Adjustment Act of 2000 (Nov. 13, 2000; 114 Stat. 2363)

### S. 964/P.L. 106-511

To provide for equitable compensation for the



Cheyenne River Sioux Tribe, and for other purposes. (Nov. 13, 2000; 114 Stat. 2365)

**S. 1474/P.L. 106-512**

Palmetto Bend Conveyance Act (Nov. 13, 2000; 114 Stat. 2378)

**S. 1482/P.L. 106-513**

National Marine Sanctuaries Amendments Act of 2000 (Nov. 13, 2000; 114 Stat. 2381)

**S. 1752/P.L. 106-514**

Coastal Barrier Resources Reauthorization Act of 2000 (Nov. 13, 2000; 114 Stat. 2394)

**S. 1865/P.L. 106-515**

America's Law Enforcement and Mental Health Project

(Nov. 13, 2000; 114 Stat. 2399)

**S. 2345/P.L. 106-516**

Harriet Tubman Special Resource Study Act (Nov. 13, 2000; 114 Stat. 2404)

**S. 2413/P.L. 106-517**

Bulletproof Vest Partnership Grant Act of 2000 (Nov. 13, 2000; 114 Stat. 2407)

**S. 2915/P.L. 106-518**

Federal Courts Improvement Act of 2000 (Nov. 13, 2000; 114 Stat. 2410)

**H.R. 4986/P.L. 106-519**

FSC Repeal and Extraterritorial Income Exclusion Act of 2000 (Nov. 15, 2000; 114 Stat. 2423)

**H.J. Res. 125/P.L. 106-520**

Making further continuing appropriations for the fiscal year 2001, and for other purposes. (Nov. 15, 2000; 114 Stat. 2436)

Last List November 16, 2000

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**CFR CHECKLIST**

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Title	Stock Number	Price	Revision Date
<b>1, 2 (2 Reserved)</b> .....	(869-038-00001-3) .....	6.50	Apr. 1, 2000
<b>3 (1997 Compilation and Parts 100 and 101)</b> .....	(869-042-00002-1) .....	22.00	<sup>1</sup> Jan. 1, 2000
<b>4</b> .....	(869-042-00003-0) .....	8.50	Jan. 1, 2000
<b>5 Parts:</b>			
1-699 .....	(869-042-00004-8) .....	43.00	Jan. 1, 2000
700-1199 .....	(869-042-00005-6) .....	31.00	Jan. 1, 2000
1200-End, 6 (6 Reserved) .....	(869-042-00006-4) .....	48.00	Jan. 1, 2000
<b>7 Parts:</b>			
1-26 .....	(869-042-00007-2) .....	28.00	Jan. 1, 2000
27-52 .....	(869-042-00008-1) .....	35.00	Jan. 1, 2000
53-209 .....	(869-042-00009-9) .....	22.00	Jan. 1, 2000
210-299 .....	(869-042-00010-2) .....	54.00	Jan. 1, 2000
300-399 .....	(869-042-00011-1) .....	29.00	Jan. 1, 2000
400-699 .....	(869-042-00012-9) .....	41.00	Jan. 1, 2000
700-899 .....	(869-042-00013-7) .....	37.00	Jan. 1, 2000
900-999 .....	(869-042-00014-5) .....	46.00	Jan. 1, 2000
1000-1199 .....	(869-042-00015-3) .....	18.00	Jan. 1, 2000
1200-1599 .....	(869-042-00016-1) .....	44.00	Jan. 1, 2000
1600-1899 .....	(869-042-00017-0) .....	61.00	Jan. 1, 2000
1900-1939 .....	(869-042-00018-8) .....	21.00	Jan. 1, 2000
1940-1949 .....	(869-042-00019-6) .....	37.00	Jan. 1, 2000
1950-1999 .....	(869-042-00020-0) .....	38.00	Jan. 1, 2000
2000-End .....	(869-042-00021-8) .....	31.00	Jan. 1, 2000
<b>8</b> .....	(869-042-00022-6) .....	41.00	Jan. 1, 2000
<b>9 Parts:</b>			
1-199 .....	(869-042-00023-4) .....	46.00	Jan. 1, 2000
200-End .....	(869-042-00024-2) .....	44.00	Jan. 1, 2000
<b>10 Parts:</b>			
1-50 .....	(869-042-00025-1) .....	46.00	Jan. 1, 2000
51-199 .....	(869-042-00026-9) .....	38.00	Jan. 1, 2000
200-499 .....	(869-042-00027-7) .....	38.00	Jan. 1, 2000
500-End .....	(869-042-00028-5) .....	48.00	Jan. 1, 2000
<b>11</b> .....	(869-042-00029-3) .....	23.00	Jan. 1, 2000
<b>12 Parts:</b>			
1-199 .....	(869-042-00030-7) .....	18.00	Jan. 1, 2000
200-219 .....	(869-042-00031-5) .....	22.00	Jan. 1, 2000
220-299 .....	(869-042-00032-3) .....	45.00	Jan. 1, 2000
300-499 .....	(869-042-00033-1) .....	29.00	Jan. 1, 2000
500-599 .....	(869-042-00034-0) .....	26.00	Jan. 1, 2000
600-End .....	(869-042-00035-8) .....	53.00	Jan. 1, 2000
<b>13</b> .....	(869-042-00036-6) .....	35.00	Jan. 1, 2000

