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Contents

Federal Register

Vol. 65, No. 233

Monday, December 4, 2000

Agricultural Marketing Service

NOTICES

Grants and cooperative agreements; availability, etc.:
Lamb Meat Adjustment Assistance Measures Program,
75663–75665

Agriculture Department

See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animal products (quarantine):
Brucellosis in cattle—
State and area classifications, 75581–75582

PROPOSED RULES

Animal welfare:
Dogs intended for hunting, breeding, or security
purposes; dealer licensing and inspection
requirements, 75635–75637

Architectural and Transportation Barriers Compliance Board

NOTICES

Meetings:
Public Rights-of-Way Access Advisory Committee,
75666–75667

Army Department

NOTICES

Environmental statements; notice of intent:
Blue Grass Army Depot, KY; chemical agents and
munitions destruction facility; design, construction,
operation, and closure, 75677–75678
Fort Bragg, NC; Overhills property incorporation into
Northern Training Area, 75678–75679

Census Bureau

NOTICES

Shipper's export declaration (Commerce Form 7525-V);
revisions, 75667–75670

Children and Families Administration

RULES

Personal Responsibility and Work Opportunity
Reconciliation Act of 1996; implementation:
Temporary Assistance for Needy Families Program—
High performance bonus rewards to States; correction;
and States and Indian Tribes under welfare-to-
work grants data collection, etc.; CFR part
removed, 75632–75634

Commerce Department

See Census Bureau
See International Trade Administration

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:
Dominican Republic, 75671–75672
El Salvador, 75672–75673

Guatemala, 75673–75674
Hong Kong, 75674–75676
Jamaica, 75676–75677

Commodity Futures Trading Commission

NOTICES

Meetings; Sunshine Act, 75677

Comptroller of the Currency

RULES

Federal Deposit Insurance Act:
Depository institution insurance sales; consumer
protections, 75821–75848

Defense Department

See Army Department

Education Department

NOTICES

Agency information collection activities:
Proposed collection; comment request, 75679–75680
Meetings:
National Assessment Governing Board, 75680

Energy Department

See Energy Information Administration
See Federal Energy Regulatory Commission

NOTICES

Floodplain and wetlands protection; environmental review
determinations; availability, etc.:
Roane County, TN; Clinch River floodplain strip
adjoining Boeing property, 75680–75681
Grants and cooperative agreements; availability, etc.:
Natural and Accelerated Bioremediation Research
Program, 75681–75683

Energy Information Administration

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 75684

Environmental Protection Agency

PROPOSED RULES

Hazardous waste:

Identification and listing—
Exclusions, 75637–75651
Project XL program; site-specific projects—
Chambers Works Wastewater Treatment Plant,
Deepwater, NJ; wastewater treatment sludge,
75651–75656

NOTICES

Agency information collection activities:
Reporting and recordkeeping requirements, 75696
Submission for OMB review; comment request, 75696–
75698
Reports and guidance documents; availability, etc.:
Marinas and recreational boating; nonpoint source
pollution control; comment request, 75698–75699
Water pollution control:
Total maximum daily loads—
State, regulated community, and small business costs
resulting from regulatory changes to TMDL
program; comment request, 75699–75701

Executive Office of the President

See Presidential documents

See Trade Representative, Office of United States

Federal Aviation Administration**RULES**

Airworthiness directives:

Airbus, 75589–75595, 75603–75605

Boeing, 75595–75597, 75582–75589

Bombardier, 75605–75607

Dornier, 75601–75603

McDonnell Douglas, 75609–75627

Raytheon, 75597–75599, 75607–75609

Vulcanair S.p.A., 75599–75601

NOTICES

High density airports; slot exemptions lottery:

LaGuardia Airport, NY, 75765–75771

Meetings:

RTCA, Inc., 75771

Passenger facility charges; applications, etc.:

Hattiesburg-Laurel Regional Airport, MS, 75771

Federal Communications Commission**PROPOSED RULES**

Common carrier services:

Telecommunications service quality reporting requirements; biennial regulatory review, 75657–75662

NOTICES

Agency information collection activities:

Proposed collection; comment request, 75701–75702

Common carrier services:

Wireless telecommunications services—
C and F block broadband personal communications services (PCS) spectrum; licenses auction minimum opening bids, upfront payments, etc., 75702–75716

Federal Deposit Insurance Corporation**RULES**

Federal Deposit Insurance Act:

Depository institution insurance sales; consumer protections, 75821–75848

Federal Emergency Management Agency**RULES**

Flood insurance; communities eligible for sale:

Michigan, 75631–75632

NOTICES

Disaster and emergency areas:

Arizona, 75716–75717

Federal Energy Regulatory Commission**RULES**

Meetings:

Competitive natural gas markets; natural gas transportation policies; staff conference, 75627–75628

NOTICES

Electric rate and corporate regulation filings:

CIC Luxembourg SARI et al., 75691–75694

Duke Energy Corp. et al., 75694–75695

Meetings:

Hydroelectric licensing policies, procedures, and regulations; comprehensive review, 75695–75696

Applications, hearings, determinations, etc.:

American Transmission Co., LLC, 75684

Carnegie Interstate Pipeline Co., 75684–75685

Columbia Gulf Transmission Co., 75685

Cove Point LNG L.P., 75685–75686

Crossroads Pipeline Co., 75686

El Paso Natural Gas Co., 75686

Equitrans, L.P., 75686

Gulf States Transmission Corp., 75687

High Island Offshore System, L.L.C., 75687

Mississippi River Transmission Corp., 75687

Natural Gas Pipeline Co. of America, 75687–75688

New York Independent System Operator, Inc., 75688

Northern Natural Gas Co., 75688–75689

Northwest Pipeline Corp., 75689

Overthrust Pipeline Co., 75689

Paiute Pipeline Co., 75689–75690

Stingray Pipeline Co., L.L.C., 75690

U-T Offshore System, L.L.C., 75690

Viking Gas Transmission Co., 75690

Zia Natural Gas Co., 75691

Federal Motor Carrier Safety Administration**NOTICES**

Hazardous materials transportation:

Designated, preferred, and restricted routes; listing, 75771–75816

Federal Reserve System**RULES**

Federal Deposit Insurance Act:

Depository institution insurance sales; consumer protections, 75821–75848

NOTICES

Banks and bank holding companies:

Change in bank control, 75717

Federal Trade Commission**NOTICES**

Fair Credit Reporting Act:

Disclosure charges, 75717

Fish and Wildlife Service**NOTICES**

Reports and guidance documents; availability, etc.:

National Wildlife Refuge System; ecological integrity maintenance; policy, 75731

Food and Drug Administration**NOTICES**

Human drugs:

New drug applications—
SangStat Medical Corp.; approval withdrawn, 75717–75718

Reports and guidance documents; availability, etc.:

Import alert; detention without physical examination of active pharmaceutical ingredients appearing to be misbranded, etc., 75718–75719

Pediatric rule compliance; recommendations, 75720

Foreign Assets Control Office**RULES**

Sanctions; blocked persons, specially designated nationals,

terrorists, narcotics traffickers, and blocked vessels;

lists consolidation; amendments, 75628–75631

Forest Service**NOTICES**

Boundary establishment, descriptions, etc.:

Columbia River Gorge National Scenic Area, OR and WA, 75665–75666

McKenzie National Wild and Scenic River, Willamette National Forest, OR, 75666
 North Umpqua National Wild and Scenic River, Umpqua National Forest, OR, 75666
 Willamette National Wild and Scenic River, North Fork of Middle Fork, Willamette National Forest, OR, 75666

Health and Human Services Department

See Children and Families Administration
 See Food and Drug Administration
 See Health Care Financing Administration
 See Health Resources and Services Administration
 See National Institutes of Health
 See Public Health Service
 See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration

NOTICES
 Committees; establishment, renewal, termination, etc.:
 Practicing Physicians Advisory Council, 75720–75721

Health Resources and Services Administration

NOTICES
 Grants and cooperative agreements; availability, etc.:
 Competitive grant programs; comprehensive review
 Correction, 75721–75722
 Withdrawn, 75722

Interior Department

See Fish and Wildlife Service
 See Land Management Bureau

Internal Revenue Service

NOTICES
 Agency information collection activities:
 Proposed collection; comment request, 75817–75818
 Meetings:
 Electronic Tax Administration Advisory Committee, 75819

International Trade Administration

NOTICES
 Antidumping:
 Stainless steel plate in coils from—
 Taiwan, 75670–75671

Land Management Bureau

NOTICES
 Realty actions; sales, leases, etc.:
 Nevada, 75732–75734

National Institutes of Health

NOTICES
 Agency information collection activities:
 Proposed collection; comment request, 75722–75723
 Inventions, Government-owned; availability for licensing, 75723–75725
 Meetings:
 National Heart, Lung, and Blood Institute, 75725
 National Institute of Arthritis and Musculoskeletal and Skin Diseases, 75726
 National Institute of Dental and Craniofacial Research, 75726
 National Institute of Diabetes and Digestive and Kidney Diseases, 75725

National Science Foundation

NOTICES
 Agency information collection activities:
 Submission for OMB review; comment request, 75734
 Antarctic Conservation Act of 1978; permit applications, etc., 75734–75735

Nuclear Regulatory Commission

NOTICES
 Agency information collection activities:
 Proposed collection; comment request, 75735
Applications, hearings, determinations, etc.:
 GPU Nuclear, Inc., et al., 75735–75736
 Northeast Nuclear Energy Co. et al., 75736–75737
 TXU Utilities Electric Co. et al., 75737–75740

Office of United States Trade Representative

See Trade Representative, Office of United States

Presidential Documents

PROCLAMATIONS
Special observances:
 AIDS Day, World (Proc. 7382), 75849–75852

Public Health Service

See Food and Drug Administration
 See Health Resources and Services Administration
 See National Institutes of Health
 See Substance Abuse and Mental Health Services Administration

NOTICES

Meetings:
 National Toxicology Program—
 Scientific Counselors Board, 75726–75727
 National Toxicology Program:
 Chemicals nominated for toxicology studies; testing recommendations; comment request, 75727–75730

Securities and Exchange Commission

NOTICES
 Self-regulatory organizations; proposed rule changes:
 Cincinnati Stock Exchange, Inc., 75740–75749
 Depository Trust Co., 75749–75750
 Government Securities Clearing Corp., 75750–75751
 New York Stock Exchange, Inc., 75751–75754
 Pacific Exchange, Inc., 75754–75757

Small Business Administration

NOTICES
 Disaster loan areas:
 Arizona, 75757
 License surrenders:
 First Commerce & Loan, L.P., 75757
 Nondiscrimination on basis of sex in federally assisted education programs or activities; Federal financial assistance covered by Title IX, 75757–75758

Social Security Administration

NOTICES
 Social security acquiescence rulings:
 Haddock v. Apfel; use of vocational expert testimony and Dictionary of Occupational Titles
 Rescission, 75758–75759
 Social security rulings:
 Use of vocational expert and vocational specialist evidence, and other reliable occupational information in disability decisions, 75759–75761

State Department**NOTICES**

Passport travel restrictions, U.S.:
Libya, 75761

Privacy Act:

Systems of records, 75761–75763

Substance Abuse and Mental Health Services Administration**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 75730–75731

Meetings:

Substance Abuse Prevention Center; Drug Testing Advisory Board, 75731

Surface Transportation Board**NOTICES**

Railroad services abandonment:

South Kansas & Oklahoma Railroad Co., 75817

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile Agreements

Thrift Supervision Office**RULES**

Federal Deposit Insurance Act:

Depository institution insurance sales; consumer protections, 75821–75848

Trade Representative, Office of United States**NOTICES**

Tariff-rate quota amount determinations:

Beef from New Zealand; correction, 75763

Trade Policy Staff Committee:

Free Trade Area of Americas; environmental review, 75763–75765

Transportation Department

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

See Surface Transportation Board

Treasury Department

See Comptroller of the Currency

See Foreign Assets Control Office

See Internal Revenue Service

See Thrift Supervision Office

Separate Parts In This Issue**Part II**

Department of the Treasury, Comptroller of the Currency and Office of Thrift Supervision; Federal Deposit Insurance Corporation; Federal Reserve System, 75821–75848

Part III

The President, 75849–75852

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations**

7382.....75851

9 CFR

78.....75581

Proposed Rules:

1.....75635

12 CFR

14.....75822

208.....75822

343.....75822

536.....75822

14 CFR

39 (21 documents)75582,

75585, 75588, 75590, 75592,

75595, 75597, 75599, 75601,

75603, 75605, 75608, 75610,

75611, 75613, 75615, 75617,

75618, 75620, 75624, 75625

18 CFR

284.....75628

31 CFR

Ch. V.....75629

40 CFR**Proposed Rules:**

261.....75637

268.....75651

44 CFR

64.....75632

45 CFR

270.....75633

276.....75633

47 CFR**Proposed Rules:**

43.....75656

Rules and Regulations

Federal Register

Vol. 65, No. 233

Monday, December 4, 2000

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

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 00–103–1]

Brucellosis in Cattle; State and Area Classifications; South Dakota

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of South Dakota from Class A to Class Free. We have determined that South Dakota meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from South Dakota.

DATES: This interim rule was effective December 4, 2000. We invite you to comment on this docket. We will consider all comments that we receive by February 2, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–103–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–103–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which

infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, South Dakota was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in South Dakota was released from quarantine in December of 1990. Since then, South Dakota has remained a Class A State due to the presence of a privately owned brucellosis-affected bison herd. An intensive plan for management of brucellosis within this affected herd was set forth in January of 1999, with a goal of releasing the herd from quarantine in November 2000. The herd was officially released from quarantine on October 31, 2000.

After reviewing the brucellosis program records for South Dakota, we have concluded that this State meets the standards for Class Free status.

Therefore, we are removing South Dakota from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from South Dakota.

Immediate Action

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from South Dakota. Under these circumstances, the Administrator has determined that prior notice and

opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

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

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of South Dakota from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in South Dakota, as well as buyers and importers of cattle from this State.

There are an estimated 18,300 cattle herds in South Dakota that will be affected by this rule. About 99 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately \$4 per head.

Therefore, we believe that changing the brucellosis status of South Dakota will not have a significant economic effect on the small entities affected by this interim rule.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

§ 78.41 [Amended]

2. Section 78.41 is amended as follows:

a. In paragraph (a), by adding “South Dakota,” in alphabetical order.

b. In paragraph (b), by removing “South Dakota,”.

Done in Washington, DC, this 28th day of November 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–30764 Filed 12–1–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–377–AD; Amendment 39–12014; AD 2000–24–07]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires inspections to detect cracking of the frame web, doubler, and inner chord of the forward edge frame of main entry door number 1, and various follow-on actions. This amendment is prompted by reports of cracking in the frame web, doubler, inner chord, and strap of the forward edge frame of main entry door number 1. The actions specified by this AD are intended to prevent cracks in the frame web and doubler of the forward edge frame of main entry door number 1, which could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes was published in the **Federal Register** on

June 15, 2000 (65 FR 37497). That action proposed to require inspections to detect cracking of the frame web, doubler, and inner chord of the forward edge frame of main entry door number 1, and various follow-on actions.

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.

Support for the Proposal

Three commenters support the proposed rule.

Request to Reference New Service Information

One commenter requests that the FAA revise paragraphs (a), (b), and (c) of the proposed rule to reference Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000, as an acceptable means of compliance for the actions required by those paragraphs. (Certain paragraphs of the proposed rule reference Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998, as the appropriate source of service information for accomplishment of the actions required by those paragraphs.)

Because paragraph (a) of the proposed rule does not reference a service bulletin but only specifies compliance times, the FAA infers that the commenter is requesting that the FAA revise paragraphs (b) and (c), as well as paragraphs (d) and (e), of the proposed rule. The FAA concurs with the commenter's request. Since the issuance of the proposed rule, the FAA has reviewed and approved Boeing Alert Service Bulletin 747-53A2417, Revision 2. The procedures in that service bulletin are substantially similar to those in Boeing Service Bulletin 747-53A2417, Revision 1. Thus, paragraphs (b), (d), and (e) of this final rule have been revised accordingly to reference Revision 2 of the service bulletin, in addition to Revision 1, as an acceptable source of service information.

Also, Revision 2 of the service bulletin expands the area of inspection specified in Revision 1 of the service bulletin, to include detailed visual inspections of the aft side of the frame web (referred to as "Area 3" in the service bulletin), an area which is specified in paragraph (c) of the proposed rule and this final rule. Accordingly, paragraph (c) of this AD has been revised to note that Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000, may be used to accomplish the inspections

specified in that paragraph. Also, "Note 5" of the proposed rule has been amended to clarify that the inspections in paragraph (c) of this AD are described in Revision 2 of the service bulletin.

Difference Between Revision 2 of the Service Bulletin and This AD

Operators should note that, in addition to the detailed visual inspections of Area 3, the aft side of the frame web, that are specified in this AD, Revision 2 of the service bulletin also specifies detailed visual inspections of an "Area 2," which comprises the forward and aft sides of the frame web and chord. The FAA has determined that, because inspections in this area were not specified in the proposed rule, to require inspections of this area would expand the scope of this AD, necessitating additional notice to the public and reopening of the comment period. Due to the criticality of the unsafe condition addressed in this AD, the FAA finds that to delay issuance of this final rule in this way would be inappropriate. Therefore, this AD does not require inspections of "Area 2," as defined in the service bulletin. However, the FAA may consider further rulemaking to require inspections in this area.

Requests to Correct Typographical Error, Remove Doorstop Locations

One commenter, who otherwise supports the proposed rule, requests that the FAA revise paragraph (c) of the proposed rule to correct a typographical error in a reference to a doorstop location. In the **Federal Register** version of the AD, the sentence that is the subject of the commenter's request reads, "Perform a detailed visual inspection to detect cracking of the aft side of the forward edge door frame web of main entry door number 1 in the exposed area from doorstop #2 [approximately water line (WL) 218] to doorstop #2 (approximately WL 245) at body station 434." Another commenter suggests that the references to doorstop locations be removed entirely from the paragraph.

The FAA acknowledges the typographical error pointed out by the first commenter. The FAA has determined that the WL references in the subject sentence of the proposed rule are correct, and the references to the doorstop locations are not necessary to adequately define the area that needs to be inspected. Therefore, the FAA concurs with the second commenter's suggestion to remove the references to doorstop locations. The affected sentence of paragraph (c) of this final rule has been revised to read, "Perform

a detailed visual inspection to detect cracking of the aft side of the forward edge door frame web of main entry door number 1 in the exposed area from approximately [WL] 218 to approximately WL 245 at body station 434."

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 685 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 211 airplanes of U.S. registry will be affected by this AD.

For Group 1 airplanes (approximately 191 U.S.-registered airplanes), it will take approximately 3 work hours per airplane to accomplish the required inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators of Group 1 airplanes is estimated to be \$34,380, or \$180 per airplane, per inspection cycle.

For Group 2 airplanes (approximately 20 U.S.-registered airplanes), it will take approximately 2 work hours per airplane to accomplish the required inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators of Group 2 airplanes is estimated to be \$2,400, or \$120 per airplane, per inspection cycle.

For Group 1 airplanes (approximately 191 U.S.-registered airplanes), it will take approximately 128 work hours per airplane to accomplish the required repair, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this repair on U.S. operators of Group 1 airplanes is estimated to be \$1,466,880, or \$7,680 per airplane.

For Group 2 airplanes (approximately 20 U.S.-registered airplanes), it will take approximately 64 work hours per airplane to accomplish the required repair, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this repair on U.S. operators of Group 2 airplanes is estimated to be \$76,800, or \$3,840 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.

Should an operator elect to accomplish the reinforcement of the door frame on a Group 1 airplane, it would take approximately 9 work hours per airplane to accomplish the reinforcement, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the reinforcement on a Group 1 airplane is estimated to be \$540 per airplane.

Should an operator elect to accomplish the reinforcement of the door frame on a Group 2 airplane, it would take approximately 5 work hours per airplane to accomplish the reinforcement, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the reinforcement on a Group 2 airplane is estimated to be \$300 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-07 Boeing: Amendment 39-12014. Docket 99-NM-377-AD.

Applicability: Model 747 series airplanes, line numbers 1 through 685 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) 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 fatigue cracking of the frame web and doubler of the forward edge frame of main entry door number 1, which could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane, accomplish the following:

Initial Inspection: Compliance Time

(a) At the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD; as applicable; accomplish the requirements of paragraphs (b) and (c) of this AD.

(1) For airplanes that have accumulated fewer than 13,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 13,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 13,000 or more total flight cycles but fewer than 20,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 21,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs first.

(3) For airplanes that have accumulated 20,000 or more total flight cycles but fewer than 25,000 total flight cycles as of the effective date of this AD: Inspect prior to the

accumulation of 25,500 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs first.

(4) For airplanes that have accumulated 25,000 or more total flight cycles as of the effective date of this AD: Inspect within 500 flight cycles after the effective date of this AD.

Initial Detailed Visual and High Frequency Eddy Current Inspections

(b) Perform a detailed visual inspection and a high frequency eddy current inspection of the frame web, doubler, and inner chord of the forward edge door frame to detect cracking of main entry door number 1, in accordance with Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998; or Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000. For Group 1 airplanes (as identified in the service bulletin), accomplish the inspections on the left and right sides of the airplane. For Group 2 airplanes (as identified in the service bulletin), accomplish the inspections on the left side of the airplane only.

Note 2: For the purposes of this AD, it is not necessary to count flight cycles accumulated at 2.0 pounds per square inch or less differential pressure.

Note 3: Inspections, reinforcements, and repairs accomplished prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 747-53A2417, dated June 25, 1998, are considered acceptable for compliance with paragraph (b) of this AD.

Note 4: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Repetitive Detailed Visual Inspections (No Terminating Action)

(c) Remove the cover assembly for the body torque tube located between the door hinge attachments. Perform a detailed visual inspection to detect cracking of the aft side of the forward edge door frame web of main entry door number 1 in the exposed area from approximately water line (WL) 218 to approximately WL 245 at body station 434. Pay particular attention to the row of fasteners that attach the frame web to the frame outer chord. After completing inspections, replace the cover assembly. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles. Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000, may be used to accomplish these inspections.

Note 5: The inspections required by paragraph (c) of this AD are not described in Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998. However, these inspections are described in Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000.

Note 6: There is no terminating action currently available for the inspections required by paragraph (c) of this AD.

Repetitive Inspections/Reinforcement/Repair (No Cracks Detected)

(d) If no crack is detected during the inspection required by paragraph (b) of this AD, prior to further flight, oversize fastener holes in accordance with Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998; or Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000; and accomplish the requirements of paragraph (d)(1), (d)(2), or (d)(3) of this AD.

(1) Repeat the inspections specified in paragraph (b) of this AD one time within 3,000 flight cycles. Within 3,000 flight cycles after accomplishment of the repeat inspection, accomplish paragraph (d)(2) or (d)(3) of this AD.

(2) Reinforce the door frame, in accordance with Figure 5 of the service bulletin. Thereafter, at intervals not to exceed 3,000 flight cycles, perform a detailed visual inspection to detect cracks of the forward and aft side of the frame, in accordance with Figure 6 of the service bulletin. Within 10,000 flight cycles after the reinforcement, accomplish the requirements of paragraph (d)(3) of this AD.

(3) Accomplish the web replacement repair ("Terminating Action") in accordance with the service bulletin. Such repair constitutes terminating action for the repetitive inspection requirements of paragraphs (d)(1) and (d)(2) of this AD.

Repair (Cracks Detected)

(e) If any crack is detected during any inspection required by paragraph (b), (d)(1), or (d)(2) of this AD, prior to further flight, accomplish the repair ("Terminating Action") in accordance with Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998; or Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 10, 2000. Such repair constitutes terminating action for the repetitive inspection requirements of paragraphs (d)(1) and (d)(2) of this AD.

Repair

(f) If any cracking is detected during the inspection required by paragraph (c) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Alternative Methods of Compliance

(g) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal

Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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 in paragraph (f) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 747-53A2417, Revision 1, dated July 23, 1998; or Boeing Alert Service Bulletin 747-53A2417, Revision 2, dated August 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

Effective Date

(j) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30399 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-363-AD; Amendment 39-12013; AD 2000-24-06]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 707, 727C, and 727-100C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 707, 727C, and 727-100C series airplanes, that currently requires repetitive inspections to detect cracking of the main cargo door skin and frames, and

repair, if necessary. The existing AD also provides optional terminating modifications. This amendment requires follow-on repetitive inspections of repaired or modified areas for certain airplanes. This amendment is prompted by reports of cracking and/or tearing of the main cargo door outer skin and subsequent failure of the door frame. The actions specified by this AD are intended to detect and correct such cracking and/or tearing, which could result in failure of the door frame and consequent rapid decompression of the airplane.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Walt Sippel, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2774; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 83-02-09, amendment 39-4549 (48 FR 6953, February 17, 1983); which is applicable to certain Boeing Model 707, 727C, and 727-100C airplanes; was published in the **Federal Register** on April 19, 2000 (65 FR 20924). The action proposed to continue to require repetitive inspections to detect cracking of the main cargo door skin and frames, and repair, if necessary, and to continue to provide for optional terminating modifications. The action also proposed to require new follow-on repetitive inspections of repaired or modified areas for certain airplanes.

Explanation of Change in the Final Rule

Paragraph (e)(2) of the proposed rule states that it applies to airplanes on which the modification specified in Part II, Option 2 of the Accomplishment Instructions of Boeing Service Bulletin 727-52A0079, Revision 4, dated June 19, 1981, Revision 5, dated June 17,

1983, or Revision 6, dated January 11, 1990, has been accomplished. However, Part II, Option 2, and the modification contained therein (which involves installation of over-sized, protruding-head rivets), appears only in Revision 6 of the service bulletin. Therefore, paragraph (e)(2) of this final rule has been revised to refer only to Revision 6 of the service bulletin. In addition, paragraph (e)(1) of this final rule has been revised to clarify that the modification referred to as "Part II, Option 1" in Revision 6 of the service bulletin is referred to as "Part II" of Revisions 4 and 5 of the service bulletin.

Comments

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

Request to Reference Terminating Action

One commenter requests that the FAA revise the proposed rule to terminate the repetitive high frequency eddy current (HFEC) inspections specified in paragraph (e) of the proposed AD following installation of over-sized, protruding-head rivets in the skin of the main cargo door. The commenter points out that such installation of over-sized, protruding-head rivets in crack-free holes is one of two options for modification in Revision 5 of the service bulletin. The commenter states that eliminating the requirement for HFEC inspections would be consistent with the requirements of AD 91-06-06, amendment 39-6921 (56 FR 9612, March 7, 1991), which does not require repetitive HFEC inspections of the upper row of fuselage lap splices once protruding-head rivets have been installed.

The FAA concurs with the intent of the commenter's request and its rationale. However, the FAA infers that, though the commenter refers to Revision 5 of the service bulletin, the correct reference should be to Revision 6 of the service bulletin. (As noted above, Revision 5 does not describe the modification to which the commenter refers.) For airplanes modified per Part II, Option 2 of the Accomplishment Instructions of the service bulletin, paragraph (e)(2) of the proposed rule specifies repetitive internal and external detailed visual and HFEC inspections of the modified area. The FAA has determined that the HFEC inspection is no longer necessary following accomplishment of the modification in Part II, Option 2 of the Accomplishment Instructions of Revision 6 of the service

bulletin. Therefore, paragraph (e)(2) of this final rule has been revised to delete reference to an HFEC inspection.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule 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 50 Model 707 and 308 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1 Model 707 and 81 Model 727 airplanes of U.S. registry will be affected by this AD.

The cost impact information in AD 83-02-09 inadvertently contained information relevant only to the X-ray inspection; however, since the detailed visual and eddy current inspections are also acceptable methods to detect cracking, this AD includes the estimated number of work hours necessary to accomplish any one of the three inspection methods. Additionally, the FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from \$40 per work hour to \$60 per work hour. The cost impact information, below, has been revised to reflect these changes.

Should an operator elect to accomplish the detailed visual inspection that is currently required by AD 83-02-09, 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 the detailed visual inspection is estimated to be \$60 per airplane.

Should an operator elect to accomplish the eddy current inspection that is currently required by AD 83-02-09, 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 the eddy current inspection is estimated to be \$60 per airplane.

Should an operator elect to accomplish the X-ray inspection that is currently required by AD 83-02-09, it will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact

of the X-ray inspection is estimated to be \$180 per airplane.

The detailed visual inspection (for Model 727 series airplanes only) required by this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the detailed visual inspection is estimated to be \$4,860, or \$60 per airplane.

The eddy current inspection (for Model 727 series airplanes only) required by this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the eddy current inspection is estimated to be \$4,860, or \$60 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 39-4549 (48 FR 6953, February 17, 1983), and by adding a new airworthiness directive (AD), amendment 39-12013, to read as follows:

2000-24-06 Boeing: Amendment 39-12013. Docket 99-NM-363-AD. Supersedes AD 83-02-09, Amendment 39-4549.

Applicability: Model 707, 727C, and 727-100C series airplanes; as listed in Boeing Service Bulletins 2999, Revision 3, dated January 12, 1972, and 727-52-79, Revision 4, dated June 19, 1981; 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 cracking of the main cargo door skin and frames, which could result in failure of the door frame, and consequent rapid decompression of the airplane, accomplish the following:

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Restatement of Requirements of AD 83-02-09:**Initial Inspection**

(a) Within 500 landings after March 3, 1983 (the effective date of AD 83-02-09, amendment 39-4549), or prior to the accumulation of 25,000 total landings after March 3, 1983, whichever occurs later: Perform an inspection (detailed visual, eddy current, or X-ray) to detect cracks of the main cargo door outer skin and frames between body stations (BS) 505 and 595, from the lower edge of the door hinge a minimum of 6 inches down, and 6 inches above, and 3 inches below the center line of stringer 10, in accordance with Boeing Service Bulletin 2999, Revision 3, dated January 12, 1972, or Revision 4, dated January 31, 1991 (for Model 707 series airplanes); or Boeing Service Bulletin 727-52-79, Revision 4, dated June 19, 1981, or Boeing Service Bulletin 727-52-79, Revision 5, dated June 17, 1983, or Boeing Service Bulletin 727-52A0079, Revision 6, dated January 11, 1990 (for Model 727 series airplanes); as applicable.

Repetitive Inspections

(b) Repeat the inspection required by paragraph (a) of this AD at the times specified in paragraph (b)(1), (b)(2) or (b)(3) of this AD; as applicable; until accomplishment of the modification required by paragraph (d) of this AD.

(1) Repeat the detailed visual inspection at intervals not to exceed 500 landings.

(2) Repeat the eddy current inspection at intervals not to exceed 750 landings.

(3) Repeat the X-ray inspection at intervals not to exceed 1,000 landings.

Repair

(c) If any cracking is detected during any inspection required by paragraph (a) or (b) of this AD: Prior to further flight, repair any cracks detected in accordance with Boeing Service Bulletin 2999, Revision 3, dated January 12, 1972, or Revision 4, dated January 31, 1991 (for Model 707 series airplanes); or Boeing Service Bulletin 727-52-79, Revision 4, dated June 19, 1981, or Boeing Service Bulletin 727-52-79, Revision 5, dated June 17, 1983, or Boeing Service Bulletin 727-52A0079, Revision 6, dated January 11, 1990 (for Model 727 series airplanes); as applicable.

Optional Terminating Action

(d) Modification of the main cargo door in accordance with Part II, Option 1 or Option 2, as applicable, of the Accomplishment Instructions of Boeing Service Bulletin 2999, Revision 3, dated January 12, 1972, or Revision 4, dated January 31, 1991 (for Model 707 series airplanes); or Boeing Service Bulletin 727-52-79, Revision 4, dated June 19, 1981, or Boeing Service Bulletin 727-52-79, Revision 5, dated June 17, 1983, or Boeing Service Bulletin 727-52A0079, Revision 6, dated January 11, 1990 (for Model 727 series airplanes); as applicable; constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD.

New Requirements of this AD:**Post-Repair/Post-Mod Repetitive Inspections**

(e) For Model 727 series airplanes: Within 27,000 flight cycles after accomplishment of the repair specified in paragraph (c) of this AD, and/or the modification specified in paragraph (d) of this AD, as applicable; or within 1,000 flight cycles after the effective date of this AD; whichever occurs later; accomplish the requirements of paragraph (e)(1) or (e)(2) of this AD, as applicable.

(1) For airplanes that have accomplished the modification specified in Part II of the Accomplishment Instructions of Boeing Service Bulletin 727-52-79, Revision 4, dated June 19, 1981, or Revision 5, dated June 17, 1983; or in Part II, Option 1, of the Accomplishment Instructions of Boeing Service Bulletin 727-52A0079, Revision 6, dated January 11, 1990: Perform a detailed visual and eddy current inspection of the modified area and/or any repaired area to detect cracks, in accordance with the service bulletin. Repeat the inspections at intervals not to exceed 3,800 flight cycles.

(2) For airplanes that have accomplished the modification specified in Part II, Option 2 of the Accomplishment Instructions of Boeing Service Bulletin 727-52A0079, Revision 6, dated January 11, 1990: Perform an internal and external detailed visual inspection of the modified area to detect cracks in accordance with the service bulletin. Repeat the inspection at intervals not to exceed 3,800 flight cycles.

Repair

(f) If any cracking is detected during any inspection required by paragraph (e)(1) or (e)(2) of this AD: Prior to further flight, repair any cracks detected in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance approved previously in accordance with AD 83-02-09, amendment 39-4549, are approved as alternative methods of compliance with this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Note 4: Incorporation of the Boeing Model 707-720 Supplemental Structural Inspection

Document (SSID) into the operator's approved airplane maintenance program constitutes an approved alternative method of compliance for Model 707 and 720 series airplanes.

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 paragraph (f) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 2999, Revision 3, dated January 12, 1972; Boeing Service Bulletin 2999, Revision 4, dated January 31, 1991; Boeing Service Bulletin 727-52-79, Revision 4, dated June 19, 1981; Boeing Service Bulletin 727-52-79, Revision 5, dated June 17, 1983; or Boeing Service Bulletin 727-52A0079, Revision 6, including Addendum, dated January 11, 1990; as applicable. This incorporation by reference was approved by the Director of the in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

Effective Date

(j) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30398 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-378-AD; Amendment 39-12027; AD 2000-24-20]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 707 and 720 series airplanes, that requires repetitive inspections of certain stringers and around certain fastener

holes of the lower skin of the wings to detect fatigue cracking, and repair, if necessary. This action is necessary to detect and correct such cracking and consequent damage to adjacent structure, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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:

James Rehrl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2783; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 707 and 720 series airplanes was published in the **Federal Register** on August 10, 2000 (65 FR 48941). That action proposed to require repetitive inspections of certain stringers and around certain fastener holes of the lower skin of the wings to detect fatigue cracking, and repair, if necessary.

Comment Received

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

The commenter, Boeing, requests that all references to Model 720 series airplanes be deleted from the proposed rule. Specifically, Boeing suggests that:

- the Cost Impact paragraph be revised to specify that there are approximately “* * * 49 affected Model 707 series airplanes worldwide * * *.”

- paragraph (a) of the proposed rule be removed; and
- Note 2 of the proposed rule be revised to state that the actions required by AD 81-11-06 R1, amendment 39-

4178, for Model 720 airplanes remain in effect. The commenter states that there are no Model 720 series airplanes in active service. In addition, the changes in Revision 4 of the referenced alert service bulletin affect only Model 707 series airplanes.

The FAA does not concur with the commenter's request to remove references to Model 720 series airplanes from this final rule. Even though no Model 720 series airplanes are currently in active service, including this model in the applicability of the final rule is necessary to ensure that the unsafe condition is addressed on any Model 720 series airplane that is returned to service in the future. In addition, the FAA notes that several changes in Revision 4 of the alert service bulletin do, in fact, address Model 720 series airplanes. No change to this final rule is necessary.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 49 Model 707 and 720 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2 airplanes of U.S. registry will be affected by this AD, that it will take approximately 56 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$6,720, or \$3,360 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various

levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-20 Boeing: Amendment 39-12027. Docket 99-NM-378-AD.

Applicability: All Model 707 and 720 series airplanes, 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 detect fatigue cracking of certain stringers, and around certain fastener holes of

the lower skin of the wings, which could result in damage to adjacent structure and consequent reduced structural integrity of the airplane, accomplish the following:

Initial and Repetitive Inspections

(a) For Model 720 series airplanes: Within 500 flight cycles after the effective date of this AD, perform an initial high frequency eddy current (HFEC) inspection to detect cracking, in accordance with Figure 1 of Boeing Alert Service Bulletin A3395, Revision 4, dated October 28, 1999.

(b) For Model 707 series airplanes having fewer than 15,000 total flight cycles as of the effective date of this AD: Prior to the accumulation of 15,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later, perform an initial HFEC inspection in accordance with Figure 2; steps 1, 2, and 3; of Boeing Alert Service Bulletin A3395, Revision 4, dated October 28, 1999. Repeat the inspection thereafter at intervals not to exceed 1,300 flight cycles. Accomplishment of the repetitive HFEC inspections terminates the low frequency eddy current inspections specified in AD 81-11-06 R1, amendment 39-4178.

(c) For Model 707 series airplanes having 15,000 total flight cycles or more as of the effective date of this AD: Within 150 flight cycles after the effective date of this AD, perform an initial HFEC inspection in accordance with Figure 2; steps 4, 5, and 6; of Boeing Alert Service Bulletin A3395, Revision 4, dated October 28, 1999, and accomplish the requirements in paragraphs (c)(1) and (c)(2) of this AD.

(1) Repeat the inspection thereafter at intervals not to exceed 150 flight cycles until accomplishment of the inspections required by paragraph (c)(2) of this AD.

(2) Within 400 flight cycles after accomplishment of the initial inspection required by paragraph (c) of this AD, accomplish the HFEC inspections required by paragraph (b) of this AD. Accomplishment of these inspections terminates the repetitive inspections required by paragraph (c)(1) of this AD.

Note 2: The actions required by AD 81-11-06 R1, amendment 39-4178 [with the exception of the LFEC inspections, as specified in paragraph (b) of this AD] remain in effect.

Inspect and Repair

(d) If any cracking is detected during any inspection required by this AD, prior to further flight, perform an internal inspection in accordance with the Work Instructions specified in Boeing Alert Service Bulletin A3395, Revision 4, dated October 28, 1999; and, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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.

Incorporation by Reference

(g) Except as required by paragraph (d) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin A3395, Revision 4, dated October 28, 1999. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

Effective Date

(h) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 00-30397 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-96-AD; Amendment 39-12025; AD 2000-24-18]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (A300-600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 B2 and B4 series airplanes, and Model A300–600 series airplanes, that requires repetitive inspections to detect chafing and the existence of repairs of the harness of the high-level sensor of the fuel surge tanks, and to detect chafe marks on the support canisters of the magnetic level indicators; and follow-on corrective actions, if necessary. This amendment also requires modification of the harness for the high-level sensor of the outer wing fuel tanks, which terminates certain repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent chafing of the harness of the high-level sensor, which could result in a short circuit and consequent fuel ignition source inside the outer wing fuel tanks.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300 B2 and B4 series airplanes, and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (A300–600) series airplanes, was published in the **Federal Register** on June 13, 2000 (65 FR 37084). That action proposed to require repetitive inspections to detect chafing and the existence of repairs of the harness of the high-level sensor of the fuel surge tanks, and to detect chafe marks on the support canisters of the magnetic level indicators; and follow-on

corrective actions, if necessary. That action also proposed to require modification of the harness for the high-level sensor of the outer wing fuel tanks, which would terminate certain repetitive inspections.

Clarification of Model Designation

Since the issuance of the proposed AD, the FAA has changed the manner in which it identifies the airplane models referred to as “Airbus Model A300 and A300–600 series airplanes” to reflect the model designation specified on the type certificate data sheet. This final rule has been revised to show the appropriate model designations for those airplanes.

Comments Received

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

The commenter recommends that the FAA only mandate the inspection service bulletins, and not the modification service bulletins. The commenter is convinced that the inspections alone are sufficient to ensure safety.

The FAA does not concur with the commenter’s request. The FAA is aware that the Direction Generale de l’Aviation Civile (DGAC), which is the airworthiness authority for France, did not mandate the modification in the French airworthiness directive that addresses the identified unsafe condition. However, as explained in the proposal, the FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. No additional data were submitted by the commenter that would cause the FAA to change its position in this regard. No change to the final rule is necessary.

Conclusion

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

Cost Impact

The FAA estimates that 37 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspections, and that the

average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be \$2,220, or \$60 per airplane, per inspection cycle.

It will take approximately 1 work hour per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$2,220, or \$60 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.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-18 Airbus Industrie: Amendment 39-12025. Docket 2000-NM-96-AD.

Applicability: Model A300 B2 and B4 series airplanes, and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (A300-600 series airplanes; certificated in any category; except those airplanes on which Airbus Modification 04489 has been installed during production.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the wire harnesses of the high-level sensors, which could result in a short circuit and consequent fuel ignition source inside the outer wing fuel tanks, accomplish the following:

Detailed Visual Inspection

(a) Within 500 flight hours after the effective date of this AD, perform a detailed visual inspection to detect chafing and the existence of repairs of the harness (cable) of the high-level sensor of the fuel surge tanks, and to detect chafe marks on the support canisters of the magnetic level indicators, in accordance with Airbus Service Bulletin A300-28-0077 (for Model A300 series airplanes) or A300-28-6062 (for Model A300-600 series airplanes), each dated July 19, 1999, as applicable.

(1) For airplanes on which modification of the harness in accordance with Airbus Service Bulletin A300-28-0058 (for Model A300 series airplanes) or A300-28-6020 (for Model A300-600 series airplanes), as applicable, HAS NOT been accomplished: Accomplish the requirements of paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Repeat the detailed visual inspection thereafter at intervals not to exceed 500 flight hours until the requirements of paragraph (a)(1)(ii) of this AD are accomplished. If any wire chafing, chafe mark, or existing repair is detected during any inspection, prior to further flight, determine the appropriate repair and/or condition of repair as specified in Inspection Table 1 of the Accomplishment Instructions of Airbus Service Bulletin A300-28-0077 or A300-28-6062, as applicable. At the times specified in Inspection Table I, accomplish corrective actions (e.g., temporary or permanent repairs, and follow-

on inspections and repairs) in accordance with the applicable service bulletin. If any discrepancy is found during any follow-on inspection, prior to further flight, repair the discrepancy in accordance with the applicable service bulletin.

(ii) Within 18 months after the effective date of this AD, modify the harness of the high-level sensor in the outer wing fuel tanks in accordance with Airbus Service Bulletin A300-28-0058, Revision 02 (for Model A300 series airplanes), or A300-28-6020, Revision 01 (for Model A300-600 series airplanes), each dated September 28, 1999.

Accomplishment of the modification terminates the 500-flight-hour repetitive inspection required by paragraph (a)(1) of this AD. However, if a temporary repair is installed, the 10,000-flight-hour detailed visual inspection specified in the follow-on corrective actions of Table 1 continues to be required by this AD.

(2) For airplanes on which modification of the harness in accordance with Airbus Service Bulletin A300-28-0058 (for Model A300 series airplanes) or A300-28-6020 (for Model A300-600 series airplanes), as applicable, HAS been accomplished: Accomplish the requirements of paragraph (a)(2)(i) or (a)(2)(ii), as applicable.

(i) If no wire chafing, chafe marks, or existing repairs are detected, no further action is required by this AD.

(ii) If any wire chafing, chafe mark, or existing repair is detected, prior to further flight, determine the appropriate repair and/or condition of repair specified in Inspection Table 2 of the Accomplishment Instructions of Airbus Service Bulletin A300-28-0077 or A300-28-6062, as applicable. At the times specified in Inspection Table 2, accomplish corrective actions (e.g., temporary or permanent repairs and follow-on inspections) in accordance with the applicable service bulletin. If any discrepancy is found during any follow-on inspection, prior to further flight, repair the discrepancy in accordance with the applicable service bulletin.

Note 2: 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."

Note 3: Modification accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300-28-0058, dated December 15, 1988, or Revision 01, dated October 1, 1991 (for Model A300 series airplanes); or A300-28-6020, dated December 15, 1988 (for Model A300-600 series airplanes); is considered acceptable for compliance with the action specified in paragraph (a)(1)(ii) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin A300-28-0077, dated July 19, 1999; Airbus Service Bulletin A300-28-0058, Revision 02, dated September 28, 1999; Airbus Service Bulletin A300-28-6062, dated July 19, 1999; or Airbus Service Bulletin A300-28-6020, Revision 01, dated September 28, 1999; 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 French airworthiness directive 1999-404-293(B), dated October 6, 1999.

Effective Date

(e) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30395 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-227-AD; Amendment 39-12015; AD 2000-24-08]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A319, A320, and A321 series airplanes, that requires a revision to the Airplane Flight Manual; inspection to detect damage of the wiring and adjacent structure along the length of the fairing of the fuel boost pump; corrective actions, if necessary; and modification of the fuel pump wire and fairing. The actions specified by this AD are intended to prevent electrical arcing of the fuel boost pump wire, which could result in wing structural damage, fire, and/or fuel vapor explosion. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2141; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A319, A320, and A321 series airplanes was published in the **Federal Register** on August 24, 2000 (65 FR 51560). That action proposed to require a revision to the Airplane Flight Manual (AFM); inspection to detect damage of the wiring and adjacent structure along the length of the fairing of the fuel boost pump; corrective actions, if necessary; and modification of the fuel pump wire and fairing.

Action Since the Issuance of Proposed AD

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has issued French airworthiness directive 2000-419-154(B), dated October 4, 2000. That airworthiness directive includes a procedure for revising the AFM. In addition, if a fuel boost pump malfunctions, airworthiness directive procedures specify removing the wiring fairing to inspect the electrical wiring, fairing, and wing skin within the fairing area; and corrective actions, if

necessary. Procedures also include a reporting requirement.

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.

One commenter supports the AFM revision specified by the proposed AD.

Request To Delete the Inspection Requirement

Five commenters request deleting the requirement in paragraph (b) of the proposed AD, which specifies an inspection of the wiring and adjacent structure along the length of the fairing. All of the commenters are concerned that the inspection could induce more damage, even if operators exercise caution as recommended in the proposed AD.

One commenter states that in-service experience indicates that arcing of the underwing fuel pump wiring is mainly linked to poor maintenance action rather than to damage due to vibration and chafing. That commenter considers that most of the damage has occurred during fairing replacement when the fuel boost pump wire can be pinched and damaged. A second commenter concurs and suggests that the inspection specified in paragraph (b) be included in paragraph (c) of this AD, in case a circuit breaker tripped. A third commenter considers that removing the fairing is unnecessary, and that such action may cause needless damage to the wiring upon re-installation. In addition, the design of the system is such that, if a wire is trapped, the circuit breaker will trip and avert danger. A fourth commenter considers that the inspection increases the probability of inducing a fault despite heightened awareness, and that the inspection should be required only when terminating action is identified and applied before reinstalling the fairing. A fifth commenter notes that, if a fuel pump circuit breaker trips, a full inspection of the wiring underneath the fairing is required prior to further use of that pump. Further, that requirement should be enough to remove the need for the inspection specified by the proposed AD.