Title	Stock Number	Price	Revision Date
<b>14 Parts:</b>			
1-59 .....	(869-042-00037-4) .....	58.00	Jan. 1, 2000
60-139 .....	(869-042-00038-2) .....	46.00	Jan. 1, 2000
140-199 .....	(869-038-00039-1) .....	17.00	<sup>4</sup> Jan. 1, 2000
200-1199 .....	(869-042-00040-4) .....	29.00	Jan. 1, 2000
1200-End .....	(869-042-00041-2) .....	25.00	Jan. 1, 2000
<b>15 Parts:</b>			
0-299 .....	(869-042-00042-1) .....	28.00	Jan. 1, 2000
300-799 .....	(869-042-00043-9) .....	45.00	Jan. 1, 2000
800-End .....	(869-042-00044-7) .....	26.00	Jan. 1, 2000
<b>16 Parts:</b>			
0-999 .....	(869-042-00045-5) .....	33.00	Jan. 1, 2000
1000-End .....	(869-042-00046-3) .....	43.00	Jan. 1, 2000
<b>17 Parts:</b>			
1-199 .....	(869-042-00048-0) .....	32.00	Apr. 1, 2000
200-239 .....	(869-042-00049-8) .....	38.00	Apr. 1, 2000
240-End .....	(869-042-00050-1) .....	49.00	Apr. 1, 2000
<b>18 Parts:</b>			
1-399 .....	(869-042-00051-0) .....	54.00	Apr. 1, 2000
400-End .....	(869-042-00052-8) .....	15.00	Apr. 1, 2000
<b>19 Parts:</b>			
1-140 .....	(869-042-00053-6) .....	40.00	Apr. 1, 2000
141-199 .....	(869-042-00054-4) .....	40.00	Apr. 1, 2000
200-End .....	(869-042-00055-2) .....	20.00	Apr. 1, 2000
<b>20 Parts:</b>			
1-399 .....	(869-042-00056-1) .....	33.00	Apr. 1, 2000
400-499 .....	(869-042-00057-9) .....	56.00	Apr. 1, 2000
500-End .....	(869-042-00058-7) .....	58.00	Apr. 1, 2000
<b>21 Parts:</b>			
1-99 .....	(869-042-00059-5) .....	26.00	Apr. 1, 2000
100-169 .....	(869-042-00060-9) .....	30.00	Apr. 1, 2000
170-199 .....	(869-042-00061-7) .....	29.00	Apr. 1, 2000
200-299 .....	(869-042-00062-5) .....	13.00	Apr. 1, 2000
300-499 .....	(869-042-00063-3) .....	20.00	Apr. 1, 2000
500-599 .....	(869-042-00064-1) .....	31.00	Apr. 1, 2000
600-799 .....	(869-038-00065-0) .....	10.00	Apr. 1, 2000
800-1299 .....	(869-042-00066-8) .....	38.00	Apr. 1, 2000
1300-End .....	(869-042-00067-6) .....	15.00	Apr. 1, 2000
<b>22 Parts:</b>			
1-299 .....	(869-042-00068-4) .....	54.00	Apr. 1, 2000
300-End .....	(869-042-00069-2) .....	31.00	Apr. 1, 2000
<b>23</b> .....	(869-042-00070-6) .....	29.00	Apr. 1, 2000
<b>24 Parts:</b>			
0-199 .....	(869-042-00071-4) .....	40.00	Apr. 1, 2000
200-499 .....	(869-042-00072-2) .....	37.00	Apr. 1, 2000
500-699 .....	(869-042-00073-1) .....	20.00	Apr. 1, 2000
700-1699 .....	(869-042-00074-9) .....	46.00	Apr. 1, 2000
1700-End .....	(869-042-00075-7) .....	18.00	<sup>5</sup> Apr. 1, 2000
<b>25</b> .....	(869-042-00076-5) .....	52.00	Apr. 1, 2000
<b>26 Parts:</b>			
§§ 1.0-1.160 .....	(869-042-00077-3) .....	31.00	Apr. 1, 2000
§§ 1.61-1.169 .....	(869-042-00078-1) .....	56.00	Apr. 1, 2000
§§ 1.170-1.300 .....	(869-042-00079-0) .....	38.00	Apr. 1, 2000
§§ 1.301-1.400 .....	(869-042-00080-3) .....	29.00	Apr. 1, 2000
§§ 1.401-1.440 .....	(869-042-00081-1) .....	47.00	Apr. 1, 2000
§§ 1.441-1.500 .....	(869-042-00082-0) .....	36.00	Apr. 1, 2000
§§ 1.501-1.640 .....	(869-042-00083-8) .....	32.00	Apr. 1, 2000
§§ 1.641-1.850 .....	(869-042-00084-6) .....	41.00	Apr. 1, 2000
§§ 1.851-1.907 .....	(869-042-00085-4) .....	43.00	Apr. 1, 2000
§§ 1.908-1.1000 .....	(869-042-00086-2) .....	41.00	Apr. 1, 2000
§§ 1.1001-1.1400 .....	(869-042-00087-1) .....	45.00	Apr. 1, 2000
§§ 1.1401-End .....	(869-042-00088-9) .....	66.00	Apr. 1, 2000
2-29 .....	(869-042-00089-7) .....	45.00	Apr. 1, 2000
30-39 .....	(869-042-00090-1) .....	31.00	Apr. 1, 2000
40-49 .....	(869-042-00091-9) .....	18.00	Apr. 1, 2000
50-299 .....	(869-042-00092-7) .....	23.00	Apr. 1, 2000
300-499 .....	(869-042-00093-5) .....	43.00	Apr. 1, 2000
500-599 .....	(869-042-00094-3) .....	12.00	Apr. 1, 2000
600-End .....	(869-042-00095-1) .....	12.00	Apr. 1, 2000
<b>27 Parts:</b>			
1-199 .....	(869-042-00096-0) .....	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
200-End .....	(869-042-00097-8) .....	18.00	Apr. 1, 2000	260-265 .....	(869-042-00151-6) .....	36.00	July 1, 2000
<b>28 Parts:</b> .....				266-299 .....	(869-042-00152-4) .....	35.00	July 1, 2000
0-42 .....	(869-042-00098-6) .....	43.00	July 1, 2000	300-399 .....	(869-042-00153-2) .....	29.00	July 1, 2000
43-end .....	(869-042-00099-4) .....	36.00	July 1, 2000	400-424 .....	(869-042-00154-1) .....	37.00	July 1, 2000
<b>29 Parts:</b> .....				425-699 .....	(869-042-00155-9) .....	48.00	July 1, 2000
0-99 .....	(869-042-00100-1) .....	33.00	July 1, 2000	700-789 .....	(869-042-00156-7) .....	46.00	July 1, 2000
100-499 .....	(869-042-00101-0) .....	14.00	July 1, 2000	790-End .....	(869-042-00157-5) .....	23.00	<sup>6</sup> July 1, 2000
500-899 .....	(869-042-00102-8) .....	47.00	July 1, 2000	<b>41 Chapters:</b> .....			
900-1899 .....	(869-042-00103-6) .....	24.00	July 1, 2000	1, 1-1 to 1-10 .....		13.00	<sup>3</sup> July 1, 1984
1900-1910 (§§ 1900 to 1910.999) .....	(869-042-00104-4) .....	46.00	<sup>6</sup> July 1, 2000	1, 1-11 to Appendix, 2 (2 Reserved) .....		13.00	<sup>3</sup> July 1, 1984
1910 (§§ 1910.1000 to end) .....	(869-042-00105-2) .....	28.00	<sup>6</sup> July 1, 2000	3-6 .....		14.00	<sup>3</sup> July 1, 1984
1911-1925 .....	(869-042-00106-1) .....	20.00	July 1, 2000	7 .....		6.00	<sup>3</sup> July 1, 1984
1926 .....	(869-042-00107-9) .....	30.00	<sup>6</sup> July 1, 2000	8 .....		4.50	<sup>3</sup> July 1, 1984
1927-End .....	(869-042-00108-7) .....	49.00	July 1, 2000	9 .....		13.00	<sup>3</sup> July 1, 1984
<b>30 Parts:</b> .....				10-17 .....		9.50	<sup>3</sup> July 1, 1984
1-199 .....	(869-042-00109-5) .....	38.00	July 1, 2000	18, Vol. I, Parts 1-5 .....		13.00	<sup>3</sup> July 1, 1984