The FAA does not concur that the detailed visual inspection in paragraph (b) of the proposed AD should be deleted. We consider that the benefit from the one-time inspection outweighs the risk of wire damage during reassembly of the fairing. We have received reports of damaged wiring and arcing to the fuselage skin on in-service

and newly manufactured airplanes, which indicate that additional airplanes may have pre-existing wire damage. In addition, we have found that intermittent arcing, which gradually eroded the adjacent aluminum structure and penetrated into the fuel tank, has occurred on other model airplanes without tripping the circuit breaker. Therefore, the possibility that such arcing damage could result in fuel leaking on top of the arcing wire justifies the one-time inspection.

We do not agree that the inspection increases the probability of inducing damage. We point out that the original fairing installations were done without any installation precautions. However, to ensure that wiring damage is not induced during replacement action, we included specific instructions cautioning operators to take special care when replacing the fairing. Those instructions, which were added to paragraph (b) of the proposed AD, make it unlikely that improper installation of the fairing will occur.

For these reasons, we consider that the one-time detailed visual inspection required by paragraph (b) of this AD is needed to ensure that no critical condition exists in the fleet. Paragraph (b) has not been deleted in the final rule.

Requests To Specify a Difference Regarding the Inspection Requirement

Two commenters state that, although the proposed AD specifies a one-time inspection (of all Model A319, A320, and A321 series airplanes), the previously referenced French airworthiness directive does not specify such an inspection. This difference should be included in the final rule so that other Civil Aviation Authorities can decide on the corrective actions they consider appropriate, and so that any confusion for the operators is avoided.

We concur with the request to specify this difference in the final rule. **Note 4** of the final rule includes a statement that notifies operators of the difference between this AD and the French airworthiness directive.

Request To Add a Reference to an Airplane Flight Manual (AFM)

One commenter requests adding a reference to the DGAC-approved AFM Temporary Revision (TR) 2.05.00/31 in paragraph (a) of the proposed AD as a means of compliance. That TR includes the same basic requirements defined in paragraph (a) of the proposed AD.

We concur with this request, and agree that the TR includes the same basic requirements defined in paragraph (a) of the proposed AD. Paragraph (a) of the final rule now states that "This may

be accomplished by inserting a copy of this AD or Airbus Temporary Revision 2.04.00/31 into the AFM.”

Requests To Delete the Modification Requirement

Two commenters request deleting the modification requirement specified by paragraph (e) of the proposed AD. One commenter states that a final fix is being developed and should be available by the end of this year. When the final fix is available, a new AD should be issued to mandate the modification. Another commenter considers that the modification should be required within 18 months after the modification is made available. However, since the modification is not currently available, that requirement should be removed from the AD.

We partially concur with the requests regarding the modification requirement in paragraph (e) of the proposed AD. Although a final modification has not been completely defined, we consider it imperative to speed up the development and installation of a modification to prevent any chance of the wires being damaged either during removal and replacement of the fairing, or due to vibration while the airplane is in service. We have determined that allowing an additional 6 months for development and testing of the modification is appropriate to ensure that the modification is effective and to allow enough time for incorporating the modification on in-service airplanes. The compliance time for the modification is extended from 18 to 24 months in paragraph (e) of the final rule.

Request To Revise the Cost Estimate

The Air Transport Association (ATA) of America, on behalf of one of its members, states that re-installation of the fairing, per the “Installation of Fuel Pump Fairing” section of Airbus Airplane Maintenance Manual (AMM) Task 28-21-49-400-001, requires the use of a sealant with a cure time of up to 16 hours. The commenter adds that the sealant curing process will have a severe economic impact on the airlines, which does not appear to be addressed in the Cost Impact paragraph of the NPRM.

We infer that the commenter requests a revision of the cost estimate in the proposed AD, but we do not concur that a revision to the cost estimate is necessary. While we agree that the previously referenced AMM specifies the use of sealant to reassemble the front fairing and cover plate, upon further review we have determined that it is not necessary to remove the front fairing and cover plate to inspect the portion of

the wiring where damage has been found. Therefore, we have revised paragraph (b) in the final rule to require removal of only the “rear and intermediate” fairing. With this change, there is no requirement to apply sealant during accomplishment of the action required by paragraph (b) of this AD. No change to the cost estimate was made in the final rule.

Request To Delete Paragraph (c)

One commenter requests that paragraph (c) of the proposed AD be deleted from the final rule. The airplane trouble-shooting manual (TSM) addresses what to do when a circuit breaker trips and includes procedures for checking the wiring, if necessary. The commenter adds that mandating the removal of the fairing to check the wiring when it is unnecessary may induce problems. In the past, the TSM procedure has been used to effectively locate any arcing of the pump wiring.

We do not concur that paragraph (c) should be deleted from this AD. While we agree that the TSM includes a procedure for checking the continuity of the wire, the check may not detect an exposed wire condition. In addition, there have been cases where the wire was not inspected and was later found to be damaged. Therefore, we consider that an inspection to determine the condition of the wire is necessary to ensure that no arcing condition exists. Paragraph (c) was not deleted in the final rule.

Request To Revise the Repair Requirements

One commenter recommends revising paragraph (b)(2) of the proposed AD to include a reference to the Airbus Standard Repair Manual (SRM), and points out that paragraph (b)(1) of the proposed AD references standard practices of the manufacturer’s Aircraft Wiring Manual. The commenter notes that, if any damage beyond SRM limits is found, [the commenter’s] procedures specify seeking FAA or DGAC repair approval for structures that are the subject of AD’s.

We concur with the request to revise the repair requirements. Because the SRM is approved by the DGAC, it may be used as the approved data source to repair any damage that does not exceed the limits specified in the SRM. We have revised paragraph (b)(2) in the final rule to include the SRM as another approved method for repairing the airplane structure.

Explanation of Change Made to Proposal

We have clarified the inspection requirement contained in the proposed AD.

Although NOTE 2 in the proposal specified a detailed inspection, we have revised this final rule to clarify that its intent is to require a detailed visual inspection. NOTE 2 of the final rule has been changed accordingly.

Editorial Changes to the Final Rule

Airbus advises that the circuit breakers for the wing fuel tank pump are designated as 1QA, 2QA, 7QA, and 8QA. We have added these circuit breaker designators to paragraph (a) of the final rule.

Airbus also advises that the Aircraft Wiring Manual (AWM), Standard Practices, Chapter 20, includes procedures for repairing damaged wire. As a result of this information, we have added repair to the existing replacement action as another method of compliance in paragraph (b)(1) of the final rule. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD. This change provides operators with an option to either repair or replace the wire per the AWM.

Conclusion

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

Cost Impact

We estimate that 306 Model A319, A320, and A321 series airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required AFM revision, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AFM revision on U.S. operators is estimated to be \$18,360, or \$60 per airplane.

It will take approximately 2 work hours per airplane to accomplish the required inspection (including time to remove the fairing), at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the wiring inspection on U.S. operators is estimated to be \$36,720, or \$120 per airplane.

Since the manufacturer has not yet developed a modification commensurate with the requirements of

this AD, we are unable at this time to provide specific information as to the number of work hours or cost of parts that will be required to accomplish the modification. The compliance time of 24 months should provide ample time for the development, approval, and installation of an appropriate modification.

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, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-08 Airbus Industrie: Amendment 39-12015. Docket 2000-NM-227-AD.

Applicability: All Model A319, A320, and A321 series airplanes; 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 per paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical arcing of the fuel boost pump wire, which could result in wing structural damage, or fire and/or fuel vapor explosion, accomplish the following:

Airplane Flight Manual (AFM) Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following which may be accomplished by inserting a copy of this AD or Airbus Temporary Revision 2.04.00/31 into the AFM:

"FUEL SYSTEM

If circuit breaker 1QA, 2QA, 7QA, and 8QA for any wing tank fuel boost pump is tripped, do not reset."

Inspection

(b) Within 90 days after the effective date of this AD: For each fuel boost pump, remove the rear and intermediate fairings located on the lower wing skin and perform a detailed visual inspection of the wiring and the adjacent structure along the length of the fairings. Inspect to detect damage to the wires including chafed, pinched, or melted wires, and any signs of arcing damage to the structure. When replacing the fairing following the inspection, take care not to pinch or otherwise damage the wiring of the fuel boost pumps; incorrect replacement of the fairing could cause damage to the wiring.

(1) If any damage to the wire, as described in paragraph (b) of this AD, is detected: Prior to further flight, either repair the wire or replace the wire with new wire per the manufacturer's Aircraft Wiring Manual, Standard Practices, Chapter 20. Submit a

report at the time specified and per paragraph (d) of this AD.

(2) If any arcing damage to the structure is detected: Prior to further flight, repair the damaged structure per the airplane Structural Repair Manual or a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM-116, as required by this paragraph, the Manager's approval letter must specifically reference this AD. Submit a report at the time specified and per paragraph (d) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(c) As of the effective date of this AD: For any fuel boost pump on which circuit breaker 1QA, 2QA, 7QA, and 8QA of the pump has tripped, prior to further use of that pump, accomplish the inspection and applicable corrective actions specified by paragraph (b) of this AD.

Reporting Requirement

(d) If any damage is detected during any inspection required by paragraphs (b) and (c) of this AD: Within 10 days after accomplishing that inspection, submit a report of the inspection findings to the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1149. The report must include a description of the damage found, the airplane serial number, and the number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

Modification

(e) Within 24 months after the effective date of this AD: Modify the fuel pump wire and fairing, per a method approved by the Manager, International Branch, ANM-116.

Alternative Methods of Compliance

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

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

Special Flight Permits

(g) Special flight permits may be issued per 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.

Note 4: The subject of this AD is addressed in French airworthiness directive 2000-419-154(B), dated October 4, 2000. Operators should note that, although this AD requires a one-time detailed visual inspection, the French airworthiness directive does not mandate such an inspection.

Effective Date

(h) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30394 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-107-AD; Amendment 39-12007; AD 2000-23-34]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 737-300, -400, and -500 series airplanes, that requires replacement of the existing autothrottle computer with a new, improved autothrottle computer. This amendment is prompted by reports of asymmetric thrust conditions during flight caused by irregular autothrottle operation in which the thrust levers slowly move apart causing the airplane to bank excessively and go into a roll. The actions specified by this AD are intended to prevent such conditions, which could result in loss of control of the airplane.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of January 8, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Thanh Truong, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2552; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 737-300, -400, and -500 series airplanes was published in the **Federal Register** on June 12, 2000 (65 FR 36803). That action proposed to require replacement of the existing autothrottle computer with a new, improved autothrottle computer.

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.

Support for the Proposal

Two commenters state no objection to the proposed rule and indicate that the proposed replacements are already in progress on their fleets.

Request to Increase Compliance Time

Three commenters request an increase in the compliance time above the proposed one year after the effective date of this AD. One commenter suggests a compliance time of 18 months, but states no reason for its request. A second commenter suggests a compliance time of two years, to account for the amount of time necessary for a particular repair station to accomplish the modification. A third commenter does not make a specific suggestion for a compliance time, though it states that it will need four years to complete the proposed replacement using existing spares, considering the amount of time necessary for the repair station (the same one referenced by the second

commenter) to modify existing autothrottle computers.

The FAA concurs that the compliance time for the requirements of this AD may be extended. To assist in determining an appropriate compliance time, the FAA contacted the manufacturer of the autothrottle computers to determine the number of authorized repair facilities and the manpower available. The FAA also obtained data on the number of autothrottle computers manufactured, the number of units already converted, and the number of airplanes that are affected. Based on this information, the FAA finds that an extension of the compliance time to 18 months will be sufficient to allow accomplishment of this AD on all affected airplanes. The FAA also finds that such an extension of the compliance time will not adversely affect the continued safety of the airplane fleet. Therefore, paragraph (a) of this AD has been revised to state a compliance time of 18 months after the effective date of this AD.

Request to Remove "Spares" Requirement

One commenter requests that the FAA revise the proposed AD to remove paragraph (b), the "Spares" paragraph. That paragraph states, "As of the effective date of this AD, no person shall install on any airplane, an autothrottle computer having part number 10-62017-1, -2, -3, -4, -5, -11, -21, -23, -25, or -27." The commenter's request was based on the length of time necessary for modification of the existing autothrottle computers by an authorized repair facility.

The FAA does not concur with the commenter's request to delete the "Spares" requirement. As stated previously, the FAA finds that extension of the compliance time for this AD from one year to 18 months after the effective date of this AD will allow adequate time for autothrottle computers to be modified by an authorized repair facility and for operators to comply with the requirements of this AD, without compromising safety. No change to the final rule is necessary in this regard.

Request to Reduce Compliance Time and Consider Interim Actions

One commenter states that there is an inconsistency between the urgency of the unsafe condition, as explained in the proposal, and the length of the compliance time. The commenter points to the statement in the "Differences Between Proposed Rule and Alert Service Bulletin" section of the proposed AD, which reads, "The FAA

also finds that such a compliance time will not adversely affect the safety of the affected airplanes." The commenter states that it does not understand "an 'unsafe condition' that has already been identified that does not come into effect until 6th June 2001" and requests an explanation. The commenter also notes that the proposed AD does not contain any interim actions to be undertaken to ensure safety of the airplane fleet prior to accomplishment of the proposed replacement.

While the commenter makes no specific request for a change to the proposed AD, the FAA infers that the commenter is requesting that the FAA reduce the compliance time and include revisions to the flight procedures in this AD. The FAA does not concur with the commenter's request. As explained in the proposed AD, in developing an appropriate compliance time for the proposed replacement, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but also the number of proposed requirements and the availability of required parts. As stated previously in this AD, since the issuance of the proposed rule, the FAA has received information indicating that 18 months is an appropriate compliance time wherein all of these actions can be accomplished during scheduled airplane maintenance and an ample number of required parts will be available for modification of the U.S. fleet within the compliance period. The FAA also finds that such a compliance time will not adversely affect the safety of the affected airplanes.

With regard to the lack of interim actions in this AD, the FAA provides the following explanation. In 1994, the airplane manufacturer issued a Flight Operations Procedure to advise operators of an anomaly related to asymmetric thrust lever settings occurring during autothrottle operation. Such a procedure, if followed, adequately addresses the unsafe condition identified in this AD. However, this procedure does not take into account human factors that may result in the flightcrew failing to recognize an abnormality that develops over an extended period of time, resulting in an excessive bank angle for the airplane. There have been eight reported incidents of asymmetric thrust that occurred with delayed intervention by the pilots. Six of these eight incidents resulted in a bank angle of more than 30 degrees. In two incidents, airplanes have rolled more than 40 degrees before the flightcrew recognized the condition. For this reason, revisions to flight procedures are not considered

adequate to provide the degree of safety assurance necessary for the transport airplane fleet. Consideration of these factors has led the FAA to mandate the replacement required by this AD. No change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 1,974 Model 737-300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 799 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is \$60 per work hour. Required parts will cost between \$1,400 and \$4,200 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between \$1,460 and \$4,260 per airplane.

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

Regulatory Impact

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-23-34 Boeing: Amendment 39-12007. Docket 2000-NM-107-AD.

Applicability: All Model 737-300, -400, and -500 series airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a severe asymmetric thrust condition during flight which could result in loss of control of the airplane, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD: Replace the existing autothrottle computer with a new, improved autothrottle computer in accordance with

Boeing Alert Service Bulletin 737-22A1130, dated September 24, 1998.

Spares

(b) As of the effective date of this AD, no person shall install on any airplane, an autothrottle computer having part number 10-62017-1, -2, -3, -4, -5, -11, -21, -23, -25, or -27.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The replacement shall be done in accordance with Boeing Alert Service Bulletin 737-22A1130, including Appendix A, dated September 24, 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

Effective Date

(f) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 16, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 00-30319 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-CE-06-AD; Amendment 39-12011; AD 2000-24-04]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models A36, B36TC, and 58 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Corporation (Raytheon) Beech Models A36, B36TC, and 58 airplanes. This AD requires you to inspect for misrouted rudder control cables; replace any worn or damaged guard pins; replace any pulley brackets that are damaged or worn; and replace any misrouted rudder control cables. Three reports of misrouted cables prompted this action. The actions specified by this AD are intended to correct the misrouted rudder control cable and consequent guard pin wear or fraying of the cables with loss of rudder control.

DATES: This AD becomes effective on January 5, 2001.

The Director of the **Federal Register** approved the incorporation by reference of certain publications listed in the regulations as of January 5, 2001.

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140; on the Internet at <<http://www.raytheon.com/rac/servinfo/27-3265.pdf>>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <<http://www.adobe.com/>>. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-06-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: Paul C. DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD?
The FAA has received three reports of instances of misrouted cables in Raytheon Beech Models A36, B36TC, and 58 airplanes. In one instance, a report noted complete separation of the rudder cable. In another instance, a report noted fraying of the rudder cable.

What are the consequences if the condition is not corrected? This condition could result in guard pin wear and separation or fraying of the cables with loss of rudder control.

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 Raytheon Beech Models A36, B36TC, and 58 airplanes. This proposal published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 24, 2000 (65 FR 51562). The NPRM proposed to require you to inspect for misrouted rudder control cables; replace any worn or damaged guard pins; replace any pulley brackets that are damaged or worn; and replace any misrouted rudder control cables.

Was the public invited to comment?
Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- will not change the meaning of the AD; and
- will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 842 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 inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour×\$60 per hour=\$60	No parts required for the inspection.	\$60 per airplane	\$60×842=\$50,520.

We estimate the following costs to accomplish the rudder control replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
4 workhours × \$60 per hour = \$240.	Warranty Credit	\$240 per airplane	\$240 × 842 = \$202,080.

The manufacturer will also allow warranty credit for labor to the extent noted in the service bulletin.

We estimate the following costs to accomplish the rudder control replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
2 workhours × \$60 per hour = \$120.	No cost. Raytheon will provide	\$120 per airplane	\$120 × 842 = \$101,040.

The manufacturer will also allow warranty credit for labor to the extent noted in the service bulletin.

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 adding a new AD to read as follows:

2000–24–04 Raytheon Aircraft Company:

Amendment 39–12011; Docket No. 2000–CE–06–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following Beech airplane models and serial numbers that are certificated in any category;

Model	Serial numbers
A36	E–2519 through E–3140
B36TC	EA–501 through EA–608
58	TH–1576 through TH–1838

(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 correct the misrouted rudder control cable and consequent guard pin wear or fraying of the cables with loss of rudder control.

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

Actions	Compliance times	Procedures
(1) Inspect rudder control cables that are routed around the pulley and through the brackets. (i) Replace any worn or damaged guard pins. (ii) Inspect pulley brackets for wear and damage, and replace as necessary. (iii) If rudder cables are routed properly, check the airplane log book to determine if a misrouted control cable was detected during maintenance and the misrouting was corrected.	Inspect within the next 50 hours time-in-service after January 5, 2001 (the effective date of this AD), and accomplish all follow-on actions, such as replacements before further flight after the inspection.	Accomplish the inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27–3265, Issued: January 2000, and the applicable airplane Maintenance Manual or Shop Manual.

Actions	Compliance times	Procedures
<p>(2) If a misrouting has been recorded or found during this inspection, install replacement rudder control cables in accordance with the following:</p> <p>(i) Apply corrosion preventive compounds, as necessary, to provide corrosion protection.</p> <p>(ii) Install rudder control cables</p> <p>(iii) Adjust rudder control cables to correct tension and adjust control surface travel.</p> <p>(iv) Perform an operational checkout of the flight control system to ensure proper operation of installed rudder control cables, pulley brackets, guard pins and attaching hardware.</p>	<p>Before further flight after the inspection.</p>	<p>Accomplish this action in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3265, Issued: January 2000, and the applicable airplane Maintenance Manual or Shop Manual.</p>

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

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

(2) 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.

Note: 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 Paul C. DeVore, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; 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 Raytheon Mandatory Service Bulletin SB 27-

3265, Issued: January 2000. The director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, KS 67201-0085; or on the Internet at <http://www.raytheon.com/rac/servinfo/27-3265.pdf>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <http://www.adobe.com/>. 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) *When does this amendment become effective?* This amendment becomes effective on January 5, 2001.

Issued in Kansas City, Missouri, on November 20, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30318 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-CE-16-AD; Amendment 39-12012; AD 2000-24-05]

RIN 2120-AA64

Airworthiness Directives; Vulcanair S.p.A. Models P 68 "OBSERVER", P68 "OBSERVER 2", and P68TC "OBSERVER" Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Vulcanair S.p.A. (Vulcanair) Models P 68 "OBSERVER", P68 "OBSERVER 2", and P68TC "OBSERVER" airplanes. This AD requires you to inspect the nose landing gear (NLG) upper strut for evidence of cracking (cracks or crack beginnings), and replace the NLG upper strut if you find evidence of cracking. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to prevent failure of the NLG upper strut caused by cracking in the area of the seeger retaining ring groove, which could result in loss of control of the airplane.

DATES: This AD becomes effective on January 5, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 5, 2001.

ADDRESSES: You may get the service information referenced in this AD from Vulcanair S.p.A., Via G. Poscoli, 7, 80026 Casoria (Naples), Italy; telephone: +39-081-5918111; facsimile: +39-081-5918172. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-16-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:
 Roman Gabrys, Aerospace Engineer,
 FAA, Small Airplane Directorate, 901
 Locust, Room 301, Kansas City,
 Missouri 64106; telephone: (816) 329-
 4141; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD?
 The Ente Nazionale per l'Aviazione
 Civile (ENAC), which is the
 airworthiness authority for Italy,
 recently notified FAA that an unsafe
 condition may exist on certain
 Vulcanair Models P 68 "OBSERVER",
 P68 "OBSERVER 2", and P68TC
 "OBSERVER" airplanes. The ENAC
 reports three instances of cracking of the
 nose landing gear (NLG) upper strut,
 part number 4.4173-1, in the area of the
 seeger retaining ring groove.
 Investigation of these instances reveals
 a work defect found during surface
 finishing within the groove. The groove
 is then susceptible to cracks after a hard
 landing.

*What are the consequences if the
 condition is not corrected?* Such
 cracking, if not detected and corrected,
 could result in failure of the NLG upper
 strut, which could result in loss of
 control of the airplane.

*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
 Vulcanair Models P 68 "OBSERVER",
 P68 "OBSERVER 2", and P68TC
 "OBSERVER" airplanes. This proposal
 was published in the **Federal Register**
 as a notice of proposed rulemaking
 (NPRM) on September 22, 2000 (65 FR
 57296). The NPRM proposed to require
 you to inspect the NLG upper strut for
 evidence of cracking (cracks or crack
 beginnings), and replace the NLG upper
 strut if you find evidence of cracking.

Was the public invited to comment?
 Interested persons were afforded an
 opportunity to participate in the making
 of this amendment. No comments were
 received on the proposed rule or the

FAA's determination of the cost to the
 public.

The FAA's Determination

*What is FAA's final determination on
 this issue?* After careful review of all
 available information related to the
 subject presented above, we have
 determined that air safety and the
 public interest require the adoption of
 the rule as proposed except for minor
 editorial corrections. We determined
 that these minor corrections:

- will not change the meaning of the
 AD; and
- will not add any additional burden
 upon the public than was already
 proposed.

Cost Impact

*How many airplanes does this AD
 impact?* We estimate that this AD affects
 15 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 inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
10 workhours × \$60 per hour = \$600.	No parts required for the inspection.	\$600 per airplane	\$600 × 15 = \$9,000.

We estimate the following costs to accomplish any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need such replacement:

Labor cost	Parts cost	Total cost per airplane
10 workhours × \$60 per hour = \$600	\$600 per airplane.	\$1,200 per airplane

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 adding a
 new AD to read as follows:

2000-24-05 Vulcanair S.P.A. (Partenavia
 Costruzioni Aeronauticas S.p.A
 previously held Type Certificate A31EU):
 Amendment 39-12012; Docket No.
 2000-CE-16-AD.

(a) *What airplanes are affected by this AD?*
 This AD affects Models P 68 "OBSERVER",
 P68 "OBSERVER 2", and P68TC
 "OBSERVER" airplanes, all serial numbers
 up to and including 400, that are certificated
 in any category.

(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 prevent failure of the nose landing gear
 (NLG) upper strut caused by cracking in the
 area of the seeger retaining ring groove,
 which could result in 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:

Action	Compliance time	Procedures
(1) Inspect, using magnetic particle methods, the NLG upper strut, part number 4.4173-1 (or FAA-approved equivalent part number), for evidence of cracking (cracks or crack beginnings).	Within the next 200 hours time-in-service (TIS) after January 5, 2001 (the effective date of this AD).	Do this inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Vulcanair Service Bulletin No. 98, dated July 31, 1999.
(2) If there is evidence of cracking, replace the NLG upper strut with a new NLG upper strut, part number 4.4173-1 (or FAA-approved equivalent part number).	Prior to further flight after the inspection where evidence of cracking is found.	Use the procedures in the maintenance manual.
(3) Do not install any NLG upper strut, part number 4.4173-1, unless it is new from the factory, or has been inspected as required in paragraph (d)(1) of this AD and is found to not have any evidence of cracking.	As of January 5, 2001 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
 (2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: 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 Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; facsimile: (816) 329-4090.

(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 Vulcanair Service Bulletin No. 98, dated July 31, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Vulcanair S.p.A., Via G. Poscoli, 7, 80026 Casoria (Naples), Italy. 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) *When does this amendment become effective?* This amendment becomes effective on January 5, 2001.

Note 2: The subject of this AD is addressed in Italian AD 2000-004, dated January 10, 2000.

Issued in Kansas City, Missouri, on November 20, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30317 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-112-AD; Amendment 39-12010; AD 2000-24-03]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with additional information regarding procedures to ensure complete pressurization of the hydraulic lines for the flaps. This amendment requires revising the existing AFM revision to include a flap system test to be performed prior to the first flight of the day. This amendment also requires, for certain airplanes, modification of the flap actuators of the flight controls. The actions specified by this AD are intended to prevent an uncommanded retraction of the flaps during takeoff, which could result in an aborted takeoff and consequent potential for runway overrun.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director

of the Federal Register as of January 8, 2001.

The incorporation by reference of Dornier 328 All Operators Telefax AOT-328-27-016, dated July 31, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of November 12, 1998 (63 FR 57244, October 27, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-22-07, amendment 39-10854 (63 FR 57244, October 27, 1998), which is applicable to all Dornier Model 328-100 series airplanes, was published in the **Federal Register** on August 29, 2000 (65 FR 52365). The action proposed to continue to require revising the Airplane Flight Manual (AFM) to provide the flightcrew with additional information regarding procedures to ensure complete pressurization of the hydraulic lines for the flaps. The action also proposed to require revising the existing AFM revision to include a flap system test to be performed prior to the first flight of the day. Additionally, the action proposed to add a requirement, for certain airplanes, for modification of the flap actuators of the flight controls.

Comments

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

Conclusion

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

Cost Impact

There are approximately 52 airplanes of U.S. registry that will be affected by this AD.

The AFM revision that is currently required by AD 98-22-07, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is approximately \$3,120, or \$60 per airplane.

The new AFM revision that is required by this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required AFM revision on U.S. operators is estimated to be \$3,120, or \$60 per airplane.

The new modification that is required by this AD will take approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the required modification on U.S. operators is estimated to be \$240 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 39-10854 (63 FR 57244, October 27, 1998), and by adding a new airworthiness directive (AD), amendment 39-12010, to read as follows:

2000-24-03 Dornier Luftfahrt GMBH:
Amendment 39-12010. Docket 2000-NM-112-AD. Supersedes AD 98-22-07, Amendment 39-10854.

Applicability: All Model 328-100 series airplanes, 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 (d)(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 prevent an uncommanded retraction of the flaps during takeoff, which could result in an aborted takeoff and consequent potential for runway overrun, accomplish the following:

Restatement of Requirements of AD 98-22-07

Airplane Flight Manual (AFM) Revision

(a) Within 14 days after November 12, 1998 (the effective date of AD 98-22-07, amendment 39-10854), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Normal Procedures Section of the Dornier 328 FAA-approved AFM to include the information specified in pages 6 and 7 of Dornier 328 All Operators Telefax (AOT) AOT-328-27-016, dated July 31, 1998. This may be accomplished by inserting a copy of pages 6 and 7 of the AOT into the AFM.

(2) Revise the Abnormal Procedures Section of the Dornier 328 FAA-approved AFM to include the information specified in page 4 of Dornier 328 AOT-328-27-016, dated July 31, 1998. This may be accomplished by inserting a copy of page 4 of the AOT into the AFM.

New Requirements of This AD

New AFM Revision

(b) For all airplanes: Within 3 days after the effective date of this AD, revise the Dornier 328 FAA-approved AFM as specified in paragraphs (b)(1) and (b)(2) of this AD. Concurrent with this AFM revision, remove the AFM revisions required by paragraph (a) of this AD from the AFM.

(1) Revise the Normal Procedures Section to include the information specified in pages 4, 5, and 6 of Dornier 328 AOT-328-27-016, Revision 1, dated October 28, 1998. This may be accomplished by inserting a copy of pages 4, 5, and 6 of the AOT into the AFM.

(2) Revise the Abnormal Procedures Section to include the information specified in page 3 of Dornier 328 AOT-328-27-016, Revision 1, dated October 28, 1998. This may be accomplished by inserting a copy of page 3 of the AOT into the AFM.

Modification

(c) For airplanes with serial numbers 3005 through 3099 inclusive, 3101 through 3108 inclusive, and 3110 through 3119 inclusive: Within 5 months after the effective date of this AD, modify the flap actuators of the flight controls, in accordance with Dornier 328 Service Bulletin SB-328-27-293, dated November 10, 1999.

Note 2: The Dornier service bulletin references Liebherr Aerospace Service Bulletin 1048A-27-02, dated November 9, 1999, as an additional source of service information for accomplishing the modification of the flap actuators of the flight controls.

Alternative Methods of Compliance

(d)(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, 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 98-22-07, amendment 39-10854, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, 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) Except as provided by paragraph (b) of this AD, the AFM revisions shall be done in accordance with Dornier 328 All Operators Telefax AOT-328-27-016, dated July 31, 1998; or Dornier 328 All Operators Telefax AOT-328-27-016, Revision 1, dated October 28, 1998. The modification shall be done in accordance with Dornier 328 Service Bulletin SB-328-27-293, dated November 10, 1999.

(1) The incorporation by reference of Dornier 328 All Operators Telefax AOT-328-27-016, Revision 1, dated October 28, 1998; and Dornier 328 Service Bulletin SB-328-27-293, dated November 10, 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 Dornier 328 All Operators Telefax AOT-328-27-016, dated July 31, 1998, was approved previously by the Director of the Federal Register as of November 12, 1998 (63 FR 57244, October 27, 1998).

(3) Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German airworthiness directive 1998-359/3, dated April 6, 2000.

Effective Date

(g) This amendment becomes effective on January 8, 2001.

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

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30120 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-381-AD; Amendment 39-12009; AD 2000-24-02]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that currently requires repetitive inspections to detect wear of the inboard flap trunnions, and to detect wear or debonding of the protective half-shells; and corrective actions, if necessary. This amendment requires accomplishment of the previously optional terminating action. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent chafing and resultant wear damage on the inboard flap drive trunnions or on the protective half-shells, which could result in failure of the trunnion primary load path; this would adversely affect the fatigue life of the secondary load path and could lead to loss of the flap.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of January 8, 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 September 27, 1999 (64 FR 45868, August 23, 1999).

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99-17-11, amendment 39-11259 (64 FR 45868, August 23, 1999), which is applicable to certain Airbus Model A319, A320, and A321 series airplanes, was published in the **Federal Register** on September 20, 2000 (65 FR 56814). The action proposed to continue to require repetitive inspections to detect wear of the inboard flap trunnions, and to detect wear or debonding of the protective half-shells; and corrective actions, if necessary. The action also proposed to require accomplishment of the previously optional terminating action.

Comments

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

Conclusion

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

Cost Impact

There are approximately 132 airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 99-17-11, and retained in this AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is approximately \$7,920, or \$60 per airplane, per inspection cycle.

The new actions that are required in this AD will take approximately 14 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be \$110,880, or \$840 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 39-11259 (64 FR 45868, August 23, 1999), and by adding a new airworthiness directive (AD), amendment 39-12009, to read as follows:

2000-24-02 Airbus Industrie: Amendment 39-12009. Docket 99-NM-381-AD. Supersedes AD 99-17-11, Amendment 39-11259.

Applicability: Model A319, A320, and A321 series airplanes; certificated in any

category; except airplanes on which Airbus Modification 26495 (reference Airbus Service Bulletin A320-27-1117) has been accomplished.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For 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 prevent chafing and resultant wear damage on the inboard flap drive trunnions or on the protective half-shells, which could result in failure of the trunnion primary load path, adversely affect the fatigue life of the secondary load path, and lead to loss of the flap, accomplish the following:

Restatement of Certain Requirements of AD 99-17-11

Inspections

(a) For airplanes on which a protective half-shell has been installed over area 1 of the left or right inboard flap trunnion: Perform a detailed visual inspection of the protective half-shell (area 1) to detect wear or debonding, and perform a detailed visual inspection of the trunnion (area 2) to detect wear at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable; in accordance with Airbus Service Bulletin A320-27-1108, Revision 01, dated July 15, 1997, Revision 02, dated April 17, 1998, or Revision 03, dated June 25, 1999.

(1) For Model A319 and Model A320 series airplanes on which Airbus Modification 22841 has been installed: Inspect prior to the accumulation of 2,500 flight hours after the incorporation of the modification, or within 500 flight hours after September 27, 1999 (the effective date of AD 99-17-11, amendment 39-11259), whichever occurs later.

(2) For Model A321 series airplanes on which Airbus Modification 23926 has been installed, or on which the repair specified in Airbus Service Bulletin A320-27-1097, dated October 5, 1996, or Revision 01, dated July 15, 1997, has been accomplished; and for Model A320 series airplanes on which the repair specified in Airbus Service Bulletin A320-27-1066, Revision 3, dated October 30, 1996, or Revision 4, dated July 15, 1997, has been accomplished: Inspect prior to the accumulation of 5,000 flight hours after incorporation of the repair or modification, or within 500 flight hours after September 27, 1999, whichever occurs later.

(3) For Airbus Model A320 series airplanes on which Airbus Modification 22881 (Airbus Service Bulletin A320-27-1050) has been accomplished, and on which Airbus Modification 22841 has not been

accomplished: Inspect within 500 flight hours after the effective date of this new AD.

Note 2: Paragraph (a)(3) of AD 99-17-11 has been revised to correct the description of airplanes affected by that paragraph. Since such a revision could result in additional airplanes being affected, the compliance time has been restarted from the effective date of this AD to allow additional time to accomplish the actions required by that paragraph.

(b) For airplanes on which no protective half-shell is installed over area 1 of the left or right inboard flap trunnion: Within 500 flight hours after September 27, 1999, perform a detailed visual inspection of areas 1 and 2 of the inboard flap trunnion to detect wear on the trunnion, in accordance with Airbus Service Bulletin A320-27-1066, Revision 4, dated July 15, 1997 (for Model A320 series airplanes); or A320-27-1097, Revision 01, dated July 15, 1997, or Revision 02, dated June 25, 1999 (for Model A321 series airplanes).

Corrective Actions

(c) Except as provided by paragraph (d) of this AD: Following the accomplishment of any inspection required by either paragraph (a) or (b) of this AD, perform the follow-on repetitive inspections and/or corrective actions, as applicable, in accordance with Airbus Service Bulletin A320-27-1066, Revision 4, dated July 15, 1997 (for Model A320 series airplanes); A320-27-1097, Revision 01, dated July 15, 1997, or Revision 02, dated June 25, 1999 (for Model A321 series airplanes); or A320-27-1108, Revision 01, dated July 15, 1997, Revision 02, dated April 17, 1998, or Revision 03, dated June 25, 1999 (for Model A319, A320, and A321 series airplanes); as applicable; at the compliance times specified in the applicable service bulletin.

(d) If the applicable service bulletin specifies to contact Airbus for an appropriate action, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, or the Direction Generale de l'Aviation Civile (or its delegated agent).

New Requirements of this AD

Service Bulletin Revisions

(e) As of the effective date of this new AD, the following service bulletin revisions must be used for accomplishment of the applicable actions required by paragraphs (a), (b), and (c) of this AD:

(1) Airbus Service Bulletin A320-27-1108, Revision 04, dated November 22, 1999.

(2) Airbus Service Bulletin A320-27-1066, Revision 5, dated June 25, 1999.

Terminating Modification

(f) Within 18 months after the effective date of this AD, modify the sliding panel driving mechanism of the flap drive trunnions, in accordance with Airbus Service Bulletin A320-27-1117, Revision 02, dated January 18, 2000. This modification constitutes terminating action for the repetitive inspections required by this AD.

Note 3: Accomplishment of the modification required by paragraph (f) of this

AD prior to the effective date of this AD in accordance with Airbus Service Bulletin A320-27-1117, dated July 31, 1997, or Revision 01, dated June 25, 1999, is acceptable for compliance with that paragraph.

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, International Branch, ANM-116. Operators shall submit requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

(2) Alternative methods of compliance, approved previously in accordance with AD 99-17-11, amendment 39-11259, 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 International Branch, ANM-116.

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 required by paragraph (d) of this AD, the actions shall be done in accordance with Airbus Service Bulletin A320-27-1108, Revision 01, dated July 15, 1997; Airbus Service Bulletin A320-27-1108, Revision 02, dated April 17, 1998; Airbus Service Bulletin A320-27-1108; Revision 03, dated June 25, 1999; Airbus Service Bulletin A320-27-1066, Revision 4, dated July 15, 1997; Airbus Service Bulletin A320-27-1097, Revision 01, dated July 15, 1997; Airbus Service Bulletin A320-27-1097, Revision 02, dated June 25, 1999; Airbus Service Bulletin A320-27-1108, Revision 04, dated November 22, 1999; Airbus Service Bulletin A320-27-1066, Revision 5, dated June 25, 1999; and Airbus Service Bulletin A320-27-1117, Revision 02, dated January 18, 2000; as applicable.

(1) The incorporation by reference of Airbus Service Bulletin A320-27-1108, Revision 04, dated November 22, 1999; Airbus Service Bulletin A320-27-1066, Revision 5, dated June 25, 1999; and Airbus Service Bulletin A320-27-1117, Revision 02, dated January 18, 2000, 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 Airbus Service Bulletin A320-27-1108, Revision 01, dated July 15, 1997; Airbus Service Bulletin A320-27-1108, Revision 02, dated April 17, 1998; Airbus Service Bulletin A320-27-1108; Revision 03, dated June 25, 1999; Airbus Service Bulletin A320-27-1066, Revision 4, dated July 15, 1997; Airbus Service Bulletin A320-27-1097, Revision 01, dated July 15, 1997; and Airbus Service Bulletin A320-27-1097, Revision 02, dated

June 25, 1999, was approved previously by the Director of the Federal Register as of September 27, 1999 (64 FR 45868, August 23, 1999).

(3) Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 French airworthiness directive 1996-271-092(B) R3, dated August 11, 1999.

Effective Date

(j) This amendment becomes effective on January 8, 2001.

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

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30119 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-368-AD; Amendment 39-12008; AD 2000-24-01]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) series airplanes. This action requires installation of protection shields in the wheel bay of the main landing gear (MLG). This action is necessary to prevent water, ice or slush accumulation on the aileron quadrants and/or control cable pulleys in the wheel bay of the MLG during ground roll. Such water, ice or slush accumulation could subsequently freeze during the climb to cruise altitude and cause stiffness in the aileron controls, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective December 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 2000.

Comments for inclusion in the Rules Docket must be received on or before January 3, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-368-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-iarcomment@faa.gov. Comments sent via the Internet must contain "Docket No. 2000-NM-368-AD" in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Parillo, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; telephone (516) 256-7505; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: Transport Canada Civil Aviation, which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) series airplanes. TCCA advises that it has received several reports of stiffness in the aileron controls following takeoff from a wet or snow/slush covered runway. The cause of the stiffness has been attributed apparently to water, ice or slush accumulation on

the aileron quadrants and/or control cable pulleys in the wheel bay of the main landing gear (MLG) during ground roll, which subsequently froze during the climb to cruise altitude. This

condition, if not corrected, could result in stiffness in the aileron controls and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Bombardier has issued the following service bulletins:

Bombardier service bulletin	Service bulletin date	Model
600-0684	July 15, 1998	CL-600-1A11 (CL-600)
601-0507	June 30, 1998	CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A and CL-601-3R)
604-32-007	June 30, 1998	CL-600-2B16 (CL-604)

The service bulletins describe procedures for installation of protection shields in the wheel bay of the MLG. Accomplishment of the action specified in the applicable service bulletin is intended to adequately address the identified unsafe condition. TCCA classified these service bulletins as mandatory and issued Canadian airworthiness directive CF-2000-30, dated September 12, 2000, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent water, ice or slush accumulation on the aileron quadrants and/or control cable pulleys in the wheel bay of the MLG during ground roll. Such water, ice or slush accumulation could subsequently freeze during the climb to cruise altitude and cause stiffness in the aileron controls, which could result in reduced controllability of the airplane. This AD requires accomplishment of the action specified in the service bulletins described previously.

Differences Between the AD and Foreign Airworthiness Directive

The AD would differ from the parallel Canadian airworthiness directive in that it would require accomplishment of the installation within 45 days after the effective date of this AD. The parallel Canadian airworthiness directive recommends accomplishment of the installation within 120 days after October 25, 2000 (the effective date of the Canadian airworthiness directive). In developing an appropriate compliance time for this AD, the FAA considered not only TCCA's recommendation, but the onset of inclement weather conditions, degree of urgency associated with addressing the subject unsafe condition, and average utilization of the affected fleet. In light of these factors, the FAA finds a 45-day compliance time for initiating the required installation to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Determination of Rule's Effective Date

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 shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments

received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-368-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft,

and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-01 Bombardier, Inc. (Formerly Canadair): Amendment 39-12008. Docket 2000-NM-368-AD.

Applicability: The following airplanes, certificated in any category:

Model	Serial Nos.
CL-600-1A11 (CL-600).	1004 though 1085 inclusive.
CL-600-2A12 (CL-601).	3001 through 3066 inclusive.
CL-600-2B16 (CL-601-3A and CL-601-3R).	5001 through 5194 inclusive.
CL-600-2B16 (CL-604).	5301 through 5392 inclusive.

Note 1: This AD applies to each airplane identified in the preceding applicability

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

Compliance: Required as indicated, unless accomplished previously.

To prevent water, ice, or slush accumulation on the aileron quadrants and/or control cable pulleys in the wheel bay of the main landing gear (MLG) during ground roll, which could subsequently freeze during the climb to cruise altitude and cause stiffness in the aileron controls and reduced controllability of the airplane, accomplish the following:

Installation of Protection Shields

(a) Within 45 days after the effective date of this AD, install protection shields in the wheel bay of the MLG, per the following applicable Bombardier service bulletin:

Model	Bombardier service bulletin	Service bulletin date
CL-600-1A11 (CL-600)	600-0684	July 15, 1998
CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A and CL-601-3R).	601-0507	June 30, 1998
CL-600-2B16 (CL-604)	604-32-007	June 30, 1998

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with the following service bulletins, as applicable:

Bombardier service bulletin	Service bulletin date
600-0684	July 15, 1998.

Bombardier service bulletin	Service bulletin date
601-0507	June 30, 1998.
604-32-007	June 30, 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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF-2000-30, dated September 12, 2000.

Effective Date

(e) This amendment becomes effective on December 19, 2000.

Issued in Renton, Washington, on November 17, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30020 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-CE-42-AD; Amendment 39-11965; AD 2000-22-18]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Model 58 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Beech Model 58

airplanes. This AD requires you to inspect the rudder bellcrank interconnect tube for damage; replace or refinish the interconnect tube, if necessary; and modify the floorboard. Four reports of damage to the interconnect tube prompted this action. The actions specified by this AD are intended to correct the wrong use of screws and consequent wear in the pilot/copilot pedal interconnect tube, which could result in loss of rudder control.

DATES: This AD becomes effective on December 29, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of December 29, 2000.

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140; on the Internet at <<http://www.raytheon.com/rac/servinfo/27-3013.pdf>>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <http://www.adobe.com/>. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-42-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: Paul C. DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The FAA has received four reports of grooves cut in the pilot/copilot rudder interconnect tube. The grooves were discovered during routine inspections.

What are the consequences if the condition is not corrected? This condition could result in jamming or restricting rudder control.

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 Raytheon Beech Model 58 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 7, 2000 (65 FR 54184). The NPRM proposed to require you to inspect the rudder bellcrank interconnect tube for damage; if necessary, replace or refinish the rudder bellcrank interconnect tube; and plug the floorboard screw hole.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- will not change the meaning of the AD; and
- will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 491 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 modification of the floorboard and inspection of the rudder bellcrank interconnect tube:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
4 workhours × \$60 per hour = \$240.	Parts are provided at no charge under warranty.	\$240 per airplane	\$240 × 491 = \$117,840.

We estimate the following costs to accomplish the modification or replacement of the bellcrank interconnect tube:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour × \$60 per hour = \$60	Parts are provided at no charge under warranty.	\$60 per airplane	\$60 × 491 = \$29,460.

Note: The manufacturer will allow warranty credit for labor and parts to the extent noted in the service bulletin.

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 adding a new AD to read as follows:

2000-22-18 Raytheon Aircraft Company: Amendment 39-11965; Docket No. 2000-CE-42-AD.

(a) *What airplanes are affected by this AD?* This AD affects Beech Model 58 airplanes; serial numbers TH-1389, and TH-1396 through TH-1885, that are certificated in any category.

(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 correct the wrong use of screws and consequent wear in the pilot/copilot pedal interconnect tube, which could result in loss of rudder control.

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

Actions	Compliance times	Procedures
(1) Inspect the rudder bellcrank interconnect tube for damage and ensure the floorboard panel screws are 3/4 inch or less in length. Screws that are longer than 3/4 inch in length can damage parts installed immediately below the floorboards.	Inspect within the next 6 calendar months after December 29, 2000 (the effective date of this AD).	Do this inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000, and the Baron Model 58 Shop Manual.
(2) If you find no damage to the rudder bellcrank interconnect tube, discard any self-tapping coarse thread screw installed in the flanges that is longer than 3/4 inch.	Before further flight after the inspection.	Do these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000, and the Baron 58 Shop Manual.
(3) If you find damage to the rudder bellcrank interconnect tube, and the damage has not worn into the aluminum interconnect tube, refinish the interconnect tube and discard any self-tapping coarse thread screw installed in the flanges that is longer than 3/4 inch.	Before further flight after the inspection.	Do these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000, and the Baron 58 Shop Manual.
(4) If you find damage to the rudder bellcrank interconnect tube, and the damage has worn into the aluminum interconnect tube, you must replace the interconnect tube and discard any self-tapping coarse thread screw installed in the flanges that is longer than 3/4 inch.	Before further flight after the inspection.	Do these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000, and the Baron 58 Shop Manual.
(5) Plug the floorboard screw hole	Before further flight after the inspection.	Do these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS paragraph of Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000, and the Baron 58 Shop Manual.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: 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. You should include in the request 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 Paul C. DeVore, Aerospace Engineer, FAA, Wichita Aircraft

Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; 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 do 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 Raytheon Mandatory Service Bulletin SB 27-3013, Issued: June 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140; or on the Internet at <<http://www.raytheon.com/rac/servinfo/27-3013.pdf>>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <<http://www.adobe.com/>>. 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) *When does this amendment become effective?* This amendment becomes effective on December 29, 2000.

Issued in Kansas City, Missouri, on October 30, 2000.

Marvin R. Nuss,
Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-28438 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-28-AD; Amendment 39-12016; AD 2000-24-09]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires modification of the insulation blankets in the area surrounding the main external power ground studs. This action is necessary to prevent smoke and fire in the forward cargo compartment due to burn damage to the insulation blankets in the area surrounding the main external power ground studs. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46203). That action proposed to require modification of the insulation blankets in the area surrounding the main external power ground studs.

Comments

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

The commenter indicates that it has completed the subject modification and has no objection to the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 137 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 28 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$3,360, or \$120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-09 McDonnell Douglas:

Amendment 39-12016. Docket 2000-NM-28-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-25A187, Revision 01, dated January 5, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent smoke and fire in the forward cargo compartment due to burn damage to the insulation blankets in the area surrounding the main external power ground studs, accomplish the following:

Modification

(a) Within one year after the effective date of this AD, modify the insulation blankets in the area surrounding the main external power ground studs in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A187, Revision 01, dated January 5, 2000.

Alternative Methods of Compliance

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

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.12000 of the Federal Aviation Regulations (14 CFR 21.197 and 21.12000) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The modification shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A187, Revision 01, dated January 5, 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 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

(e) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30434 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-29-AD; Amendment 39-12017; AD 2000-24-10]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell

Douglas Model MD-11 series airplanes, that requires relocating the B7-28 bus located in the upper main circuit breaker in the rear cockpit observer's station from the lower to the upper terminals of the circuit breakers in Row P. This action is necessary to prevent insufficient clearance and contact between the B7-28 bus and an adjacent panel, which could result in arcing damage, smoke, and/or fire in the upper main circuit breaker panel. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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:

Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46204). That action proposed to require relocating the B7-28 bus located in the upper main circuit breaker in the rear cockpit observer's station from the lower to the upper terminals of the circuit breakers in Row P.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response

to the proposal or the FAA's determination of the cost to the public.

Conclusion

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

Cost Impact

There are approximately 144 airplanes of the affected design in the worldwide fleet. The FAA estimates that 56 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$6,720, or \$120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-10 McDonnell Douglas:

Amendment 39-12017. Docket 2000-NM-29-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A180, dated January 4, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent insufficient clearance and contact between the B7-28 bus and an adjacent panel, which could result in arcing damage, smoke, and/or fire in the upper main circuit breaker panel, accomplish the following:

Relocation

(a) Within 12 months after the effective date of this AD, relocate the B7-28 bus located in the upper main circuit breaker in the rear cockpit observer's station from the lower to the upper terminals of the circuit breakers in Row P in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11-24A180, dated January 4, 2000.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, 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

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

Incorporation by Reference

(d) The relocation shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A180, dated January 4, 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 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

(e) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30435 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. 2000-NM-31-AD; Amendment 39-12018; AD 2000-24-11]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

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

applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires a one-time inspection to detect discrepancies at certain areas around the entry light connector of the sliding ceiling panel above the forward passenger doors, and repair, if necessary. For certain airplanes, that AD also requires installation or modification of a flapper door ramp deflector on the forward entry drop ceiling structure. For certain other airplanes, that AD requires inspection of the wire assembly support installation for evidence of chafing, and corrective actions, if necessary. For certain airplanes subject to the existing AD, as well as additional airplanes being added to the applicability of this AD, this action adds a requirement for modification of a support bracket for the ramp deflector assembly. This action is necessary to prevent chafing of electrical wire assemblies above the forward passenger doors, which could result in an electrical fire in the passenger compartment. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000, as listed in the regulations, is approved by the Director of the Federal Register as of January 8, 2001.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; and McDonnell Douglas Alert Service Bulletin MD11-24A068, Revision 01, dated March 8, 1999, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 23, 2000 (65 FR 8034, February 17, 2000).

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-

130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000-03-10, amendment 39-11569 (65 FR 8034, February 17, 2000), which is applicable to certain McDonnell Douglas Model MD-11 series airplanes, was published in the **Federal Register** on July 27, 2000 (65 FR 46206). That action proposed to continue to require a one-time inspection to detect discrepancies at certain areas around the entry light connector of the sliding ceiling panel above the forward passenger doors, and repair, if necessary. For certain airplanes, that action also proposed to continue to require installation or modification of a flapper door ramp deflector on the forward entry drop ceiling structure. For certain other airplanes, that action also proposed to continue to require inspection of the wire assembly support installation for evidence of chafing, and corrective actions, if necessary. For certain airplanes subject to the existing AD, as well as additional airplanes being added to the applicability of this new AD, that action proposed to add a requirement for modification of a support bracket for the ramp deflector assembly.

Comments

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

Conclusion

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

Cost Impact

There are approximately 110 airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD.

The inspection to detect discrepancies around the entry light connector of the slide ceiling panel above the forward passenger doors that is currently required by AD 2000-03-10 takes 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 this currently required inspection on U.S.

operators is estimated to be \$2,520, or \$120 per airplane.

For Group 1 airplanes as specified in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06 (approximately 16 airplanes of U.S. registry), the installation of the flapper door ramp deflector that is currently required by AD 2000-03-10 takes approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$455 per airplane. Based on these figures, the cost impact of this currently required installation on U.S. operators of Group 1 airplanes is estimated to be \$14,960, or \$935 per airplane.

For Group 2 airplanes as specified in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06 (approximately 8 airplanes of U.S. registry), the installation of the flapper door ramp deflector that is currently required by AD 2000-03-10 takes approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$890 per airplane. Based on these figures, the cost impact of this currently required installation on U.S. operators of Group 2 airplanes is estimated to be \$10,960, or \$1,370 per airplane.

For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-24A068, Revision 01, dated March 8, 1999 (approximately 21 airplanes of U.S. registry), the inspection of the wire assembly support installation that is currently required by AD 2000-03-10 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this currently required inspection on U.S. operators is estimated to be \$1,260, or \$60 per airplane.

For airplanes in Groups 1 and 3 as specified in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06 (approximately 18 airplanes of U.S. registry), the new modification that is required in this AD action 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 this required modification on U.S. operators is estimated to be \$2,160, or \$120 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 39-11569 (65 FR 8034, February 17, 2000), and by adding a new airworthiness directive (AD), amendment 39-12018, to read as follows:

2000-24-11 McDonnell Douglas:

Amendment 39-12018. Docket 2000-NM-31-AD. Supersedes AD 2000-03-10, Amendment 39-11569.

Applicability: Model MD-11 series airplanes; as listed in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000; and MD11-24A068, Revision 01, dated March 8, 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 (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of electrical wire assemblies above the forward passenger doors, which could result in an electrical fire in the passenger compartment, accomplish the following:

Restatement of the Requirements of AD 2000-03-10

Detailed Visual Inspection

(a) For airplanes listed in McDonnell Douglas Alert Service Bulletins

MD11-25A194, Revision 05, dated June 21, 1999, and MD11-24A068, Revision 01, dated March 8, 1999: Within 10 days after December 28, 1998 (the effective date of AD 98-25-11 R1, amendment 39-10988), perform a detailed visual inspection of the aircraft wiring to detect discrepancies that include but are not limited to frayed, chafed, or nicked wires and wire insulation in the areas specified in paragraphs (a)(1) and (a)(2) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) At the area of the forward drop ceiling just outboard of mod block S3-735, and forward and inboard of the light ballast for the entry light on the sliding ceiling panel above the forward left passenger door (1L) at station location $x = 24.75$, $y = 435$, and $z = 64.5$.

(2) At the area above the forward right passenger door (1R) at station location $x = -30$, $y = 430$, and $z = 70$ in the ramp deflector assembly part number 4223570-501.

Corrective Action

(b) If any discrepancy is detected during the visual inspection required by paragraph

(a) of this AD, prior to further flight, repair in accordance with Chapter 20, Standard Wiring Practices of the MD-11 Wiring Diagram Manual, dated January 1, 1998, or April 1, 1998.

Inspection, Installation, and Modification

(c) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; or MD11-24A068, Revision 01, dated March 8, 1999: Within 6 months after March 23, 2000 (the effective date of AD 2000-03-10, amendment 39-11569), accomplish the actions specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, as applicable.

(1) For Group 1 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999: Install a ramp deflector assembly on the right side forward entry drop ceiling structure in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; or McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000. After the effective date of this AD, only Revision 06 of the alert service bulletin shall be used.

(2) For Group 2 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999: Install a ramp deflector assembly on the right side forward entry drop ceiling structure in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; or McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000. After the effective date of this AD, only Revision 06 of the alert service bulletin shall be used.

Note 3: Installation of a ramp deflector assembly in accordance with McDonnell Douglas Alert Service Bulletin MD11-25-194, dated March 15, 1996; Revision 01, dated May 1, 1996; Revision 02, dated July 12, 1996; Revision 03, dated December 12, 1996; or Revision 04, dated March 8, 1999, is acceptable for compliance with the requirements of paragraph (c)(2) of this AD.

(3) For Group 3 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999: Modify the previously installed ramp deflector assembly bracket in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; or McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000. After the effective date of this AD, only Revision 06 of the alert service bulletin shall be used.

(4) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-24A068, Revision 01, dated March 8, 1999: Perform a general visual inspection of the wire assembly support installation for evidence of chafing, in accordance with the service bulletin. If any chafing is detected, prior to further flight, repair or replace any discrepant part with a new part in accordance with the service bulletin.

Note 4: For the purposes 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."

New Requirements of this AD

One-Time Inspection

(d) For airplanes other than those identified in paragraph (a) of this AD: Within 10 days after the effective date of this AD, perform a detailed visual inspection of the aircraft wiring to detect discrepancies that include but are not limited to frayed, chafed, or nicked wires and wire insulation in the areas specified in paragraphs (a)(1) and (a)(2) of this AD. If any discrepancy is found, prior to further flight, repair in accordance with the requirements of paragraph (b) of this AD.

Note 5: Accomplishment of the inspection required by paragraph (a) of AD 98-25-11 R1, amendment 39-10988, prior to the effective date of this AD is acceptable for compliance with paragraph (d) of this AD.

Modification

(e) For airplanes listed in Group 3 of McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000: Within 6 months after the effective date of this AD, modify the ramp deflector assembly support bracket on the right side forward entry door drop ceiling structure, in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles 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 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(h) The actions provided by paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (e) of this AD shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000; or McDonnell Douglas Alert Service Bulletin MD11-24A068, Revision 01, dated March 8, 1999; as applicable.

(1) The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 06, dated January 27, 2000, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-25A194, Revision 05, dated June 21, 1999; and McDonnell Douglas Alert Service Bulletin MD11-24A068, Revision 01, dated March 8, 1999, was approved previously by the Director of the Federal Register as of March 23, 2000 (65 FR 8034, February 17, 2000).

(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 ACO, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(i) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30436 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-33-AD; Amendment 39-12019; AD 2000-24-12]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires an inspection to detect chafing or damage of the electrical wires leading to the terminal strips in the center accessory compartment (CAC) area; and corrective actions, if necessary. This amendment also requires revising the wire connection stack up of certain cable terminals at the electrical power center bays in the CAC,

and replacing certain terminal strips with new strips and removing applicable nameplates at electrical power center bays. This action is necessary to prevent arcing and sparking damage to the power feeder cables, terminal strips, and adjacent structure, and consequent smoke and fire in the CAC. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46211). That action proposed to require an inspection to detect chafing or damage of the electrical wires leading to the terminal strips in the center accessory compartment (CAC) area; and corrective actions, if necessary. That action also proposed to require revising the wire connection stack up of certain cable terminals at the electrical power center bays in the CAC, and replacing certain terminal strips with new strips and removing applicable nameplates at electrical power center bays.

Comments

Interested persons have been afforded an opportunity to participate in the

making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

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

Cost Impact

There are approximately 151 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 59 airplanes of U.S. registry will be affected by this AD, that it will take approximately between 6 and 8 work hours per airplane depending on the configuration of the airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately between \$1,091 and \$1,256 per airplane depending on the configuration of the airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between \$85,609 and \$102,424, or between \$1,451 and \$1,736 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 adding the following new airworthiness directive:

2000-24-12 McDonnell Douglas:

Amendment 39-12019. Docket 2000-NM-33-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A097, dated April 3, 2000; 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 (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 arcing and sparking damage to the power feeder cables, terminal strips, and adjacent structure, and consequent smoke and fire in the center accessory compartment, accomplish the following:

Inspection

(a) Within 12 months after the effective date of this AD, perform a one-time general visual inspection to detect chafing or damage of the electrical wires leading to the terminal strips in the center accessory compartment area, in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A097, dated April 3, 2000.

Note 2: For the purposes 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."

Condition 1 (No Chafing or Damage)

(1) If no chafing or damage is detected, no further action is required by this paragraph.

Condition 2 (Evidence of Chafing or Damage on Terminal Strips)

(2) If any chafing or damage is detected on the terminal strips, before further flight, replace the terminal strip with a like part and seal screw heads of replaced terminal strips, in accordance with the service bulletin.

Condition 3 (Chafing or Damage Within Limits)

(3) If any chafing is detected and if any damage is detected within the limits specified in the service bulletin, before further flight, repair damage in accordance with the service bulletin.

Condition 4 (Chafing or Damage Beyond Limits)

(4) If any chafing is detected and if any damage is detected beyond the limits specified in the service bulletin, before further flight, replace damaged wires with new wires in accordance with the service bulletin.

Revise Wire Connection of the Cable Terminal Strips

(b) Within 12 months after the effective date of this AD, revise the wire connection stack up of certain cable terminals at the electrical power center bays in the center accessory compartment in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A097, dated April 3, 2000.

Replacement of Terminal Strips and Removal of Nameplate

(c) Within 12 months after the effective date of this AD, replace the terminal strips with new strips and remove the applicable nameplate at electrical power center bays in the center accessory compartment, in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A097, dated April 3, 2000.

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, 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 3: 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

(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 McDonnell Douglas Alert Service Bulletin MD11-24A097, dated April 3, 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 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 ACO, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30437 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-34-AD; Amendment 39-12020; AD 2000-24-13]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires replacing the ground support bracket(s); and rerouting the ground cables of the galley external power and main external power, or ground cables of the main external power; as applicable. This action is necessary to prevent arcing and heat damage to the attachment points of the main external and galley power

receptacle ground wire, insulation blankets outboard and aft of the receptacle area, and adjacent power cables, which could result in smoke and fire in the forward cargo compartment. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46214). That action proposed to require replacing the ground support bracket(s); and rerouting the ground cables of the galley external power and main external power, or ground cables of the main external power; as applicable.

Comments

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

The commenter states that there is a typographical error in the service bulletin citation in paragraph (a) of the proposed rule. The FAA concurs. Paragraph (a) of the proposed rule incorrectly references McDonnell Douglas Alert Service Bulletin MD11-24A128, dated April 3, 2000, as the

appropriate source of service information for the accomplishment of the actions required by paragraphs (a)(1) and (a)(2) of the AD. The correct reference is McDonnell Douglas Alert Service Bulletin MD11-24A138, dated April 3, 2000. Paragraph (a) of this AD has been changed accordingly.

Conclusion

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

Cost Impact

There are approximately 149 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately between 1 (for Group 1 airplanes) and 2 (for Group 2 airplanes) work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$337 (for Group 1 airplanes) or \$647 (for Group 2 airplanes) per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$21,835, or \$397 per airplane (for Group 1 airplanes); or \$42,185, or \$767 per airplane (for Group 2 airplanes).

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 adding the following new airworthiness directive:

2000-24-13 McDonnell Douglas:

Amendment 39-12020. Docket 2000-NM-34-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A138, dated April 3, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing and heat damage to the attachment points of the main external and galley power receptacle ground wire,

insulation blankets outboard and aft of the receptacle area, and adjacent power cables, which could result in smoke and fire in the forward cargo compartment, accomplish the following:

Replacement and Reroute

(a) Within 12 months after the effective date of this AD, accomplish the actions specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A138, dated April 3, 2000.

(1) For Group 1 airplanes listed in the service bulletin: Replace the ground support brackets with new brackets and reroute the ground cables of the galley external power and main external power.

(2) For Group 2 airplanes listed in the service bulletin: Replace the ground support bracket and reroute the ground cables of the main external power.

Alternative Methods of Compliance

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

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

Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A138, dated April 3, 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 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 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

(e) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30438 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-35-AD; Amendment 39-12021; AD 2000-24-14]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires an inspection of the electrical wires routed above the door actuation cables for minimum .50-inch clearance with the door in the open and closed position, damage due to chafing or electrical arcing, or damaged door actuation cables; and corrective actions, if necessary. This action is necessary to prevent damaged electrical wires or damaged door actuation cables due to chafing by the cables during operation of the forward passenger door, which could result in electrical arcing and consequent smoke in the area above the forward passenger door. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46216). That action proposed to require an inspection of the electrical wires routed above the door actuation cables for minimum .50-inch clearance with the door in the open and closed position, damage due to chafing or electrical arcing, or damaged door actuation cables; and corrective actions, if necessary.

Comments

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

Conclusion

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

Cost Impact

There are approximately 187 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 64 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$7,680, or \$120 per airplane.

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

required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000-24-14 McDonnell Douglas:

Amendment 39-12021, Docket 2000-NM-35-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A182, dated April 3, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damaged electrical wires or damaged door actuation cables due to chafing by the cables during operation of the forward passenger door, which could result in electrical arcing and consequent smoke in the area above the forward passenger door, accomplish the following:

Inspection

(a) Except as provided by paragraph (b) of this AD, within 6 months after the effective date of this AD, perform a one-time general visual inspection of the electrical wires routed above the door actuation cables for minimum .50-inch clearance with the door in the open and closed position, damage due to chafing or electrical arcing, or damaged door actuation cables, in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A182, dated April 3, 2000.

Note 2: For the purposes 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."

Condition 1 (Minimum Clearance and No Chafed Electrical Wiring or Damaged Door Actuation Cables)

(1) If minimum .50-inch clearance exists between the electrical wires and door actuation cables with the door in the open and closed positions, and if no chafed electrical wiring or damaged door actuation cable is detected, no further action is required by this AD.

Condition 2 (Less Than Minimum Clearance, No Chafed Electrical Wiring or Damaged Door Actuation Cables)

(2) If less than .50-inch clearance exists between the electrical wires and door actuation cables with the door in the open and closed positions, and if no chafed electrical wiring or damaged door actuation cable is detected, before further flight, loosen wire clamps as necessary, reposition electrical wires to provide minimum clearance, and tighten wire clamps, in accordance with the service bulletin.

Condition 3 (Less Than Minimum Clearance, Chafed Electrical Wiring or Damaged Door Actuation Cables)

(3) If less than .50-inch clearance exists between the electrical wires and door

actuation cables with the door in the open and closed positions, and if any chafed electrical wiring or damaged door actuation cable is detected, before further flight, replace damaged electrical wires with new wires or repair damaged wires, loosen wire clamps as necessary, reposition electrical wires to provide minimum clearance, tighten wire clamps, and replace damaged door actuation cables with new cables, in accordance with the service bulletin.

Exception to Inspection Required in Paragraph (a) of This AD

(b) For Model MD-11 series airplanes, the inspection required by paragraph (a) of this AD is only applicable to functioning doors. For Model MD-11F series airplanes or Model MD-11 series airplanes converted to a freighter configuration, equipped with one or more disabled non-functioning doors that do not have door actuating cables, the inspection is NOT required for those disabled doors.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 3: 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

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

Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A182, dated April 3, 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 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

(f) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30439 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-36-AD; Amendment 39-12022; AD 2000-24-15]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in various areas of the airplane; and corrective actions, if necessary. This amendment is necessary to prevent electrical arcing and/or heat damaged wires due to improper wire installations during manufacture and/or maintenance of the airplane, and consequent fire and smoke in various areas of the airplane. This amendment is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46218). That action proposed to require a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in various areas of the airplane; and corrective actions, if necessary.

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.

Request for Reporting Requirement

One commenter requests that the FAA add a reporting requirement for the inspection findings. The commenter states that serious reporting is not possible using the reporting sheet attached to the referenced Boeing service bulletin. The commenter believes that it is important to collect the details of the inspection results using a database.

The FAA does not concur. The FAA understands the need to collect useful data in a consistent, detailed manner when investigating possible wiring

service difficulties. However, the FAA has already conducted an extensive investigation of the wiring on McDonnell Douglas Model MD-11 series airplanes. As part of the investigation, the FAA has performed its own inspections on numerous in-service and in-production airplanes. The FAA has analyzed the data from the inspections and incorporated follow-on actions as part of a comprehensive corrective action plan; this AD is part of that plan. Therefore, the FAA has determined that the need for a reporting requirement for the required inspections to detect and correct minor wiring discrepancies in various areas of the airplane is not necessary.

Revise Corrective Action

One commenter notes that paragraph (c) of the NPRM reads, "If no gap between the wire bundle and blanket can be seen when pressure is applied to the blanket, before further flight, reposition wires or clamps so that a gap can be seen when pressure is applied to the blanket." The commenter asks, "Will this requirement be valid for all the wire gauges in every area? Does this requirement replace the existing DPS 1.834-7, Par. 4.1.12.1?"

From these questions, the FAA infers that the commenter is requesting that the scope of the corrective action specified in paragraph (c) of the NPRM apply only to wiring that is routed over structural frames. The FAA concurs. In its attempt to provide instructions for accomplishing certain corrective actions, which were not provided in the referenced service bulletin (discussed in the preamble of the NPRM), the FAA did not carry forward the scope of the test requirement into the corrective action specified in paragraph (c) of the AD. For clarification purposes, the FAA has revised paragraph (c) of the final rule to read, "If no gap between the wire bundle and blanket can be seen where the wiring is routed over structural frames * * *."

Actions Since Issuance of the NPRM

The FAA has reviewed and approved the following service bulletins:

Service bulletin	Revision level	Date
McDonnell Douglas Service Bulletin MD11-24-171	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-170	Revision 01	November 6, 2000.
Boeing Service Bulletin MD11-24-167, including Appendix	Revision 01	November 6, 2000.
Boeing Service Bulletin MD11-24-165, including Appendix	Revision 01	November 6, 2000.
Boeing Service Bulletin MD11-24-163, including Appendix	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-188	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-161	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-162	Revision 01	November 6, 2000.

The procedures described in these service bulletins are identical to those described in the original issue of the service bulletins (which were referenced in the NPRM as the appropriate sources of service information for doing the proposed actions), but contain certain editorial changes. No additional work is necessary on airplanes changed per the original issue of the service bulletins. Therefore, the FAA has revised the final rule to include Revision 01 of these service bulletins as additional sources of service information.

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 182 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry will be affected by this AD.

It will take approximately 10 work hours per airplane to accomplish each of the six inspections specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of this AD, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these indicated inspections required by this AD on U.S. operators is estimated to be \$216,000, or \$3,600 per airplane.

It will take approximately 5 work hours per airplane to accomplish the inspection specified in paragraph (a)(7) of this AD, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this indicated inspection required by this AD on U.S. operators is estimated to be \$18,000, or \$300 per airplane.

It will take approximately 12 work hours per airplane to accomplish the inspection specified in paragraph (a)(8) of this AD, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this indicated inspection required by this AD on U.S. operators is estimated to be \$43,200, or \$720 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 adding the following new airworthiness directive:

2000-24-15 McDonnell Douglas:

Amendment 39-12022. Docket 2000-NM-36-AD.

Applicability: Model MD-11 series airplanes, manufacturer's fuselage numbers 0447 through 0449 inclusive, 0451 through

0464 inclusive, 0466 through 0489 inclusive, 0491 through 0517 inclusive, 0519 through 0552 inclusive, 0554 through 0556 inclusive, 0557, 0558 through 0633 inclusive, and 0635; 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.

Note 2: The FAA recommends that the actions required by this AD be accomplished immediately after accomplishing the replacement of metallized polyethyleneterephthalate (MPET) insulation blankets, as required by AD 2000-11-02, amendment 39-11750 (65 FR 34341, May 26, 2000).

To prevent electrical arcing and/or heat damaged wires due to improper wire installations during manufacture and/or maintenance of the airplane, and consequent fire and smoke in various areas of the airplane, accomplish the following:

One-Time Detailed Visual Inspection

(a) Within 5 years after the effective date of this AD, accomplish the actions specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), and (a)(8) of this AD, as applicable.

(1) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the center and aft cargo compartments from stations Y=1521.000 to Y=2007.000, in accordance with paragraph 3.B., "Work Instructions," of the Accomplishment Instructions of McDonnell Douglas service Bulletin MD11-24-171, dated April 4, 2000, or Revision 01, dated November 6, 2000.

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

(2) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the forward cargo compartment from stations Y=595.000 to Y=6-73.500, in accordance with the paragraph 3.B., "Work Instructions," of the

Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-170, dated April 12, 2000, or Revision 01, dated November 6, 2000.

(3) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the forward passenger compartment from stations Y=5-11.000 to Y=2007.000, in accordance with the paragraph 3.B., "Work instructions," of the Accomplishment Instructions of McDonnell Douglas Service bulletin MD11-24-167, dated April 4, 2000, or Boeing Service Bulletin MD11-24-167, revision 01, including Appendix 1, dated November 6, 2000.

(4) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the forward passenger compartment from stations Y=756.000 to Y=1501.000, in accordance with the paragraph 3.B., "Work instructions," of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-165, dated April 4, 2000, or Boeing Service Bulletin MD11-24-165, Revision 01, including Appendix, dated November 6, 2000.

(5) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the forward passenger compartment from stations Y=465.000 to Y=755.000, in accordance with the paragraph 3.B., "Work instructions," of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-163, dated April 4, 2000, or Boeing Service Bulletin MD11-24-163, Revision 01, including Appendix 1, dated November 6, 2000.

(6) *For all airplanes:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the flight compartment and forward drop ceilings areas from stations Y=275.000 to Y=464.000, in accordance with the paragraph 3.B., "Work Instructions," of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-188, dated April 28, 2000, or Revision 01, dated november 6, 2000.

(7) *For airplanes having manufacturer's fuselage numbers 0447 through 0449 inclusive, 0451 through 0464 inclusive, 0466 through 0489 inclusive, 0491 through 0517*

inclusive, 0519 through 0552 inclusive, 0554 through 0556 inclusive, 0557, 0558 through 0633 inclusive: Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the center accessory compartment from stations y=6-50.000 to Y=1179.000, in accordance with the paragraph 3.B., "Work Instructions," of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-161, dated April 10, 2000, or Revision 01, dated November 6, 2000.

(8) *For airplanes having manufacturer's fuselage numbers 0447 through 0449 inclusive, 0451 through 0464 inclusive, 0466 through 0489 inclusive, 0491 through 0517 inclusive, 0519 through 0552 inclusive, 0554 through 0556 inclusive, 0557, 0558 through 0633 inclusive:* Perform a one-time detailed visual inspection to detect discrepancies of all electrical wiring installations in the main avionics compartment from stations y=275.000 to Y=464.000, in accordance with the paragraph 3.B., "Work Instructions," of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-24-162, dated April 10, 2000, or Revision 01, dated November 6, 2000.

Corrective Action

(b) If any discrepancy is detected during the inspection required by paragraph (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this AD, before further flight, accomplish the applicable corrective action(s) in accordance with the Accomplishment Instructions of the following applicable service bulletins, except as provided in paragraphs (c) and (d) of this AD, as applicable:

(1) McDonnell Douglas Service Bulletin MD11-24-171, dated April 4, 2000, or Revision 01, dated November 6, 2000;

(2) McDonnell Douglas Service Bulletin MD11-24-170, dated April 12, 2000, or Revision 01, dated November 6, 2000;

(3) McDonnell Douglas Service Bulletin MD11-24-167, dated April 4, 2000;

(4) Boeing Service Bulletin MD11-24-167, dated April 4, 2000, Revision 01, including Appendix, dated November 6, 2000;

(5) McDonnell Douglas Service Bulletin MD11-24-165, dated April 4, 2000;

(6) Boeing Service Bulletin MD11-24-165, Revision 01, including Appendix, dated November 6, 2000;

(7) McDonnell Douglas Service Bulletin MD11-24-163, dated April 4, 2000;

(8) Boeing Service Bulletin MD11-24-163, Revision 01, including Appendix 1, dated November 6, 2000;

(9) McDonnell Douglas Service Bulletin MD11-24-188, dated April 28, 2000, or Revision 01, dated November 6, 2000;

(10) McDonnell Douglas Service Bulletin MD11-24-161, dated April 10, 2000, or Revision 01, dated November 6, 2000; or

(11) McDonnell Douglas Service Bulletin MD11-24-162, dated April 10, 2000, or Revision 01, dated November 6, 2000.

Note 4: Where there are differences between the AD and the referenced service bulletins, the AD prevails.

(c) If no gap between the wire bundle and blanket can be seen where the wiring is routed over the structural frames when pressure is applied to the blanket, before further flight, reposition wires or clamps so that a gap can be seen when pressure is applied to the blanket.

(d) If any screw terminal of the flag lug bus bar is loose, before further flight, retorque to 10 to 11 inch-pounds.

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 5: 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

(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.

Incorporation by Reference

(g) Except as provided by paragraphs (c) and (d) of this AD, the actions shall be done in accordance with the following applicable service bulletins:

Service bulletin	Revision level	Date
McDonnell Douglas Service Bulletin MD11-24-171	Original	April 4, 2000.
McDonnell Douglas Service Bulletin MD11-24-171	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-170	Original	April 12, 2000.
McDonnell Douglas Service Bulletin MD11-24-170	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-167	Original	April 4, 2000.
Boeing Service Bulletin MD11-24-167, including Appendix	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-165	Original	April 4, 2000.
Boeing Service Bulletin MD11-24-165, including Appendix	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-163	Original	April 4, 2000.
Boeing Service Bulletin MD11-24-163, including Appendix	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-188	Original	April 28, 2000.
McDonnell Douglas Service Bulletin MD11-24-188	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-161	Original	April 10, 2000.
McDonnell Douglas Service Bulletin MD11-24-161	Revision 01	November 6, 2000.
McDonnell Douglas Service Bulletin MD11-24-162	Original	April 10, 2000.

Service bulletin	Revision level	Date
McDonnell Douglas Service Bulletin MD11-24-162	Revision 01	November 6, 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 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

(h) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30440 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-37-AD; Amendment 39-12023; AD 2000-24-16]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that requires an inspection of the one phase remote control circuit breaker (RCCB) in the main avionics compartment and center accessory compartment to determine its part number and serial number, and replacement of the RCCB with a certain RCCB, if necessary. This action is necessary to ensure that defective braze joints of certain latch assemblies of the RCCB are not installed on the airplane. Defective braze joints could fail and prevent the RCCB from tripping during an overload condition, which could

result in a fire and smoke in certain wire bundles that are routed to and from the main avionics compartment or center accessory compartment. This action is intended to address the identified unsafe condition.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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:

Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes was published in the **Federal Register** on July 27, 2000 (65 FR 46221). That action proposed to require an inspection of the one phase remote control circuit breaker (RCCB) in the main avionics compartment and center accessory compartment to determine its part number and serial number, and replacement of the RCCB with a certain RCCB, if necessary.

Comments

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

Conclusion

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

Cost Impact

There are approximately 187 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$21,600, or \$360 per airplane.

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

Regulatory Impact

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

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

Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–24–16 McDonnell Douglas:

Amendment 39–12023. Docket 2000–NM–37–AD.

Applicability: Model MD–11 series airplanes, as listed in Boeing Alert Service Bulletin MD11–24A144, dated May 2, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fire and smoke in certain wire bundles that are routed to and from the main avionics compartment or center accessory compartment, accomplish the following:

Inspection and Replacement, If Necessary

(a) Within 6 months after the effective date of this AD, perform a one-time general visual inspection of the one phase remote control circuit breaker (RCCB) in the main avionics compartment and center accessory compartment to determine the part number and serial number (identified in Table 2 of the Accomplishment Instructions of the service bulletin), in accordance with Boeing Alert Service Bulletin MD11–24A144, dated May 2, 2000.

Note 2: For the purposes 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.”

(1) If any RCCB has a part number listed in Table 2 of the Accomplishment Instructions of the service bulletin and the corresponding serial number is NOT identified in that table, no further action is required by this AD.

(2) If any RCCB has a part number listed in Table 2 of the Accomplishment Instructions of the service bulletin and the corresponding serial number is identified in that table, before further flight, replace the RCCB with a RCCB having the same part number with a serial number that is NOT identified in Table 2, in accordance with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 3: 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin MD11–24A144, dated May 2, 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 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

(e) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–30441 Filed 12–1–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–38–AD; Amendment 39–12024; AD 2000–24–17]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that currently requires deactivation of the forward and center cargo control units (CCU). This amendment requires, among other actions, a general visual inspection to verify that all six external connectors of suspect CCU's have a certain part number stamped on the connector bodies on all CCU assemblies, and follow-on actions, which would constitute terminating action for the deactivation requirements. The actions specified by this amendment are intended to prevent overheating of the electrical pins inside the CCU's and subsequent release of hot gases and flames, which could result in smoke and fire in the cargo compartment.

DATES: Effective January 8, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 2001.

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: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000-08-03, amendment 39-11689 (65 FR 21134, April 20, 2000), which is applicable to certain McDonnell Douglas Model MD-11 series airplanes, was published in the *Federal Register* on July 27, 2000 (65 FR 46223). The action proposed to continue to require deactivation of the forward and center cargo control units (CCU). The action also proposed to require, among other actions, a general visual inspection to verify that all six external connectors of suspect CCU's have a certain part number stamped on the connector bodies on all CCU assemblies, and follow-on actions, which would constitute terminating action for the deactivation requirements.

Comments

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

Conclusion

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

Cost Impact

There are approximately 104 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 20 airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 2000-08-03 take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently

required actions on U.S. operators is estimated to be \$1,200, or \$60 per airplane.

The new inspection that is required in this AD action will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$1,200, or \$60 per airplane.

Should an operator be required to accomplish the new modification that is required in this AD action, it will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer of the CCU at no cost to the operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$60 per airplane.

Should an operator be required to accomplish the new replacement that is required in this AD action, it will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer of the CCU at no cost to the operators. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be \$60 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 39-11689 (65 FR 21134, April 20, 2000), and by adding a new airworthiness directive (AD), amendment 39-12024, to read as follows:

2000-24-17 McDonnell Douglas:

Amendment 39-12024. Docket 2000-NM-38-AD. Supersedes AD 2000-08-03, Amendment 39-11689.

Applicability: Model MD-11 series airplanes, certificated in any category, having the serial numbers listed below.

Group 1 Airplanes

48565	48566	48533	48549	48470	48406
48504	48602	48603	48571	48439	48605
48572	48471	48573	48600	48601	48633
48513	48574	48575	48542	48543	48576
48415	48631	48544	48632	48577	48545
48578	48546	48743	48744	48747	48748
48745	48746	48749	48579	48766	48768
48767	48769	48754	48623	48770	48753
48773	48774	48755	48758	¹ 48775-48779	
48624	48756	48780	48532		

¹Inclusive.

Group 2 Airplanes:

48555	48556	48581	48630	48557	48539
48558	48559	48616	48560	48617	48618
48561	48629	48562	48563	48757	48540
48564	48634	48541	48798	¹ 48781-48792	
48794	48799	48801	48800	¹ 48802-48806	

¹Inclusive.

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

eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the electrical pins inside the cargo control units (CCU) and subsequent release of hot gases and flames, which could result in smoke and fire in the cargo compartment, accomplish the following:

Restatement of Requirements of AD 2000-05-01

Deactivation

(a) For Group 1 airplanes having serial numbers other than that identified in paragraph (c) of this AD: Within 15 days after March 20, 2000 (the effective date of AD 2000-05-01, amendment 39-11610), deactivate the forward and center CCU's in accordance with the following procedures:

(1) Remove the access panel to the forward cargo compartment CCU circuit breaker panel located at fuselage station 1009.300 (right side looking aft). Pull and collar the following circuit breakers:

B1-506	B1-489	B1-488	B1-487	B1-486
B1-485	B1-480	B1-481	B1-498	B1-482
B1-500	B1-495	B1-499	B1-490	

(2) Remove the access panel to the center cargo compartment CCU circuit breaker panel located at fuselage station 1701.000 (right side looking aft). Pull and collar the following circuit breakers:

B1-552	B1-762	B1-761	B1-760	B1-759
B1-758	B1-518	B1-519	B1-751	B1-520
B1-753	B1-764	B1-752	B1-763	

(b) For Group 2 airplanes having serial numbers other than that identified in paragraph (c) of this AD: Within 15 days after March 20, 2000, deactivate the forward and center CCU's in accordance with the following procedures:

(1) Remove the access panel to the forward cargo compartment CCU circuit breaker panel located at fuselage station 1009.300 (right side looking aft). Pull and collar the following circuit breakers:

B1-506	B1-489	B1-488	B1-487	B1-486
B1-485	B1-480	B1-481	B1-498	B1-482
B1-500	B1-495	B1-499	B1-490	

(2) Remove the access panel to the center cargo compartment CCU circuit breaker panel located at fuselage station 1701.000 (right side looking aft). Pull and collar the following circuit breakers:

B1-552	B1-762	B1-761	B1-760	B1-759
B1-758	B1-518	B1-519	B1-751	B1-520
B1-753	B1-764	B1-752		

Restatement of Requirements of AD 2000-08-03

Deactivation

(c) For Group 1 airplane, serial number 48769, and for Group 2 airplane, serial number 48563: Within 15 days after May 5, 2000 (the effective date of AD 2000-08-03, amendment 39-11689), accomplish the actions specified in either paragraph (a) or (b) of this AD, as applicable.

New Requirements of This AD

Inspection and Modification/Reidentification, If Necessary

(d) For Group 1 and Group 2 airplanes: Within 90 days after the effective date of this AD, perform an inspection to determine the part number of the CCU's.

(1) If both CCU's have part number (P/N) 462650-21, 462650-22, or 462650-23, the deactivation specified in paragraphs (a), (b),

and (c) of this AD is no longer required, and the CCU's may be reactivated.

(2) If any CCU has a part number (P/N) other than 462650-21, 462650-22, or 462650-23, within 90 days after the effective date of this AD, perform a general visual inspection to verify that all six external connectors of the CCU have P/N M83723/71XXXXXX or P/N M83723/72XXXXXX stamped on the connector bodies on all TRW Aeronautical Systems, Lucas Aerospace, CCU assemblies, in accordance with Boeing Alert

Service Bulletin MD11-25A253, dated March 10, 2000.

Note 2: McDonnell Douglas Service Bulletin MD11-25A253, dated March 10, 2000, references TRW Aeronautical Systems, Lucas Aerospace Alert Service Bulletin 462650-25-A01, dated March 10, 2000, as an additional source of service information to accomplish the inspection described above and corrective actions described below.

(i) If any connector has a P/N other than M83723/71XXXXXX or M83723/72XXXXXX, prior to further flight, replace the CCU with a spare CCU from the operator's stock that has one of the following P/N: 462650-21, 462650-22, or 462650-23. Following accomplishment of the replacement, the deactivation specified in paragraphs (a), (b), and (c) of this AD is no longer required, and the CCU's may be reactivated.

(ii) If any connector has P/N M83723/71XXXXXX or P/N M83723/72XXXXXX, prior to further flight, modify the rear cover (40) of the CCU assembly (including aligning the center hole of the insulator with the center hole on the rear cover (40), and ensuring that the top edge of the insulator is parallel to the top edge of the rear cover), and reidentify the CCU, in accordance with the service bulletin. Following accomplishment of the modification, the deactivation specified in paragraphs (a), (b), and (c) of this AD is no longer required, and the CCU's may be reactivated.

Spares

(e) As of the effective date of this AD, no person shall install on any airplane any part (identified under "Key Word"), having a "Spare Part No." listed in paragraph 2.D., "Parts Necessary to Change Spares," of Boeing Alert Service Bulletin MD11-25A253, dated March 10, 2000.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(h) The actions required by paragraphs (d)(2), (d)(2)(i) and (d)(2)(ii) shall be done in accordance with Boeing Alert Service Bulletin MD11-25A253, dated March 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 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

(i) This amendment becomes effective on January 8, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-30442 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. PL00-1-000]

Dialog Concerning Natural Gas Transportation Policies Needed to Facilitate Development of Competitive Natural Gas Markets

November 22, 2000.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of staff conference.

SUMMARY: In Order No. 637, issued on February 9, 2000, the Federal Energy Regulatory Commission (Commission) revised its regulatory policies, amended its regulations, and established new procedures to enhance the competitiveness and efficiency of markets for the transportation of natural gas in interstate commerce. This document establishes the second of three public staff conferences in a dialog between the industry and Commission staff. This conference focuses on affiliate issues.

DATES: The conference will take place on January 31, 2001, starting at 1:00 p.m. Comments and requests to participate are due by January 5, 2001.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Robert A. Flanders, Office of Markets,

Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. (202) 208-2084, e-mail: Robert.Flanders@ferc.fed.us.

SUPPLEMENTARY INFORMATION: Take notice that on January 31, 2001, the Staff of the Federal Energy Regulatory Commission will hold a public conference, as contemplated by Order No. 637,¹ to discuss how the changes in the natural gas market affect the way in which the Commission should regulate transportation transactions between pipelines and their affiliates, as well as between pipeline capacity holders and their affiliates, capacity managers and agents. The conference will begin at 1:00 p.m. in the Commission's Meeting Room at 888 First Street, N.E., Washington, D.C. All interested persons are invited to attend.

This conference is part of the continuing process established in Order No. 637,² to enable the industry and market participants to discuss with staff, and each other, issues relating to the development of Commission policy and regulatory responses so that Commission staff can develop "a better understanding of industry trends and regulatory changes that better meet the changing character of the industry."³ This is the second of three conferences to discuss these issues.

As stated in Order No. 637, this conference will focus on "whether the regulatory policy with respect to pipeline affiliates and non-affiliates, as well as asset managers and agents, should be revised to reflect the changing nature of the gas market" and "whether there needs to be revisions to the regulations relating to pipeline affiliates."⁴ Currently, the relationship between a pipeline and its marketing affiliate(s) is governed by the standards of conduct.⁵ Market participants are also able to monitor pipeline/marketing affiliate relationships and capacity holder/affiliate relationships by obtaining specific information through various posting and reporting requirements. This conference is intended to open a dialog concerning the market consequences of transactions

¹ Regulation of Short-Term Natural Gas Transportation Services, Order No. 637, Final Rule, 65 FR 10156 (Feb. 25, 2000), FERC Stats. & Regs. Regulations Preambles [Jan. 2000-June 2000] ¶31,091 (Feb. 9, 2000), Order No. 637-A, Order on Rehearing, 65 FR 35705 (June 5, 2000) FERC Stats. & Regs. ¶31,099 (May 19, 2000).

² Id., FERC Stats. & Regs. ¶31,091 at pp. 31,268-69.

³ Id., FERC Stats. & Regs. ¶31,091 at p. 31,268.

⁴ Id., FERC Stats. & Regs. ¶31,091 at pp. 31,268-69.

⁵ 18 CFR Part 161 (2000).

between pipelines and their affiliates as well as transactions between non-pipeline capacity holders and their affiliates.

This conference will be structured as a roundtable debate with staff as moderator. Panel participants will be selected after the submission of comments and will be announced in a subsequent notice. The debate roundtable format is intended to encourage a discussion of the issues, and, accordingly, participants will not be afforded the opportunity to make oral presentations at the conference. Parties are therefore encouraged to submit written comments by January 5, 2001 to: (1) provide input on how to structure the discussion; (2) identify issues and examples to foster a meaningful dialog; and (3) suggest questions the staff moderator may wish to pose to the panel.

Comments should include a one-page single spaced position summary. Each comment should indicate whether the party is interested in participating in the roundtable. To limit the number of panelists, parties with common positions are encouraged to select an appropriate spokesperson to allow balanced representation of each industry segment, such as pipelines, local distribution companies, producers, industrial end-users, electric utilities, marketer groups, state regulatory bodies, consumer groups, or other recognized industry trade organizations or groups. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, and should refer to Docket No. PL00-1-000. Each request to participate must include a contact person, telephone number and e-mail address.

Commenters are encouraged to address the following areas:

Current Regulatory Approach: Comments should address the effectiveness of the current standards of conduct under Part 161 of the Commission's regulations, 18 CFR part 161 (2000), including a discussion of experiences in which the rules have been successful or unsuccessful, and whether the costs imposed by the current rules exceed the benefits. Comments should also address whether the affiliate transaction and index of customer reporting under sections 284.13(b)(1)(ix) and 284.13(c)(1)(ix), respectively, are effective in monitoring affiliate market activity.

Potential Affiliate Concerns: Comments should discuss whether, and in what circumstances, affiliate transactions pose the potential for anticompetitive or discriminatory

effects or explain why such effects are not likely. Comments asserting that affiliate transactions do pose anticompetitive/discriminatory risks should provide examples or scenarios in which there is the potential for such effects. Comments also should address whether the same or different risks apply depending on the nature of the affiliate, gas or power marketer, asset manager, electric generator, or local distribution company. Comments should explore the impact of the changing market conditions on the potential, if any, for a pipeline or capacity holder, to give preferential treatment to an affiliate. Comments may also consider the potential market or consumer benefits of permitting affiliate transactions. Comments should focus on whether the problem or benefit relates to the ability to acquire services, construction of facilities, the rates at which services are acquired, the quality of that service, or other factors.

Potential Approaches for Dealing with Affiliates: Comments should address whether there may be better methods of regulating affiliate transactions that should be used in lieu of the current standards of conduct and reporting requirements. Some alternatives that could be considered are: maintaining open and fair bidding procedures; prohibitions on affiliates holding capacity on the affiliated pipeline; limitations on an affiliate's capacity market share; changes in open-season bidding evaluations to break-up large capacity packages; or divestiture of affiliates. Similar approaches could be considered for affiliates of non-pipeline capacity holders. Comments need to address the costs and benefits of adopting these approaches and whether there is a potential adverse impact on the market, such as the risk of unsubscribed pipeline capacity, potential cost shifts, or difficulties in planning new pipeline construction without reliance on affiliate contracts.

Comments should consider whether changes to the current standards of conduct approach should be made in light of the current operation and changing nature of the industry. Specifically, comments should discuss the options of eliminating, expanding or modifying the standards of conduct, whether there is a need for uniform standards of conduct for all sellers or holders of jurisdictional capacity, and whether there should continue to be distinctions in the treatment of affiliate relationships, and ownership rules, between the gas and electric industries.

The Capitol Connection may broadcast this conference in the Washington, D.C. area if there is

sufficient interest. For those interested persons outside the Washington, D.C. area, the Capitol Connection may broadcast the conference via live satellite for a fee if there is sufficient interest to justify the cost. To indicate interest in either the local or national broadcast, please call David Reininger or Julia Morelli at the Capitol Connection at 703-993-3100 as soon as possible.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202-966-2211 for further details. Anyone interested in purchasing videotapes of the meeting should call VISCOM at 703-715-7999.

Questions about the conference should be directed to: Robert A. Flanders, Office of Markets Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, 202-208-2084. e-mail: Robert.Flanders@ferc.fed.us.

David P. Boergers,
Secretary.