200-699 .....	(869-042-00110-9) .....	33.00	July 1, 2000	18, Vol. II, Parts 6-19 .....		13.00	<sup>3</sup> July 1, 1984
700-End .....	(869-042-00111-7) .....	39.00	July 1, 2000	18, Vol. III, Parts 20-52 .....		13.00	<sup>3</sup> July 1, 1984
<b>31 Parts:</b> .....				19-100 .....		13.00	<sup>3</sup> July 1, 1984
0-199 .....	(869-042-00112-5) .....	23.00	July 1, 2000	1-100 .....	(869-042-00158-3) .....	15.00	July 1, 2000
200-End .....	(869-042-00113-3) .....	53.00	July 1, 2000	101 .....	(869-042-00159-1) .....	37.00	July 1, 2000
<b>32 Parts:</b> .....				102-200 .....	(869-042-00160-5) .....	21.00	July 1, 2000
1-39, Vol. I .....		15.00	<sup>2</sup> July 1, 1984	201-End .....	(869-042-00161-3) .....	16.00	July 1, 2000
1-39, Vol. II .....		19.00	<sup>2</sup> July 1, 1984	<b>42 Parts:</b> .....			
1-39, Vol. III .....		18.00	<sup>2</sup> July 1, 1984	1-399 .....	(869-038-00162-4) .....	36.00	Oct. 1, 1999
1-190 .....	(869-042-00114-1) .....	51.00	July 1, 2000	400-429 .....	(869-038-00163-2) .....	44.00	Oct. 1, 1999
191-399 .....	(869-042-00115-0) .....	62.00	July 1, 2000	430-End .....	(869-038-00164-1) .....	54.00	Oct. 1, 1999
400-629 .....	(869-042-00116-8) .....	35.00	July 1, 2000	<b>43 Parts:</b> .....			
630-699 .....	(869-042-00117-6) .....	25.00	July 1, 2000	1-999 .....	(869-038-00165-9) .....	32.00	Oct. 1, 1999
700-799 .....	(869-042-00118-4) .....	31.00	July 1, 2000	1000-end .....	(869-038-00166-7) .....	47.00	Oct. 1, 1999
800-End .....	(869-042-00119-2) .....	32.00	July 1, 2000	<b>44</b> .....	(869-038-00167-5) .....	28.00	Oct. 1, 1999
<b>33 Parts:</b> .....				<b>45 Parts:</b> .....			
1-124 .....	(869-042-00120-6) .....	35.00	July 1, 2000	1-199 .....	(869-038-00168-3) .....	33.00	Oct. 1, 1999
125-199 .....	(869-042-00121-4) .....	45.00	July 1, 2000	200-499 .....	(869-038-00169-1) .....	16.00	Oct. 1, 1999
200-End .....	(869-042-00122-5) .....	36.00	July 1, 2000	500-1199 .....	(869-038-00170-5) .....	30.00	Oct. 1, 1999
<b>34 Parts:</b> .....				1200-End .....	(869-038-00171-3) .....	40.00	Oct. 1, 1999
1-299 .....	(869-042-00123-1) .....	31.00	July 1, 2000	<b>46 Parts:</b> .....			
300-399 .....	(869-042-00124-9) .....	28.00	July 1, 2000	1-40 .....	(869-038-00172-1) .....	27.00	Oct. 1, 1999
400-End .....	(869-042-00125-7) .....	54.00	July 1, 2000	41-69 .....	(869-038-00173-0) .....	23.00	Oct. 1, 1999
<b>35</b> .....	(869-042-00126-5) .....	10.00	July 1, 2000	70-89 .....	(869-038-00174-8) .....	8.00	Oct. 1, 1999
<b>36 Parts</b> .....				90-139 .....	(869-038-00175-6) .....	26.00	Oct. 1, 1999
1-199 .....	(869-042-00127-3) .....	24.00	July 1, 2000	140-155 .....	(869-038-00176-4) .....	15.00	Oct. 1, 1999