[FR Doc. 00-30595 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removals and Supplementary Information on Specially Designated Narcotics Traffickers, Foreign Terrorist Organizations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending appendix A to 31 CFR chapter V by adding the names of fifteen individuals and five entities, and supplementing information concerning one individual, who have been designated as specially designated narcotics traffickers. The entries for two individuals previously listed as specially designated narcotics traffickers are being removed from appendix A, and the name of one organization which has been designated as a foreign terrorist

organization is being added to appendix A.

EFFECTIVE DATE: November 28, 2000.

FOR FURTHER INFORMATION CONTACT:

Office of Foreign Assets Control,
Department of the Treasury,
Washington, D.C. 20220, tel.: 202/622-
2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

Appendix A to 31 CFR chapter V contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control ("OFAC"). Pursuant to section 804(b) of the Foreign Narcotics Kingpin Designation Act, 21 U.S.C. 1903(b), on June 1, 2000, President Clinton identified twelve individuals as significant foreign narcotics traffickers. In accordance with section 598.314 of the Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598, those twelve individuals are added to appendix A as specially designated narcotics traffickers. The notes to the appendixes to 31 CFR chapter V are amended to add the term "[SDNTK]" to refer to those persons designated as specially designated narcotics traffickers under the Foreign Narcotics Kingpin Sanctions Regulations.

As of June 1, 2000, all property and interests in property, including but not limited to all accounts, that are or come within the United States or that are or come within the possession or control of

U.S. persons, including their overseas branches, that are owned or controlled by those twelve persons are blocked. All transactions or dealings by U.S. persons or within the United States in property or interests in property of those twelve persons are prohibited unless licensed by the Office of Foreign Assets Control or otherwise authorized.

In addition, the Office of Foreign Assets Control is adding to appendix A the names of three individuals and five entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in or provide financial support or technological support for, or goods or services in support of the narcotics trafficking activities of other specially designated narcotics traffickers, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to Executive Order 12978 of October 21, 1995, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order"), and section 536.312 of the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536 (collectively "Specially Designated Narcotics Traffickers" or "SDNTs"). All real and personal property in which the SDNTs have any interest, including but not limited to all accounts, that are or come within the United States or that are or come within the possession or control of U.S. persons, including their overseas branches, are blocked. All transactions by U.S. persons or within the United States in property or interests in property of SDNTs are prohibited unless licensed by the Office of Foreign Assets Control or exempted by statute. Supplementary information is added to an existing SDNT entry for one individual, and that entry is revised in its entirety.

The Office of Foreign Assets Control also is removing from appendix A the entries for two individuals because it has been determined that they no longer meet the criteria for designation as SDNTs under the Order and the Narcotics Trafficking Sanctions Regulations. All real and personal property of these two individuals, including all accounts in which they have any interest, that had been blocked solely due to their designation as SDNTs, is unblocked; and all lawful transactions involving U.S. persons and these individuals previously barred as a result of their designation are permissible.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign

Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

Finally, in furtherance of section 303 of the Antiterrorism and Effective Death Penalty Act of 1996, 18 U.S.C. 2339B ("AEDPA"), implemented in part by the Foreign Terrorist Organizations Sanctions Regulations, 31 CFR part 597 (the "FTO Regulations"), the Office of Foreign Assets Control is adding the name of one foreign terrorist organization to appendix A to 31 CFR chapter V. Section 303 of AEDPA, as implemented in section 597.201 of the FTO Regulations, requires financial institutions in possession or control of funds in which a foreign terrorist organization or its agent has an interest to block such funds except as authorized pursuant to the FTO Regulations, and to file reports in accordance with the FTO Regulations.

The foreign terrorist organization, The Islamic Movement of Uzbekistan, was designated by the Secretary of State in a notice published in the **Federal Register** on September 25, 2000 (65 FR 57641), pursuant to section 302 of AEDPA, 8 U.S.C. 1189, which authorizes the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to designate organizations meeting stated requirements as FTOs, with prior notification to Congress of the intent to designate.

Because this rule involves a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 18 U.S.C. 2339B, 21 U.S.C. 1901-1908; 31 U.S.C. 321(b), 50 U.S.C. 1601-1651; 50 U.S.C. 1701-1706; E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415, the appendixes to 31 CFR chapter V are amended as set forth below:

Appendixes to Chapter V

1. The notes to the appendixes to chapter V are amended by amending note 6 to add the following entry inserted in alphabetical order to read as follows:

Notes: * * *

* * * * *

6. * * *

[SDNTK]: Foreign Narcotics Kingpin Sanctions Regulations, part 598;

* * * * *

Appendix A—[Amended]

2. Appendix A to 31 CFR chapter V is amended by adding the following names inserted in alphabetical order:

ADEMULERO, Babestan Oluwole (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]

AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Carrera 4A No. 16-04 apt. 303, Cartago, Colombia; Km. 5 Via Aeropuerto, Cartago, Colombia; Carrera 1 No. 13-08, Cartago, Colombia; NIT 1 800021615-1 (Colombia) [SDNT]

AMEZCUA, Chuey (see AMEZCUA CONTRERAS, Jose de Jesus) (individual) [SDNTK]

AMEZCUA CONTRERAS, Jesus (see AMEZCUA CONTRERAS, Jose de Jesus) (individual) [SDNTK]

AMEZCUA CONTRERAS, Jose de Jesus (a.k.a. AMEZCUA, Chuey; a.k.a. AMEZCUA CONTRERAS, Jesus; a.k.a. AMEZCUA, Chuy; a.k.a. AMEZCUA, Jose de Jesus; a.k.a. HERNANDEZ, Adan), DOB 31 July 1963; alt. DOB 31 July 1964; alt. DOB 31 July 1965; POB Mexico (individual) [SDNTK]

AMEZCUA CONTRERAS, Luis Ignacio (a.k.a. AMEZCUA, Luis; a.k.a. CONTRERAS, Luis C.; a.k.a. LOPEZ, Luis; a.k.a. LOZANO, Eduardo; a.k.a. OCHOA, Salvador; a.k.a. RODRIGUEZ LOPEZ, Sergio), DOB 22 February 1964; alt. DOB 21 February 1964; alt. DOB 21 February 1974; POB Mexico (individual) [SDNTK]

AMEZCUA, Chuy (see AMEZCUA CONTRERAS, Jose de Jesus) (individual) [SDNTK]

AMEZCUA, Jose de Jesus (see AMEZCUA CONTRERAS, Jose de Jesus) (individual) [SDNTK]

AMEZCUA, Luis (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

ARELLANO FELIX, Benjamin Alberto, DOB 12 March 1952; alt. DOB 8 November 1953; alt. DOB 11 August 1955; POB Mexico (individual) [SDNTK]

ARELLANO FELIX, Ramon Eduardo (a.k.a. COMACHO RODRIGUES, Gilberto; a.k.a. TORRES MENDEZ, Ramon), DOB 31 August 1964; POB Mexico (individual) [SDNTK]

BABESTAN, Abeni O. (see OGUNGBUYI, Abeni O.) (individual) [SDNTK]

BABESTAN, Wole A. (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]

CARO QUINTERO, Rafael (a.k.a. CARO QUINTERO, Raphael), DOB 12 December 1952; alt. DOB 24 November 1955; alt. DOB 24 October 1955; POB Mexico (individual) [SDNTK]

CARO QUINTERO, Raphael (see CARO QUINTERO, Rafael) (individual) [SDNTK]

CARRILLO FUENTES, Andres (see CARRILLO FUENTES, Vicente) (individual) [SDNTK]

CARRILLO FUENTES, Vicente (a.k.a. CARRILLO FUENTES, Andres), DOB 16 October 1962; POB Mexico (individual) [SDNTK]

CHAN, Changtrakul (see CHANG, Chi Fu) (individual) [SDNTK]

CHANG, Chi Fu (a.k.a. CHAN, Changtrakul; a.k.a. CHANG, Shi-Fu; a.k.a. CHANG, Xifu; a.k.a. CHANGTRAKUL, Chan; a.k.a. KHUN SA), DOB 17 February 1933; alt. DOB 7 January 1932; alt. DOB 12 February 1932; POB Burma (individual) [SDNTK]

CHANG, Shi-Fu (see CHANG, Chi Fu) (individual) [SDNTK]

CHANG, Xifu (see CHANG, Chi Fu) (individual) [SDNTK]

CHANGTRAKUL, Chan (see CHANG, Chi Fu) (individual) [SDNTK]

CHARNCHAI, Chiwinnitipanya (see WEI, Hsueh Kang) (individual) [SDNTK]

CHEEWINNITIPANYA, Prasit (see WEI, Hsueh Kang) (individual) [SDNTK]

CHIVINNITIPANYA, Prasit (see WEI, Hsueh Kang) (individual) [SDNTK]

CHIWINNITIPANYA, Charnchai (see WEI, Hsueh Kang) (individual) [SDNTK]

COMACHO RODRIGUES, Gilberto (see ARELLANO FELIX, Ramon Eduardo) (individual) [SDNTK]

COMPANIA AGROINVERSORA HENAGRO LTDA., Carrera 1 No. 13-08, Cartago, Colombia; Hacienda Coque, Cartago, Colombia; Km. 5 Via Aeropuerto, Cartago, Colombia; NIT # 800084326-8 (Colombia) [SDNT]

CONTRERAS, Luis C. (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Carrera 4A No. 16-04 apt. 303, Cartago, Colombia; NIT # 800160475-2 (Colombia) [SDNT]

GONZALEZ BENITEZ, Olga Patricia, Hacienda Coque, Cartago, Colombia; Carrera 4 No. 16-04 apt. 303, Cartago, Colombia; c/o AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; Cedula No. 29503761 (Colombia) (individual) [SDNT]

HEATH, Noel Timothy (a.k.a. ZAMBA, Noel Heath; a.k.a. ZAMBO, Noel Heath), Cardin Avenue, St. Kitts; DOB 16 December 1949; POB St. Kitts and Nevis; Passport 03574 (Great Britain) (individual) [SDNTK]

HENAO MONTOYA, Arcangel de Jesus, Hacienda Coque, Cartago, Colombia; Carrera 4 No. 16-04 apt. 303, Cartago, Colombia; c/o AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o COMPANIA AGROINVERSORA HENAGRO LTDA., Cartago, Colombia; c/o DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o MAQUINARIA TECNICA Y TIERRAS LTDA., Cartago, Colombia; c/o ORGANIZACION

EMPRESARIAL A DE J HENAO M E HIJOS Y CIA. S.C.S., Cartago, Colombia; DOB 7 October 1954; Cedula No. 16215230 (Colombia) (individual) [SDNT]

HERNANDEZ, Adan (see AMEZCUA CONTRERAS, Jose de Jesus) (individual) [SDNTK]

THE ISLAMIC MOVEMENT OF UZBEKISTAN [FTO]

KADUMPORN, Somboon (see WEI, Hsueh Kang) (individual) [SDNTK]

KHUN SA (see CHANG, Chi Fu) (individual) [SDNTK]

LOPEZ, Luis (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

LOZANO, Eduardo (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

MAQUINARIA TECNICA Y TIERRAS LTDA. (a.k.a. M.T.T. LTDA.), Carrera 4A No. 16-04, Cartago, Colombia; NIT # 800084233-1 (Colombia) [SDNT]

MATHEW, Glenroy (see MATTHEWS, Glenroy Vingrove) (individual) [SDNTK]

MATTHEW, Glenroy Vingrove (see MATTHEWS, Glenroy Vingrove) (individual) [SDNTK]

MATTHEWS, Glenroy Vingrove (a.k.a. MATHEW, Glenroy; a.k.a. MATTHEW, Glenroy Vingrove; a.k.a. MATTHEWS, Glen Roy), Frigate Bay, St. Kitts; DOB 26 July 1958; POB St. Kitts and Nevis; Passport 047815 (St. Kitts) (individual) [SDNTK]

MATTHEWS, Glen Roy (see MATTHEWS, Glenroy Vingrove) (individual) [SDNTK]

M.T.T. LTDA. (see MAQUINARIA TECNICA Y TIERRAS LTDA.) [SDNT]

OCHOA, Salvador (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

OGUNGBUYI, Abeni O. (a.k.a. BABESTAN, Abeni O.; a.k.a. SHOFESO, Olatutu Temitope), DOB 30 June 1952; POB Nigeria (individual) [SDNTK]

OGUNGBUYI, Oluwole A. (a.k.a. ADEMULERO, Babestan Oluwole; a.k.a. BABESTAN, Wole A.; a.k.a. OGUNGBUYI, Wally; a.k.a. SHOFESO, Olatude I.; a.k.a. SHOFESO, Olatunde Irewole), DOB 4 March 1953, POB Nigeria (individual) [SDNTK]

OGUNGBUYI, Wally (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]

OGUNGBUYI, Wole A. (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]

ORGANIZACION EMPRESARIAL A DE J HENAO M E HIJOS Y CIA. S.C.S., Carrera 4A No. 16-04 apt. 303, Cartago, Colombia; Km. 5 Via Aeropuerto, Hacienda Coque, Colombia; NIT # 800157331-1 (Colombia) [SDNT]

PRASIT, Cheewinnitipanya (see WEI, Hsueh Kang) (individual) [SDNTK]

PRASIT, Chivinnitipanya (see WEI, Hsueh Kang) (individual) [SDNTK]

RAMIREZ ABADIA, Juan Carlos, Calle 6A No. 34-65, Cali, Colombia; DOB 16 February 1963; Passport AD127327 (Colombia); Cedula No. 16684736 (Colombia) (individual) [SDNT]

RODRIGUEZ LOPEZ, Sergio (see AMEZCUA CONTRERAS, Luis Ignacio) (individual) [SDNTK]

SHOFESO, Olatude I. (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]
 SHOFESO, Olatunde Irewole (see OGUNGBUYI, Oluwole A.) (individual) [SDNTK]
 SHOFESO, Olatutu Temitope (see OGUNGBUYI, Abeni O.) (individual) [SDNTK]
 SOMBOON, Kadumporn (see WEI, Hsueh Kang) (individual) [SDNTK]
 TORRES MENDEZ, Ramon (see ARELLANO FELIX, Ramon Eduardo) (individual) [SDNTK]
 WEI, Hsueh Kang (a.k.a. CHARNCHAI, Chivinnitpanya; a.k.a. CHEEWINNITTIPANYA, Prasit; a.k.a. CHIVINNITIPANYA, Prasit; a.k.a. CHIWINNITIPANYA, Charnchai; a.k.a. KADUMPORN, Somboon; a.k.a. PRASIT, Cheewinnitpanya; a.k.a. PRASIT, Chivinnitpanya; a.k.a. SOMBOON, Kadumporn; a.k.a. WEI, Shao-Kang; a.k.a. WEI, Sia-Kang; a.k.a. WEI, Xuekang), DOB 29 June 1952; alt. DOB 29 May 1952; Passport Q081061, E091929 (Thailand) (individual) [SDNTK]
 WEI, Shao-Kang (see WEI, Hsueh Kang) (individual) [SDNTK]
 WEI, Sia-Kang (see WEI, Hsueh Kang) (individual) [SDNTK]
 WEI, Xuekang (see WEI, Hsueh Kang) (individual) [SDNTK]
 ZAMBA, Noel Heath (see HEATH, Noel Timothy) (individual) [SDNTK]
 ZAMBO, Noel Heath (see HEATH, Noel Timothy) (individual) [SDNTK]

3. Appendix A to 31 CFR chapter V is amended by revising the following existing entry to read as follows:

MUNOZ PAZ, Joaquin Emilio, Avenida 4AN No. 47-89, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia; DOB 18 January 1971; Cedula No. 16789012 (Colombia) (individual) [SDNT]

4. Appendix A to 31 CFR chapter V is amended by removing in their entirety the entries for "OSPINA DUQUE, Elssy" and "VILLALOBOS CASTANO, Luis Enrique".

Dated: October 27, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: November 4, 2000.

Elisabeth A. Bresee,

*Assistant Secretary (Enforcement),
 Department of the Treasury.*

[FR Doc. 00-30693 Filed 11-28-00; 4:29 pm]

BILLING CODE 4810-25-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7747]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Branch Chief, Policy, Assessment and Outreach Division, Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646-3098.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be

available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits

flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

64.6 LIST OF ELIGIBLE COMMUNITIES

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Region V				
Michigan: Drummond Island, township of, Chippewa County.	260803	April 16, 1987, Emerg., September 30, 1987, Reg. November 20, 2000.	11-20-00	Do.
Onota, township of, Alger County.	260345	April 7, 1986, Emerg., December 18, 1986, Reg. November 20, 2000.	-do-	do.

Note to table: Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: November 21, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00-30706 Filed 12-1-00; 8:45 am]

BILLING CODE 6718-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 270 and 276

Bonus to Reward States for High Performance Under the TANF Program and Data Collection and Reporting Requirements for States and Indian Tribes Under Welfare-to-Work Grants

AGENCY: Administration for Children and Families, HHS.

ACTION: Final rules; correction and removal.

SUMMARY: This document contains three actions. First, we are correcting two words in the high performance bonus final regulations, published August 30, 2000. Second, we are revising or updating two statements in the preamble to these regulations for clarity.

Third, we are removing from the Code of Federal Regulations the interim final regulations on Welfare-to-Work data collection, published October 29, 1998, as the Department of Labor now has responsibility for all data collection on this program.

DATES: These actions are effective December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Sean Hurley, Office of Planning, Research and Evaluation, at (202) 401-9297 or Ann Burek, Office of Family Assistance, at (202) 401-4528.

SUPPLEMENTARY INFORMATION:

A. Correction to Final Rule 45 CFR Part 270: Bonus to Reward States for High Performance under the TANF Program

We published final regulations for awarding high performance bonuses to States under the Temporary Assistance for Needy Families (TANF) Program on August 30, 2000 (65 FR 52814). The final regulations specified the measures on which we will base high performance bonus awards and the funds allocation formula.

The measures specified in § 270.4(d) are based on the participation by low-income families in the Medicaid/State Children's Health Insurance Program

(SCHIP). In § 270.4(d), we are making two word changes:

1. § 270.4(d)(1)(i) as published on August 30, 2000, reads as follows:
“Beginning in FY 2002, we will measure the number of individuals receiving TANF benefits who are also enrolled in Medicaid or SCHIP, who leave TANF in a calendar year and are enrolled in Medicaid or SCHIP in the fourth month after leaving TANF assistance, and who are not receiving TANF assistance in the fourth month as a percentage of individuals who left TANF in the fiscal year and are not receiving TANF assistance in the fourth month after leaving.”

In this section, we are making one correction. We are deleting the word “calendar” and substituting the word “fiscal.” We are measuring performance based on the fiscal year, rather than the calendar year.

2. § 270.4(d)(2)(ii) as published on August 30, 2000, reads as follows:
“For any given year, we will compare a State's performance on this improvement measure to its performance in the previous year, beginning with a comparison of FY 2000 to FY 2001, based on a quarterly submission by the State as determined by matching individuals (adults and

children) who have left TANF assistance and who are not receiving it in the fourth month with Medicaid or SCHIP enrollment data.”

In this section, we are deleting the word “it” and substituting the words “TANF assistance” for clarity.

B. Revisions to Preamble Language

In the preamble to the final regulations for the high performance bonus, we listed a number of other TANF regulations we had published. That list included the September 23, 1998 publication of the Notice of Proposed Rulemaking covering the annual reports of State child poverty rates in relation to the TANF program (63 FR 52814). We are updating this information to note that the final regulation regarding child poverty and the TANF program was published on June 23, 2000 (65 FR 39233).

Also in the preamble to the high performance bonus final regulations, on page 52820 we summarized the major changes in and provisions of the final rule. We are revising item #13 regarding the child care measure to clarify the fiscal years the various components of the child care measure are in effect. The revised language reads as follows:

“Bases competition in FY 2002 on a child care measure which focuses on child care accessibility (the percent of CCDF-eligible children receiving services) and affordability (assessed family co-payments), using data the States currently report to us under the CCDF program; in FY 2003, a component on child care quality is added based on State reimbursement rates.”

C. Removal of 45 CFR Part 276: Data Collection and Reporting Requirements for States and Indian Tribes under Welfare-to-Work Grants

We are removing 45 CFR part 276, the data collection and reporting requirements pertaining to participants in the WtW program, because the Omnibus Consolidated Appropriations Act (Pub. L. 106–113), signed into law on November 29, 1999, revised the data collection and reporting requirements for the Welfare-to-Work (WtW) program under sections 403(a)(5) and 411 of the Social Security Act (Act) to place all the responsibility with the Department of Labor (DOL). At the time we published the interim final rule (October, 1998), DOL and the Department of Health and Human Services shared these responsibilities.

The Omnibus Consolidated Appropriations Act also removed the WtW participant reporting requirements from section 411 of the Act.

The legislation that created the WtW program was in the Balanced Budget Act of 1997, Pub. L. 105–33. DOL’s implementation of this legislation included the publication of an interim final rule on November 18, 1997 (62 FR 615588). This interim final rule specified program and administrative reporting requirements, including financial reporting requirements, for formula grantees and competitive grantees. We (ACF) published an interim final rule on October 29, 1998, to implement the reporting requirements related to participant characteristics in the WtW program that were contained in section 411 of the Act.

When the Omnibus Appropriations Act placed responsibility for all data collection with the DOL, the Employment and Training Administration (ETA) of DOL published a notice of proposed information collection requirements for the WtW program on August 20, 2000 (65 FR 51034). Specifically, the notice requested public comment on revisions to two DOL quarterly status reports, *i.e.*, ETA #9068—Report by Formula Grantees and ETA #9068–1—Report by Competitive Grantees. The DOL revisions included reporting of WtW participant data consistent with the amendments under the Omnibus Appropriations Act.

D. Waiver of Notice and Comment Procedures

The Administrative Procedure Act (5 U.S.C. 553(b)(B)) requires that the Department publish a notice of proposed rulemaking unless the Department finds, for good cause, that such notice is impracticable, unnecessary, or contrary to the public interest. In this instance, this notice involves only a withdrawal of regulations that are no longer valid and two minor editorial corrections. Accordingly, the Department has determined that it would be unnecessary and contrary to the public interest to use notice and comment procedures in issuing these amendments.

E. Impact Analysis

No impact analysis is needed for these amendments.

List of Subjects

45 CFR Part 270

Grant programs—social programs; Poverty, Public assistance programs; Reporting and recordkeeping requirements.

45 CFR Part 276

Administrative practice and procedure; Employment; Manpower training programs; Penalties; Public assistance programs; Reporting and recordkeeping requirements; Vocational education.

(Catalog of Federal Domestic Assistance Programs: No.93.558 Temporary Assistance for Needy Families (TANF) Program; State Family Assistance Grants; Tribal Family Assistance Grants; Assistance Grants to

Territories; Matching Grants to Territories; Supplemental Grants for Population Increases; Contingency Fund; High Performance Bonus; Decrease in Illegitimacy Bonus. Also, No.17.253 Welfare-to-Work Grants to States and Localities)

Dated: November 17, 2000.

Brian Burns,

Deputy Assistant Secretary for Information Resources Management.

For the reasons set forth in the preamble, 45 CFR part 270 is amended to make two corrections, and 45 CFR part 276 is removed as follows:

PART 270—HIGH PERFORMANCE BONUS AWARDS

1. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 603(a)(4).

§ 270.4 [Corrected]

2. In § 270.4(d)(1)(i), the word “calendar” is revised to read “fiscal”.

3. In § 270.4(d)(2)(ii), the word “it” is revised to read “TANF assistance”.

PART 276—DATA COLLECTION AND REPORTING REQUIREMENTS FOR STATES AND INDIAN TRIBES UNDER WELFARE-TO-WORK GRANTS [REMOVED]

4. Part 276 is removed from chapter II of title 45 of the Code of Federal Regulations.

[FR Doc. 00-30093 Filed 12-1-00; 8:45 am]

BILLING CODE 4184-01-P

Proposed Rules

Federal Register

Vol. 65, No. 233

Monday, December 4, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 1

[Docket No. 99-087-1]

Licensing and Inspection Requirements for Dealers of Dogs Intended for Hunting, Breeding, or Security Purposes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the Animal Welfare regulations to reflect our policy of regulating wholesale dealers of dogs intended for hunting, breeding, or security purposes. We currently regulate these dealers under the same regulations in place for wholesale dealers of other dogs. This action would make the regulations consistent with our policy and would, therefore, clarify licensing and inspection requirements for affected dealers of dogs intended for hunting, breeding, or security purposes.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by February 2, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 99-087-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 99-087-1.

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

help you, please call (202) 690-2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1234; (301) 734-7586.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) requires certain dealers to obtain a license from the Secretary of Agriculture in order to buy or sell animals. The AWA further authorizes the Secretary of Agriculture to promulgate standards and other requirements regarding the humane handling, care, treatment, and transportation of certain animals by these regulated dealers, as well as by research facilities, exhibitors, and carriers and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA). Regulations established under the AWA are contained in the Code of Federal Regulations (CFR) in title 9, parts 1, 2, and 3 (referred to below as the regulations). Part 1 contains definitions for terms used in parts 2 and 3. Part 2 contains general requirements for regulated parties. Part 3 contains specific requirements for the care and handling of certain animals. Subpart A of part 3 contains the requirements applicable to dogs and cats.

Section 4 of the AWA (7 U.S.C. 2134) requires that a dealer may not sell an animal to a research facility, or for use as a pet or for exhibition, until he or she first obtains a license from the Secretary. Section 4 also requires a dealer to have a license to buy from or sell to another dealer (i.e., at wholesale). Because dogs sold for hunting, breeding, or security purposes are not sold to research facilities, or for use as pets or for exhibition, dealers in these dogs do not need a license to buy or sell them unless they do so at wholesale.

Section 13 of the AWA (7 U.S.C. 2143) directs the Secretary to promulgate standards of care with which regulated dealers must comply. Because section 4 of the AWA requires the regulation only of wholesale dealers of hunting, breeding, and security dogs, retail dealers of such dogs are not subject to the standards promulgated under section 13 of the AWA.

In accordance with the AWA, on July 19, 1999, we published in the **Federal Register** (Docket No. 97-018-4, 64 FR 38546-38548) a decision and policy statement that notified the public that, among other things, it is now our policy to license and inspect wholesale dealers of dogs intended primarily for hunting, breeding, or security purposes. This means that we currently regulate these dealers under the same regulations in place for wholesale dealers of other dogs. We instituted this policy to help ensure the humane handling, care, and treatment of hunting, breeding, and security dogs.

However, the regulations at § 2.1 require that all dealers of dogs must be licensed and inspected. Our current definition for "dealer" in § 1.1 includes both wholesale and retail dealers of hunting, breeding, and security dogs. These provisions are inconsistent with our published policy.

Therefore, we propose to amend the regulations to require that only wholesale dealers of hunting, breeding, and security dogs be licensed and inspected. This change would be reflected in the definition for "dealer" in § 1.1. This action would bring our regulations into accord with our policy to regulate wholesale dealers of hunting, breeding, and security dogs.

The licensing requirements for animal dealers are contained in 9 CFR part 2, subpart A, and the care standards for dogs and cats are contained in 9 CFR part 3, subpart A. For information about becoming licensed as a dealer under the AWA, contact the person listed above under **FOR FURTHER INFORMATION CONTACT**.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is set out below, regarding the effects of this proposed rule on small entities. We do not currently have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments concerning potential effects. In particular, we are interested in determining the number of small entities that would be affected by this proposed rule.

In accordance with the Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements regarding the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers.

We propose to amend the Animal Welfare regulations to reflect our policy of regulating only wholesale dealers of dogs intended for hunting, breeding, or security purposes. As such, this action would not result in any changes to our operations. We currently help ensure the humane handling, care, and treatment of hunting, breeding, and security dogs through the licensing and inspection of wholesale dealers of these types of dogs; we regulate these dealers under the same regulations in place for wholesale dealers of other types of dogs.

To comply with our current policy and the regulations, wholesale dealers of dogs intended for hunting, breeding, or security purposes incur costs for licensing, as well as other expenses. The costs of licensing for affected dealers include an annual application fee of \$10 and an annual class "A" license fee based on 50 percent of total gross sales or compensation from leased animals. License fee amounts are determined according to ranges shown in Table 1 of 9 CFR part 2, § 2.6.

Among other costs incurred by wholesale dealers of hunting, breeding, and security dogs are expenses related to veterinary care, tagging or tattoo marking for animal identification, recordkeeping, health certification of dogs commercially transported, and maintenance of appropriate facilities and operating standards (see 9 CFR part 3, subpart A). It is reasonable to assume, however, that many of these responsibilities are met by affected dealers simply as a matter of good business practice. When dealers satisfy the facilities and operating standards of the regulations by, for example, providing a safe and healthy environment (including appropriate heating, cooling and ventilation of the

dogs' housing to adequate feeding and exercising programs), those dealers are contributing to their dogs' eventual sale value. As another example, records of transactions can only further a wholesale dealer's business success. Therefore, it is in a dealer's financial interest to promote the health and well-being of his or her dogs in accordance with the regulations. However, if any wholesale dealers of hunting, breeding, or security dogs were not in compliance with the regulations in 9 CFR parts 2 and 3 prior to our policy announcement in July, they may have expenses related to these requirements. We do not have information at this time on the number of such dealers or what their expenses might be.

The purpose of this proposed rule is actually to remove regulatory requirements covering dealers who sell hunting, breeding, or security dogs at the retail level. Those dealers would experience no economic effects from this action since we have never enforced those provisions.

The Regulatory Flexibility Act requires that agencies consider the economic effects of rules on small entities. The Small Business Administration determines the criteria by which entities are classified as "small," using Standard Industrial Classification (SIC) categories. Wholesale dealers of hunting, breeding, and security dogs are included within SIC category 0279, "Animal Specialties, Not Elsewhere Classified." Small entities in this category are defined as ones with annual receipts of \$0.5 million or less. Although data is not available on the number of wholesale dealers of hunting, breeding, and security dogs, or their incomes, it is presumed that the majority are small entities.

While a substantial number of affected dealers may be small entities, we expect that the effect of the proposed rule on these dealers would be insignificant because licensing and inspection requirements would remain the same. This action would simply make our regulations consistent with our policy and would, therefore, clarify licensing and inspection requirements for affected dealers of dogs intended for hunting, breeding, and security purposes.

The alternative to this proposed rule was to make no changes in the regulations. After consideration, we rejected this alternative since this action would make the regulations consistent with our policy to help ensure the humane handling, care, and treatment of hunting, breeding, and security dogs.

This proposed rule contains information collection and recordkeeping requirements. These requirements are described in this document under the heading "Paperwork Reduction Act."

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 Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 99-087-1. Please send a copy of your comments to: (1) Docket No. 99-087-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue, SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would make our regulations consistent with our policy. Under our policy, affected wholesale dealers of dogs intended for hunting, breeding, or security purposes are required to apply for an initial license; apply annually for license renewal; keep and maintain records (for at least 1 year) regarding each animal, including those purchased, acquired, transported, sold, or otherwise disposed of; complete a written program of veterinary care for animals; and provide a health certificate for animals moving interstate or leaving the country.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for

the proper performance of our agency's functions, including whether the information will have practical utility;

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

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

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .34 hours per response.

Respondents: Certain wholesale dealers of dogs intended for hunting, breeding, or security purposes.

Estimated annual number of respondents: 5.

Estimated annual number of responses per respondent: 6.4.

Estimated annual number of responses: 32.

Estimated total annual burden on respondents: 11 hours.

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

List of Subjects in 9 CFR Part 1

Animal welfare, Pets, Reporting and recordkeeping requirements, Research.

Accordingly, we propose to amend 9 CFR part 1 as follows:

PART 1—DEFINITION OF TERMS

1. The authority citation for part 1 would be revised to read as follows:

Authority: 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.7.

2. In § 1.1, the definition for "dealer" would be revised to read follows:

§ 1.1 Definitions.

* * * * *

Dealer means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: Any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or any dog at the wholesale level for hunting, security, or breeding purposes. This term does not include: A

retail pet store, as defined in this section, unless such store sells any animals to a research facility, an exhibitor, or a dealer (wholesale); any retail outlet where dogs are sold for hunting, breeding, or security purposes; or any person who does not sell or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals other than wild or exotic animals, dogs, or cats, during any calendar year.

* * * * *

Done in Washington, DC, this 29th day of November 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00-30765 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-34-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-6910-5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and request for comment.

SUMMARY: The EPA is proposing to use the Delisting Risk Assessment Software (DRAS) in the evaluation of a delisting petition. Based on waste specific information provided by the petitioner, EPA is proposing to use the DRAS to evaluate the impact of the petitioned waste on human health and the environment. Today's proposal provides background information on the mechanics of the DRAS, and the use of the DRAS in delisting decision-making.

The EPA is also proposing to grant a petition submitted by Eastman Chemical Company—Texas Operations, (Eastman) to exclude (or delist) certain solid wastes generated by its Longview, Texas, facility from the lists of hazardous wastes contained in 40 CFR 261.24 and 261.31 (hereinafter all sectional references are to 40 CFR unless otherwise indicated).

Eastman submitted the petition under sections 260.20 and 260.22(a). Section 260.20 allows any person to petition the Administrator to modify or revoke any provision of sections 260 through 266, 268 and 273. Section 260.22(a) specifically provides generators the opportunity to petition the

Administrator to exclude a waste on a "generator specific" basis from the hazardous waste lists.

The Agency bases its proposed decision to grant the petition on an evaluation of waste-specific information provided by the petitioner. This proposed decision, if finalized, would conditionally exclude the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

If finalized, we would conclude that Eastman's petitioned waste is nonhazardous with respect to the original listing criteria and that the waste process Eastman uses will substantially reduce the likelihood of migration of hazardous constituents from this waste. We would also conclude that their process minimizes short-term and long-term threats from the petitioned waste to human health and the environment.

DATES: We will accept comments until January 18, 2001. We will stamp comments received after the close of the comment period as "late." These "late" comments may not be considered in formulating a final decision.

Your requests for a hearing must reach EPA by December 19, 2000. The request must contain the information prescribed in section 260.20(d).

ADDRESSES: Please send three copies of your comments. Two copies should be sent to William Gallagher, Delisting Section, Multimedia Planning and Permitting Division (6PD-O), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202. A third copy should be sent to the Texas Natural Resources Conservation Commission (TNRCC), P.O. Box 13087, Austin, Texas, 78711-3087. Identify your comments at the top with this regulatory docket number: "F-00-TXDEL-TXEASTMAN."

You should address requests for a hearing to the Director, Carl Edlund, Multimedia Planning and Permitting Division (6PD), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Michelle Peace at (214) 665-7430.

SUPPLEMENTARY INFORMATION:

The Information in This Section is Organized as Follows

- I. What risk assessment methods has the Agency used in previous delisting determinations that are being revised in this proposal?
 - A. Introduction
 - B. What fate and transport model does the Agency use in the DRAS for evaluating

- the risks to groundwater from the proposed exempted waste?
- C. Why is the EPACMTP fate and transport model an improvement over the EPACML?
- D. Has the EPACMTP methodology been formally reviewed?
- E. Has the Agency modified the EPACMTP as utilized in the HWIR proposal?
- F. What modifications to the DRAS have been made since the proposal on September 27, 2000?
- II. Overview Information
- A. What action is EPA proposing?
- B. Why is EPA proposing to approve this delisting?
- C. How will Eastman manage the waste if it is delisted?
- D. When would the proposed exclusion be finalized?
- E. How would this action affect states?
- III. Background
- A. What is the history of the delisting program?
- B. What is a delisting petition, and what does it require of a petitioner?
- C. What factors must EPA consider in deciding whether to grant a delisting petition?
- IV. EPA's Evaluation of the Waste Information and Data
- A. What wastes did Eastman petition EPA to delist?
- B. Who is Eastman and what process do they use to generate the petition waste?
- C. How did Eastman sample and analyze the data in this petition?
- D. What were the results of Eastman's analysis?
- E. How did EPA evaluate the risk of delisting this waste?
- F. What did EPA conclude about Eastman's analysis?
- G. What other factors did EPA consider in its evaluation?
- H. What is EPA's evaluation of this delisting petition?
- V. Next Steps
- A. With what conditions must the petitioner comply?
- B. What happens if Eastman violates the terms and conditions?
- VI. Public Comments
- A. How may I as an interested party submit comments?
- B. How may I review the docket or obtain copies of the proposed exclusions?
- VII. Regulatory Impact
- VIII. Regulatory Flexibility Act
- IX. Paperwork Reduction Act
- X. Unfunded Mandates Reform Act
- XI. Executive Order 13045
- XII. Executive Order 13084
- XIII. National Technology Transfer and Advancements Act
- XIV. Executive Order 13132 Federalism

I. What Risk Assessment Methods Has the Agency Used in Previous Delisting Determinations That Are Being Revised in This Proposal?

A. Introduction

The fate and transport of constituents in leachate from the bottom of the landfill or surface impoundment waste

unit through the unsaturated zone (non-water bearing layer) and to a drinking water well in the saturated zone (water-bearing layer) is estimated using a fate and transport model. The Agency has applied the U.S. EPA Composite Model for Landfill (EPACML) fate and transport model to estimate constituent concentrations in groundwater at a receptor well located downgradient from a landfill or surface impoundment. The EPACML fate and transport model was used to determine a dilution attenuation factor (DAF). The DAF estimates the degree of dilution and attenuation that a waste constituent would undergo as it leaches from a waste management unit and is transported in the subsurface, into the saturated zone, and to a theoretical downgradient receptor well. The EPACML was originally developed to compute DAFs and set regulatory levels for specific constituents for the Toxicity Characteristics Rule (TC Rule) 55 FR 11798 (March 29, 1990). Subsequently, the EPACML has been used for multiple RCRA delistings beginning with the Reynolds Metals delisting decision 56 FR 67197 (December 30, 1991). The EPACML accounts for:

- one-dimensional steady and uniform advective flow;
- contaminant dispersion in the longitudinal, lateral, and vertical directions and;
- sorption

However, advances in groundwater fate and transport have been made in recent years and the Agency proposes the use of a more advanced groundwater fate and transport model for this RCRA delisting. More specific details about the DRAS can be found in 65 FR 58015 (September 27, 2000).

B. What Fate and Transport Model Does the Agency Use in the DRAS for Evaluating the Risks to Groundwater From the Proposed Exempted Waste?

The Agency proposes to use the EPACMTP (EPA's Composite Model for leachate migration with Transformation Products) in this delisting determination. The EPACMTP considers the subsurface fate and transport of chemical constituents. The EPACMTP is capable of simulating the fate and transport of dissolved contaminants from a point of release at the base of a waste management unit, through the unsaturated zone and underlying groundwater (saturated zone), to a receptor well at an arbitrary downstream location in the aquifer. The model accounts for the following mechanisms affecting contaminant migration: transport by advection and dispersion, retardation resulting from

reversible linear or nonlinear equilibrium adsorption onto the soil and aquifer solid phase, and biochemical degradation processes (EPACMTP Background Document and User's Guide, 1996).

C. Why Is the EPACMTP Fate and Transport Model an Improvement Over the EPACML?

The modeling approach used for this proposed rulemaking includes three major categories of enhancements over the EPACML. The enhancements include:

- 1—Incorporation of additional fate and transport processes (e.g., degradation of chemical constituents);
- 2—Use of enhanced flow and transport solution algorithms and techniques (e.g., three-dimensional transport) and;
- 3—Revision of the Monte Carlo methodology (e.g., site-based implementation of available input data) (EPACMTP Background Document and User's Guide, 1996)

A Discussion of the key enhancements which have been implemented in the EPACMTP is presented here and the details are provided in the background documents to the proposed 1995 Hazardous Waste Identification Rule (HWIR) (60 FR 66344, December 21, 1995). The background documents are available through the RCRA HWIR FR proposal docket (60 FR 66344, December 21, 1995). The EPACML was limited to conditions of uniform groundwater flow. It could not handle accurately the conditions of significant groundwater mounding and non-uniform groundwater flow due to a high rate of infiltration from the waste units. These conditions increase the transverse horizontal as well as the vertical spreading of a contaminant plume. The EPACMTP accounts for these effects directly by simulating groundwater flow in the vertical as well as horizontal directions.

The EPACMTP can simulate fate and transport of metals, taking into account geochemical influences on the mobility of metals. The EPA's MINTEQA2 metals speciation model is used to generate effective sorption isotherms for individual metals, corresponding to a range of geochemical conditions (EPACMTP Metals Background Document, 1996). The transport modules in EPACMTP have been enhanced to incorporate the nonlinear MINTEQ sorption isotherms. This enhancement provides the model with the capability to simulate, in the unsaturated and in the saturated zones, the impact of pH, leachate organic matter, natural organic matter, iron

hydroxide and the presence of other ions in the groundwater on the mobility of metals. The saturated zone module implemented in the EPACML was based on a Gaussian distribution of concentration of a chemical constituent in the saturated zone. The module also used an approximation to account for the initial mixing of the contaminant entering at the water table (saturated zone) underneath the waste unit. The module accounting for initial mixing in the EPACML could lead to unrealistic groundwater concentrations. The enhanced EPACMTP model incorporates a direct linkage between the unsaturated zone and saturated zone modules which overcomes these limitations of the EPACML.

To enable a greater flexibility and range of conditions that can be modeled, the analytical saturated zone transport module has been replaced with a numerical module, based on the highly efficient state-of-the-art Laplace Transform Galerkin (LTG) technique (EPACMTP Background Document and User's Guide, 1996). The enhanced module can simulate the anisotropic, non-uniform groundwater flow, and transient, finite source, conditions. The latter requires the model to calculate a maximum receptor well concentration over a finite time horizon, rather than just the steady state concentration which was calculated by the EPACML. The saturated zone modules have been implemented to provide either a fully three-dimensional (3D) solution, or a highly efficient quasi-3D solution. The latter has been implemented for Monte Carlo applications and provides nearly the same accuracy as the fully three dimensional option but is more computationally efficient. Both the unsaturated zone and the saturated zone transport modules can accommodate the formation and the transport of parent as well as of the transformation products.

A highly efficient semi-analytical unsaturated zone transport module has been incorporated to handle the transport of metals in the unsaturated zone and can use MINTEQA2 derived linear or nonlinear sorption isotherms. Conventional numerical solution techniques are inadequate to handle extremely nonlinear isotherms. An enhanced method-of-characteristic based solution has been implemented which overcomes these problems and thereby enables the simulation of metals transport in the Monte Carlo framework. Non-linearity in the metals sorption isotherms is primarily of concern at higher concentration values; for low concentrations, the isotherms are linear or close to linear. Because of the attenuation in the unsaturated zone, and

the subsequent dilution in the saturated zone, concentrations in the saturated zone are usually low enough so that properly linearized isotherms are used by the model in the saturated zone without significant errors.

The internal routines in the model which determine placement of the receptor well relative to the areal extent of the contaminant plume have been revised and enhanced. The calculation of the areal extent of the plume has been revised to take into consideration the dimensions of the waste unit. The logic for placing a receptor well inside the plume limits has been improved to eliminate a bias towards larger waste unit areas and to ensure that the placement of the well inside these limits, for a given radial distance from the unit, is truly randomly uniform. However, for this proposal, the closest drinking water well is located anywhere on the downgradient side of the waste unit.

The data sources from which parameter distributions for nationwide Monte Carlo assessments are obtained have been evaluated, and where appropriate, have been revised to make use of the latest data available for modeling. Leachate rates for Subtitle D waste units have been revised using the latest version of the HELP model with the revised data inputs. Source specific input parameters (e.g., waste unit area and volume) have been developed for various different types of industrial waste units besides landfills. Input values for the groundwater related parameters have been revised to utilize information from a nationwide industry survey of actual contaminated sites. The original version of the model was implemented for Monte Carlo assessments assuming continuous source (infinite source) conditions only. This methodology did not take into account the finite volume and/or operational life of waste units. The EPACMTP model has been implemented for Monte Carlo assessments of either continuous source or finite source scenarios. In the latter scenario, predicted groundwater impact is not only based on the concentrations of contaminants in the leachate, but also on the amount of constituent in the waste unit and/or the operational life of the unit.

The landfill is taken to be filled to capacity and covered when leaching begins. The time period during which the landfill is filled-up, usually on the order of 20 years, is considered to be small relative to the time required to leach all of the constituent mass out of the landfill. The model simulation results indicate that this assumption is

not unreasonable; the model calculated leaching duration is typically on the order of several hundred years. The leachate flux, or infiltration rate, is determined using the HELP model. The net infiltration rate is calculated using a water balance approach, which considers precipitation, evapotranspiration, and surface run-off. The HELP model was used to calculate landfill infiltration rates for a representative subtitle D landfill with 2-foot earthen cover, and no liner or leachate collection system, using climatic data from 97 climatic stations located throughout the United States. These correspond to the reasonable worst case assumptions as explained in the HWIR Risk Assessment Background Document for the HWIR proposed notice 60 FR 66344 (December 21, 1995). Additional details on the methodologies used by the EPACMTP to derive DAFs for waste constituents modeled for the landfill scenario are presented in the Background Documents for the proposed HWIR rule. See 60 FR 66344 (December 21, 1995). The fraction of waste in the landfill is assigned a uniform distribution with lower and upper limits of 0.036 and 1.0, respectively, based on analysis of waste composition in Subtitle D landfills. The lower bound assures that the waste unit will always contain a minimum amount of the waste of concern. The waste density is assigned a value based on reported densities of hazardous waste, and varies between 0.7 and 2.1 g/cm³.

The area of the surface impoundment and the impoundment depth used by the EPACMTP are obtained from the EPA's Office of Solid Waste Subtitle D Industrial Survey and were entered into the Monte Carlo analyses as distributions. The sediment layer at the base of the impoundment is taken to be 2 feet thick and to have an effective equivalent saturated conductivity of $10^{\text{minus}7}$ cm/s. These values were selected in recognition of the fact that most non-hazardous waste surface impoundments do have some kind of liner in place. Additional details on the methodologies used by the EPACMTP to derive DAFs for waste constituents modeled for the surface impoundment waste management scenario are presented in the Background Documents for the 1995 proposed HWIR rule. See 60 FR 66344 (December 21, 1995).

D. Has the EPACMTP Methodology Been Formally Reviewed?

The Science Advisory Board (SAB), a public advisory group that provides information and advice to the EPA, reviewed the EPACMTP model as part of a continuing effort to provide

improvements in the development and external peer review of environmental regulatory models. Overall, the SAB commended the Agency for making significant enhancements to the EPACMTP's predecessor, the EPACML and for responding to previous SAB suggestions. The SAB also concluded that the mathematical formulation incorporating daughter products into the model appeared to be correct and that the site-based approach using hydrogeologic regions is superior to the previous approach used in EPACML. The model underwent public comment during the 1995 proposed HWIR. See 60 FR 66344 (December 21, 1995).

E. Has the Agency Modified the EPACMTP as Utilized in the HWIR Proposal?

The EPACMTP, as developed for HWIR, determined the DAF using a Monte Carlo approach that selected, at random, a waste volume from a range of waste volumes identified in EPA's 1987 Subtitle D landfill survey. In delisting determinations, the waste volume of the petitioner is known. Therefore, application of EPACMTP to the delisting program has been modified to evaluate the specific waste volume. The Agency modified the DAFs determined under the HWIR proposal to account for a known waste volume. To generate waste volume-specific DAFs, EPA developed "scaling factors" to modify DAFs developed for HWIR (based on the entire range of disposal unit areas) to DAFs for delisting waste volumes. This was accomplished by computing a 90th percentile DAF for a conservative chemical for 10 specific waste volumes (ranging from 1,000 cubic yards to 300,000 cubic yards) for each waste management scenario (landfill and surface impoundment). The Agency assumed that DAFs for a specific waste volume are linearly related to DAFs developed by EPACMTP for the HWIR. DAF scaling factors were computed for the ten increment waste volumes. Using these ten scaling factor DAFs, regression equations were developed for each waste management scenario to provide a continuum of DAF scaling factors as a function of waste volume.

The regression equations are coded into the DRAS program which then automatically adjusts the DAF for the waste volume of the petitioner. The method used to verify the scaling factor approach is presented in the document, Application of EPACMTP to Region 6 Delisting Program: Development of Volume-adjusted Dilution Attenuation Factors (1996). For the landfill waste management scenario, the DAF scaling factors ranged from 9.5 for 10,000 cu.

yard to approximately 1.0 for waste volumes greater than 200,000 cu. yards. Therefore, for solid waste volumes greater than 200,000 cu. yards, the waste volume-specific DAF is the same as the DAF computed for the proposed HWIR. The regression equation that can be used to determine the DAF scaling factor (DSF) as a function of waste volume (in cubic yards) for the landfill waste management unit is: $DSF = 6152.7 * (\text{waste volume})^{-0.7135}$. The correlation coefficient of this regression equation is 0.99, indicating a good fit of this line to the data points. DAF scaling factors for surface impoundment waste volumes ranged from 2.4 for 2,000 cu. yards to approximately 1.0 for 100,000 cu. yards. For liquid waste volumes greater than 200,000 cu. yards, the waste volume-specific DAF is the same as the DAF computed for the proposed HWIR. The regression equation for DAF scaling factor (DSF) as a function of waste volume for surface impoundment wastes is: $DSF = 14.2 * (\text{waste volume})^{-0.2288}$. The correlation coefficient of this regression equation is also 0.99, indicating an extremely good fit of this line to the data points.

F. What Modifications Have Been Made to the DRAS Since its Proposal on September 27, 2000?

Several revisions have been made to the DRAS program in order to improve the modeling. Specifically, the groundwater inhalation pathway was revised to reflect recent advances in modeling household inhalation from home water use (e.g., showering). The basis for estimating the concentration of constituents in the indoor air is based on the mass transfer of constituent from water to shower air. The initial version of DRAS used a fate and transport model described by McKone and Bogen (1982) which predicted the highest waste concentration emitted from the water into the air during a given water use period (e.g., 10-minute shower). This method was revised to more accurately predict the average concentration occurring during the exposure event.

The revised model used in this analysis is based the equations presented in McKone (1987). The shower model estimates the change in the shower (or bathroom or household) air concentration based on the mass of constituent lost by the water (fraction emitted or emission rate) and the air exchange rate between the various model compartments (shower, the rest of the bathroom, and the rest of the house). The resulting differential equations were solved using finite difference numerical integration. The

average air concentration in the shower and bathroom are obtained by averaging the concentrations obtained for each time step over the duration of the exposure event (shower and bathroom use). These concentrations and the durations of daily exposure are used to estimate risk from inhalation exposures to residential use of groundwater. Further, improvements were made to more accurately reflect the transfer efficiency of the waste constituent from the groundwater to the air compartment. The fraction emitted from the bathroom or household water use is a function of the input transfer efficiency (or maximum fraction emitted) and the driving force for mass transfer (the differential between air saturation concentration at air/water interface and bulk air concentration). For example, in the shower compartment, the constituent emission rate is estimated from the change in the shower water concentration as the water falls through the air. The shower emissions can be modeled based on falling droplets as a means of estimating the surface-area-to-volume ratio for mass transfer and the residence time of the water in the shower compartment, assuming the compound concentration in the gas phase is constant over the time frame of the droplet fall. By assuming the drops fall at terminal velocity, the surface-area-to-volume ratio and the residence time can be determined based solely on droplet size. A droplet size of approximately 1 mm (0.1 cm) was selected. The terminal velocity for the selected droplet size is approximately 400 cm/s. The fraction of constituent emitted from a water droplet at any given time can then be calculated.

The equations used to predict surface volatilization from a landfill have been modified to more accurately reflect true waste concentration releases. The previous version of DRAS used Farmer's equation to estimate the emission rate of volatiles from the surface of the landfill. Farmer's equation assumes that the emission originates as volatiles in liquids trapped in the pore spaces between solid particles of waste. The volatiles evaporate from the liquid and are emitted from the landfill following gaseous diffusion through the solid waste particles and soil cover to the surface of the landfill. Farmer's equation requires the mole fraction of a given volatile constituent in the liquid in order to calculate the emission. The previous version of DRAS used the TCLP value of a volatile constituent in the waste to approximate the mole fraction of a given constituent in the pore liquid. Since the TCLP test

includes a 20-fold dilution, the calculation might underestimate the available concentration of volatiles in freshly deposited waste. The DRAS has been revised to use Shen's modification of Farmer's equation, described in U.S. EPA Office of Air Quality Planning and Standards' 1984 Evaluation and Selection of Models for Estimating Air Emissions from Hazardous Waste Treatment, Storage, and Disposal Facilities. EPA-450/3-84-020. Shen took the simplified version of Farmer's equation for vapor flux from a soil surface and converted it to an emission rate by multiplying it by the exposed landfill area. Shen's modification uses the total waste constituent concentration (weight fraction in the bulk waste) to approximate the mole fraction of that constituent in the liquid phase.

In estimating the amount of a given waste constituent that is released to surface water and eventually becomes freely dissolved in the water column, previous delisting petitions and the earlier version of the DRAS used the maximum observed TCLP concentration in waste as the total amount of the waste constituent available for erosion. Further, the former method assumed that all of the constituent mass that reached the stream, based on TCLP, became dissolved in the aqueous phase. Assuming complete conversion to a dissolved state is overly conservative and not in agreement with recent Agency methodology. In the revised DRAS, the total waste constituent concentration is used to estimate the constituent mass that reaches the stream. The portion of the waste constituent that becomes freely dissolved is determined by an estimate of partitioning between suspended solids and the aqueous phase. This methodology is described in U.S. EPA's 1998 Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities, Volume One. Peer Review Draft. EPA530-D-98-001A.

Recent developments in mercury partitioning described in the Mercury Report to Congress led to another revision to the surface water pathway. The DRAS was modified to account for bioaccumulation of methyl mercury as a result of the release of mercury into the surface water column. The primary human health hazard posed by the release of mercury into surface water is through bioaccumulation of methyl mercury in fish followed by human consumption of the contaminated fish. Biological processes in surface water cause the conversion, or methylation, of elemental mercury to methyl mercury. In accordance with the Human Health

Risk Assessment Protocol for Hazardous Waste Combustion Facilities, Volume One. Peer Review Draft, 15% of mercury in the water column is assumed to be converted to methyl mercury. This fraction is then used, along with the current bioaccumulation factor, to determine the predicted concentration of methyl mercury in fish tissue.

II. Overview Information

A. What Action Is EPA Proposing?

The EPA is proposing:

(1) To grant Eastman's petition to have its wastewater treatment sludge excluded, or delisted, from the definition of a hazardous waste, subject to certain continued verification and monitoring conditions; and

(2) To use a fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment. The Agency would use this model to predict the concentration of hazardous constituents released from the petitioned waste, once it is disposed.

B. Why Is EPA Proposing To Approve This Delisting?

Eastman's petition requests a delisting for listed hazardous wastes. Eastman does not believe that the petitioned waste meets the criteria for which EPA listed it. Eastman also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria, and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(1)-(4). In making the initial delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (a)(3). Based on this review, the EPA agrees with the petitioner that the waste is nonhazardous with respect to the original listing criteria. (If the EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste were originally listed, EPA would have proposed to deny the petition.) The EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste

generated, and waste variability. The EPA believes that the petitioned waste does not meet these criteria. EPA's proposed decision to delist waste from Eastman's facility is based on the information submitted in support of today's rule, *i.e.*, descriptions of the waste water treatment system, incinerator, and analytical data from the Longview facility.

C. How Will Eastman Manage the Waste if it Is Delisted?

Eastman currently disposes of the petitioned waste (wastewater treatment sludge) generated at its facility in an on-site, state permitted solid waste landfill after the sludge has been incinerated. The ash from the incineration process was delisted by EPA in June 1996. If the waste is delisted it will meet the criteria for disposal in a Subtitle D landfill without incineration.

The incinerator is a RCRA Subtitle C regulated unit permitted by the Texas Natural Resource Conservation Commission. This proposed decision will not affect the current regulatory controls on the incineration unit.

D. When Would EPA Finalize the Proposed Delisting?

RCRA section 3001(f) specifically requires EPA to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, EPA will not grant the exclusion until it addresses all timely public comments (including those at public hearings, if any) on today's proposal.

RCRA section 3010(b)(1) at 42 USCA 6920(b)(1), allows rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes.

The EPA believes that this exclusion should be effective immediately upon final publication because a six-month deadline is not necessary to achieve the purpose of section 3010(b), and a later effective date would impose unnecessary hardship and expense on this petitioner. These reasons also provide good cause for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, 5 U.S.C. 553(d).

E. How Would This Action Affect the States?

Because EPA is issuing today's exclusion under the Federal RCRA delisting program, only States subject to Federal RCRA delisting provisions would be affected. This would exclude

two categories of States: States having a dual system that includes Federal RCRA requirements and their own requirements, and States who have received authorization from EPA to make their own delisting decisions.

Here are the details: We allow states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA, 42 U.S.C.A. § 6929. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the State. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

The EPA has also authorized some States (for example, Louisiana, Georgia, Illinois) to administer a RCRA delisting program in place of the Federal program, that is, to make State delisting decisions. Therefore, this exclusion does not apply in those authorized States unless that State makes the rule part of its authorized program. If Eastman transports the petitioned waste to or manages the waste in any State with delisting authorization, Eastman must obtain delisting authorization from that State before they can manage the waste as nonhazardous in the State.

III. Background

A. What Is the History of the Delisting Program?

The EPA published an amended list of hazardous wastes from nonspecific and specific sources on January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA. The EPA has amended this list several times and published it in §§ 261.31 and 261.32.

We list these wastes as hazardous because: (1) They typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in Subpart C of Part 261 (that is, ignitability, corrosivity, reactivity, and toxicity) or (2) they meet the criteria for listing contained in §§ 261.11(a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be hazardous.

For this reason, §§ 260.20 and 260.22 provide an exclusion procedure, called

delisting, which allows persons to prove that EPA should not regulate a specific waste from a particular generating facility as a hazardous waste.

B. What Is a Delisting Petition, and What Does it Require of a Petitioner?

A delisting petition is a request from a facility to EPA or an authorized State to exclude wastes from the list of hazardous wastes. The facility petitions the Agency because they do not consider the wastes hazardous under RCRA regulations.

In a delisting petition, the petitioner must show that wastes generated at a particular facility do not meet any of the criteria for the listed wastes. The criteria for which EPA lists a waste are in Part 261 and in the background documents for the listed wastes.

In addition, under § 260.22, a petitioner must prove that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, reactivity, corrosivity, and toxicity) and present sufficient information for EPA to decide whether factors other than those for which the waste was listed warrant retaining it as a hazardous waste. (See Part 261 and the background documents for the listed wastes.)

Generators remain obligated under RCRA to confirm whether their waste remains nonhazardous based on the hazardous waste characteristics even if EPA has "delisted" the wastes.

C. What Factors Must EPA Consider in Deciding Whether To Grant a Delisting Petition?

Besides considering the criteria in § 260.22(a) and 3001 (f) of RCRA, 42 U.S.C. § 6921(f), and in the background documents for the listed wastes, EPA must consider any factors (including additional constituents) other than those for which we listed the waste if a reasonable basis exists that these additional factors could cause the waste to be hazardous.

The EPA must also consider as hazardous wastes mixtures containing listed hazardous wastes and wastes derived from treating, storing, or disposing of listed hazardous waste. See §§ 261.3(a)(2)(iii and iv) and (c)(2)(i), called the "mixture" and "derived-from" rules, respectively. These wastes are also eligible for exclusion and remain hazardous wastes until excluded.

The "mixture" and "derived-from" rules are now final, after having been vacated, remanded, and reinstated. On December 6, 1991, the U.S. Court of Appeals for the District of Columbia vacated the "mixture/derived from"

rules and remanded them to EPA on procedural grounds. See *Shell Oil Co. v. EPA*, 950 F.2d 741 (D.C. Cir. 1991). EPA reinstated the mixture and derived-from rules, and solicited comments on other ways to regulate waste mixtures and residues. See 57 FR 7628 (March 3, 1992). These rules became final on October 30, 1992. See (57 FR 49278). Consult these references for more information about mixtures derived from wastes.

IV. EPA's Evaluation of the Waste Data

A. What Waste Did Eastman Petition EPA To Delist?

On February 4, 2000, Eastman petitioned the EPA to exclude from the lists of hazardous waste contained in §§ 261.31 and 261.32, a waste by-product (dewatered sludge from the wastewater treatment plant) which falls under the classification of listed waste because of the "derived from" rule in RCRA 40 CFR 261.3. Specifically, in its petition, Eastman Chemical Company, Texas Operations, located in Longview, Texas, requested that EPA grant an exclusion for 82,100 cubic yards per year of dewatered sludge resulting from its hazardous waste treatment process. The resulting waste is listed, in accordance with § 261.3(c)(2)(i) (i.e., the "derived from" rule).

B. What Is Eastman Chemical Company, and What Process Does it use?

Eastman occupies approximately 6,000 acres in Longview, Texas. The facility owns and operates an organic chemical and plastics manufacturing facility in Longview, Texas. During manufacturing operations, various waste waters are generated such as process waste water, blowdowns from boilers, cooling towers, and the incinerators, and some storm water. Process waste waters from the facility, blowdowns, recovered ground water, leachate from the RCRA hazardous waste landfill, and some storm water are routed to an activated sludge wastewater treatment plant (WWTP). A sludge is generated from the waste water treatment system, which is dewatered and is currently sent to a fluidized bed incinerator (FBI) for thermal treatment. The resulting delisted FBI ash is disposed of in a solid waste landfill.

Influent to the waste water treatment plant is a combination of hazardous and non-hazardous waste. During treatment of the influent waste water, biological sludge is generated and dewatered. The wastewater treatment sludge currently falls under the classification of listed waste according to RCRA 40 CFR 261.3(c)(2)(i) because of the "derived

from” rule. The waste codes of the constituents of concern are EPA Hazardous Waste Nos. F001, F002, F003, F005, K009, K010, U001, U002,

U028, U031, U069, U088, U112, U115, U117, U122, U140, U147, U154, U159, U161, U220, U226, U239 and U359.

Table 1 lists the constituents of concern for these waste codes.

TABLE 1.—HAZARDOUS WASTE CODES ASSOCIATED WITH WASTE STREAMS

Waste code	Basis for characteristics/listing
F001	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trichlorofluoroethane, orthodichlorobenzene, trichlorofluoromethane.
F003	Not applicable.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
U001	Acetaldehyde.
U002	Acetone.
U028	Bis(2-ethylhexyl) phthalate.
U031	n-Butyl alcohol.
U069	Dibutyl phthalate.
U088	Di-ethyl phthalate.
U112	Ethyl acetate.
U115	Ethylene Oxide.
U117	Ethyl ether.
U122	Formaldehyde.
U140	Isobutyl alcohol.
U147	Maleic anhydride.
U154	Methanol.
U159	Methyl ethyl ketone.
U161	Methyl isobutyl ketone.
U220	Toluene.
U226	1,1,1 Trichloroethane (Methyl chloroform).
U239	Xylene.
U359	Ethylene Glycol monoethyl ether.

C. How Did Eastman Sample and Analyze the Waste Data in This Petition?

To support its petition, Eastman submitted:

- (1) descriptions of its waste water treatment system associated with petitioned wastes;
- (2) results of the total constituent list for 40 CFR Part 264 Appendix IX volatiles, semivolatiles, and metals except pesticides, herbicides, and PCBs;
- (3) results of the constituent list for Appendix IX on Toxicity Characteristic Leaching Procedure (TCLP) extract for volatiles, semivolatiles, and metals;
- (4) results for reactive sulfide,
- (5) results for reactive cyanide;
- (6) results for pH;
- (7) results of the metals concentrations using multiple pH extraction fluids;
- (8) information and results from testing of the fluidized bed incinerator’s compliance testing and
- (9) results from oil and grease analysis.

D. What Were the Results of Eastman’s Analysis?

The EPA believes that the descriptions of the Eastman hazardous waste process and analytical

characterization provide a reasonable basis to grant Eastman’s petition for an exclusion of the wastewater treatment sludge. The EPA believes the data submitted in support of the petition show Eastman’s process can render the wastewater treatment sludge non-hazardous. The EPA has reviewed the sampling procedures used by Eastman and has determined they satisfy EPA criteria for collecting representative samples of the variations in constituent concentrations in the wastewater treatment sludge. The data submitted in support of the petition show that constituents in Eastman’s waste are presently below health-based levels used in the delisting decision-making. The EPA believes that Eastman has successfully demonstrated that the wastewater treatment sludge is non-hazardous.

Eastman Chemical also conducted additional sampling at the pHs of 4.93, 7.0, and 10.1 to simulate whether the wastes would remain stable if disposed in a wide range of landfill pH environments. The highest level of leaching occurred at pH 4.93. The leachate concentrations for barium, nickel and zinc were below the maximum leachate concentration listed in Table II.

Eastman also provide data from its 1998 trial burn to demonstrate that the FBI incinerator met the required organic destruction and removal efficiency for RCRA incinerators and that the unit also met the Boiler and Industrial Furnace Tier I limits for metals.

E. How did EPA Evaluate the Risk of Delisting the Waste?

For this delisting determination, EPA used such information gathered to identify plausible exposure routes (*i.e.*, ground water, surface water, air) for hazardous constituents present in the petitioned waste. The EPA determined that disposal in a Subtitle D landfill is the most reasonable, worst-case disposal scenario for Eastman’s petitioned waste. EPA applied the Delisting Risk Assessment Software (DRAS) described above, to predict the maximum allowable concentrations of hazardous constituents that may release from the petitioned waste after disposal and determined the potential impact of the disposal of Eastman’s petitioned waste on human health and the environment. In assessing potential risks to ground water, EPA used the maximum estimated waste volumes and the maximum reported extract concentrations as inputs to the DRAS

program to estimate the constituent concentrations in the ground water at a hypothetical receptor well down gradient from the disposal site. Using the established an acceptable risk level (carcinogenic risk of 10^{-5} and non-cancer hazard index of 0.1), the DRAS program can back-calculate the acceptable receptor well concentrations (referred to as compliance-point concentrations) using standard risk assessment algorithms and Agency health-based numbers. Using the maximum compliance-point concentrations and the EPACMTP fate and transport modeling factors, the DRAS further back-calculates the maximum permissible waste constituent concentrations not expected to exceed the compliance-point concentrations in groundwater.

The EPA believes that the EPACMTP fate and transport model represents a reasonable worst-case scenario for possible ground water contamination resulting from disposal of the petitioned waste in a landfill, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA Subtitle C. The use of some reasonable worst-case scenario resulted in conservative values for the compliance-point concentrations and ensured that the waste, once removed from hazardous waste regulation, may not pose a significant threat to human health or the environment.

Similarly, the DRAS used the maximum estimated waste volumes and the maximum reported total concentrations to predict possible risks associated with releases of waste constituents through surface pathways (e.g., volatilization or wind-blown particulate from the landfill). As in the ground water analyses, the DRAS uses the established acceptable risk level, the health-based data and standard risk assessment and exposure algorithms to predicts maximum compliance-point concentrations of waste constituents at a hypothetical point of exposure. Using fate and transport equations, the DRAS uses the maximum compliance-point concentrations and back-calculates the maximum allowable waste constituent concentrations (or "delisting levels"). In most cases, because a delisted waste is no longer subject to hazardous waste

control, EPA is generally unable to predict, and does not presently control, how a petitioner will manage a waste after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors when applying the fate and transport model.

The EPA also considers the applicability of ground water monitoring data during the evaluation of delisting petitions. In this case, Eastman has never directly disposed of this material in its solid waste landfill, so no representative data exists. Therefore, EPA has determined that it would be unnecessary to request ground water monitoring data.

From the evaluation of Eastman's delisting petition, EPA developed a list of constituents for the verification testing conditions. Proposed maximum allowable leachable concentrations for these constituents were derived by back-calculating from the delisting health-based levels through the proposed fate and transport model for a landfill management scenario. These concentrations (i.e., "delisting levels") are part of the proposed verification testing conditions of the exclusion.

The EPA believes that the descriptions of Eastman's hazardous waste process and analytical characterization, in conjunction with the proposed testing requirements (as discussed later in this notice) provide a reasonable basis to conclude that the likelihood of migration of hazardous constituents from the petitioned waste will be substantially reduced so that short-term and long-term threats to human health and the environment are minimized. Thus, EPA should grant Eastman's petition for a conditional exclusion of the wastewater treatment sludge.

The EPA Region 6 Delisting Program guidance document states that the appropriate fate and effect model will be used to determine the effect the petitioned waste could have on human health if it is not managed as a hazardous waste. Specifically, the model considers the maximum estimated waste volume and the maximum reported leachate concentrations as inputs to estimate the constituent concentrations in the ground water at a hypothetical receptor

well downgradient from the disposal site. The calculated receptor well concentrations (referred to as compliance-point concentrations) are then compared directly to the health-based levels used in delisting decision-making for hazardous constituents of concern. EPA Region 6 is proposing the DRAS as the appropriate model for this delisting. This subsection presents an evaluation of the potential for ground water contamination for the petitioned waste using the DRAS.

The EPA considered the appropriateness of alternative waste management scenarios for Eastman's wastewater treatment sludge. The EPA decided, based on the information provided in the petition, that disposal of the wastewater treatment sludge in a municipal solid waste landfill is the most reasonable, worst-case scenario for the wastewater treatment sludge. Under a landfill disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. The EPA, therefore, evaluated Eastman's petitioned waste using DRAS which predicts the potential for ground water contamination from waste placed in a landfill.

For the evaluation of Eastman's petitioned waste, EPA used the DRAS to evaluate the mobility of the hazardous constituents detected in the extract of samples of Eastman's wastewater treatment sludge. Total analysis was also utilized for the wastewater treatment sludge. The maximum annual waste volume for Eastman is 82,100 cubic yards per year. The DAFs are currently calculated assuming an ongoing process generates waste for 20 years.

Analytical data for the wastewater treatment sludge samples were used in the model. The data summaries for detected constituents are presented in Tables II and III.

The EPA's evaluation of the wastewater treatment sludge is based on the maximum reported Total and TCLP concentrations (See Table II). Based on the DRAS, the petitioned waste should be delisted because no constituents of concern exceed the delisting concentrations.

TABLE II.—MAXIMUM TOTAL AND TCLP CONSTITUENT CONCENTRATIONS WASTEWATER TREATMENT SLUDGE ¹

Constituent	Total Constituent Analyses (mg/kg)	TCLP Leachate Concentration (mg/l)
Antimony	1.5	<0.050
Barium	13	0.083
Chromium	2.5	<0.010

TABLE II.—MAXIMUM TOTAL AND TCLP CONSTITUENT CONCENTRATIONS WASTEWATER TREATMENT SLUDGE 1—
Continued

Constituent	Total Con- stituent Anal- yses (mg/kg)	TCLP Leachate Concentration (mg/l)
Cobalt	3.5	0.062
Lead	2.1	<0.050
Mercury	0.067	<0.0015
Nickel	20	0.18
Selenium	1.5	0.065
Silver	0.18	<0.005
Vanadium	1.7	0.014
Zinc	97	1.7
Acenaphthene	1.8	<0.010
Acetone	<2.5	4.0
bis(2-ethylhexyl) phthlate	4.1	<0.010
2-Butanone	<2.5	1.4
Chloroform	<0.25	0.009
Fluorene	2.0	<0.010
Methanol	0.052	<5.0
Methylene Chloride	<0.25	0.15
2-Methyl naphthalene	7.4	<0.010
Naphthalene	5.5	<0.010

¹ These levels represent the highest concentration of each constituent found in any one sample. These levels do not necessarily represent the specific levels found in one sample.

TABLE III.—MAXIMUM ALLOWABLE CONCENTRATIONS OF CONSTITUENTS IN LEACHATE

Constituent	Maximum allow- able leachate concentration (mg/l)
Antimony	0.0515
Barium	7.3
Chromium	5.0
Cobalt	2.25
Lead	5.0
Mercury	0.00115
Nickel	2.83
Selenium	0.22
Silver	0.384
Vanadium	2.11
Zinc	28
Acenaphthene	1.25
Acetone	7.13
bis(2-ethylhexyl) phthlate	0.28
2-Butanone	48.2
Chloroform	0.0099
Fluorene	0.55
Methanol	35.7
Methylene Chloride	0.486
Naphthalene	0.0321

corrosivity, or reactivity. See §§ 261.21, 261.22, and 261.23, respectively.

G. What Other Factors Did EPA Consider?

During the evaluation of Eastman's petition, EPA also considered the potential impact of the petitioned waste via non-ground water routes (*i.e.*, air emission and surface runoff). With regard to airborne dispersion in particular, EPA believes that exposure to airborne contaminants from Eastman's petitioned waste is unlikely. Therefore, no appreciable air releases are likely from Eastman's waste under any likely disposal conditions. The EPA evaluated the potential hazards resulting from the unlikely scenario of airborne exposure to hazardous constituents released from Eastman's waste in an open landfill. The results of this worst-case analysis indicated that there is no substantial present or potential hazard to human health and the environment from airborne exposure to constituents from Eastman's Wastewater treatment sludge. A description of EPA's assessment of the potential impact of Eastman's waste, regarding airborne dispersion of waste contaminants, is presented in the RCRA public docket for today's proposed rule, F-00-TXDEL-TXEASTMAN.

The EPA also considered the potential impact of the petitioned waste via a surface water route. The EPA believes that containment structures at municipal solid waste landfills can effectively control surface water runoff, as the Subtitle D regulations (See 56 *FR* 50978, October 9, 1991) prohibit pollutant discharges into surface waters.

Furthermore, the concentrations of any hazardous constituents dissolved in the runoff will tend to be lower than the levels in the TCLP leachate analyses reported in today's notice due to the aggressive acidic medium used for extraction in the TCLP. The EPA believes that, in general, leachate derived from the waste is unlikely to directly enter a surface water body without first traveling through the saturated subsurface where dilution and attenuation of hazardous constituents will also occur. Leachable concentrations provide a direct measure of solubility of a toxic constituent in water and are indicative of the fraction of the constituent that may be mobilized in surface water as well as ground water.

Based on the reasons discussed above, EPA believes that the contamination of surface water through runoff from the waste disposal area is very unlikely. Nevertheless, EPA evaluated the potential impacts on surface water if Eastman's waste were released from a municipal solid waste landfill through runoff and erosion. See the RCRA public docket for today's proposed rule for further information on the potential surface water impacts from runoff and erosion. The estimated levels of the hazardous constituents of concern in surface water would be well below health-based levels for human health, as well as below EPA Chronic Water Quality Criteria for aquatic organisms (USEPA, OWRS, 1987). The EPA, therefore, concluded that Eastman's wastewater treatment sludge is not a present or potential substantial hazard

F. What Did EPA Conclude About Eastman's Analysis?

The EPA concluded, after reviewing Eastman's processes that no other hazardous constituents of concern, other than those for which tested, are likely to be present or formed as reaction products or by products in Eastman's waste. In addition, on the basis of explanations and analytical data provided by Eastman, pursuant to § 260.22, the EPA concludes that the petitioned waste does not exhibit any of the characteristics of ignitability,

to human health and the environment via the surface water exposure pathway.

H. What Is EPA's Evaluation of This Delisting Petition?

The descriptions of Eastman's hazardous waste process and analytical characterization, with the proposed verification testing requirements (as discussed later in this notice), provide a reasonable basis for EPA to grant the exclusion. The data submitted in support of the petition show that constituents in the waste are below the maximum allowable leachable concentrations (see Table III). We believe Eastman's process will substantially reduce the likelihood of migration of hazardous constituents from the petitioned waste. Eastman's process also minimizes short-term and long-term threats from the petitioned waste to human health and the environment.

Thus, EPA believes we should grant Eastman an exclusion for the wastewater treatment sludge. The EPA believes the data submitted in support of the petition show Eastman's process can render the wastewater treatment sludge nonhazardous.

We have reviewed the sampling procedures used by Eastman and have determined they satisfy EPA criteria for collecting representative samples of variable constituent concentrations in the wastewater treatment sludge. The data submitted in support of the petition show that constituents in Eastman's waste are presently below the compliance point concentrations used in the delisting decision-making and would not pose a substantial hazard to the environment. The EPA believes that Eastman has successfully demonstrated that the wastewater treatment sludge is nonhazardous.

The EPA therefore, proposes to grant a conditional exclusion to the Eastman Chemical Company, in Longview, Texas, for the wastewater treatment sludge described in its petition. The EPA's decision to conditionally exclude this waste is based on descriptions of the treatment activities associated with the petitioned waste and characterization of the wastewater treatment sludge.

If we finalize the proposed rule, the Agency will no longer regulate the petitioned waste under parts 262 through 268 and the permitting standards of part 270.

V. Next Steps

A. With What Conditions Must the Petitioner Comply?

The petitioner, Eastman, must comply with the requirements in 40 CFR part

261, Appendix IX, Tables 1, 2, and 3. The text below gives the rationale and details of those requirements.

(1) Delisting Levels

This paragraph provides the levels of constituents for which Eastman must test the leachate from the wastewater treatment sludge, below which these wastes would be considered nonhazardous.

The EPA selected the set of inorganic and organic constituents specified in Paragraph (1) because of information in the petition. We compiled the list from the composition of the waste, descriptions of Eastman's treatment process, previous test data provided for the waste, and the respective health-based levels used in delisting decision-making.

These delisting levels correspond to the allowable levels measured in the TCLP extract of the waste.

(2) Waste Holding and Handling

The purpose of this paragraph is to ensure that any wastewater treatment sludge which might contain hazardous levels of inorganic and organic constituents are managed and disposed of in accordance with Subtitle C of RCRA. If EPA determines that the data collected under this condition do not support the data provided in the petition, the exclusion will not cover the petitioned waste.

(3) Verification Testing Requirements

Although the wastewater treatment sludge would be considered delisted upon promulgation of the final rule, EPA believes that conditional testing requirements are still warranted to ensure continued effectiveness of the treatment process. During the initial verification period, which is described in paragraph (3)(A), Eastman must perform quarterly sampling for a period of one year to maintain the delisted status of the waste. As an additional condition of the initial verification period, the waste must continue to be processed in the incinerator prior to disposal in a landfill. After successful completion of the initial verification period, which is 12 months from the date of promulgation, the subsequent verification period, which is described in paragraph (3)(B), will begin. During the subsequent verification period, the waste may be either directly disposed in a landfill or disposed as an ash in a landfill with prior incineration.

(A) *Testing:* The EPA believes that quarterly sampling of this waste is adequate for a facility to collect sufficient data to verify that the data provided for the wastewater treatment

sludge in the 2000 petition, is representative. Eastman may dispose of the sludge as a non-hazardous waste during the initial verification period if the waste is processed as described in the 1996 delisting exclusion and meets the exclusion levels of the fluidized bed incinerator ash.

If the data from the initial verification period demonstrate that the treatment process is effective, Eastman may request subsequent verification testing. EPA will notify Eastman, in writing, if and when it may replace the testing conditions in paragraph(3)(A)(i) with the testing conditions in (3)(B).

(B) *Subsequent Verification Testing:* The EPA believes that the concentrations of the constituents of concern in the wastewater treatment sludge may vary over time. As a result, to ensure that Eastman's treatment process can effectively handle any variation in constituent concentrations in the waste, we are proposing a subsequent verification testing condition.

The proposed subsequent testing would verify that Eastman wastes are similar to those sludges generated during the initial verification testing. It would also verify that the wastewater treatment sludge does not exhibit unacceptable levels of toxic constituents. Eastman would begin annual sampling on the anniversary date of the final exclusion.

(4) Changes in Operating Conditions

Paragraph (4) would allow Eastman the flexibility of modifying its processes (for example, changes in equipment or changes in operating conditions) to improve its treatment process. However, Eastman must prove the effectiveness of the modified process and request approval from the EPA. Eastman must manage wastes generated during the new process demonstration as hazardous waste until they have obtained written approval and Paragraph (3) is satisfied.

(5) Data Submittals

To provide appropriate documentation that Eastman's facility is properly treating the waste, Eastman must compile, summarize, and keep delisting records on-site for a minimum of five years. They should keep all analytical data obtained through Paragraph (3) including quality control information for five years. Paragraph (5) requires that Eastman furnish these data upon request for inspection by any employee or representative of EPA or the State of Texas.

If the proposed exclusion is made final, it will apply only to 82,100 cubic

yards of wastewater treatment sludge, generated annually at the Eastman facility after successful verification testing.

We would require Eastman to file a new delisting petition under any of the following circumstances:

(a) If it uses any new manufacturing or production process(es), or significantly change from the current process(es) described in its petition; or

(b) If it makes any changes that could affect the composition or type of waste generated.

Eastman must manage waste volumes greater than 82,100 cubic yards of wastewater treatment sludge as hazardous until we grant a new exclusion.

If this exclusion becomes final, Eastman's management of the wastes covered by this petition would be relieved from Subtitle C jurisdiction. Eastman would be required to either treat, store, or dispose of the waste in an on-site facility that has a State permit, license, or is registered to manage municipal or industrial solid waste. If not, Eastman must ensure that it delivers the waste to an off-site storage, treatment, or disposal facility that has a State permit, license, or is registered to manage municipal or industrial solid waste.

(6) Reopener Language

The purpose of Paragraph 6 is to require Eastman to disclose new or different information related to a condition at the facility or disposal of the waste if it is pertinent to the delisting. Eastman must also use this procedure, if the waste sample in the annual testing fails to meet the levels found in Paragraph 1. This provision will allow EPA to reevaluate the exclusion if a source provides new or additional information to the Agency. The EPA will evaluate the information on which we based the decision to see if it is still correct, or if circumstances have changed so that the information is no longer correct or would cause EPA to deny the petition if presented. This provision expressly requires Eastman to report differing site conditions or assumptions used in the petition in addition to failure to meet the annual testing conditions within 10 days of discovery. If EPA discovers such information itself or from a third party, it can act on it as appropriate. The language being proposed is similar to those provisions found in RCRA regulations governing no-migration petitions at § 268.6.

The EPA believes that we have the authority under RCRA and the Administrative Procedures Act, 5 U.S.C.

§ 551 (1978) *et seq.*, to reopen a delisting decision. We may reopen a delisting decision when we receive new information that calls into question the assumptions underlying the delisting.

The Agency believes a clear statement of its authority in delistings is merited in light of Agency experience. See Reynolds Metals Company at 62 FR 37694 (July 14, 1997) and 62 FR 63458 (December 1, 1997) where the delisted waste leached at greater concentrations in the environment than the concentrations predicted when conducting the TCLP, thus leading the Agency to repeal the delisting. If an immediate threat to human health and the environment presents itself, EPA will continue to address these situations case by case. Where necessary, EPA will make a good cause finding to justify emergency rulemaking. See APA § 553 (b).

(7) Notification Requirements

In order to adequately track wastes that have been delisted, EPA is requiring that Eastman provide a one-time notification to any State regulatory agency through which or to which the delisted waste is being carried. Eastman currently intends to manage the petitioned waste on-site. This notification requirement must be met if the waste is transported off-site. Eastman must provide this notification within 60 days of commencing this activity.

B. What Happens if Eastman Violates the Terms and Conditions?

If Eastman violates the terms and conditions established in the exclusion, the Agency will start procedures to withdraw the exclusion. Where there is an immediate threat to human health and the environment, the Agency will evaluate the need for enforcement activities on a case-by-case basis. The Agency expects Eastman to conduct the appropriate waste analysis and comply with the criteria explained above in Paragraphs 3, 4, 5 and 6 of the exclusion.

VI. Public Comments

A. How Can I as an Interested Party Submit Comments?

The EPA is requesting public comments on this proposed decision. Please send three copies of your comments. Send two copies to William Gallagher, Delisting Section, Multimedia Planning and Permitting Division (6PD-O), Environmental Protection Agency (EPA), 1445 Ross Avenue, Dallas, Texas 75202. Send a third copy to the Texas Natural

Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78753. Identify your comments at the top with this regulatory docket number: "F-00-TXDEL-EASTMAN."

You should submit requests for a hearing to Carl Edlund, Director, Multimedia Planning and Permitting Division (6PD), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202.

B. How May I Review the Docket or Obtain Copies of the Proposed Exclusion?

You may review the RCRA regulatory docket for this proposed rule at the Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202. It is available for viewing in the EPA Freedom of Information Act Review Room from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665-6444 for appointments. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at fifteen cents per page for additional copies.

VII. Regulatory Impact

Under Executive Order 12866, EPA must conduct an "assessment of the potential costs and benefits" for all "significant" regulatory actions.

The proposal to grant an exclusion is not significant, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thus enabling a facility to manage its waste as nonhazardous.

Because there is no additional impact from today's proposed rule, this proposal would not be a significant regulation, and no cost/benefit assessment is required. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under Section (6) of Executive Order 12866.

VIII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (that is, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the

Administrator or delegated representative certifies that the rule will not have any impact on small entities.

This rule, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

IX. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96-511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050-0053.

X. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year.

When such a statement is required for EPA rules, under section 205 of the UMRA EPA must identify and consider alternatives, including the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law.

Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon state, local, or tribal governments or the private sector.

The EPA finds that today's delisting decision is deregulatory in nature and does not impose any enforceable duty on any State, local, or tribal governments or the private sector. In addition, the proposed delisting decision does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

XI. Executive Order 13045

The Executive Order 13045 is entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This order applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This proposed rule is not subject to E.O. 13045 because this is not an economically significant regulatory action as defined by Executive Order 12866.

XII. Executive Order 13084

Because this action does not involve any requirements that affect Indian Tribes, the requirements of section 3(b) of Executive Order 13084 do not apply.

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects that communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments.

If the mandate is unfunded, EPA must provide to the Office Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to meaningful and timely

input" in the development of regulatory policies on matters that significantly or uniquely affect their communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

XIII. National Technology Transfer and Advancement Act

Under Section 12(d) of the National Technology Transfer and Advancement Act, the Agency is directed to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, business practices, etc.) developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires that Agency to provide Congress, through the OMB, an explanation of the reasons for not using such standards.

This rule does not establish any new technical standards and thus, the Agency has no need to consider the use of voluntary consensus standards in developing this final rule.

XIV. Executive Order 13132 Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that impose substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with

State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implication. It will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it affects only one facility.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous Waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f)

Dated: November 17, 2000.

Bill Luthans,

Deputy Director, Multimedia Planning and Permitting Division, Region 6.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Tables 1, 2, and 3 of Appendix IX of part 261 it is proposed to add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* * Eastman Chemical Company	* * Longview, Texas	* * * * * <p>Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) generated by Eastman (EPA Hazardous Waste Nos. F001, F002, F003, F005 generated at Eastman.</p> <p>Eastman must implement a testing program that meets the following conditions for the exclusion to be valid:</p> <p>(1) <i>Delisting Levels:</i> All concentrations for the following constituents must not exceed the following levels (mg/l). For the wastewater treatment sludge constituents must be measured in the waste leachate by the method specified in 40 CFR 261.24.</p> <p>(A) Wastewater treatment sludge</p> <p>(i) Inorganic Constituents: Antimony—0.0515; Barium—7.30; Cobalt—2.25; Chromium—5.0; Lead—5.00; Mercury—0.0015; Nickel—2.83; Selenium—0.22; Silver—0.384; Vanadium—2.11; Zinc—28.0</p> <p>(ii) Organic Constituents: Acenaphthene—1.25; Acetone—7.13; bis(2-ethylhexylphthalate)—0.28; 2-butanone—42.8; Chloroform—0.0099; Fluorene—0.55; Methanol—35.7; Methylene Chloride—0.486; naphthalene—0.0321.</p> <p>(2) <i>Waste Holding and Handling:</i> Eastman may dispose of the waste water treatment sludge if it meets the conditions of the Eastman delisting exclusion found in 40 CFR Part 261, Appendix IX Tables, 1, 2, and 3 (September 25, 1996). If the waste water treatment sludge is not managed in the manner above, Eastman must manage it in accordance with applicable its RCRA Subtitle C requirements. If the levels of constituents measured in the samples of the waste water treatment sludge do not exceed the levels set forth in Condition (1), then the waste is nonhazardous and may be managed and disposed of in accordance with all applicable solid waste regulations.</p> <p>(3) <i>Verification Testing Requirements:</i> Eastman must perform sample collection and analyses, including quality control procedures, according to SW-846 methodologies. After completion of the initial verification period, Eastman may replace the testing required in Condition (3)(A) with the testing required in Condition (3)(B). Eastman must continue to test as specified in Condition (3)(A) until and unless notified by EPA in writing that testing in Condition (3)(A) may be replaced by Condition (3)(B).</p> <p>(A) <i>Initial Verification Testing:</i> (i) At quarterly intervals for one year after the final exclusion is granted, Eastman must collect and analyze composites of the wastewater treatment sludge for constituents listed in Condition (1).</p> <p>(B) <i>Subsequent Verification Testing:</i> Following termination of the quarterly testing, Eastman must continue to test a representative composite sample for all constituents listed in Condition (1) on an annual basis (no later than twelve months after the final exclusion).</p> <p>(4) <i>Changes in Operating Conditions:</i> If Eastman significantly changes the process which generate(s) the waste(s) and which may or could affect the composition or type waste(s) generated as established under Condition (1) (by illustration, but not limitation, change in equipment or operating conditions of the treatment process). Eastman must notify the EPA in writing and may no longer handle the waste generated from the new process or no longer manage as nonhazardous until the waste meet the delisting levels set in Condition (1) and it has received written approval to do so from EPA.</p> <p>(5) <i>Data Submittals:</i> Eastman must submit or maintain, as applicable, the information described below. If Eastman fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in Condition (6). Eastman must:</p>

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(A) Submit the data obtained through Condition (3) to Mr. William Gallagher, Chief, Region 6 Delisting Program, EPA, 1445 Ross Avenue, Dallas, Texas 75202–2733, Mail Code, (6PD–O) within the time specified.</p> <p>(B) Compile records of operating conditions and analytical data from Condition (3), summarized, and maintained on-site for a minimum of five years.</p> <p>(C) Furnish these records and data when EPA or the State of Texas request them for inspection.</p> <p>(D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: “Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. “As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. “If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company’s RCRA and CERCLA obligations premised upon the company’s reliance on the void exclusion.”</p> <p>(6) <i>Reopener Language</i> (A) If, anytime after disposal of the delisted waste, Eastman possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p> <p>(B) If the annual testing of the waste does not meet the delisting requirements in Condition (1), Eastman must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p> <p>(C) If Eastman fails to submit the information described in Conditions (5), (6)(A) or (6)(B) or if any other information is received from any source, the Regional Administrator or his delegate will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(D) If the Regional Administrator or his delegate determines that the reported information does require Agency action, the Regional Administrator or his delegate will notify the facility in writing of the actions the Regional Administrator or his delegate believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary. The facility shall have 10 days from the date of the Regional Administrator or his delegate’s notice to present such information.</p> <p>(E) Following the receipt of information from the facility described in Condition (6)(D) or (if no information is presented under Condition (6)(D)) the initial receipt of information described in Conditions (5), (6)(A) or (6)(B), the Regional Administrator or his delegate will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator or his delegate’s determination shall become effective immediately, unless the Regional Administrator or his delegate provides otherwise.</p> <p>(7) <i>Notification Requirements:</i> Eastman must do following before transporting the delisted waste off-site: Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the exclusion.</p> <p>(A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities.</p> <p>(B) Update the one-time written notification if they ship the delisted waste into a different disposal facility.</p>

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
*	*	*

TABLE 2.—WASTE EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Eastman Chemical Company	Longview, Texas	Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) (EPA Hazardous Waste Nos. K009, K010) generated at Eastman. Eastman must implement the testing program described in Table 1 of this Appendix. Waste Excluded From Non-Specific Sources for the petition to be valid.
*	*	*

TABLE 3.—WASTE EXCLUDED FROM COMMERCIAL CHEMICAL PRODUCTS, OFF SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SOIL RESIDUES THEREOF

Facility	Address	Waste description
Eastman Chemical Company	Longview, Texas	Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) generated by Eastman (EPA Hazardous Waste Nos. U001, U002, U028, U031, U069, U088, U112, U115, U117, U122, U140, U147, U154, U159, U161, U220, U226, U239, U359). Eastman must implement the testing program described in Table 1 of this Appendix. Waste Excluded From Non-Specific Sources for the petition to be valid.
*	*	*

[FR Doc. 00-30632 Filed 12-1-00; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL-6910-9]

Land Disposal Restrictions: Notice of Intent to Grant a Site-Specific Treatment Variance to Dupont Environmental Treatment—Chambers Works Wastewater Treatment Plant, Deepwater, New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to grant a site-specific treatment variance from the Land Disposal Restrictions (LDR) standards for wastewater treatment sludge generated at the Dupont Environmental Treatment (DET)—Chambers Works Wastewater Treatment Plant located in Deepwater, New Jersey. This sludge is derived from the treatment of multiple listed, including K088, and characteristic hazardous waste. DET requests this

treatment variance because they contend that the chemical properties of the sludge differ significantly from the waste used to establish the LDR treatment standard for arsenic in K088 nonwastewaters. Accordingly, we propose to grant an alternate treatment standard of 5.0 mg/L Toxicity Characteristic Leaching Procedure (TCLP) for the arsenic in the wastewater treatment sludge generated at this facility.

If promulgated, DET may then dispose of their wastewater treatment sludge in their on-site RCRA Subtitle C landfill provided the sludge complies with the specified alternate treatment standard for arsenic in K088 nonwastewaters and meets all other applicable LDR treatment standards.

DATES: Comments must be received by December 26, 2000. Comments received after the close of the comment period will be stamped “late” and may or may not be considered by the Agency.

ADDRESSES: Commenters should submit an original and two copies of their comments referencing Docket Number F-2000-DPVP-FFFFF to: (1) If using regular U.S. Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency

Headquarters (EPA-HQ), 1200 Pennsylvania Avenue, NW, Washington DC 20460-0002, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202.

You may view 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 am to 4 pm Monday through Friday, excluding federal holidays. To review docket materials, we recommend that you make an appointment by calling 703-603-9230. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost \$0.15 per page. (The index is available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them).

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9 am to 6 pm, Eastern Standard Time. For more detailed information on specific aspects of this proposal, contact Elaine

Eby at 703-308-8449, eby.elaine@epa.gov, or write her at the Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002.

SUPPLEMENTARY INFORMATION:

Electronic Comment Submission

You may submit comments electronically by sending electronic mail through the Internet to: rcra-docket@epa.gov. You should identify comments in electronic format with the docket number F-2000-DPVP-FFFFF. You must submit all electronic comments as an ASCII (text) file, avoiding the use of special characters or any type of encryption. If possible, EPA's Office of Solid Waste (OSW) would also like to receive an additional copy of the comments on disk in WordPerfect 6.1 file format.