200-299 .....	(869-042-00128-1) .....	24.00	July 1, 2000	156-165 .....	(869-038-00177-2) .....	21.00	Oct. 1, 1999
*300-End .....	(869-042-00129-0) .....	43.00	July 1, 2000	166-199 .....	(869-038-00178-1) .....	27.00	Oct. 1, 1999
<b>*37</b> .....	(869-042-00130-3) .....	32.00	July 1, 2000	200-499 .....	(869-038-00179-9) .....	23.00	Oct. 1, 1999
<b>38 Parts:</b> .....				500-End .....	(869-038-00180-2) .....	15.00	Oct. 1, 1999
0-17 .....	(869-042-00131-1) .....	40.00	July 1, 2000	<b>47 Parts:</b> .....			
18-End .....	(869-042-00132-0) .....	47.00	July 1, 2000	0-19 .....	(869-038-00181-1) .....	39.00	Oct. 1, 1999
<b>39</b> .....	(869-042-00133-8) .....	28.00	July 1, 2000	20-39 .....	(869-038-00182-9) .....	26.00	Oct. 1, 1999
<b>40 Parts:</b> .....				40-69 .....	(869-038-00183-7) .....	26.00	Oct. 1, 1999
1-49 .....	(869-042-00134-6) .....	37.00	July 1, 2000	70-79 .....	(869-038-00184-5) .....	39.00	Oct. 1, 1999
50-51 .....	(869-042-00135-4) .....	28.00	July 1, 2000	80-End .....	(869-038-00185-3) .....	40.00	Oct. 1, 1999
52 (52.01-52.1018) .....	(869-042-00136-2) .....	36.00	July 1, 2000	<b>48 Chapters:</b> .....			
52 (52.1019-End) .....	(869-042-00137-1) .....	44.00	July 1, 2000	1 (Parts 1-51) .....	(869-038-00186-1) .....	55.00	Oct. 1, 1999
53-59 .....	(869-042-00138-9) .....	21.00	July 1, 2000	1 (Parts 52-99) .....	(869-038-00187-0) .....	30.00	Oct. 1, 1999
60 .....	(869-042-00139-7) .....	66.00	July 1, 2000	2 (Parts 201-299) .....	(869-038-00188-8) .....	36.00	Oct. 1, 1999
61-62 .....	(869-042-00140-1) .....	23.00	July 1, 2000	3-6 .....	(869-038-00189-6) .....	27.00	Oct. 1, 1999
63 (63.1-63.1119) .....	(869-042-00141-9) .....	66.00	July 1, 2000	7-14 .....	(869-038-00190-0) .....	35.00	Oct. 1, 1999
63 (63.1200-End) .....	(869-042-00142-7) .....	49.00	July 1, 2000	15-28 .....	(869-038-00191-8) .....	36.00	Oct. 1, 1999
64-71 .....	(869-042-00143-5) .....	12.00	July 1, 2000	29-End .....	(869-038-00192-6) .....	25.00	Oct. 1, 1999
72-80 .....	(869-042-00144-3) .....	47.00	July 1, 2000	<b>49 Parts:</b> .....			
81-85 .....	(869-042-00145-1) .....	36.00	July 1, 2000	1-99 .....	(869-038-00193-4) .....	34.00	Oct. 1, 1999
86 .....	(869-042-00146-0) .....	66.00	July 1, 2000	100-185 .....	(869-038-00194-2) .....	53.00	Oct. 1, 1999
87-135 .....	(869-042-00146-8) .....	66.00	July 1, 2000	186-199 .....	(869-038-00195-1) .....	13.00	Oct. 1, 1999
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<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>3</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>4</sup> No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

<sup>5</sup> No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

<sup>6</sup> No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..