You should not submit electronically any confidential business information (CBI). You must submit an original and two copies of CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington DC 20460-0002.

Availability of Rule on Internet

Please follow these instructions to access the rule: From the World Wide Web (WWW), type <http://www.epa.gov/epaoswer/hazwaste/ldr/index.html>.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the RIC listed in the **ADDRESSES** section at the beginning of this document.

EPA's responses to comments, whether the comments are written or electronic, will be published in the **Federal Register** or in a response to comments document placed in the official record for this action. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

How Can I Influence EPA's Thinking on This Rule?

We invite you to provide different views on options we propose, new approaches we haven't considered, new data, how this rule may effect you, or other relevant information. Your

comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way.
- Provide solid technical data to support your views.
- Tell us which parts you support, as well as those you disagree with.
- Provide specific examples to illustrate your concerns.
- Offer specific alternatives.
- Make sure to submit your comments by the deadline in this notice.
- Be sure to include the name, date, and docket number with your comments.

The Agency will consider the public comments during development of the final rule related to this action. The Agency urges commenters submitting data in support of their views to include data evidence that appropriate quality assurance/quality control (QA/QC) procedures were followed in generating the data. Data the Agency cannot verify through QA/QC documentation may be given less consideration or disregarded in developing regulatory options for the final rule. For guidance see Final Best Demonstrated Available Technology (BDAT) Background Document for Quality Assurance/Quality Control Procedures and Methodology; USEPA, October 23, 1991.

Table of Contents

- I. Why and How Are Treatment Variances Granted?
- II. Why is Dupont Environmental Treatment Seeking a Treatment Variance?
- III. EPA's Analysis of DET's Petition
- IV. EPA's Proposal to Grant a Site Specific Treatment Variance to DET
- V. Administrative Requirements
 - A. Regulatory Impact Analysis Pursuant to Executive Order 12866
 - B. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
 - C. Unfunded Mandates Reform Act
 - D. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
 - E. Environmental Justice Executive Order 12898
 - F. Paperwork Reduction Act
 - G. National Technology Transfer and Advancement Act of 1995
 - H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments
 - I. Executive Order 13132 (Federalism)

I. Why and How Are Treatment Variances Granted?

Under section 3004(m) of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984, EPA is required

to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." We have interpreted this language to authorize treatment standards based on the performance of best demonstrated available technology (BDAT). This interpretation was sustained by the court in *Hazardous Waste Treatment Council vs. EPA*, 886 F. 2d 355 (D.C.Cir.1989).

We recognize that there may be wastes that cannot be treated to levels specified in the regulation (see 40 CFR 268.40) (51 FR 40576, November 7, 1986). For such wastes, a treatment variance exists (40 CFR 268.44) that, if granted, becomes the treatment standard for the waste at issue.

Treatment variances may be generic or site-specific. A generic variance can result in the establishment of a new treatability group and a corresponding treatment standard that applies to all wastes that meet the criteria of the new waste treatability group (55 FR 22526, June 1, 1990). A site-specific variance applies only to a specific waste from a specific facility. Under 40 CFR 268.44(h), a generator or treatment facility may apply to the Administrator, or EPA's delegated representative, for a site-specific variance in cases where a waste that is generated under conditions specific to only one site and cannot or should not be treated to the specified level(s). The applicant for a site-specific variance must demonstrate that because the physical or chemical properties of the waste differ significantly from the waste analyzed in development of the treatment standard, the waste cannot be treated by BDAT to the specified levels or by the specified method(s). Although there are other grounds for obtaining treatment variances, we will not discuss those in this notice because this is the only provision relevant to the present petition.

Dupont Environmental Treatment—Chambers Works submitted their request for a treatment variance in February 2000. All information and data used in the development of this proposal can be found in the RCRA docket supporting this rule.¹

¹ For purposes of this document, the term sludge, waste water treatment plant sludge, dewatered sludge, biosludge, and dewatered biosludge are used interchangeably and refer to the treated waste that has been dewatered and subject to analytical testing.

II. Why is Dupont Environmental Treatment Seeking a Treatment Variance?

Dupont Environmental Treatment—Chambers Works (herein referred to as “DET”) operates a wastewater treatment plant (herein referred to as “WWTP”) in Deepwater, New Jersey. The wastewater treatment performed at this facility can be described as an enhanced biological degradation system consisting of neutralization, equalization, primary clarification, secondary aeration and clarification, tertiary aeration and clarification, and sludge dewatering. Various pretreatment operations also are conducted on-site. DET WWTP operates as both a commercial treatment facility, for industrial and RCRA hazardous waste, and as an internal treatment operation, for Dupont’s numerous manufacturing operations. DET WWTP processes approximately 16 million gallons of wastewater per day or 5.84 billion gallons per year, making it the largest wastewater treatment facility in the United States.

In December 1997, DET entered into a contractual agreement with Safety Kleen, Incorporated to treat wastewater from Safety Kleen’s Waynoka, Oklahoma facility. The wastewater consists of approximately 87% multi-source leachate from an on-site Subtitle C landfill in Oklahoma (F039 waste) and 13% commercial wastewater pretreated by Safety Kleen. A portion of this commercial wastewater was shipped to Safety Kleen as K088 waste, i.e., potliner waste from primary aluminum reduction, originating as landfill leachate from a Reynolds Metals Company facility in Gum Springs, Arkansas. During the last three months of 1998, Safety Kleen shipped 192,000 gallons of this wastewater, i.e., the multi-source leachate and the commercial wastewater, to DET for treatment. In 1999, Safety Kleen transported approximately 1.3 million gallons of additional wastewater to DET.²

In February 2000, DET concluded, albeit belatedly, that there was a possibility that the continued treatment of Safety Kleen’s wastewater, containing the K088 waste designation, at their WWTP could result in noncompliance for DET’s WWTP sludge with the K088 nonwastewater treatment standard for total arsenic.³ While compliance

monitoring samples, taken since October 1998, show that the dewatered sludge meets both the Universal Treatment Standard (UTS) for arsenic of 5.0 mg/L TCLP and the K088 arsenic treatment standard of 26.1 mg/kg, screening samples taken in 1999 suggest that the total arsenic concentration in the dewatered sludge could exceed the 26.1 mg/kg treatment standard in future compliance monitoring tests.⁴ However, these data do not meet EPA quality assurance and quality control requirements. Therefore, it is impossible for us to rely on these data in our deliberations.

On February 28, 2000, DET submitted a petition to EPA requesting a treatment variance from the K088 treatment standard for arsenic nonwastewaters generated at their facility. DET acknowledges that the WWTP sludge has not yet exceeded the treatment standard, based on compliance testing samples taken since late 1998. However, DET is concerned that, in the future, the sludge may exceed the treatment standard. DET states that, even if the arsenic standard is exceeded, the total arsenic concentration can not be reduced to meet the existing treatment standard. DET believes that requesting a treatment variance prior to an actual violation of the treatment standard is an appropriate and necessary action.

As part of their petition, in accordance with the requirements of 40 CFR 268.44, DET contends that their waste, i.e., the dewatered WWTP sludge carrying the K088 waste designation, differs significantly from the waste used to establish the treatment standard for total arsenic in K088 waste. DET states that the dewatered sludge is at least a second derivative treatment residue that bears no resemblance, in physical form or composition, to generated potliners

K088 nonwastewaters was set at 26.1 mg/kg. That standard has been in effect since September 21, 1998 and applies to all K088 treatment sludge generated at DET WWTP since the effective date.

⁴ Compliance data are generated by a contract laboratory based on TCLP analysis for metals on a secondary sludge sample from the treatment operation. The analysis is done quarterly for monitoring LDR compliance in accordance with DET’s waste analysis plan. The compliance analysis for the TCLP extraction follows EPA protocol as specified in SW-846, Method 1311. Metals analysis is run by inductively coupled plasma via SW-846 Method 6010B, except for mercury which is done by SW-846 Method 7470A. Appropriate quality assurance/quality control is conducted by the contract laboratory in accordance with SW-846 requirements. DET’s compliance data submitted to the Agency for the last quarter of 1998 show total arsenic concentrations in the WWTP sludge of 16 mg/kg. Quarterly compliance testing for 1999 show total arsenic concentrations of 13.0, 12.3, 10.0 and <9.9 mg/kg. All TCLP data for arsenic in the WWTP sludge show concentrations of arsenic less than 0.10 mg/L.

or typically thought of generated residues from potliner treatment. DET maintains that for their waste, the TCLP is an appropriate analytical test for measuring arsenic mobility because of the neutral pH characteristic of the sludge. Additionally, DET states that no further treatment can be applied to the sludge because arsenic is an element, and as such cannot be destroyed to meet the existing treatment standard—a totals analysis test.

Based on these findings, DET requests that EPA grant a variance from the 26.1 mg/kg treatment standard for arsenic in K088 nonwastewaters for their wastewater treatment sludge. DET requests an alternative standard of 5.0 mg/L TCLP for arsenic in K088 waste. This level is the same as the old treatment standard for arsenic in K088 nonwastewaters, i.e., the standard that existed prior to the September 21, 1998 rulemaking and the current UTS for arsenic nonwastewaters. DET contends that the old standard is more appropriate for their waste because: (1) the TCLP measures mobility of arsenic; (2) the sludge’s neutral pH is well-suited for evaluating whether arsenic could migrate and cause harm to human health and the environment; and (3) the arsenic in the WWTP sludge cannot be destroyed.

III. EPA’s Analysis of DET’s Petition

As just discussed, the waste at issue here is a dewatered WWTP sludge resulting from the treatment of wastewater carrying the K088 waste designation.⁵ We agree with DET’s main point—that this waste is significantly different from the waste on which the 26.1 mg/kg standard for total arsenic in K088 nonwastewaters is based. In addition, we agree that there is no available treatment to reduce the amount of total arsenic contained in the waste.

The 26.1 mg/kg standard for arsenic in K088 waste, promulgated in 1998, was developed based on performance data from a high temperature thermal treatment process for spent aluminum potliners from primary aluminum reduction used at a Reynolds Metals facility in Gum Springs, Arkansas. Specifically, the treatment standard was derived from an assay of the total acid soluble arsenic in K088 waste after spent potliner had been crushed, mixed with lime and sand, and sent through a

⁵ It should be noted that the WWTP sludge at issue here is generated by the biological treatment of a relatively small quantity of wastewater carrying the K088 waste designation. This K088 wastewater accounts for less than 0.002% of the total annual throughput at DET WWTP.

² In addition to the F039 and K088 waste designations, this wastewater contains eighteen additional RCRA hazardous waste codes.

³ On September 21, 1998, EPA promulgated interim replacement standards for K088 waste. (See 63 FR 51254, September 24, 1998). As part of that rulemaking, the treatment standard for arsenic in

high-temperature rotary kiln resulting in a fused waste residue.

As previously discussed, prior to 1998, the treatment standard for arsenic was 5.0 mg/L TCLP, based on the Reynolds treatment process that, at that time, treated much of the K088 generated in the United States (63 FR 51257, September 24, 1998). However, to address subsequent concerns regarding the elevated concentrations of arsenic in Reynold's landfill leachate, Reynolds changed the type of sand used in their thermal process to a sand with lower concentrations of arsenic. These 1998 revisions, to the K088 arsenic standards, were intended to cap arsenic concentrations in the treated potliner and to lock-in the Reynolds treatment process change, *i.e.*, the change in sand type. Therefore, the reason for our shift to a 26.1 mg/kg total arsenic standard has no basis in appropriate treatment levels for WWTP sludge carrying the K088 waste code solely due to the derived-from regulations.

In addition, Reynolds thermal treatment of K088 waste generates an extremely alkaline residue for which the TCLP was found to be a poor predictor of arsenic mobility. See *Columbia Falls v. EPA*, 139F.3d 914 (D.C. Cir 1998); see also 63 FR 28571, May 26, 1998 (EPA's interpretation of the court's opinion). This decision also provided additional impetus for our 1998 change to a total arsenic standard. As previously noted, the WWTP sludge from DET, conversely, is not alkaline. It is at a pH between 6.5 and 7.5 to ensure no adverse effect on the treatment microbes, and the expected sludge disposal conditions at DET are also in a neutral pH range.⁶

Based on this information, we conclude that an alternative treatment standard of 5.0 mg/L TCLP for arsenic in K088 dewatered sludge generated at DET's WWTP is warranted for several reasons. First, the sludge generated at DET's WWTP is not the same type of waste that was used to develop the 26.1 mg/kg treatment standard for arsenic in K088 nonwastewaters, nor does it present the same situation regarding the use of a total arsenic standard to lock-in treatment process parameters. Second, the sludge will be disposed of in a Subtitle C hazardous waste landfill with pH conditions in the range of 6.5 to 8.5 and not under the alkaline conditions, *i.e.*, pH conditions of 12 and above, that resulted in mobilization of arsenic at Reynold's K088 landfill.

⁶ Compliance monitoring samples taken quarterly in 1999 show that the pH landfill leachate values at DET's onsite hazardous waste landfill, where the WWTP sludge was disposed were as follows: 7.46, 8.35, 6.59, and 8.34.

Thus, the conditions that prompted the change in the K088 treatment standard are absent for this site. Third, the TCLP remains an adequate measure of treatment efficiency for DET's WWTP sludge due to the non-alkaline sludge matrix and the expected disposal conditions. Therefore, we believe that a TCLP standard of 5.0 mg/L is a reasonable measure of demonstrating that threats posed by the waste's disposal have been minimized. Fourth, the alternative standard of 5.0 mg/L TCLP is currently the standard applicable to arsenic in all other hazardous wastes, except K088 nonwastewaters. Fifth, data submitted to the Agency shows that DET's dewatered WWTP sludge consistently maintains both a neutral pH and TCLP levels of arsenic far less than 5.0 mg/L. Finally, arsenic concentrations in the WWTP sludge cannot be treated to a lower treatment standard based on a totals analysis, *i.e.*, arsenic must be immobilized, as an element cannot be destroyed.

IV. EPA's Proposal to Grant a Site-Specific Treatment Variance to DET

Based on these conclusions, we propose to grant DET's petition for a site-specific treatment variance for their WWTP sludge. After consideration of public comment and a determination to grant this variance, we will amend 40 CFR part 268 to state that wastewater treatment sludge generated by Dupont Environmental Treatment—Chambers Works Wastewater Treatment Plant in Deepwater, New Jersey is subject to an arsenic treatment standard of 5.0 mg/L TCLP for all RCRA wastes. We also will stipulate that the waste must be land disposed in their on-site Subtitle C landfill assuming the waste meets all applicable federal, state and local requirements.

V. Administrative Requirements

A. Regulatory Impact Analysis Pursuant to Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or

State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because this proposed rule does not create any new regulatory requirements, it is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities. This treatment variance does not create any new regulatory requirements. Rather, it establishes an alternative treatment standard for a regulated constituent. This action, therefore, does not require a regulatory flexibility analysis.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local,

and tribal governments and the private sector. Under Section 202 of the UMRA, EPA generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing education, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this proposed rule does not include a Federal mandate that may result in estimated costs of \$100 million or more in the aggregate to either State, local, or tribal governments or the private sector in one year. The proposed rule would not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. States, tribes, and local governments would have no compliance costs under this rule. EPA has also determined that this proposal contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding \$100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

D. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

Today's proposed rule is not subject to Executive Order 13045 because it does not meet either of these criteria. The subject wastes will comply with all other treatment standards and be disposed of in a RCRA Subtitle C landfill. Therefore, we have identified no risks that may disproportionately affect children.

E. Environmental Justice Executive Order 12898

EPA is committed to addressing environmental justice concerns and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income bears disproportionately high and adverse human health and environmental impacts as a result of EPA's policies, programs, and activities, and that all people live in clean and sustainable communities. In response to Executive Order 12898 and to concerns voiced by many groups outside the Agency, EPA's Office of Solid Waste and Emergency Response formed an Environmental Justice Task Force to analyze the array of environmental justice issues specific to waste programs and to develop an overall strategy to identify and address these issues (OSWER Directive No. 9200.3-17).

Today's proposed rule applies to wastes that will be treated and disposed of in a RCRA Subtitle C hazardous waste landfill, ensuring a high degree of protection to human health and the environment. Therefore, the Agency does not believe that today's action will result in any disproportionately negative impacts on minority or low-

income communities relative to affluent or non-minority communities.

F. Paperwork Reduction Act

This proposed rule would only change the treatment standards applicable to a subcategory of K088 wastes and does not change in any way the paperwork requirements already applicable to these wastes, it does not affect requirements under the Paperwork Reduction Act.

G. National Technology Transfer and Advancement Act of 1995

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards based on new methodologies. Therefore, EPA did not consider the use of any voluntary consensus standards.

H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input to the development of

regulatory policies on matters that significantly or uniquely affect their communities.”

Today’s proposal does not significantly or uniquely affect the communities of Indian tribal governments. Today’s proposal does not create a mandate on State, local or tribal governments. The proposal would not impose any enforceable duties on these entities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

I. Executive Order 13132 (Federalism)

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implication.” “Policies that have federalism implication” is defined in the Executive Order to include regulation that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local

government, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that had federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing proposed regulation.

If EPA complies by consulting Executive Order 13132, it requires EPA to provide to the Office of Management and Budget (OMB), in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA’s prior consultation with State and local officials, a summary of the nature of their concerns and the Agency’s position supporting the need to issue the regulation, and a statement of the extent to which the concerns of state and local officials have been met. Also when EPA transmits a draft final rule with federalism implication to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the Agency’s Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

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

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

Dated: November 6, 2000.

Timothy Fields, Jr.,

Assistant Administrator for Solid Waste and Emergency Response.

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

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. In § 268.44, the table in paragraph (o) is amended by adding in alphabetical order a new entry for “Dupont Environmental Treatment—Chambers Works Wastewater, Deepwater, NJ” to read as follows:

PART 268—LAND DISPOSAL RESTRICTIONS.

* * * * *

§ 268.44 Variance from a treatment standard.

* * * * *

(o) * * *

TABLE—WASTES EXCLUDED FROM THE TREATMENT STANDARDS UNDER § 268.40

Facility name ¹ and address	Waste code	See also	Regulated hazardous constituent	Wastewaters		Nonwastewaters	
				Concentration (mg/l)	Notes	Concentration (mg/kg)	Notes
*	*	*	*	*	*	*	*
Dupont Environmental Treatment—Chambers Works Wastewater Treatment Plant, Deepwater, NJ.	K088	Standards under § 268.40	Arsenic	1.4	NA	5.0 mg/L TCLP	NA
*	*	*	*	*	*	*	*

¹ A facility may certify compliance with these treatment standards according to provisions in 40 CFR 268.7.

Note: NA means Not Applicable.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 43**

[CC Docket No. 00-229; FCC 00-399]

2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements**AGENCY:** Federal Communications Commission.**ACTION:** Notice of proposed rulemaking.

SUMMARY: In this document, the Commission initiates a review of the service quality reporting requirements for incumbent local exchange carriers (LECs). The Commission proposes to eliminate the current service quality reporting and replace these reports with a more streamlined, consumer-oriented, reporting system. The Commission's objectives are to reduce regulatory burdens on carriers, eliminate reporting requirements that are no longer necessary, and better serve consumers.

DATES: Comments must be filed on or before January 12, 2001. Reply comments must be filed on or before February 16, 2001. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before February 2, 2001.

ADDRESSES: Federal Communications Commission, 445-12th Street, SW, TW-A325, Washington, D.C. 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to Edward.Springer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Louise Klees-Wallace at (202) 418-1321 or Mika Savir at (202) 418-0384. For additional information concerning the information collections contained in this document, contact Judy Boley at 202-418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This Notice of Proposed Rulemaking in CC Docket No. 00-229, adopted on November 9, 2000 and released on November 9, 2000, is available for inspection and copying during normal

business hours in the FCC Reference Information Center, Courtyard Level, Suite CY-A257, 445 12th Street, S.W., Washington, D.C. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

This NPRM contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due January 3, 2001; OMB notification of action is due February 2, 2001. Comments should address: (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 estimates; (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.

OMB Control Number: None.

Title: The ARMIS Service Quality Report.

Form No.: FCC Report 43-05.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents: 12.

Estimated Time Per Response: 850.

Total Annual Burden: 10,196 hours.

Cost to Respondents: \$0.

OMB Control Number: 3060-0763.

Title: The ARMIS Customer Satisfaction Report.

Form No.: FCC Report 43-06.

Type of Review: Proposed Revision.

Respondents: Business or other for-profit.

Number of Respondents: 8.

Estimated Time Per Response: 720 hours.

Total Annual Burden: 5760 hours.

Cost to Respondents: \$0.

Needs and Uses: In the NPRM the Commission undertakes a review of its existing service quality requirements contained in its Automated Reporting Management Information System (ARMIS) FCC Report 43-05 (Service Quality) and FCC Report 43-06 (Customer Satisfaction) requirements. 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. Among other things, the Commission proposes to reduce its reporting requirements from more than 30 categories of information down to six.

Synopsis of the Notice of Proposed Rulemaking:**I. Introduction**

In this proceeding, the Commission proposes to streamline and reform the existing service quality monitoring program. The Commission proposes to eliminate reporting of many categories of information and thereby reduce the regulatory burden for carriers, as well as to modify how other information is reported so that it will be more useful to consumers and to state and federal regulators.

The Commission undertakes a review of the existing service quality requirements contained in the Automated Reporting Management Information System (ARMIS) 43-05 Report (Service Quality) and ARMIS 43-06 Report (Customer Satisfaction). The Commission proposes to reduce the reporting requirements from more than 30 categories of information down to six.

The Commission also hopes to work with in partnership with the states. The Commission's basic role in the service quality area is to serve as a central clearinghouse for information. States may, and likely will, impose additional service quality reporting and performance requirements on carriers operating within their jurisdictions. The Commission's proposed national monitoring "floor" will represent a uniform framework.

II. Discussion

Categories of performance data. The Commission proposes to continue

reporting obligations for six categories of service quality information that are important to consumers. The Commission proposes to retain reporting for the following measures: (1) The percentage of installation appointments that are missed; (2) the time it takes to install service; (3) the percentage of lines that have problems, including out of service lines; (4) the time it takes to have out of service lines repaired; (5) the percentage of repair appointments that are missed; and (6) the time it takes to repair service. The Commission seeks comment on this proposal.

With respect to missed installations, the Commission proposes that carriers continue to report the number of missed installation commitments and the total number of installations that occur during the reporting period. Through these two numbers a percentage can be generated that can permit appropriate comparisons among companies by consumers. The Commission seeks comment on this proposal.

With respect to installation intervals, the Commission proposes that carriers continue reporting installation time because consumers should know how long it is likely to take a particular carrier to provide service. The Commission seeks comment, however, on whether installation intervals should be measured in a different way. An average completion time may not provide an accurate picture to consumers because outliers may skew the reported data. The Commission seeks comment on whether carriers should report the number of installation orders for service completed within a specified number of days, such as five working days, instead of the current average interval, and the total number of installation orders.

With respect to trouble reports, or impairments on a customer's line, the Commission seeks comment on whether carriers should report only the number of initial trouble reports and number of out-of-service troubles occurring within the reporting period, as well as the total number of access lines.

An out-of-service trouble means that a consumer cannot make or receive calls. In addition to the inconvenience and potential financial impact of such an outage, this also raises safety concerns because the consumer cannot make 911 emergency calls. The Commission proposes collecting only information on average intervals for out-of-service troubles. The Commission seeks comment on this proposal.

A missed repair commitment occurs when a customer trouble is not repaired on or before the date and time

commitment with the customer. The number of missed repair commitments should have a direct impact on consumers who are waiting for service problems to be fixed. The Commission proposes that carriers report the number of missed repair commitments, and the total number of repair commitments. The Commission seeks comment on this proposal.

Price cap incumbent LECs currently report the average time for repairs. The Commission proposes to continue measuring repair intervals and seeks comment whether this should require an average or some other measure.

The Commission seeks comment on whether there are other types of service quality information that consumers would find useful, and if so, what are the benefits, burdens and feasibility of requiring carriers to collect and disclose such information. The Commission seeks comment, for example, on whether carriers should report the length of time customers wait on hold before speaking to a customer service representative and the length of time a customer has to wait for a call back from a carrier. Commenters should discuss how carriers would collect this information.

Broadband services. The Commission seeks comment on whether to gather information and report about service quality in the provision of broadband and other advanced services. The Commission seeks comment on what information in this area consumers would find useful, and what are the costs and benefits of adding any new reporting requirements in this area.

Disaggregation of information. Currently, carriers are required to report installation and repair information separately for business and residential customers. The Commission proposes to maintain this aspect of the reporting requirements. A review of data filed to date shows different quality of service performance in the residential market and business markets. Accordingly, the Commission seeks comment on maintaining this disaggregation. Permitting carriers to aggregate business and residential customers into one class could provide a misleading picture of the carrier's performance with respect to each group of customers.

To depict a carrier's service quality in urban and rural areas, the current ARMIS service quality reports disaggregate information into results in "Metropolitan Statistical Areas" (MSAs) and "Non-Metropolitan Statistical Areas" (Non-MSAs). The Commission seeks comment on the proposal that carriers should no longer disaggregate data into MSA and non-MSA categories.

Types of reporting entities. Currently, only price cap LECs file the ARMIS 43-05 and 43-06 reports. The Commission does not collect service quality data from small incumbent LECs, including those serving rural areas, nor does the Commission collect this data from competitive LECs (CLECs). The NARUC Service Quality White Paper concludes that service quality data would be more meaningful for all interested parties, including consumers and state commissions, if all LECs—including CLECs—reported such data. The Commission seeks comment on the benefits and costs of imposing the proposed service quality reporting requirements on these carriers. Commenters should discuss whether certain entities could be exempt from service quality reporting requirements without compromising the consumer protection objectives in this proceeding. Commenters also should address how imposition of these requirements on CLECs and smaller LECs fits into the traditional regulatory treatment of these entities, many of which may not have encountered regulatory burdens of this nature at the federal level.

The Commission seeks comment on whether a viable alternative would be voluntary service quality reporting procedures for certain carriers. The service quality program could, for example, establish mandatory service quality reporting for incumbent LECs exceeding a threshold of lines served, such as two percent of the nation's access lines, or annual revenue, and allow voluntary service quality reports for all other carriers, including CLECs.

The Commission seeks comment on whether carriers should be relieved of all mandatory reporting under certain circumstances, and if so, when. For instance, whether a carrier should be relieved of any federal reporting obligation, if there are few or no service quality complaints relating to that carrier pending before a state commission, or if its performance meets a specified benchmark for a period of time. The Commission seeks comment on what the appropriate benchmarks should be.

The Commission notes that resellers and competitors that purchase network elements from an incumbent LEC may have no control over the service quality of the resold service or the purchased elements, which may impact their service to retail customers. Commenters should discuss how, if voluntary or mandatory reporting were extended to a broader class of carriers, service quality measures could take into account problems due to the conduct of the incumbent so that consumers would

receive an accurate picture of the service quality provided by different carriers.

Frequency of reporting. Currently, carriers file ARMIS 43–05 reports on an annual basis. The Commission seeks comment on whether it would better serve the consumer protection goals to collect service quality information more frequently than yearly, and how the Commission might accomplish this. Individual states may require more frequent service quality reporting, e.g., quarterly. The Commission seeks comment on whether it should act as a federal clearinghouse for information gathered at the state level.

Public disclosure of service quality data. Service quality information can enable consumers to compare carriers in their area and make informed choices between, or among, carriers. The Commission seeks comment on whether an effective method of publicizing service quality data would be for carriers to post service quality data on their web sites. This data would be accessible to the general public, as well as to state commissions and other interested parties. The Commission proposes that carriers would continue to file the service quality reports with the Commission as well, which would continue to be a central clearinghouse for service quality data. The Commission can require carriers to correct inaccurate data, collecting information at the federal level provides some ability to ensure that the information is accurate, which ultimately benefits consumers. The Commission also seeks comment on whether there are other public sources for service quality information. In particular, the extent to which the states collect service quality information, and whether that information is publicly accessible.

Elimination of other reporting requirements—Interexchange carriers. In Table I of the ARMIS Report 43–05 Service Quality Report, the Commission currently collects information from price cap incumbent LECs about the installation and repair of access services provided to interexchange carriers. In Table III of the same report, price cap carriers provide information about common trunk group blockage. The Commission seeks comment on whether it should eliminate these categories of information from the service quality reporting program. This information reports the quality of service performed by incumbent LECs to interexchange carriers. The Commission seeks comment on whether interexchange carriers are able to monitor service quality through operation of their

business relationships with the incumbent local exchange carriers.

Elimination of other reporting requirements—the Network Reliability and Interoperability Council. The Network Reliability and Interoperability Council (NRIC) was established by the Commission to bring together leaders of the telecommunications industry with academic and consumer organizations to explore and recommend measures that would enhance network reliability. Carriers currently report in ARMIS 43–05, Table IV, the number of switches serving specified numbers of lines and the number of times switches are down from two minutes or longer. The number and duration of switch outages and interoffice transmission facility outages indicates the carrier's performance in providing continual access to the full capabilities and benefits of the network. This data has been gathered in ARMIS as a complement to information collected on large switches by the Network Reliability Council. Together this information has permitted regulators to monitor and assess network reliability, which is important to consumers because such outages affect service in their area. The Commission seeks comment on whether it should continue to collect the information contained in Table IV of ARMIS Report 43–05. The Commission also seeks comment on whether competitive pressures to achieve network reliability in today's marketplace have sufficiently replaced the need for reporting of network reliability data.

Elimination of other reporting requirements—complaints to federal and state commissions. Price cap incumbent LECs currently report to the Commission, as part of ARMIS, the number of customer complaints made to federal and state regulators. The Commission seeks comment on the benefits and burdens of requiring companies to continue to file FCC and state complaint information. In addition, the Commission seeks comment on whether carriers should be required to report the number of complaints they receive directly from consumers.

Elimination of other reporting requirements—customer satisfaction survey. Price cap LECs currently are required to conduct a survey of their customers' satisfaction and report the results of that survey in ARMIS Report 43–06. The Commission proposes to eliminate this requirement. Actual complaint information may be a better indicator of trends in service quality than a telephone consumer survey. The

Commission seeks comment on this proposal.

NARUC Service Quality White Paper. The NARUC Service Quality White Paper contains additional proposals for refining the Commission's service quality monitoring program. These include more detailed measurements related to maintenance and repair intervals, answer time performance, and network performance. The NARUC Service Quality White Paper also proposes that the reports be made available to the public to allow interested parties to assess the data, and to provide consumers with information about their telecommunications carriers. The Commission seeks comment on the proposals in the NARUC Service Quality White Paper.

III. Conclusion

The Commission is committed to improving the service quality monitoring program to give consumers the ability to compare the service quality of competing carriers. At the same time, it intends to limit the reporting burden on carriers by reducing the categories of reported data. By making available timely and reliable service quality data, the Commission hopes to meet the needs of consumers as competition grows in the local exchange marketplace. The Commission hopes to facilitate market efficiency by ensuring that consumers have the information they need to make informed buying decisions.

IV. Procedural Matters and Ordering Clauses

A. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of any possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on this Notice. The Commission will send a copy of this NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Need for, and Objectives of, the Proposed Action: The Commission has initiated this proceeding to determine whether it should improve the current service quality monitoring program. The Commission's goal is to ensure that the monitoring program will be uniform and provide the information needed to carry out statutory and policymaking

responsibilities. The Commission notes that as competition develops in the local exchange market, consumers will benefit from the ability to compare carriers' service quality. This should in turn lead to the availability of higher quality services for consumers.

Legal Basis: The legal basis for the action as proposed for this rulemaking is contained in sections 4(i), 4(j), 201(b), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201(b), 303(r), and 403.

Description and Estimate of the Number of Small Entities to which the Proposed Action May Apply: Currently, only price cap incumbent local exchange carriers (LECs) file service quality reports, the Automated Reporting Management Information System (ARMIS) 43-05 Report (Service Quality) and the ARMIS 43-06 Report (Customer Satisfaction). The Commission seeks comment on whether additional carriers, e.g., all LECs, should comply with the proposed service quality reporting requirements and if compliance should be on a mandatory or voluntary basis. Below is a detailed description of the types of entities that could be required to comply with the proposed reporting requirement (either on a mandatory or voluntary basis).

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. To estimate the number of small entities that may be affected by the proposed rules, we first consider the statutory definition of "small entity" under the RFA. The RFA generally defines "small entity" as having the same meaning as the term "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have no more than 1,500 employees.

The most reliable source of information regarding the total numbers

of common carrier and related providers nationwide, appears to be data the Commission publishes in its *Trends in Telephone Service* report. See FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service*, Table 19.3 (March 2000).

According to data in the most recent report, there are 4,144 interstate carriers. *Id.* These carriers include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." See 5 U.S.C. 601(3). The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. See letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Commission has therefore included small incumbent LECs in this RFA analysis, although this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

Total Number of Telephone Companies Affected. The United States Bureau of the Census (Census Bureau) reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. See United States Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1-123 (1995) (1992 Census). This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, personal communications services (PCS) providers, covered specialized mobile radio (SMR) providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated."

See 15 U.S.C. 632(a)(1). For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the decisions and rules proposed in the Notice.

Wireline Carriers and Service Providers. The SBA has developed a definition of small entities for telephone communications companies other than radiotelephone companies. The Census Bureau reports that, there were 2,321 such telephone companies in operation for at least one year at the end of 1992. See 1992 Census at Firm Size 1-123. According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. See 13 CFR 121.201, SIC Code 4813. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small incumbent LECs. It seems certain that some of these carriers are not independently owned and operated, but we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions and rules proposed in the NPRM.

Local Exchange Carriers, Interexchange Carriers, Competitive Access Providers, and Resellers. Neither the Commission nor the SBA has developed a definition of small LECs, interexchange carriers (IXCs), competitive access providers (CAPs), or resellers. The closest applicable definition for these carrier-types under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to recent *Trends in Telephone Service* data, 1,348 incumbent carriers reported that they were in the provision of local exchange services. See FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service*, Table 19.3 (March 2000). According to the most recent *Trends in Telephone Service* data, 212 CAP/CLECs carriers and 10

other LECs reported that they engaged in competitive local exchange services. *Id.* It seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees; however, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 1,348 small incumbent LECs, 212 small entity CAPs, and 10 other small entity LECs that may be affected by the rules proposed in the Notice.

Rural Radiotelephone Service. The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service. See 47 CFR 22.99. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS). See 47 CFR 22.757, 22.759. The Commission will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons. See 13 CFR 121.201, SIC Code 4812. There are approximately 1,000 licensees in the Rural Radiotelephone Service, and the Commission estimates that almost all of them qualify as small entities under the SBA's definition.

Description of Proposed Reporting, Recordkeeping, and Other Compliance Requirements: The focus of this proceeding is whether the Commission should require LECs to report certain service quality information in a more consumer-friendly format instead of the format of the current ARMIS reports. Historically, service quality reporting was limited to the price cap LECs. With the emergence of competition in the local exchange market, service quality information on competitive LECs would permit consumers to compare carriers in their area. The Notice seeks comment on the costs and benefits of imposing new service quality reporting requirements on all LECs. The NPRM seeks comment on whether the Commission should modify its service quality reporting requirements by reducing the quantity of data requested and if all LECs should report this information on a mandatory or voluntary basis.

Commenters should discuss whether state commissions currently require LECs to provide the proposed service quality information. If LECs—other than price cap incumbent LECs—are required to file this service quality information with a state commission, is there an additional cost in preparing and filing the service quality data with the Commission? Commenters should discuss the costs to small entities of

preparing the proposed service quality reports for federal reporting purposes.

The NPRM sets out in detail, and seeks comment on, the types of carriers that should report, frequency of reports, and data to be reported. The NPRM seeks comment on whether there are other types of service quality information that consumers would find useful, and if so, what are the benefits, burdens and feasibility of requiring carriers to collect and disclose such information. Under the proposal, there would be fewer categories of data reported but more carriers may be required to report. Commenters should address the benefit of giving consumers access to service quality data from all carriers providing local exchange service in their area, including small entities, and discuss the increased cost, if any, to smaller LECs.

Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered: The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

One of the goals in this proceeding is to consider whether consumers should have access to service quality information that can be used to make comparisons between the incumbent LEC and other carriers in their area. Service quality information is of limited use if the consumers do not have comparable information on all carriers in their area, including any small entities that might provide service. With the emergence of competition in the local exchange market, accurate service quality information on all LECs would permit consumers to compare carriers. The Notice seeks comment on the costs and benefits of imposing new service quality reporting requirements on all LECs and on whether all LECs should be required to report service quality data. Under this scenario, small entities may be required to report service quality data. The Commission is seeking to balance the consumers' need for information with the reporting burden on the industry, particularly small entities. Commenters should discuss

how the imposition of service quality reporting on carriers other than price cap incumbent LECs may be burdensome, and the costs of compliance. Commenters should discuss whether certain entities should be exempt from service quality reporting requirements and how that could be done without compromising the goals in this proceeding.

One alternative would be to limit service quality reporting to the incumbent LECs. This alternative, however, would not permit consumers to compare service providers in their area. The Commission observes that the effective functioning of competitive markets is predicated on consumers having access to accurate information. Thus, revising the current service quality reporting requirements may be essential to allow consumers to compare service quality among or between carriers and make informed choices. A second alternative would be to make service quality reporting voluntary for certain carriers. Commenters advocating limiting service quality reporting to price cap LECs should discuss how consumers would have access to service quality data on all LECs in their area if only the price cap LECs were required to file service quality reports. Another alternative would be to limit service quality reporting to carriers whose performance fell below a specified performance benchmark. This alternative would reduce reporting burdens for carriers, including small carriers, that do not have significant service quality problems.

This proposed reporting requirement is less than the current service quality reporting requirement (now limited to price cap LECs). Commenters should discuss whether the proposed reporting requirements should be streamlined for small entities and how this could be done without compromising the goals in this proceeding. Commenters should address any cost savings to small entities resulting from such streamlining.

Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule: None.

B. Paperwork Reduction Act

This NPRM contains a proposed information collection. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in the Notice as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments

are due January 3, 2001. Written comments must be submitted by OMB on the proposed information collections on or before February 2, 2001.

Comments should address (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 estimates; (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.

C. *Ex Parte* Presentations

This is a permit-but-disclose rulemaking proceeding subject to "permit-but-disclose" requirements under § 1.1206 of the Commission's rules, as revised. See 47 CFR 1.1206. Additional rules pertaining to oral and written presentations are set forth in § 1.1206.

D. *Comment Period*

Pursuant to the applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before January 12, 2001. Reply comments are to be filed on or before February 16, 2001. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>.

Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to

each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. All filings by paper must be sent to the Commission's Secretary: Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on diskette. Diskettes should be submitted to: Ernestine Creech, Accounting Safeguards Division, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The required diskette copies of submissions should be on 3.5 inch diskettes formatted in an IBM compatible format using Word or compatible software. Each diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (CC Docket No. 00-229), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the

diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, parties who choose to file by paper must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036. Comments and reply comments will be available for public inspection during normal business hours in the FCC Reference Information Center, Courtyard Level, Suite CY-A257, 445 12th Street, S.W., Washington, D.C.

E. *Authority*

The action is authorized under the Communications Act of 1934, sections 4(i), 4(j), 201(b), 303(r), and 403, 47 U.S.C. 154(i), 154(j), 201(b), 303(r), and 403, as amended.

F. *Ordering Clauses*

Pursuant to the authority contained in sections 4(i), 4(j), 201(b), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201(b), 303(r), and 403, this notice of proposed rulemaking is hereby adopted.

The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this notice of proposed rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00-30803 Filed 12-1-00; 8:45 am]

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Notices

Federal Register

Vol. 65, No. 233

Monday, December 4, 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

Agricultural Marketing Service

[No. LS-00-11]

Market Promotion Funding—Lamb Meat Adjustment Assistance Measures Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice: Invitation to submit proposals.

SUMMARY: Interested parties are invited to submit proposals for the availability of approximately \$1 million in competitive cooperative agreements to carry out "The Summary of Assistance Measures" of the Domestic Lamb Industry Adjustment Assistance Program. Approximately \$3.85 million was previously awarded for proposals submitted under this program as announced in the **Federal Register**, Volume 65, Number 95, Tuesday, May 16, 2000. Funds have been made available through a Memorandum of Understanding (MOU) between the Agricultural Marketing Service (AMS) and the National Sheep Industry Improvement Center (NSIIC) to be awarded in fiscal year (FY) 2001—with projects completed by FY 2002. AMS hereby request proposals for projects from eligible entities interested in applying for competitively awarded cooperative agreements for lamb meat marketing and promotion. The intent is to fund a variety of marketing proposals that will complement previously awarded projects or demonstrate a new strategy to increase the sale of U.S. lamb.

DATES: Proposals must be received at the address below by close of business January 3, 2001.

ADDRESSES: Proposals (original and six copies) should be mailed to: Barry L. Carpenter, Deputy Administrator, Livestock and Seed Program,

Agricultural Marketing Service, USDA, Room 2092-S, Stop 0249, 1400 Independence Avenue, SW., Washington, DC 20250-0249; telephone (202) 720-5705.

FOR FURTHER INFORMATION CONTACT:

Martin O'Connor, International Marketing Specialist, Standardization Branch on (202) 720-7046, E-mail: Martin.OConnor@usda.gov.

SUPPLEMENTARY INFORMATION:

General Information

This program resulted from the United States International Trade Commission (USITC) findings in Investigation Number TA-201-68 and Presidential Proclamation 7208 of July 7, 1999, made subsequent to those findings, which initiates a 3-year assistance package for the domestic lamb industry. The Secretary of Agriculture outlined the assistance measures that were then incorporated by the Department of Agriculture (USDA) and the Office of Management and Budget into the Domestic Lamb Industry Adjustment Assistance proposal for the U.S. lamb industry. AMS is the lead agency implementing the assistance measures and will administer funds that have been made available through a MOU with the NSIIC for the Marketing and Promotion section of the Domestic Lamb Industry Adjustment Assistance Program for the U.S. lamb industry. AMS is authorized under 7 U.S.C. 1622 of the Agricultural Marketing Act to administer programs of this nature.

The NSIIC is authorized to conduct marketing and promotion programs under section 375 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2008j). A fund is established in the Treasury of the United States, without fiscal year limitation, to provide funds for the enhancement and marketing of sheep or goat products in the United States. Cooperative agreements for these purposes are authorized by section 375 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 2008j.

Under the terms of the MOU, a total of up to \$1 million in addition to funds previously awarded will be provided in competitive cooperative agreements during FY 2001. Projects that are submitted in the proposals should be completed in a timely fashion as provided in the proposal, but under no

circumstances later than July 21, 2002. The primary objective of the Domestic Lamb Industry Adjustment Assistance Program is to fund a number of diverse projects that will increase the sale of U.S. lamb regionally, nationally or internationally. The program is administered through USDA, AMS, in accordance with the MOU with NSIIC.

Eligible Applicants

An eligible entity is an organization that promotes the betterment of the United States sheep industry and that is: (a) a public, private, or cooperative organization; (b) an association, including a corporation not operated for profit; (c) a federally recognized Indian Tribe; or (d) a public or quasi-public agency. Under the Lobbying Disclosure Act of 1995, an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(4)) which engages in lobbying activities, is not eligible to apply.

Use of Funds

Use of funds should directly increase the sale of U.S. lamb meat by focusing on, but not limited to, marketing, promotion, merchandizing, value-added proposals, market feasibility analysis, or market identification. Funds may not be used to: (a) pay costs of preparing the application package; (b) fund political activities; or (c) pay costs incurred prior to the effective date of the cooperative agreement.

Available Funds and Award Limitations

The total amount of additional funds available for cooperative agreements in FYs 2001 and 2002 is approximately \$1.0 million. It is anticipated that all funds will be awarded in FY 2001 for projects that will be completed by July 21, 2002. It is expected that there will be submissions that propose to address a variety of needs in promoting U.S. lamb. Proposals may be fully or partially funded. Awards will be segregated so that a variety of marketing strategies and marketing situations will be addressed by the funded proposals. Additionally, proposals which further develop projects previously awarded under AMS Notice No. LS-00-07 will be considered equally with other submissions. The actual number of cooperative agreements funded will depend on the quality of proposals received and the amount of funding requested. The maximum amount of Federal funds

awarded for any one proposal will be \$250,000. Eligible entities will have the option of withdrawing proposals that are partially funded, if in their opinion, the portion funded does not meet their needs.

Selection Criteria

Initially, the proposal will be reviewed to determine whether the entity submitting the proposal meets the eligibility requirements and whether the proposal application contains the information required. After this initial evaluation, the following criteria will be used to rate and rank proposals received in response to this notice of funding availability. Failure to address any of the criteria will disqualify the proposal. Equal weight shall be given to each of the criteria listed below and points will be awarded to each criterion on a scale of 5, 4, 3, 2, 1. A score of 5 indicates that the proposal was judged to be highly relevant to the criteria and a score of 1 indicates that the proposal was judged not to sufficiently address the criteria. A proposal with an average score from the evaluation panel of AMS and NSIIC technical experts of less than 2 for any one criterion will disqualify the proposal.

Each proposal criteria area will be evaluated and judged on its own merits using the following criteria: (Clarification points are given in the italicized format following each question. They are not part of the criteria, but are provided to help the applicant better understand what the criteria means.)

(1) Demonstrates the potential to positively influence the U.S. lamb market.

Does the promotion place U.S. lamb on the center of the plate or position it well in the market? Does the proposal stress U.S. lamb?

(2) Demonstrates a merchandising strategy to create new sales or expand existing accounts.

Does the proposal address an improvement in product quality or a more consumer friendly product? Is this a new or better merchandising strategy?

(3) Demonstrates a strategy to create value-added linkages among various industry sectors.

Is there a value-added component to the plan? This could be coordination between any two or more sectors of the industry from producers through retailers. Is there production-to-final consumer or "gate-to-plate" component to the proposal?

(4) Demonstrates how the marketing proposal will coincide with the product marketing cycles.

Does the marketing strategy identify and address the cyclical nature of some markets in the lamb industry? That is, in some markets there is a surplus autumn supply with increased demand in the spring.

(5) Identifies coordination throughout the marketing chain to insure supply of the product being marketed in the proposal.

What segment(s) of the marketing chain does the proposal hope to influence? Is there a supplier commitment to provide the product to be marketed?

(6) Provides a detailed analysis of the product, geographic area and target market that will be affected.

Does the proposal identify lamb in general, a specific cut of lamb meat, pelts or other lamb products or processes that will be marketed? Is the target market area well defined? This could be local, regional, national, or international. Are the demographics of the proposed market area well defined and understood? Does the demographic information make the target audience a good candidate for cost efficient marketing?

(7) Provides a timetable and objectives along with quantifiable benchmark and expected results.

Does the proposal include: (a) a clear objective; (b) well-defined tasks that will accomplish the objectives; (c) realistic benchmarks; and (d) a realistic timetable for the completion of the proposed tasks?

(8) Identifies how the proposal coordinates with existing or previous marketing programs.

Is there an existing marketing campaign through a cooperative, Federal Agency, industry group, packer, breaker, or retailer that this proposal compliments? Are there any previous programs that this proposal will help continue? If there is a sheep industry checkoff, what is the likelihood that they would continue this proposed project? If there is no coordination; how will this project make positive impact in lamb marketing?

(9) Identifies the resources needed and a management team with the ability to administer the proposed project.

Does the proposal identify the qualified personnel to complete the proposed project?

What experience does the management team have in marketing this type of product? Does the management team have the experience needed to secure the supply of product to be promoted? Is there a good understanding of the marketing tools being proposed? For example, if the proposal calls for use of radio, show

how this fits into the overall marketing strategy, cost, prior experience and expected result.

(10) Identifies other resources that will be used to leverage the funds requested in the proposal.

Does this proposal augment an existing program? Are there other sources of funding or personnel being used to complete the proposed project?

Selection Process

A panel of AMS and NSIIC technical experts will evaluate proposal applications. Applications will be evaluated competitively and points awarded as specified in the Selection Criteria section of this notice. Cooperative agreements will be awarded on a competitive basis to eligible entities. After assigning points upon those criteria, applications will be listed in rank order and presented, along with funding level recommendations, to the Administrator of AMS, who will make the final decision on awarding agreements. AMS reserves the right to make selections out of rank order to provide a diversity of projects targeting various marketing situations, geographic areas or subject matter distribution of funded projects. With respect to any approved proposal, the amount of funding and the project period during which the project may be funded and will be completed, are subject to negotiation prior to finalization of the cooperative agreement.

Proposal Submission

All proposals are to be submitted on standard 8.5x11 inch paper with typing on one side of the page only. In addition, margins must be at least 1 inch, type must be 12 characters per inch (12 pitch or 10 point) or larger, no more than 6 lines per inch.

Content of a Proposal

A proposal must contain the following:

1. Form SF-424 "Application for Federal Assistance."

2. Form SF-424A "Budget Information-Non Construction Programs."

3. Form SF-424B "Assurances-Non Construction Programs."

4. *Table of Contents*—For ease of locating information, each proposal must contain detailed Table of Contents immediately following the required forms. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Table of Contents.

5. *Project Summary*: The proposal must contain a project summary of one

page or less on a separate page. This page must include the title of the project and the names of the primary project contacts and the applicant organization, followed by the summary. The summary should be self-contained and should describe the overall goals and relevance of the project. The summary should also contain a listing of all organizations involved in the project. The Project Summary should immediately follow the Table of Contents.

6. *Project Narrative:* The narrative portion of the Project Proposal is limited to ten Pages of text and should contain the following:

a. *Introduction.* A clear statement of the goals and objectives of the project. The problem should be set in context of the present-day situation. Summarize the body of knowledge which substantiates the need for the proposed project.

b. *Rationale and Significance.* Substantiate the need for the proposed project. Describe the impact of the project on the United States lamb market. Describe the project's specific relationship to the segment of lamb market being addressed.

c. *Objectives and Approach.* Discuss the specific objectives to be accomplished under the project. A detailed description of the approach must include:

(1) techniques or procedures used to carry out the proposed activities and for accomplishing the objectives; and (2) the results expected.

d. *Timetable.* Tentative schedule for conducting the major steps of the project.

e. *Evaluation.* Provide a plan for assessing and evaluating the accomplishments of the stated objectives during the project and describe ways to determine the effectiveness (impact) of the end results upon conclusion of the project. Awardees will be required to submit written project performance reports on a quarterly basis.

f. *Coordination and Management Plan.* Describe how the project will be coordinated among various participants and the nature of the collaborations. Describe plans for management of the project to ensure its proper and efficient administration.

What To Submit

An original and 6 copies must be submitted. Each copy must be stapled in the upper left-hand corner. (DO NOT BIND). All copies of the proposal must be submitted in one package.

Other Federal Statutes and Regulations That Apply

Several other Federal, statutes and regulations apply to proposals considered for review and to cooperative agreements awarded under this program. These include but are not limited to:

- 7 CFR part 1.1—USDA implementation of the Freedom of Information Act.
- 7 CFR part 15, subpart A—USDA implementation of title VI of the Civil Rights Act of 1964, as amended.
- 7 CFR part 3015—USDA Uniform Federal Assistance Regulations.
- 7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments.
- 7 CFR part 3019—Uniform Administrative Requirements for Grant Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.
- 7 CFR part 3051—Audits of Institutions of Higher Education and Other Nonprofit Institutions.

Public Burden in This Notice

Form SF-424, "Application for Federal Assistance"

This form is used by applicants as a required face sheet for applications for Federal assistance.

Form SF-424A, "Budget Information-Non Construction Programs"

This form must be completed by applicants to show the project's budget breakdown, both as to expense categories and the division between Federal and non-Federal sources.

Form SF-424B, "Assurances-Non Construction Programs"

This form must be completed by the applicant to give the Federal government certain assurances that the applicant has the legal authority to apply for Federal assistance and the financial capability to pay the non-Federal share of project costs. The applicant also gives assurance it will comply with various legal and regulatory requirements as described in the form.

Reporting Requirements

Awardees will be required to submit written project performance reports on a quarterly basis and a final report at the completion of the project. The project performance report and final report shall include, but need not be limited to: (1) A comparison of timeline, tasks and objectives outlined in the proposal as compared to the actual accomplishments; (2) If report varies

from the stated objectives or they were not met, the reasons why established objectives were not met; (3) Problems, delays, or adverse conditions which will materially affect attainment of planned project objectives; (4) Objectives established for the next reporting period; and (5) Status of compliance with any special conditions on the use of awarded funds.

Dated: November 28, 2000.

Kathleen A. Merrigan,
Administrator, Agricultural Marketing Service.

[FR Doc. 00-30823 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Columbia River Gorge National Scenic Area, Oregon and Washington States; Statutory Amendments Regarding Appraisal Standards and Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: As required by the Appropriations Act for Fiscal Year 2001 for the Department of the Interior and Related Agencies, the Forest Service gives notice of the statutory amendments made to the Columbia River Gorge National Scenic Area of November 17, 1986.

Among other things, the Act authorized the Forest Service to acquire lands within the designated boundaries of the Columbia River Gorge National Scenic Area. To facilitate those acquisitions, Congress has recently amended the Act as part of the Fiscal Year 2001 appropriations act for the Forest Service (Public Law 106-291). These amendments provide special direction for the valuation of some lands being acquired by the Forest Service within Special Management Areas of the Scenic area. Generally, persons owning land within a Special Management Area as of September 1, 2000, who offer to sell their land to the federal government prior to April 1, 2001, will have their land appraised without regard to the effect of certain zoning and land use restrictions enacted pursuant to the Columbia River Gorge National Scenic Area Act. After April 1, 2001, land will be appraised considering all zoning and land use restrictions. In addition to the publication of this notice in the **Federal Register**, notice of these amendments is also being given via publication in newspapers of general circulation in the area and by direct mail to known landowners in the area.

ADDRESSES: For a copy of the Columbia River Gorge National Scenic Area Act and amendments, write the National Scenic Area Headquarters, Forest Service, USDA, 902 Wasco Avenue, Suite 200, Hood River, Oregon 97031.

FOR FURTHER INFORMATION CONTACT: Pam Campbell, Lands Staff Officer, National Scenic Area Headquarters, telephone: 541-386-2333.

Dated: November 28, 2000.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 00-30752 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for McKenzie National Wild and Scenic River, Willamette National Forest, Lane and Linn Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The USDA Forest Service, Washington Office, is transmitting the final boundary of the McKenzie National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: Randy Dunbar, Willamette National Forest, 211 East 6th Avenue, Eugene, Oregon 97440, phone 541-465-6541.

SUPPLEMENTARY INFORMATION: The McKenzie Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Recreation, Yates Building, 14th and Independence Avenues SW., Washington, DC 20024; Pacific Northwest Regional Office, 333 SW. First Avenue, Portland, Oregon 97204; and, Willamette National Forest, 211 East 6th Avenue, Eugene, Oregon 97440.

The Omnibus Oregon Wild and Scenic River Act (Public Act 100-557) of October 28, 1988, designated the McKenzie River, Oregon, as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. The final decision on delineation of a river corridor boundary is based on the McKenzie Wild and Scenic River Decision Notice and Environmental Assessment dated January 9, 1992. Unless changed by Congress, the boundary decision will be implemented ninety days after Congress receives the transmittal.

Dated: November 28, 2000.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 00-30753 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for North Umpqua National Wild and Scenic River, Umpqua National Forest, Douglas County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The USDA Forest Service, Washington Office, is transmitting the final boundary of the North Umpqua National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: Jamie Stone, Umpqua National Forest, 2900 NW. Stewart Parkway, Roseburg, Oregon 97470, phone 541-672-3293.

SUPPLEMENTARY INFORMATION: The North Umpqua Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Recreation, Yates Building 14th and Independence Avenues SW., Washington, DC 20024; Pacific Northwest Regional Office, 333 SW. First Avenue, Portland, Oregon 97204; and Umpqua National Forest, 2900 NW. Stewart Parkway, Roseburg, Oregon 97470.

The Omnibus Oregon Wild and Scenic Rivers Act (Public Law 100-577) of October 28, 1988, designated the North Umpqua River, Oregon, as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. The final decision on delineation of a river corridor boundary is based on the North Umpqua Wild and Scenic River Decision Notice and Environmental Assessment dated July 28, 1992. Unless changed by Congress, the boundary decision will be implemented ninety days after Congress receives the transmittal.

Dated: November 28, 2000.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 00-30755 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for North Fork of the Middle Fork of the Willamette National Wild and Scenic River, Willamette National Forest, Lane County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The USDA Forest Service, Washington Office, is transmitting the final boundary of the North Fork of the Middle Fork of the Willamette National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: Randy Dunbar, Willamette National Forest, 211 East 6th Avenue, Eugene, Oregon 97440, phone 541-465-6541.

SUPPLEMENTARY INFORMATION: The North Fork of the Middle Fork of the Willamette Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Recreation, Yates Building, 14th and Independence Avenues SW., Washington, DC 20024; Pacific Northwest Regional Office, 333 SW. First Avenue, Portland, Oregon 97204; and, Willamette National Forest, 211 East 6th Avenue, Eugene, Oregon 97440.

The Omnibus Oregon Wild and Service Rivers Act (Public Law 100-557) of October 28, 1998, designated the North Fork of the Middle Fork of the Willamette River, Oregon, as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. The final decision on delineation of a river corridor boundary is based on the North Fork of the Middle Fork of the Willamette Wild and Scenic River Decision Notice and Environmental Assessment dated January 9, 1992. Unless changed by Congress, the boundary decision will be implemented ninety days after Congress receives the transmittal.

Dated: November 28, 2000.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 00-30754 Filed 12-1-00; 8:45 am]

BILLING CODE 3410-11-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Public Rights-of-Way Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) established a Public Rights-of-Way Access Advisory Committee (committee) to assist the Board in developing a proposed rule on accessibility guidelines for newly constructed and altered public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. This document announces the next meeting of the committee, which will be open to the public.

DATES: The next meeting of the committee is scheduled for December 19, 2000, beginning at 3:00 p.m. and ending at 4:30 p.m.

ADDRESSES: The meeting will be held at the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004-1111.

FOR FURTHER INFORMATION CONTACT: Scott Windley, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004-1111. Telephone number (202) 272-5434 extension 125 (Voice); (202) 272-5449 (TTY). E-mail windley@access-board.gov. This document is available in alternate formats (cassette tape, Braille, large print, or ASCII disk) upon request. This document is also available on the Board's Internet Site (<http://www.access-board.gov/news/prowmtg.htm>).

SUPPLEMENTARY INFORMATION: On October 20, 1999, the Architectural and Transportation Barriers Compliance Board (Access Board) published a notice appointing members to a Public Rights-of-Way Access Advisory Committee (committee) to provide recommendations for developing a proposed rule addressing accessibility guidelines for newly constructed and altered public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. 64 FR 56482 (October 20, 1999).

Committee meetings will be open to the public and interested persons can attend the meetings. All interested persons will have the opportunity to comment when the proposed accessibility guidelines for public rights-of-way are issued in the **Federal Register** by the Access Board.

Individuals who require sign language interpreters or real-time captioning

systems should contact Scott Windley by December 13, 2000.

Lawrence W. Roffee,
Executive Director.
[FR Doc. 00-30873 Filed 12-1-00; 8:45 am]
BILLING CODE 8150-01-P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 001115321-0321-01]

Revisions to Shipper's Export Declaration, Commerce Form 7525-V

AGENCY: Bureau of the Census, Commerce.

ACTION: Program notice.

SUMMARY: This notice announces that on September 28, 2000, the Office of Management and Budget (OMB) approved use of the revised Shipper's Export Declaration (SED), Commerce Form 7525-V, and the Automated Export System (AES) for export reporting purposes. Under the OMB clearance, the Commerce Form 7525-V-Alternate (Intermodal) is eliminated as a shipper's export reporting form, and the sponsorship of the Commerce Form 7513, "Shipper's Export Declaration for In-Transit Goods," is transferred to the U.S. Army Corps of Engineers. The effective date for use of the new form is October 1, 2000. However the Census Bureau is allowing a 180 day grace period to April 1, 2001, to allow the trade community to deplete current stocks of the old forms. During the grace period, the Census Bureau will allow use of both the old and revised Commerce Form 7525-V and Commerce Form 7525-V-Alternate (Intermodal). As of April 1, 2001, only the Commerce Form 7525-V and the AES record will be accepted by the Census Bureau and the Customs Service as a means of reporting shipper's export declaration information.

DATES: The effective date for use of the revised SED form is October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or instructions for completion of the new form should be addressed to Jerome Greenwell, Foreign Trade Division, U.S. Census Bureau, Room 3125, FOB-3, Washington, DC 20233-0001, (301) 457-2238.

SUPPLEMENTARY INFORMATION: The Shipper's Export Declaration (SED) Commerce Form 7525-V and the Automated Export System (AES) reporting methods were approved under OMB clearance number 0607-0152. The

SED is a Department of Commerce Form used by the Bureau of the Census (Census Bureau) for statistical reporting purposes and the Bureau of Export Administration (BXA) for export control purposes. It also is used by the U.S. Customs Service for verifying export shipments, the Department of State, and other federal government agencies for export control purposes. The SED was revised to delete unused or outdated data fields, to make it consistent with the regulation provisions contained in the final rule published in the **Federal Register** on July 10, 2000 (65 FR 42556), and to make the data elements on the paper SED consistent with the data elements on the AES record.

The OMB clearance for the SED, Commerce Form 7525-V, and Commerce Form 7525-V-Alternate (Intermodal), the Automated Export Reporting Program (AERP), the AES, and Commerce Form 7513, "Shipper's Export Declaration for In-Transit Goods" expired on September 30, 2000. On April 28, 2000, the Census Bureau published a presubmission notice in the **Federal Register** (65 FR 24912) announcing its intent to submit a forms clearance proposal to OMB to renew its clearance for the reporting of export data using: (1) the two types of paper SEDs, Form 7525-V, and Form 7525-V-Alternate (Intermodal); and (2) the AES.

In that notice the Census Bureau also announced that it was not renewing clearance for the AERP and the Commerce Form 7513, "Shipper's Export Declaration for In-Transit Goods." With the rapid growth of the AES, the Census Bureau discontinued the AERP program as of December 31, 1999. Filers using the AERP program, which was an electronic reporting system that was strictly used for Census Bureau statistical collection purposes, are now filing their export data through the AES or are in the process of converting to the AES.

The authority for clearance of the "Shipper's Export Declaration for In-Transit Goods," Commerce Form 7513, which serves as the source document from which the official U.S. statistics on outbound in-transit waterborne shipments is collected and compiled, has been transferred to the U.S. Army Corps of Engineers. This program was transferred to the Corps, as they are the primary users of the in-transit data.

In that notice the Census Bureau also identified the revisions that were being made to the SED to bring it up to date with current regulatory and policy provisions and to make it consistent with the AES record format.

On August 21, 2000, the Census Bureau published a second notice in the

Federal Register (65 FR 50674) announcing its submission of the Forms Clearance proposal to OMB requesting clearance only for the Commerce Form 7525-V, "Shipper's Export Declaration," and the AES. Subsequent to issuing the April 28, 2000, **Federal Register** notice, the Census Bureau determined that making the changes required to make the paper SEDs compatible with the AES record format would make the Form 7525-V-Alternate (Intermodal) incompatible with the ocean bill of lading, with which it was intended to align, thereby negating its utility to the vessel exporting community. Therefore, the Census Bureau did not request clearance for the Form 7525-V-Alternate (Intermodal). There was no objection to the elimination of the Form 7525-V-Alternate (Intermodal) as provided in comments to the August 21 **Federal Register** notice.

Program Change

Effective October 1, 2000, the only methods by which filers can report export information to the Census Bureau is by using the paper SED, Commerce Form 7525-V, or filing the export information electronically through the AES. In order to allow filers to deplete existing stocks of the old paper SED forms, the Census Bureau is allowing a 180-day grace period to April 1, 2001, during which time filers will be allowed to use either the revised SED or the old versions of the Form 7525-V or Form 7525-V-Alternate (Intermodal).

However, when using either the old or new version of the SED, filers must

follow the provisions contained in the revised Foreign Trade Statistics Regulations (FTSR), published as a final rule in the **Federal Register** on July 10, 2000 (65 FR 42556). These regulations contain revised provisions for reporting the name of the U.S. principal party in interest (USPPI) on the SED or AES record, specifically clarify the reporting responsibilities of the USPPI and forwarding or other agents involved in the export transaction, and clarify the power of attorney provisions whenever a principal party interest authorizes a U.S. forwarding or other agent to act on its behalf to facilitate the export of items from the United States.

The revised SED is available for downloading on the Census Bureau's Foreign Trade Division (FTD) Web site at www.census.gov/foreign-trade/www. The SED can be prepared and downloaded from this website or it can be downloaded from the Web site on yellow or goldenrod paper and privately printed, or it can be ordered from the Government Printing Office by calling the Publication Order and Information Office at (202) 512-1800. The FTD also will provide a software package, free of charge, that will allow respondents to input SED information on their own computer and transmit it electronically through *AESDirect*. The FTD will inform the public through its FTD Web site and the AES newsletter as to when this software will be available. A copy of the revised SED also is published as part of this notice.

The Census Bureau strongly encourages all filers of export data to

report their export information electronically using the AES. The Census Bureau offers a free Internet-based filing service on its Web site through which filers can transmit export information. This system is known as *AESDirect*, and detailed information on using this system can be obtained from the Census Bureau, FTD Web site at www.aesdirect.gov. General information about the AES and *AESDirect* can be obtained from the Census Bureau's FTD Web site at www.census.gov/foreign-trade/www and on the U.S. Customs Service Web site at www.customs.gov.aes.

The new instructions for completing the SED, "*The Correct Way To Complete The SED*," are also available for downloading on the FTD Web site at www.census.gov/foreign-trade/www. These instructions include detailed data element descriptions for completing the revised SED. These data element descriptions should be used as a general reference for completing the SED. All filers are strongly encouraged to reference the detailed provisions for completing the SED and AES records contained in the FTSR, title 15, Code of Federal Regulations, part 30. Filers should be familiar with these regulations prior to completing the SED or AES record.

Dated: November 27, 2000.

Kenneth Prewitt,

Director, Bureau of the Census.

BILLING CODE 3510-07-P

U.S. DEPARTMENT OF COMMERCE — U.S. CENSUS BUREAU — Economics and Statistics Administration — BUREAU OF EXPORT ADMINISTRATION
FORM 7525-V (7-25-2000) SHIPPER'S EXPORT DECLARATION OMB No. 0607-0152

1a. U.S. PRINCIPAL PARTY IN INTEREST (USPPI) <i>(Complete name and address)</i>		2. DATE OF EXPORTATION	3. TRANSPORTATION REFERENCE NO.
		ZIP CODE	
b. USPPI EIN (IRS) OR ID NO.	c. PARTIES TO TRANSACTION <input type="checkbox"/> Related <input type="checkbox"/> Non-related		
4a. ULTIMATE CONSIGNEE <i>(Complete name and address)</i>			
b. INTERMEDIATE CONSIGNEE <i>(Complete name and address)</i>			
5. FORWARDING AGENT <i>(Complete name and address)</i>		6. POINT (STATE) OF ORIGIN OR FTZ NO.	7. COUNTRY OF ULTIMATE DESTINATION
8. LOADING PIER <i>(Vessel only)</i>	9. METHOD OF TRANSPORTATION <i>(Specify)</i>	14. CARRIER IDENTIFICATION CODE	15. SHIPMENT REFERENCE NO.
10. EXPORTING CARRIER	11. PORT OF EXPORT	16. ENTRY NUMBER	17. HAZARDOUS MATERIALS <input type="checkbox"/> Yes <input type="checkbox"/> No
12. PORT OF UNLOADING <i>(Vessel and air only)</i>	13. CONTAINERIZED <i>(Vessel only)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	18. IN BOND CODE	19. ROUTED EXPORT TRANSACTION <input type="checkbox"/> Yes <input type="checkbox"/> No

20. SCHEDULE B DESCRIPTION OF COMMODITIES <i>(Use columns 22-24)</i>					
D/F or M	SCHEDULE B NUMBER	QUANTITY - SCHEDULE B UNIT(S)	SHIPPING WEIGHT <i>(Kilograms)</i>	VIN/PRODUCT NUMBER/ VEHICLE TITLE NUMBER	VALUE <i>(U.S. dollars, omit cents)</i> <i>(Selling price or cost if not sold)</i>
(21)	(22)	(23)	(24)	(25)	(26)

27. LICENSE NO./LICENSE EXCEPTION SYMBOL/AUTHORIZATION	28. ECCN <i>(When required)</i>
29. Duly authorized officer or employee	The USPPI authorizes the forwarder named above to act as forwarding agent for export control and customs purposes.
30. I certify that all statements made and all information contained herein are true and correct and that I have read and understand the instructions for preparation of this document, set forth in the "Correct Way to Fill Out the Shipper's Export Declaration." I understand that civil and criminal penalties, including forfeiture and sale, may be imposed for making false or fraudulent statements herein, failing to provide the requested information or for violation of U.S. laws on exportation (13 U.S.C. Sec. 305; 22 U.S.C. Sec. 401; 18 U.S.C. Sec. 1001; 50 U.S.C. App. 2410).	
Signature	Confidential - For use solely for official purposes authorized by the Secretary of Commerce (13 U.S.C. 301 (g)).
Title	Export shipments are subject to inspection by U.S. Customs Service and/or Office of Export Enforcement.
Date	31. AUTHENTICATION <i>(When required)</i>
Telephone No. <i>(Include Area Code)</i>	E-mail address

This form may be printed by private parties provided it conforms to the official form. For sale by the Superintendent of Documents, Government Printing Office, Washington, DC 20402, and local Customs District Directors. The **"Correct Way to Fill Out the Shipper's Export Declaration"** is available from the U.S. Census Bureau, Washington, DC 20233.

[FR Doc. 00-30695 Filed 12-1-00; 8:45 am]

BILLING CODE 3510-07-C

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-830]

Preliminary Rescission of Antidumping Duty Administrative Review: Stainless Steel Plate in Coils From Taiwan

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

ACTION: Notice of preliminary rescission in the antidumping duty administrative review of stainless steel plate in coils from Taiwan.

SUMMARY: On July 7, 2000, the Department of Commerce ("Department") published a notice of initiation of an antidumping duty administrative review on stainless steel plate in coils from Taiwan. This review covers two manufacturers/exporters of the subject merchandise. The period of review ("POR") is November 4, 1998 through April 30, 2000. The Department is now preliminarily rescinding this review based on record evidence indicating that there were no entries into the United States of subject merchandise during the POR.

EFFECTIVE DATE: December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Juanita H. Chen or Rick Johnson, Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone 202-482-0409 (Chen) or 202-482-3818 (Johnson), fax 202-482-1388.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930 ("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 the regulations at 19 CFR part 351 (2000).

Background

On May 21, 1999, the Department published the antidumping duty order on stainless steel plate in coils from Taiwan. *See* Antidumping Duty Orders: Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan, 64 FR 27756 (May 21, 1999).

On May 16, 2000, the Department published a notice of opportunity to request an administrative review of this order for the period November 4, 1998 through April 30, 2000. *See* Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review, 65 FR 31141 (May 16, 2000). Petitioners Allegheny Ludlum, AK Steel Corporation, Butler Armco Independent Union, J&L Specialty Steel, Inc., North American Stainless, United Steelworkers of America, AFL-CIO/CLC, and Zanesville Armco Independent Organization (collectively "petitioners") timely requested that the Department conduct an administrative review of sales by Yieh United Steel Corporation ("YUSCO"), a Taiwan producer and exporter of subject merchandise, and Ta Chen Stainless Pipe Co., Ltd. ("Ta Chen"), a Taiwan exporter of subject merchandise. YUSCO also timely requested that the Department conduct an administrative review of YUSCO's sales. YUSCO withdrew its request for review on July 19, 2000. On July 7, 2000, in accordance with section 751(a) of the Act, the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review of sales by YUSCO and Ta Chen for the period November 4, 1998 through April 30, 2000. *See* Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part, 65 FR 41942 (July 7, 2000).

On July 10, 2000, the Department issued its antidumping duty questionnaire to YUSCO and Ta Chen. On July 19, 2000, along with withdrawing its request for an administrative review, YUSCO requested that the Department rescind this review, claiming it made no entries of subject merchandise into the United States during the POR. On July 27, 2000, the Department solicited comments on YUSCO's request for rescission. *See* Memo to the File from Juanita H. Chen (July 27, 2000). On August 8, 2000, YUSCO submitted its Section A response to the Department's questionnaire. YUSCO reiterated its request for rescission on August 16, 2000. Also on that date, petitioners filed comments opposing YUSCO's request for rescission, which included references to the original investigation indicating that Ta Chen's U.S. affiliate, Ta Chen International (CA) Corp. ("TCI") made sales of YUSCO's merchandise during the POR and had additional inventory not yet sold.

On July 31, 2000, Ta Chen stated that it did not have any U.S. sales,

shipments or entries of subject merchandise during the POR, and requested that it not be required to answer the Department's questionnaire. On August 1, 2000, the Department asked Ta Chen a supplemental question regarding shipments in the POR falling under a certain Harmonized Tariff Schedule of the United States ("HTS") number, and gave Ta Chen an extension of time in which to respond to the antidumping duty questionnaire. On August 9, 2000, Ta Chen repeated its statement that it did not have any U.S. sales, shipments or entries during the POR, stated that imports under the HTS number were cut-to-length stainless steel plate and not subject merchandise, and repeated its request not to have to answer the Department's questionnaire. On August 24, 2000, the Department denied Ta Chen's request that it not be required to answer the questionnaire, and issued supplemental questions to Ta Chen. On August 31 and September 5, 2000, Ta Chen responded to the Department's supplemental questions, stating that of TCI's sales of YUSCO's merchandise from TCI's U.S. warehouse inventory during the POR, all merchandise entered before the POR. Ta Chen also stated that while there was a sale of subject merchandise from YUSCO to TCI during the POR, such subject merchandise entered the United States and was resold after the POR. Ta Chen also stated that, for these reasons, it did not intend on answering the Department's questionnaire. On September 12, 2000, petitioners submitted comments on Ta Chen's response to the Department's supplemental questions, arguing that the Department should review TCI's resales of YUSCO's merchandise as constructed export price ("CEP") sales, citing to Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review, 59 FR 42806 (August 19, 1994). Petitioners emphasized that they requested the review not only to liquidate entries during the review period but also to set a new cash deposit rate on future entries. On September 26, 2000, the Department informed Ta Chen of its intention to conduct a review of TCI's sales, and asked that Ta Chen submit its response no later than October 10, 2000. Ta Chen failed to submit a response.

On September 19, 2000, the Department conducted an inspection of Customs documentation at the U.S. Customs Service ("Customs") in Long Beach, California. A review of a random sampling of entries during the POR revealed that none of the entries were of subject merchandise. *See* Memo to the

File from Carrie Blozy and Juanita H. Chen (October 19, 2000). On October 24, 2000, the Department informed petitioners that as a result of this inspection, as well as a separate Customs inquiry, the Department is re-visiting the issue of whether it is appropriate to continue this administrative review. See Memo to the File from Juanita H. Chen through Edward Yang (October 25, 2000).

Scope of the Review

For purposes of this review, the product covered is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of this review are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of these orders. The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process. The merchandise subject to this review is currently classifiable in the HTS at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Review

The POR is November 4, 1998 through April 30, 2000.

Preliminary Rescission of Review

The Department has previously determined that “[s]ales of merchandise that can be demonstrably linked with entries prior to the suspension of liquidation are not subject merchandise and therefore are not subject to review by the Department.” See *Certain Stainless Wire Rods From France: Final Results of Antidumping Duty Administrative Review*, 61 FR 47874, 47875 (September 11, 1996); see also *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27295, 27314 (May 19, 1997).

Ta Chen has certified that of TCI's resales of YUSCO's merchandise from its U.S. warehouse inventory during the POR, all merchandise entered before the POR. Therefore, such merchandise entered prior to the suspension of liquidation. The only merchandise TCI purchased from YUSCO during the POR entered the United States and was resold after the POR. While petitioners reference evidence from the original investigation that TCI sold subject merchandise out of inventory on December 18, 1998, the Department's Customs inquiry indicates that such merchandise did not enter the United States after the suspension of liquidation. Accordingly, in this review, it has not been established that there were any sales of subject merchandise which entered during the POR.

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. Since the evidence shows that there were no entries of certain stainless steel plate in coils made by either YUSCO or Ta Chen from Taiwan during the POR, the Department is preliminarily rescinding this review in accordance with 19 CFR 351.213(d)(3). The cash deposit rate for YUSCO will remain at 8.02 percent, for YUSCO/Ta Chen will remain at 10.20 percent, and for “all other” producers/exporters of the subject merchandise will remain at 7.39 percent, the rates established in the most recent segment of this proceeding. See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coils from Taiwan*, 64 FR 15493 (March 31, 1999).

Pursuant to 19 CFR 351.309, interested parties may submit written

comments in response to this preliminary rescission. Case briefs must be submitted within 14 days after the date of publication of this notice and rebuttal briefs, limited to arguments raised in the case briefs, must be submitted no later than 7 days after the time limit for filing case briefs. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

This notice is published in accordance with 19 CFR 351.213(d)(4).

Dated: November 21, 2000.

Troy H. Cribb,

Assistant Secretary for Import Administration.

[FR Doc. 00-30804 Filed 12-1-00; 8:45 am]

BILLING CODE 3510-DS-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

November 28, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in the Dominican Republic and exported during the period January 1, 2001 through December 31, 2001 are based on limits notified to the Textiles Monitoring Body

pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2001 limits and guaranteed access levels.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Information regarding the 2001 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Richard B. Steinkamp,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 28, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001, in excess of the following levels of restraint:

Category	Restraint limit
338/638	1,141,107 dozen.
339/639	1,357,915 dozen.
340/640	1,174,707 dozen.
342/642	826,668 dozen.
347/348/647/ 648.	2,812,017 dozen of which not more than 1,485,592 dozen shall be in Categories 647/648.
351/651	1,408,272 dozen.
433	22,792 dozen.
442	77,382 dozen.
443	141,572 numbers.
444	77,382 numbers.
448	39,864 dozen.
633	172,364 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated September 13, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2001, you are directed to establish guaranteed access levels for properly certified textile products in the following categories which are assembled in the Dominican Republic from fabric formed and cut in the United States and re-exported to the United States from the Dominican Republic during the period January 1, 2001 through December 31, 2001:

Category	Guaranteed access level
338/638	1,150,000 dozen.
339/639	1,150,000 dozen.
340/640	1,000,000 dozen.
342/642	1,000,000 dozen.
347/348/647/ 648.	8,050,000 dozen.
351/651	1,000,000 dozen.
433	21,000 dozen.
442	65,000 dozen.
443	50,000 numbers.
444	30,000 numbers.
448	40,000 dozen.
633	60,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of February 25, 1987 (52 FR 6595), as amended, shall be denied entry unless the Government of the Dominican Republic authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C. 553(a)(1).

Sincerely,

Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00-30797 Filed 12-1-00; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit and Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in El Salvador

November 28, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing an import limit and guaranteed access level.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limit and Guaranteed Access Level (GAL) for textile products in Categories 340/640, produced or manufactured in El Salvador and exported during the period January 1, 2001 through December 31, 2001 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limit and guaranteed access level for 2001.

This specific limit and guaranteed access level do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Information regarding the 2001 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 28, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in El Salvador and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001, in excess of 1,474,798 dozen.

The limit set forth above is subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in Categories 340/640 exported during 2000 shall be charged to the applicable category limit for that year (see directive dated October 13, 1999) to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2001, a guaranteed access level of 1,000,000 dozen is being established for properly certified textile products in Categories 340/640 assembled in El Salvador from fabric formed and cut in the United States which are re-exported to the United States from El Salvador during the period beginning on January 1, 2001 and extending through December 31, 2001:

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of January 6, 1995 (60 FR 2740), as amended, shall be denied entry unless the Government of El Salvador authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

This specific limit and guaranteed access level do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe

entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00-30798 Filed 12-1-00; 8:45 am]
BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

November 28, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing import limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALS) for textile products, produced or manufactured in Guatemala and exported during the period January 1, 2001 through December 31, 2001 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 2001.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Information regarding the 2001 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 28, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Guatemala and exported during the period beginning on January 1, 2001 and extending through December 31, 2001, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	1,796,578 dozen.
347/348	2,151,195 dozen.
351/651	378,978 dozen.
443	74,619 numbers.
448	46,753 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated October 4, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2001, you are directed to establish guaranteed access levels for

properly certified textile products in the following categories which are assembled in Guatemala from fabric formed and cut in the United States and re-exported to the United States from Guatemala during the period January 1, 2001 through December 31, 2001:

Category	Guaranteed access Level
340/640	520,000 dozen.
347/348	1,000,000 dozen.
351/651	200,000 dozen.
443	25,000 numbers.
448	42,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of January 24, 1990 (55 FR 3079), as amended, shall be denied entry unless the Government of Guatemala authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
 Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.
 [FR Doc. 00-30799 Filed 12-01-00; 8:45 am]
 BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

November 28, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade

Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Hong Kong and exported during the period January 1, 2001 through December 31, 2001 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2001 limits. These limits have been increased, variously, for adjustments permitted under the flexibility provisions of the ATC.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Information regarding the 2001 **CORRELATION** will be published in the **Federal Register** at a later date.

Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements
 November 28, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Hong Kong and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Group I 200-227, 300-326, 360-363, 369(1) ¹ , 369pt. ² , 400-414, 464, 469pt. ³ , 600- 629, 666, 669pt. ⁴ and 670, as a group.	261,507,986 square meters equivalent.
Sublevels in Group I 219	47,005,609 square meters.
218/225/317/326	78,830,202 square meters of which not more than 4,341,659 square meters shall be in Category 218(1) ⁵ (yarn dyed fabric other than denim and jac- quard).
611	7,411,068 square me- ters.
617	4,675,864 square me- ters.
Group I subgroup 200, 226/313, 314, 315, 369(1) and 604, as a group	126,152,367 square meters equivalent.
Within Group I sub- group 200	405,263 kilograms.
226/313	84,317,968 square meters.
314	22,739,544 square meters
315	11,242,508 square meters.
369(1) (shoptowels)	923,905 kilograms.
604	278,186 kilograms.
Group II 237, 239pt. ⁶ , 331- 348, 350-352, 359(1) ⁷ , 359(2) ⁸ , 359pt. ⁹ , 431, 433- 438, 440-448, 459pt. ¹⁰ , 631, 633-652, 659(1) ¹¹ , 659(2) ¹² , 659pt. ¹³ , and 443/ 444/643/644/843/ 844(1), as a group.	901,076,901 square meters equivalent.
Sublevels in Group II 237	1,359,275 dozen.
331	4,463,147 dozen pairs.
333/334	326,126 dozen.
335	352,328 dozen.
338/339 ¹⁴ (shirts and blouses other than tank tops and tops, knit).	2,994,680 dozen.
338/339(1) ¹⁵ (tank tops and knit tops).	2,249,919 dozen.
340	2,867,722 dozen.
345	496,091 dozen.

Category	Twelve-month restraint limit	Category	Twelve-month restraint limit
347/348	6,944,700 dozen of which not more than 6,854,700 dozen shall be in Categories 347-W/348-W ¹⁶ ; and not more than 5,194,751 dozen shall be in Category 348-W.	Group III 831, 833-838, 840-844, 847-858 and 859pt. ¹⁸ , as a group. Sublevels in Group III 834	48,732,782 square meters equivalent. 14,378 dozen.
352	7,995,074 dozen.	835	119,843 dozen.
359(1) (coveralls, overalls and jumpsuits)	687,640 kilograms.	836	184,725 dozen.
359(2) (vests)	1,433,187 kilograms.	840	711,880 dozen.
433	10,974 dozen.	842	284,975 dozen.
434	11,779 dozen.	847	382,306 dozen.
435	78,838 dozen.	Limits not in a group	
436	102,681 dozen.	845(1) ¹⁹ (sweaters made in Hong Kong).	1,134,387 dozen.
438	843,303 dozen.	845(2) ²⁰ (sweaters assembled in Hong Kong from knit-to-shape components, knit elsewhere).	2,715,291 dozen.
442	97,335 dozen.	846(1) ²¹ (sweaters made in Hong Kong).	183,441 dozen.
443	64,785 numbers.	846(2) ²² (sweaters assembled in Hong Kong from knit-to-shape components, knit elsewhere).	442,024 dozen.
444	44,074 numbers.		
445/446	1,393,867 dozen.		
447/448	70,098 dozen.		
631	754,418 dozen pairs.		
633/634/635	1,462,845 dozen of which not more than 547,136 dozen shall be in Categories 633/634; and not more than 1,123,300 dozen shall be in Category 635.		
638/639	5,027,449 dozen.	¹ Category 369(1): only HTS number 6307.10.2005.	
641	868,723 dozen.	² Category 369pt.: all HTS numbers except 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 6406.10.7700 and HTS number in 369(1).	
644	51,169 numbers.	³ Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.	
645/646	1,377,929 dozen.	⁴ Category 669pt.: all HTS numbers except 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040.	
647	627,574 dozen.	⁵ Category 218(1): all HTS numbers except 5209.42.0060, 5209.42.0080, 5211.42.0060, 5211.42.0080, 5514.32.0015 and 5516.43.0015.	
648	1,227,517 dozen of which not more than 1,212,727 dozen shall be in Category 648-W ¹⁷ .	⁶ Category 239pt.: only HTS number 6209.20.5040 (diapers).	
649	966,213 dozen.	⁷ Category 359(1): only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.	
650	199,809 dozen.	⁸ Category 359(2): only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.	
652	5,533,706 dozen.	⁹ Category 359pt.: all HTS numbers except 6406.99.1550 and HTS numbers in 359(1) and 359(2).	
659(1) (coveralls, overalls and jumpsuits)	760,024 kilograms.	¹⁰ Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.	
659(2) (swimsuits)	319,071 kilograms.		
443/444/643/644/843/844(1) (made-to-measure suits).	60,987 numbers.		
Group II subgroup			
336, 341, 342, 350, 351, 636, 640, 642 and 651, as a group.	167,814,523 square meters equivalent.		
Within Group II subgroup			
336	262,531 dozen.		
341	2,902,795 dozen.		
342	606,407 dozen.		
350	151,195 dozen.		
351	1,226,009 dozen.		
636	353,320 dozen.		
640	1,070,858 dozen.		
642	280,973 dozen.		
651	382,638 dozen.		

¹¹ Category 659(1): only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

¹² Category 659(2): only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹³ Category 659pt.: all HTS numbers except 6406.99.1510, 6406.99.1540 and HTS numbers in 659(1) and 659(2).

¹⁴ Categories 338/339: all HTS numbers except 6109.10.0018, 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

¹⁵ Category 338/339(1): only HTS numbers 6109.10.0018, 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

¹⁶ Category 347-W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348-W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

¹⁷ Category 648-W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

¹⁸ Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

¹⁹ Category 845(1): only HTS numbers 6103.29.2074, 6104.29.2079, 6110.90.9024, 6110.90.9042 and 6117.90.9015.

²⁰ Category 845(2): only HTS numbers 6103.29.2070, 6104.29.2077, 6110.90.9022 and 6110.90.9040.

²¹ Category 846(1): only HTS numbers 6103.29.2068, 6104.29.2075, 6110.90.9020 and 6110.90.9038.

²² Category 846(2): only HTS numbers 6103.29.2066, 6104.29.2073, 6110.90.9018 and 6110.90.9036.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated November 23, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

The conversion factors for merged Categories 333/334, 633/634/635 and 638/639 are 33, 33.90 and 13, respectively. The conversion factor for Category 239pt. is 8.79.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 00-30800 Filed 12-01-00; 8:45 am]
BILLING CODE 3510-DR-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Jamaica

November 28, 2000.
AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2001.
FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in Jamaica and exported during the period January 1, 2001 through December 31, 2001 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish

limits and guaranteed access levels for the period January 1, 2001 through December 31, 2001.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Information regarding the 2001 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Richard B. Steinkamp,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 28, 2000.
Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Jamaica and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
331/631	893,817 dozen pairs.
338/339/638/639	1,762,373 dozen.
340/640	824,132 dozen of which not more than 697,342 dozen shall be in shirts made from fabrics with two or more colors in the warp and/or the filling in Categories 340-Y/640-Y ¹ .
341/641	1,034,857 dozen.
345/845	255,355 dozen.
347/348/647/648	1,902,262 dozen.
352/652	2,842,337 dozen.

Category	Twelve-month restraint limit
445/446	55,706 dozen.

¹Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated September 22, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC; and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), you are directed to establish guaranteed access levels for properly certified cotton, wool, man-made fiber and other vegetable fiber textile products in the following categories which are assembled in Jamaica from fabric formed and cut in the United States and re-exported to the United States from Jamaica during the twelve-month period which begins on January 1, 2001 and extends through December 31, 2001:

Category	Guaranteed access Level
331/631	1,320,000 dozen pairs.
336/636	125,000 dozen.
338/339/638/639	1,500,000 dozen.
340/640	300,000 dozen.
341/641	375,000 dozen.
342/642	200,000 dozen.
345/845	50,000 dozen.
347/348/647/648	2,000,000 dozen.
352/652	10,500,000 dozen.
447	30,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 (52 FR 6049) shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that

these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C. 553(a)(1).

Sincerely,

Richard B. Steinkamp,
Chairman, Committee for the
Implementation of Textile Agreements.

[FR Doc. 00-30801 Filed 12-01-00; 8:45 am]

BILLING CODE 3510-DR-F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, December 1, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00-30855 Filed 11-30-00; 10:46 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, December 8, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00-30856 Filed 11-30-00; 10:46 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, December 15, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00-30857 Filed 11-30-00; 10:46 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, December 22, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00-30858 Filed 11-30-00; 10:46 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, December 29, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00-30859 Filed 11-30-00; 10:46 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Design, Construction, and Operation and Closure of a Facility for the Destruction of Chemical Agents and Munitions at Blue Grass Army Depot (BGAD), Kentucky

AGENCY: Department of the Army, DoD.

ACTION: Notice of Intent.

SUMMARY: This announces the Army's intent to prepare a site-specific EIS on the potential impacts of the design, construction, operation and closure of a facility to destroy all of the chemical agents and munitions currently stored at the BGAD, Kentucky. The EIS will examine potential environmental impacts of the following destruction facility alternatives: a baseline incineration facility; a full-scale facility to pilot test an alternative technology successfully demonstrated by the Assembled Chemical Weapons Assessment (ACWA) Program; and no action (an alternative that will continue the storage of the chemical agent and munitions at the BGAD). If any reasonable alternatives are identified during the environmental analysis process, they will be considered as alternative courses of action.

The United States has a statutory and international treaty obligation to destroy its stockpile of chemical weapons, including those at the BGAD. The technique of using incineration (herein referred to as baseline incineration) has already been tested safely and successfully in full-scale facilities. Alternatives to baseline incineration have been tested at the demonstration level, but not in pilot scale or full-scale facilities. Before additional federal funds can be spent on any alternative technology, sec. 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, requires that three findings be made. First, an alternative technology would have to be determined to be as safe as and as cost effective as baseline incineration. Second, it must also be capable of completing destruction of the stockpile by the later of either the Chemical Weapons Convention destruction date or the date the BGAD stockpile would be destroyed if baseline incineration were used. Finally, it must comply with Federal and State health and safety laws.

DATES: Written comments must be received not later than February 2, 2001 in order to be considered in the Draft EIS.

ADDRESSES: Written comments may be forwarded to the Program Manager for Chemical Demilitarization, Public Outreach and Information Office (ATTN: Mr. Gregory Mahall), Building E-4585, Aberdeen Proving Ground, MD 21010-4005.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Mahall by mail at the above listed address, by phone at 410-436-

1093, by fax at 410-436-5122, or by email at gregory.mahall@pmcd.apgea.army.mil. For additional general information or questions on this process, please call 1-800-488-0648 to leave a message.

SUPPLEMENTARY INFORMATION: In compliance with the National Environmental Policy Act (Title 40, CFR, Parts 1500 through 1508), the Army will prepare an EIS to assess the health and environmental impacts of the design, construction, operation and closure of a facility to destroy all of the chemical agents and munitions stored at the BGAD. Federal law and an international treaty require that the chemical agents and munitions be destroyed. This EIS will analyze the impact of the various methods of destroying the BGAD stockpile. The ACWA Program is currently in the process of programmatically addressing pilot tests for alternative technologies at one or more Army chemical agent stockpile sites (FR 65 20139, April 14, 2000). These two separate and distinct analyses serve complementary but different purposes.

This site-specific EIS continues the process that began when Congress established the Program for Chemical Demilitarization in Pub. L. 99-145 in 1985. The law requires destruction of the chemical weapons stockpile by a deadline established by treaty; that date is April 2007. This requirement still exists, notwithstanding the establishment of the ACWA Program. The Chemical Demilitarization Program published a Programmatic EIS in January 1988. Its Records of Decision (ROD) states that the stockpile of chemical agents and munitions should be destroyed in a safe and environmentally acceptable manner by on-site incineration. Site-specific Environmental Impact Statements that tier off the Programmatic EIS have been prepared for Johnston Atoll Chemical Agent Disposal System, Tooele Chemical Agent Disposal Facility, Anniston Chemical Agent Disposal Facility, Umatilla Chemical Agent Disposal Facility, Pine Bluff Chemical Agent Disposal Facility, Aberdeen Chemical Agent Disposal Facility, and Newport Chemical Agent Disposal Facility. An updated report and Record of Environmental Consideration have also been done on the Tooele Chemical Agent Disposal Facility.

The specific purpose of the current analysis is to determine the environmental impacts of the methods that could accomplish the destruction of the stockpile at the BGAD by the required destruction date on April 2007.

The environmental impact analysis will determine whether construction of a full-scale plant operated initially as a pilot facility and using one of the technologies successfully demonstrated in the ACWA Program is capable of destroying the stockpile at the BGAD by the reburied destruction date (or as soon thereafter as could be achieved by constructing a destruction facility using the baseline incineration technology), and if doing so is as safe as the baseline incineration technology. The 1988 Programmatic EIS ROD does not limit or predetermine the results of the selection of a destruction technology for the BGAD, and it does not dictate the decision to be made in the ROD following completion of the EIS for this action at the BGAD. The ACWA Program has already successfully demonstrated and validated neutralization followed by supercritical water oxidation. The ACWA Program is currently evaluating two additional technologies—electrochemical oxidation with nitric acid and neutralization/supercritical water oxidation/gas phase reduction. If one or more of these technologies are later considered to be a reasonable alternative, they will also be considered in this site-specific EIS. The ACWA Program EIS for potential follow-on pilot testing of successful ACWA Program demonstration tests pursuant to the process established by Congress in Pub. L. 104-208 and 105-261 addresses a separate but related purpose. That purpose is to determine if any ACWA Program technologies can be pilot tested, and, if so, at which site or sites. The ACWA Program EIS will be distinct from this site-specific EIS because its emphasis will be on the feasibility of pilot testing one or more of the successfully demonstrated and validated ACWA Program technologies considering the unique characteristics of various sites, where chemical weapons are currently stored, including the BGAD. At the conclusion of both of these Environmental Impact Statements, Records of Decision will be issued.

The Army will hold scoping meetings to aid in determining the significant issues related to the proposed action that will be addressed in the site-specific EIS. The scoping process will include public participation and seek input from Federal, Commonwealth of Kentucky, and local government agencies, as well as residents within the affected environment. The dates, times, and locations of scoping meetings will be announced in appropriate news media at least 15 days prior to these meetings.

Dated: November 28, 2000.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety, and Occupational Health), OASA(I&E).

[FR Doc. 00-30756 Filed 12-1-00; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Incorporation of the Overhills Property Into the Northern Training Area (NTA) of Fort Bragg, North Carolina

AGENCY: Department of the Army, DoD.

ACTION: Notice of Intent.

SUMMARY: The EIS will evaluate the Army's proposal to incorporate the Overhills property into Fort Bragg's NTA, and create a contiguous 22,000-acre area for training. Implementation of the proposed action would govern both military training and recreational land uses under a multiple land use concept.

ADDRESSES: Written comments concerning the scope of the EIS should be sent to the Commander, U.S. Army Engineer District, Savannah, ATTN: CESAS-PD-E (Mr. Seyle), P.O. Box 889, 100 West Oglethorpe Avenue, Savannah, GA 31402-0889.

FOR FURTHER INFORMATION CONTACT: Mr. Seyle at (912) 652-6017.

SUPPLEMENTARY INFORMATION: The Army would conduct the same full-scale training on Overhills that it is now conducting on the NTA. This training includes ground and air maneuvers involving both mechanized and light infantry with attached combat support and combat service support. These units would operate tracked and wheeled vehicles, as well as rotary and fixed-wing aircraft. Soldiers would train with live, frangible ammunition (with a maximum range of 200 meters) in and around existing non-historic structures. All units would train according to the Installation Range Regulation and the Army's Red-Cockaded Woodpecker guidelines. Additionally, the Army would allow hunting and fishing on selected areas of the property and use the family estate area, known as "The Hill," for youth oriented recreational activities such as golfing, horseback riding, hiking, swimming, and boating to the extent that these activities do not conflict with training.

Fort Bragg is the Headquarters of the XVIII Airborne Corps, the command element for America's contingency

corps, and the U.S. Army Special Operations Command. The military units stationed at Fort Bragg and Pope Air Force Base (AFB) comprise approximately 44,000 soldiers and airmen. Major elements based at Fort Bragg include XVIII Airborne Corps, 82d Airborne Division, and Special Operations Forces. In addition to these units, Fort Bragg supports the training of soldiers from the Reserve Components of the U.S. Army. The 1995 Land Use Requirements Study identified a shortage of 125,512 acres needed to support training. The Army purchased the approximately 11,000-acre Overhills property in 1997 to help alleviate that training land deficit and protect the military missions of Fort Bragg and Pope AFB from encroachment by incompatible civilian development. The Army is in the process of acquiring the remaining private properties within Overhills, which are eight small parcels totaling 148.7 acres. Overhills is located in Cumberland and Harnett Counties in southeastern North Carolina and adjoins the northern boundaries of Fort Bragg and Pope AFB.

The EIS will consider several alternatives: (1) Incorporate Overhills into the NTA and use it only for military training. The Army would fence off and maintain at their current conditions the historical structures on "The Hill" and train on the golf course; (2) train on Overhills; Army would manage Overhills' facilities and resources solely as a caretaker; (3) no action alternative, which is to continue the status quo of permitting only low-impact military training at company level and not incorporating Overhills into the NTA while continuing caretaker operations for the rest of the property and facilities. Currently, units are conducting only light infantry training and driving only wheeled vehicles on roads and established trails.

During the scoping process, the Army will use any comments it receives as a result of this notice to identify potential impacts to the quality of the human environment. Individuals or organizations may participate in the scoping process by written comment or by attending a public scoping meeting. The date, time, and location of the public scoping meeting will be announced in the "Fayetteville Observer Times," "Charlotte Observer," "Raleigh News-Observer," and the "Paraglide" newspapers. The EIS will only consider comments received no later than 15 days following the public meeting.

Dated: November 28, 2000.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA(I&E).

[FR Doc. 00-30702 Filed 12-1-00; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Secretary of Education requests comments on the Free Application for Federal Student Aid (FAFSA) that the Secretary proposes to use for the 2002-2003 year. The FAFSA is completed by students and their families and the information submitted on the form is used to determine the students' eligibility and financial need for financial aid under the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, (Title IV, HEA Programs). The Secretary also requests comments on changes under consideration for the 2002-2003 FAFSA.

DATES: Interested persons are invited to submit comments on or before February 2, 2001.

SUPPLEMENTARY INFORMATION: Section 483 of the Higher Education Act of 1965, as amended (HEA), requires the Secretary, "in cooperation with agencies and organizations involved in providing student financial assistance," to "produce, distribute and process free of charge a common financial reporting form to be used to determine the need and eligibility of a student under" the Title IV, HEA Programs. This form is the FAFSA. In addition, Section 483 authorizes the Secretary to include non-financial data items that assist States in awarding State student financial assistance.

The Secretary requests comments on the draft 2002-2003 FAFSA that has been posted to the IFAP website (see below). In particular, in an effort to continually improve the application for students, parents, and schools, the Secretary seeks comments to further simplify the FAFSA form and reduce burden hours, including removing, replacing or combining data elements.

The Secretary is publishing this request for comment under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* Under that Act, ED must obtain the review and approval of the Office of Management and Budget (OMB) before

it may use a form to collect information. However, under procedure for obtaining approval from OMB, ED must first obtain public comment of the proposed form, and to obtain that comment, ED must publish this notice in the **Federal Register**.

In addition to comments requested above, to accommodate the requirements of the Paperwork Reduction Act, the Secretary is interested in receiving comments with regard to the following matters: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: November 28, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Free Application for Federal Student Aid (FAFSA).

Frequency: Annually.

Affected Public: Individuals and families.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 10,979,031.

Burden Hours: 6,670,932.

Abstract: The FAFSA collects identifying and financial information about a student applying for Title IV, Higher Education Act (HEA) Program funds. This information is used to calculate the student's expected family contribution, which is used to determine a student's financial need. The information is also used to determine the student's eligibility for grants and loans under the Title IV, HEA Programs. It is further used for determining a student's eligibility for State and institutional financial aid programs.

ADDRESSES: Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202-4651. Please specify the complete title of the information collection when making your request. In addition, interested persons can access this document on the Internet:

- (1) Go to IFAP at <http://ifap.ed.gov>
- (2) Click on "Current SFA Publications"
- (3) Scroll down and click on "FAFSAs and Renewal FAFSAs"
- (4) Click on "By 2002-2003 Award Year"
- (5) Click on "Draft FAFSA Form/ Instructions"

Please note that the free Adobe Acrobat Reader software, version 4.0 or greater, is necessary to view this file. This software can be downloaded for free from Adobe's website: <http://www.adobe.com> Comments regarding burden and/or the information collection activity requirements should be directed to Joseph Schubart at (202) 708-9266 or via his internet address Joe_Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

[FR Doc. 00-30750 Filed 12-1-00; 8:45 am]

BILLING CODE 4001-01-U

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of teleconference meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting by teleconference of the Executive Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: December 5, 2000.

TIME: 4:00-5:00 p.m.

LOCATION: National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ray Fields, Assistant Director for Policy, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994), (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National

Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under Public Law 105-78, the National Assessment Governing Board is also granted exclusive authority over developing Voluntary National Tests pursuant to contract number RJ97153001.

On December 5, 2000, between 4:00 and 5:00 p.m., the Executive Committee of the National Assessment Governing Board will hold an open teleconference meeting. The purpose of this meeting is to review and take action on a proposal concerning assessment in urban school districts that was received from the Council of Great City Schools.

Because this is a teleconference meeting telephonic devices and seating space will be arranged to permit the public to have access to the Committee's deliberations.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, N.W., Washington, DC, from 8:30 a.m. to 5:00 p.m.

Dated: November 30, 2000.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 00-30862 Filed 12-1-00; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Floodplain and Wetlands Statement of Findings for the Floodplain Strip Adjacent to the Boeing Property in Roane County, Tennessee

AGENCY: Department of Energy (DOE).

ACTION: Floodplain and wetlands statement of findings.

SUMMARY: This is a Floodplain and Wetlands Statement of Findings for the Floodplain Strip Adjacent to the Boeing Property in Roane County, Tennessee, in accordance with 10 CFR 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. A floodplains and wetlands assessment was conducted and is included in an Environmental Assessment (EA) that evaluated the potential impacts of transfer from DOE ownership. The floodplains and wetlands assessment describes the possible effects, alternatives, and measures designed to

avoid or minimize potential harm to floodplains and wetlands or their flood storage potential. DOE will allow 15 days of public review after publication of the Statement of Findings before implementation of the Proposed Action.

FOR FURTHER INFORMATION, CONTACT:

Katy Kates, Realty Officer, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, Oak Ridge, Tennessee 37831. Ms. Kates can also be reached at 865-576-0977 or facsimile 865-576-9204.

For Further Information on General DOE Floodplain/Wetlands

Environmental Review Requirements, Contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH-42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. Ms. Borgstrom can also be reached at 202-586-4600 or by leaving a message at 1-800-472-2756.

SUPPLEMENTARY INFORMATION: A notice of Floodplain and Wetlands Involvement for the Floodplain Strip Adjacent to the Boeing Property was published in the **Federal Register** on May 3, 2000 (Volume 65, Number 86) and subsequently a floodplains and wetlands assessment was prepared and is included in an EA for divestiture of the Floodplain Strip from DOE ownership. The EA was prepared as part of National Environmental Policy Act (NEPA) requirements. The floodplain and wetlands assessment documented the floodplain and wetland communities on the Floodplain Strip, and assessed the potential impacts to floodplains and wetlands associated with conveyance of the 182-acre parcel. Alternatives considered include: (1) Conveyance of the Floodplain Strip to the abutting landowner for unrestricted use (the Preferred Alternative), (2) conveyance of the property to the Tennessee Valley Authority (TVA), (3) conveyance of the property to the City of Oak Ridge or Roane County, (4) DOE retention of ownership but with DOE granting easements to the abutting landowner, and (5) No Action. Any land conveyance would include land from the ordinary low water mark inward to the Boeing Property. The floodplains and wetlands assessment identified 69 acres of wetlands on the Floodplain Strip.

Some minor, short-term impacts could occur due to limited, proposed construction on the Floodplain Strip and potential development on the adjacent Boeing Property, which would primarily be associated with runoff and erosion of soil particles. Based on the limited planned improvements in the

Floodplain Strip and types of subsequent activities that would occur under any alternative evaluated, DOE does not believe there would be any hazards to the public or property from flooding, nor would the activities jeopardize the wetlands' survival, quality, and natural beneficial values. The limited improvements planned for the property would be small in scale and by nature there would be no habitable structures within the floodplain or wetlands that could present a hazard or flooding risk. Additionally, any proposed structure in the floodplain (e.g., boat docks) would be subject to TVA's section 26(a) review. Any construction within jurisdictional wetlands as identified in the floodplains and wetlands assessment must comply with the Department of Army Wetlands Construction Restrictions contained in 33 CFR, sections 320 through 330, as amended, and any other applicable Federal, State, or local wetlands regulations.

Issued in Oak Ridge, Tennessee, on November 27, 2000.

James L. Elmore,

Alternate National Environmental, Policy Act Compliance Officer.

[FR Doc. 00-30766 Filed 12-1-00; 8:45 am]

BILLING CODE 6450-01-U

DEPARTMENT OF ENERGY

Office of Science; Office of Science Financial Assistance Program Notice 01-12: Natural and Accelerated Bioremediation Research (NABIR) Program

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Biological and Environmental Research (OBER) of the Office of Science (SC), U.S. Department of Energy (DOE), hereby announces its interest in receiving applications for research grants in the Natural and Accelerated Bioremediation Research (NABIR) Program. Applications should describe research projects that address the scientific aims of individual NABIR Science Elements including Biogeochemistry, Biotransformation, Community Dynamics, as well as Assessment projects that relate to those elements. Applications for research in other elements will not be considered at this time. Applications for research on Bioremediation and its Societal Implications and Concerns (BASIC) have been solicited under a separate announcement (Notice 00-21).

DATES: Researchers are strongly encouraged (but not required) to submit a preapplication for programmatic review. The deadline for preapplications is January 8, 2001. A brief preapplication should consist of one or two pages of narrative describing the research objectives and methods.

The deadline for receipt of formal applications is 4:30 p.m., E.S.T., February 28, 2001, to be accepted for merit review and to permit timely consideration for award late in Fiscal Year 2001 or in early Fiscal Year 2002. An original and seven copies of the application must be submitted; however, applicants are requested not to submit multiple applications using more than one delivery or mail service.

ADDRESSES: If submitting a preapplication, referencing Program Notice 01-12, it should be sent by e-mail to:

anna.palmisano@science.doe.gov.

Formal applications referencing Program Notice 01-12 on the cover page must be forwarded to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC-64, 19901 Germantown Road, Germantown, MD 20874-1290, ATTN: Program Notice 01-12. This address must also be used when submitting applications by U.S. Postal Service Express Mail or any other commercial overnight delivery service, or when hand-carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Anna Palmisano, Environmental Sciences Division, SC-74, Office of Biological and Environmental Research, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874-1290, telephone: (301) 903-9963, e-mail: anna.palmisano@science.doe.gov, fax: (301) 903-8519. The full text of Program Notice 01-12 is available via the Internet using the following web site address: <http://www.sc.doe.gov/production/grants/grants.html>.

SUPPLEMENTARY INFORMATION: The mission of the NABIR Program is to provide the fundamental science to serve as the basis for development of cost-effective bioremediation of radionuclides and metals in the subsurface at DOE sites. In particular, the program focuses on research that will lead to immobilization of radionuclides and/or metals in place, or that will reduce re-mobilization. NABIR research encompasses both intrinsic bioremediation by naturally occurring microbial communities, as well as accelerated bioremediation through the use of nutrient amendments (inorganic, organic or enzymatic) or microbial amendments. The program consists of

seven interrelated scientific research elements (Biogeochemical Dynamics, Biotransformation, Community Dynamics and Microbial Ecology, Biomolecular Science and Engineering, Biotransformation and Biodegradation, Bacterial Transport, and Systems Integration/Data Management). The program also includes an element addressing ethical, legal and social issues of bioremediation called Bioremediation and its Societal Implications and Concerns (BASIC). The NABIR program has established a Field Research Center (FRC) at the Y-12 site near Oak Ridge National Laboratory (ORNL). The FRC is a focal point of NABIR field research and can provide investigators with DOE-relevant samples contaminated with uranium and other radionuclides or metals. Additional information about NABIR and the Field Research Center can be accessed from the NABIR Homepage: <http://www.lbl.gov/NABIR/>.

Program Focus

The NABIR Program supports hypothesis-driven research that will help determine the potential for, and advance the field of, bioremediation as a cleanup option for radionuclides and metals in subsurface environments (both vadose and saturated zones, below the root zone) at the DOE sites. Contaminants of particular interest are the radionuclides uranium, technetium, and plutonium and the metals chromium and mercury. While the focus of the NABIR Program is on field-scale research, the research program will support laboratory, theoretical, modeling, and other non-field research projects, if they fill gaps that would be necessary to complete understanding required for field-scale applications. Problems characterized by large areas with low-concentration of contaminants are emphasized over problems of localized, high concentrations. NABIR research will focus on research leading to immobilization rather than mobilization scenarios for bioremediation of metals and radionuclides. Although the program is directed at specific goals, it supports research that is more fundamental in nature than demonstration projects.

NABIR will not support research leading to ex situ treatments, nor will research on phytoremediation be supported. Research on bioremediation of organic contaminants, such as solvents and complexing agents will not be considered, except to the extent that they influence the primary goal of understanding the remediation of radionuclides and metals. The NABIR

Program will not support research to evaluate the risk of contaminants to humans or to the environment.

Research plans that involve the potential release of nutrients, enzymes, and/or chemicals to the field (both at contaminated and non-contaminated control sites) should discuss the involvement of the public or stakeholders in their research, beginning with experimental design through completion of the project. Applications involving microbial amendments will be solicited in a separate announcement. All applicants should discuss other relevant societal issues, where appropriate, which may include intellectual property protection and communication with and outreach to affected communities (including members of affected minority communities where appropriate).

A centrally-maintained database is being developed to provide appropriate data, such as site characterization and kinetics data, needed by a broad segment of investigators. Applications shall include a short discussion of the Quality Assurance and Quality Control (QA/QC) measures that will be applied in data gathering and analysis activities. Successful grantees will be expected to coordinate their QA/QC measures with NABIR program managers.

Current Request for Applications

Research projects that address the scientific aims of individual NABIR elements, including Biogeochemistry, Biotransformation, Community Dynamics, as well as Assessment projects supporting those three elements are being solicited. Applications for research on other elements will not be addressed at this time. Applications for research on Bioremediation and its Societal Implications and Concerns (BASIC) have been solicited under a separate announcement (Notice 00-21). Applicants for research projects within individual program elements should state which science element is most closely aligned with the proposed research. Applicants are encouraged to propose interdisciplinary research that transcends more than one research element. However, a primary element should be specified for the purpose of merit review.

Biogeochemical Dynamics

The goal of this area is to understand the fundamental biogeochemical reactions that would lead to long-term immobilization of metal and radionuclide contaminants in the subsurface. The focus is on reactions that govern the concentration, chemical speciation, and distribution of metals

(Cr, Hg) and radionuclides (U, Tc, Pu) between the aqueous and solid phases.

Contaminated subsurface environments are complex. Biogeochemical reactions in subsurface environments are influenced by a wide variety of factors, including the availability of electron donors and acceptors, the nature of the microbial community, the chemical species or form of contaminant, the hydrology, and the nature of the environmental matrix. Often several competing redox reactions make the prediction of the substrates, products, and kinetics difficult. The biogeochemical reactions are further complicated by the sorption of contaminants and reaction products to mineral surfaces, and the presence of natural organic matter and co-contaminants. The research challenge is to identify and prioritize the key biogeochemical reactions that are needed to predict the rate and extent of reactions to immobilize radionuclides and metals for long term stability. New and creative scientific approaches are sought that address the following fundamental research questions:

- With the goal of increasing immobilization of radionuclides and metals, what are the principal biogeochemical reactions that govern the concentration, chemical speciation, and distribution of metals and radionuclides between the aqueous and solid phases? What are the thermodynamic and kinetic controls on these reactions? How do factors such as co-contaminants, sorption processes, and the structure and composition of minerals that serve as terminal electron acceptors, influence these reactions?
- With the goal of decreasing the possible re-mobilization of immobilized radionuclides and metals, how can the above questions be addressed? Under what conditions would the contaminants remobilize, and what alterations to the environment would increase the long-term stability of metals and radionuclides in the subsurface?
- What influence do hydrological processes such as reactive transport, advective/dispersive transport and colloidal transport have on the biological availability, transformation, and movement of radionuclides and metals?

Biotransformation

DOE subsurface sites encompass a range of redox environments where contaminants such as uranium are present. One challenge is to understand the impact of these environments on microbial physiological processes involved in the transformation of radionuclides and metals to an

immobilized form. Knowledge of the metabolic pathways for transformation of these contaminants by naturally occurring microbial communities in vadose zones, saturated zones and the waste plume is needed. A second challenge is to accelerate the rates of these physiological processes in situ, in complex subsurface environments. Biotransformation of metals and radionuclides in the subsurface is poorly understood, and predictive models based on laboratory studies have not always accurately simulated the observed fate of metals and radionuclides in the field. It is important to understand the kinetics of desirable metal and radionuclide biotransformations and the physicochemical factors affecting those kinetics. Research is needed to address questions such as:

- What are the primary metabolic pathways for biotransformation of radionuclides and/or metals by subsurface microorganisms at DOE sites, such as the FRC?
- Can these biotransformations be harnessed or accelerated to immobilize radionuclides and/or metals in the subsurface?
- What environmental controls affect microbial physiological processes involved in radionuclide and metal biotransformations leading to immobilization in vadose and saturated zones? What factors inhibit these transformations in situ?

Community Dynamics and Microbial Ecology

Fundamental research in Community Dynamics and Microbial Ecology at both the molecular and the microbial level is needed to understand the natural intrinsic processes of bioremediation at contaminated sites. One challenge is to determine if sufficient genotypic and/or phenotypic potential exists to support natural and/or accelerated (biostimulated) bioremediation. Knowledge of microbial community structure and function may ultimately provide the ability to control or stimulate subsurface communities capable of transformation of radionuclides and metals. A second challenge is to optimize the community structure and activity for immobilization of radionuclides and metals, and to determine the long term stability of bioremediative communities. Research is needed to address questions such as:

- Is there sufficient biological activity and diversity in subsurface environments to support natural and/or accelerated bioremediation of metals and radionuclides?

- What are the effects of metals and radionuclides (or other environmental factors) on microbial community activity and diversity, particularly of populations that transform radionuclides and metals?
- What is the role of consortial interactions on biotransformations of metals and radionuclides in contaminated subsurface environments? Such interactions might include competition for electron donors and acceptors, or other consortial interactions that affect the transformation of metals and radionuclides.
- What is the potential importance of gene transfer in natural microbial communities at subsurface sites contaminated with radionuclides or metals?

Assessment

The Assessment Element is a cross-cutting element with a goal to develop innovative methods to assess processes and endpoints in support of the NABIR Science Elements. In this call, assessment projects that support the Science Elements of Biogeochemistry, Biotransformation, and Community Dynamics/Microbial Ecology are being sought. Methods may range from molecular to field scale, but they should improve the understanding of in situ bioremediation processes in subsurface environments contaminated with radionuclides and metals. Priority will be given to research applications that could lead to fieldable, cost-effective, real time assessment techniques and/or instrumentation. NABIR will not fund projects that examine endpoints relating to human health risks. Research should address the development of innovative and effective methods for assessing or quantifying:

- Biogeochemical processes, biotransformation processes and rates, and microbial community structure and function relative to bioremediation of metals and radionuclides.
- Bioremediation end points, in particular, the concentration, speciation and stability of radionuclide and metal contaminants.

Program Funding

It is anticipated that approximately \$2 million will be available for multiple awards to be made in late FY 2001 and early FY 2002 in the categories described above, contingent on availability of appropriated funds. Applications may request project support up to three years, with out-year support contingent on availability of funds, progress of the research and programmatic needs. Annual budgets

for projects in the four scientific research element projects are expected to range from \$100,000 to \$400,000 total costs. DOE may encourage collaboration among prospective investigators to promote joint applications or joint research projects by using information obtained through the preliminary applications or through other forms of communication.

Merit Review

Applications will be subjected to formal merit review (peer review) and will be evaluated against the following evaluation criteria which are listed in descending order of importance codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project;
2. Appropriateness of the Proposed Method or Approach;
3. Competency of Applicant's personnel and Adequacy of Proposed Resources;
4. Reasonableness and Appropriateness of the Proposed Budget.

Also, as part of the evaluation, program policy factors become a selection priority. Note, external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Submission Information

Information about the development, submission of applications, eligibility, limitations, evaluation, the selection process, and other policies and procedures may be found in 10 CFR part 605, and in the Application Guide for the Office of Science Financial Assistance Program. Electronic access to SC's Financial Assistance Application Guide is possible via the World Wide Web at: <http://www.sc.doe.gov/production/grants/grants.html>. Renewal applications must include a list of publications resulting from prior NABIR funding. DOE is under no obligation to pay for any costs associated with the preparation or submission of applications if an award is not made. In addition, for this notice, the research description must be 20 pages or less, exclusive of attachments, and must contain an abstract or summary of the proposed research (to include the hypotheses being tested, the proposed experimental design, and the names of all investigators and their affiliations). Attachments should include short curriculum vitae, QA/QC plan, a listing

of all current and pending federal support and letters of intent when collaborations are part of the proposed research. Curriculum vitae should be submitted in a form similar to that of NIH or NSF (two to three pages), see for example: <http://www.nsf.gov:80/bfa/cpo/gpg/fkit.htm#forms-9>.

The Office of Science as part of its grant regulations requires at 10 CFR 605.11(b) that a recipient receiving a grant and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health (NIH) "Guidelines for Research Involving Recombinant DNA Molecules," which is available via the world wide web at: <http://www.niehs.nih.gov/odhsb/biosafe/nih/rdna-apr98.pdf>, (59 FR 34496, July 5, 1994,) or such later revision of those guidelines as may be published in the **Federal Register**.

Grantees must also comply with other federal and state laws and regulations as appropriate, for example, the Toxic Substances Control Act (TSCA) as it applies to genetically modified organisms. Although compliance with NEPA is the responsibility of DOE, grantees proposing to conduct field research are expected to provide information necessary for the DOE to complete the NEPA review and documentation.

Additional information on the NABIR Program is available at the following web site: <http://www.lbl.gov/NABIR/>. For researchers who do not have access to the world wide web, please contact Karen Carlson, Environmental Sciences Division, SC-74; U.S. Department of Energy; 19901 Germantown Road, Germantown, MD 20874-1290, phone: (301) 903-3338, fax: (301) 903-8519, e-mail: karen.carlson@science.doe.gov; for hard copies of background material mentioned in this solicitation.

(The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605)

Issued in Washington, DC, on November 27, 2000.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 00-30767 Filed 12-1-00; 8:45 am]

BILLING CODE 6450-1-U

DEPARTMENT OF ENERGY**Energy Information Administration****Agency Information Collection Under Review by the Office of Management and Budget**

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and reinstatement under section 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

The entry contains the following information: (1) The collection numbers and title; (2) a summary of the collection of information, including the sponsor (i.e., the Department of Energy component), current OMB document number (if applicable), type of request (i.e., new, revision, extension, or reinstatement), and response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits), (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB DOE Desk Officer may be telephoned at (202) 395-7318. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place N.W., Washington, D.C. 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI-70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585-0670. Ms. Sutherland may be contacted by telephone at (202) 287-1712, FAX at

(202) 287-1705, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Forms EIA-457 A/G "Residential Energy Consumption Surveys".
 2. Energy Information Administration; OMB Number 1905-0092; Reinstatement with revisions of currently approved collections; Mandatory.
 3. EIA's Residential Energy Consumption Survey (RECS) collects basic data necessary to meet EIA's legislative mandates as well as the needs of EIA's public and private customers. Data collected include energy consumption and expenditures and related subjects for the household sector of the U.S. economy during the 2001 calendar year.
 4. Individuals, Federal, State, and local Government as well as Business or other for-profit.
 5. 2,842 hours (.55 hours per response \times .33 responses per year \times 15,535 respondents).
- Responses per year" is prorated over requested three-year approval period.

Statutory Authority: Section 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

Issued in Washington, D.C., November 28, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00-30768 Filed 12-1-00; 8:45 am]

BILLING CODE 6450-01-U

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER01-380-000]

American Transmission Company, LLC Notice of Filing

November 28, 2000.

Take notice that on November 6, 2000, American Transmission Company LLC (ATCLLC) tendered for filing a Generation-Transmission Interconnection Agreement between ATCLLC and Madison Gas and Electric Company.

ATCLLC requests an effective date of January 1, 2001.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214

of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before December 8, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,
Secretary.

[FR Doc. 00-30730 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP01-46-001]

Carnegie Interstate Pipeline Company; Notice of Tariff Filing

November 28, 2000.

Take notice that on November 21, 2000, Carnegie Interstate Pipeline Company (CIPCO), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, with an effective date of November 1, 2000:

Original Tariff Sheet No. 115A
First Revised Tariff Sheet No. 116

CIPCO states that these tendered sheets are filed in compliance with Order No. 587-L, issued in Docket No. RM96-1-014 by the Federal Energy Regulatory Commission on June 30, 2000 and implements 18 CFR 284.(c)(ii), regarding the netting and trading of imbalances on CIPCO's system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30736 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-389-013]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

November 28, 2000.

Take notice that on November 20, 2000, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction: FTS-2 Service Agreement No. 69942 between Columbia Gulf Transmission Company and Murphy Exploration & Production Company dated November 14, 2000.

Transportation service is scheduled to commence upon Commission authorization.

Columbia Gulf states that copies of the filing have been served on all parties on all the official service list created by the Secretary in this proceeding.

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. 00-30727 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-389-011]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

November 28, 2000.

Take notice that on October 25, 2000, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction:

Amendment Agreement to FTS-2 Service Agreement No. 68854 between Columbia Gulf Transmission Company and Virginia Power Energy Marketing, Inc., dated June 30, 2000, Amended October 13, 2000

Transportation service is scheduled to commence upon Commission authorization.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

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. 00-30732 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-40-001]

Cove Point LNG Limited Partnership; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 22, 2000, Cove Point LNG Limited Partnership (Cove Point) tendered for filing certain revised tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1, to comply with the Commission's Order issued on November 9, 2000 in Docket Nos. RM96-1-14 and RP01-40-000.

Cove Point states that the purpose of the instant filing is to comply with the Commission's November 9 Order in the referenced dockets to file a tariff sheet to implement imbalance netting and trading on the Cove Point system within 15 days of the order. Accordingly, Cove Point proposes new Section 15(h) of its General Terms and Conditions, Netting and Trading, which describes the imbalance netting and trading process on the Cove Point system. In general, each buyer's imbalances on the Cove Point system will automatically be netted across rate schedules and imbalance trading between parties will be allowed until the 17th business day following the end of the applicable month.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

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. 00-30737 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-51-001]

Crossroads Pipeline Company Notice of Proposed Changes in FERC Gas Tariff

November 28, 2000.

Take notice that on November 22, 2000, Crossroads Pipeline Company (Crossroads) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Original Tariff Sheet No. 76A, to be effective November 1, 2000.

Crossroads states that the purpose of the filing is to comply with the requirements of the order issued on November 9, 2000, in Docket No. RP01-51-000 and Order No. 587-L with respect to the netting and trading of imbalances by shippers.

Crossroads states that copies of this filing have been sent to Crossroads' shippers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30735 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-622-001]

El Paso Natural Gas Company; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 22, 2000, El Paso Natural Gas Company (El Paso) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the following tariff sheets, with an effective date of November 1, 2000:

Substitute Second Revised Sheet No. 270

Substitute Second Revised Sheet No. 284

El Paso states that is being filed compliance with the Commission's order issued October 27, 2000 at Docket No. RM96-1-014, *et al.*

El Paso states that the tariff sheets are being filed to revise imbalance netting and trading tariff provisions in compliance with the Commission's order in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30740 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-37-001]

Equitrans, L.P.; Notice of Tariff Filing

November 28, 2000.

Take notice that on November 21, 2000, Equitrans, L.P. (Equitrans), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, with an effective date of November 1, 2000:

First Revised Tariff Sheet No. 254

Original Sheet No. 255

Sheet No. 256-257

Equitrans states that these tendered sheets are filed in compliance with Order No. 587-L, issued in Docket No. RM96-1-014 by the Federal Energy Regulatory Commission on June 30, 2000 and implements 18 CFR 284.(c)(ii), regarding the netting and trading of imbalances on Equitrans' system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30738 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP00-617-001]

Gulf States Transmission Corporation, Notice of Compliance Filing

November 28, 2000.

Take notice that on November 21, 2000, Gulf States Transmission Corporation (Gulf States), tendered for filing FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets, with an effective date of November 1, 2000:

Substitute Original Sheet No. 58T

Gulf States states that the tendered sheets are filed in compliance with the Commission's October 27, 2000 Order in the referenced dockets, regarding the netting and trading of imbalances on Gulf States' system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30744 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP00-619-001]

High Island Offshore System, L.L.C.; Notice of Compliance filing

November 28, 2000.

Take notice that on November 21, 2000, High Island Offshore System,

L.L.C. (HIOS), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets, with an effective date of November 1, 2000:

Substitute Second Revised Sheet No. 105
Substitute First Revised Sheet No. 106

HIOS states that the tendered sheets are filed in compliance with the Commission's October 27, 2000 Order in the referenced dockets, regarding the netting and trading of imbalances on HIOS' system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30742 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP01-75-001]

Mississippi River Transmission Corporation, Notice of Tariff Filing

November 28, 2000.

Take notice that on November 21, 2000, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Thirty Seventh Revised Sheet No. 5, with an effective date of November 1, 2000.

MRT states that the filing is being made to correct a mathematical error to the Maximum Rate for Authorized Overrun under the combined Field Zone and Market Zone rates that was filed on November 1, 2000.

MRT states that copies of the filing is being mailed to each of MRT's customers, all parties to this proceeding and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30734 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-176-022]

Natural Gas Pipeline Company of America Notice of Proposed Change in FERC Gas Tariff

November 28, 2000.

Take notice that on November 20, 2000, Natural Gas Pipeline Company of America (Natural) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet No. 260, to be effective November 22, 2000.

Natural states that the purpose of this filing is to implement a negotiated rate transaction with Wise County Power Company, LP (WCPC) under Natural's Rate Schedule FTS pursuant to Section 49 of the General Terms and Conditions (GT&C) of Natural's Tariff.

Natural concurrently tenders for filing with the Commission, by a separate filing in this docket, the Firm Transportation Negotiated Rate Agreement (Agreement) entered into by Natural and WPC. Natural states that the

Agreement does not deviate in any material respects from the applicable form of service agreement in Natural's Tariff. However, Natural submits the Agreement as an aid to Commission Staff because it provides a more detailed explanation of the transaction.

Natural requests waiver of the Commission's Regulations, including the 30-day notice requirement of Section 154.207, to the extent necessary to permit the tariff sheet to become effective November 22, 2000, consistent with Section 49.1(e) of the GT&C of Natural's Tariff.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99-176.

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. 00-30726 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01-17-000]

New York Independent System Operator, Inc., Complainant v. New York State Electric & Gas Corporation, Respondent; Notice of Complaint

November 28, 2000.

Take notice that on November 24, 2000, the New York Independent System Operator, Inc. (NYISO) filed a Complaint pursuant to Section 206 of the Federal Power Act, and Rule 206 of the Commission's Rules of Practice and Procedure, against the New York State Electric and Gas Corporation (NYSEG) alleging that NYSEG has violated its obligations as a customer under the NYISO's Open Access Transmission Tariff (OATT) by unlawfully withholding \$6.635 million that it owes the NYISO. By withholding this payment, NYSEG directly threatens the NYISO, and indirectly threatens other market participants, with serious financial harm. Accordingly, the NYISO has requested that the Commission: (i) consider the Complaint pursuant to its Fast-Track Processing procedures; (ii) declare that NYSEG is in violation of its obligations as a customer under the NYISO OATT and must immediately pay the full amount that it owes to the NYISO; and (iii) order NYSEG to make the payment immediately.

The NYISO has served this filing on NYSEG. The Complaint will be posted on the NYISO's web-site at http://www.nyiso.com/topics/whats_new/whatsnew.html.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before December 6, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222) for assistance. Answers to the complaint shall also be due on or before December 6, 2000. Comments

and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 00-30772 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-264-001]

Northern Natural Gas Company; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 22, 2000, Northern Natural Gas Company (Northern), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to be effective on November 1, 2000.

Substitute Fifth Revised Sheet No. 1, Substitute Sixth Revised Sheet No. 2, Substitute 49 Revised Sheet No. 53, Substitute First Revised Sheet No. 56, Substitute Fourth Revised Sheet No. 143, Substitute Ninth Revised Sheet No. 144, Substitute Third Revised Sheet No. 145, Substitute First Revised Sheet No. 158, Substitute Original Sheet No. 162, Substitute Original Sheet No. 163, Substitute Original Sheet No. 164, Substitute Sixth Revised Sheet No. 206, Substitute Fifth Revised Sheet No. 220, Substitute Second Revised Sheet No. 251, Substitute Fourth Revised Sheet No. 252, Substitute Third Revised Sheet No. 261, Substitute Sixth Revised Sheet No. 263A, Substitute Sixth Revised Sheet No. 265, Substitute Second Revised Sheet No. 271, Substitute Fifth Revised Sheet No. 288, Substitute Third Revised Sheet No. 289, Substitute Third Revised Sheet No. 290, Substitute Fourth Revised Sheet No. 300, Substitute Fourth Revised Sheet No. 302, Substitute Original Sheet No. 462.

In addition, Northern hereby submits for filing as part of its F.E.R.C. Gas Tariff, Fifth Revised Volume No. 1, 1 Revised Third Revised Sheet No. 220 proposed to be effective October 11, 2000.

Northern states that the purpose of this filing is to comply with the Commission's Order issued on November 8, 2000 in Docket RP00-264-000. Northern is filing the revised tariff sheets to reflect the use of a five-year base period to determine VFT Shippers' load factors. In addition, Northern is filing revised tariff sheets to delete any references to LFT, to correct sheet

pagination, and to file actual sheets for previously file pro forma tariff sheets.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30725 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-367-013]

Northwest Pipeline Corporation; Notice of Correction Filing

November 28, 2000.

Take notice that on November 21, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet to become effective December 1, 2000:

Substitute Tenth Revised Sheet No. 8.1

Northwest states that the purpose of this filing is to correct the Rate Schedule LS-2I rates filed on October 30, 2000 in Docket No. RP96-367-012.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section

154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30728 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-34-001]

Overthrust Pipeline Company; Notice of Tariff Filing

November 28, 2000.

Take notice that on November 21, 2000, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1-A, Substitute First Revised Sheet No. 67D and Substitute Original Sheet No. 67F, to be effective November 1, 2000.

Overthrust states that the purpose of this filing is to comply with Ordering Paragraph (C) of the Commission's Order on Filings to Establish Imbalance Netting and Trading Pursuant to Order Nos. 587-G and 587-L issued November 9, 2000, in Docket Nos. RM96-1-014, et al., which directed Overthrust to file revised tariff sheets, within 15 days of the order. The revisions to be included are (1) the removal of the provision that, under certain circumstances, Overthrust can adjust a shipper's receipts and deliveries or take whatever action it deems necessary to keep the system in balance or maintain operational stability and system integrity and (2) corrects the references to "T-1" and "T-2" agreements by replacing them with "FT" and "IT" agreements.

Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

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. 00-30739 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-587-001]

Paiute Pipeline Company; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 24, 2000, Paiute Pipeline Company (Paiute) submitted a filing to comply with the Commission's order issued on October 27, 2000 in Docket Nos. RM96-1-014, et al. Paiute states that in its order the Commission accepted, subject to refund, Paiute's tariff filing in Docket No. RP00-587-000 to implement imbalance netting and trading, and directed Paiute to submit further information regarding its imposition of transportation charges related to imbalance netting and trading. Paiute states that it has submitted the instant filing to comply with the Commission's directive.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered

by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30745 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-620-001]

Stingray Pipeline Company, L.L.C.; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 21, 2000, Stingray Pipeline Company, L.L.C. (Stingray), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariffs, with an effective date of November 1, 2000.

Substitute Fourth Revised Sheet No. 132
Substitute Third Revised Sheet No. 133

Stingray states that the tendered sheets are filed in compliance with the Commission's October 27, 2000 Order in the referenced dockets, regarding the netting and trading of imbalances on Stingray's system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30741 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-618-001]

U-T Offshore System, L.L.C.; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 21, 2000, U-T Offshore System, L.L.C. (UTOS), tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, with an effective date of November 1, 2000:

Substitute Second Revised Sheet No. 61
Substitute First Revised Sheet No. 61-A

UTOS states that the tendered sheets are filed in compliance with the Commission's October 27, 2000 Order in the referenced dockets, regarding the netting and trading of imbalances on UTOS' system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30743 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-107-001]

Viking Gas Transmission Company; Notice of Compliance Filing

November 28, 2000.

Take notice that on November 22, 2000, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of January 1, 2001:

Twenty-Third Revised Sheet No. 6
Sixteenth Revised Sheet No. 6A
Sixth Revised Sheet No. 6B

Viking states that the purpose of the filing is to change Viking's Gas Research Institute Adjustment (GRI) in accordance with the Commission's September 19, 2000 letter order in Docket No. RP00-313-000.

Viking states that copies of the filing is being mailed to each of Viking's customers and to interested state commissions as well as to the parties listed on the Secretary's official service list for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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. 00-30733 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP01-36-000]

Zia Natural Gas Company, An Operating Division of Natural Gas Processing Company, Complainant, v. Raton Gas Transmission Company, Respondent; Notice of Complaint

November 28, 2000.

Take notice that on November 22, 2000, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), Zia Natural Gas Company, an Operating Division of Natural Gas Processing Company (Zia), filed a Section 5 complaint against Raton Gas Transmission Company (RGT), requesting the Commission to find that certain actions taken by RGT, as well as certain aspects of RGT's tariff, violate the Natural Gas Act. To redress these violations, Zia requests that the Commission direct RGT to convert its current Part 157 certificate to a Part 284 blanket certificate, and to implement other appropriate revisions to the RGT tariff.

Specifically, Zia asserts that RGT has commenced providing service that is not authorized pursuant to RGT's case-specific, Section 7(c) certificate and that threatens to degrade the certificated service received from RGT by Zia. In addition, Zia maintains that changing competitive circumstances have rendered RGT's tariff unjust and unreasonable in a number of respects. Zia requests that the Commission order RGT to (1) convert RGT's current Part 157 transportation service to Part 284, open access transportation service, (2) afford Zia its rights as a converting Part 157 shipper, including the right to acquire upstream transportation and storage capacity currently held by RGT, (3) modify RGT's tariff rate structure to remove the automatic passthrough of costs associated with upstream capacity held by RGT on the Colorado Interstate Gas Company Docket No. CP01-36-000 (CIG) system, and (4) modify RGT's tariff, which currently lists no receipt points, to explicitly designate the Trinidad, Colorado interconnection between RGT and CIG as a receipt point on the RGT system.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests

must be filed on or before December 8, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222) for assistance. Answers to the complaint shall also be due on or before December 8, 2000.

David P. Boergers,*Secretary.*

[FR Doc. 00-30731 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EG01-31-000, et al.]

CIC Luxembourg SARL, et al.; Electric Rate and Corporate Regulation Filings

November 27, 2000.

Take notice that the following filings have been made with the Commission:

1. CIC Luxembourg SARL

[Docket No. EG01-31-000]

Take notice that on November 17, 2000, CIC Luxembourg SARL filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Comment date: December 18, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Mobile Energy LLC

[Docket No. EG01-32-000]

Take notice that on November 20, 2000, Mobile Energy LLC (Applicant) with its principal office c/o SkyGen Energy LLC, Edens Corporate Center, 650 Dundee Road, Suite 350, Northbrook, Illinois 60062, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of "exempt wholesale generator" status pursuant to Part 365 of the Commission's regulations.

Applicant states that it will be engaged in owning and operating the Mobile Energy Center (the Facility)

consisting of one combustion turbine generating unit, one separately-fired heat recovery boiler, and up to four condensing steam turbine generating units having a maximum electrical output of approximately 345 MW. The Facility will be constructed in the City of Mobile, Alabama and commercial operation is anticipated to be approximately the second quarter of 2001. The Applicant also states that it will sell electric energy exclusively at wholesale to meet electricity needs in the region.

Comment date: December 18, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Magnolia Energy LP

[Docket No. EG01-33-000]

Take notice that on November 21, 2000, Magnolia Energy LP (Magnolia), a limited partnership with its principal place of business at 909 Fannin, Suite 2222, Houston, Texas 77010, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Magnolia will construct a 900 MW natural gas fired, combined cycle electric generating facility and related assets to be located near the town of Ashland, Mississippi. Magnolia will sell its capacity exclusively at wholesale.

Comment date: December 18, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER98-1438-007]

Take notice that on November 20, 2000, the Midwest Independent Transmission System Operator, Inc. (the Midwest ISO), tendered for filing its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1, and Agreement of Transmission Facilities Owners to Organize the Midwest ISO (Owners Agreement), Rate Schedule FERC No. 1, both of which were previously accepted for filing in Docket No. ER98-1438-000, and both of which have been reformatted to conform to the requirements of Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000).

The Midwest ISO seeks an effective date of November 20, 2000 (the same

day of filing) and waiver of the Commission's sixty days' notice requirements. The Midwest ISO also seeks waiver of the Commission's regulations, 18 CFR 385.2010 with respect to service on all parties on the official service list in Docket No. ER98-1438-000. The Midwest ISO has posted its reformatted OATT on its Internet site at www.midwestiso.org. The Midwest ISO will provide hard copies to any interested parties upon request.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Golden Spread Electric Cooperative, Inc.; The Montana Power Trading and Marketing Company

[Docket Nos. ER00-3338-002, ER00-3367-002, and ER00-3368-002]

Take notice that on November 17, 2000, the Western Systems Power Pool (WSPP) tendered for filing a list of customers in compliance with the Federal Energy Regulatory Commission's November 2, 2000 order in the proceedings captioned above.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Praxair, Inc.

[Docket No. ER00-3767-001]

Take notice that on November 17, 2000, Praxair, Inc., tendered for filing a corrected Rate Schedule in compliance with the Commission's Order No. 614.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. USPowerEnergy, L.L.C.

[Docket No. ER01-36-001]

Take notice that on November 17, 2000, USPowerEnergy, L.L.C. (USPE) tendered for filing with the Federal Energy Regulatory Commission a compliance filing pursuant to the Commission's order in USPowerEnergy, L.L.C., Docket No. ER01-36-001 (Letter Order Issued November 2, 2000).

USPowerEnergy, L.L.C., stated that it served a copy of its filing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Entergy Services, Inc.

[Docket No. ER01-155-001]

Take notice that on November 17, 2000, Entergy Services, Inc. (Entergy), on behalf of Entergy Gulf States, Inc., tendered for filing an amendment to its October 18, 2000 filing in Docket No.

ER01-155-000, which amended Exhibit A to the Agreement for Special Requirements Wholesale Electric Service between Entergy Gulf States and East Texas Electric Cooperative, Inc., Sam Rayburn G&T Electric Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. Entergy states that the amendment to the October 18 filing serves to conform that filing with the Commission's Order No. 614, Designation of Electric Rate Schedule Sheets, 90 FERC ¶ 61,352 (2000).

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. American Transmission Company LLC

[Docket No. ER01-380-000]

Take notice that on November 6, 2000, American Transmission Company, LLC (ATCLLC), tendered for filing a Generation Transmission Interconnection Agreement between ATCLLC and Madison Gas and Electric Company.

ATCLLC requests an effective date of January 1, 2001.

Comment date: December 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. New York Independent System Operator, Inc.

[Docket No. ER01-461-000]

Take notice that on November 15, 2000, the New York Independent System Operator, Inc. (NYISO) filed a complete version of FERC Electric Tariff Original Volume No. 1, the Open Access Transmission Tariff, in order to comply with Commission Order No. 614, on the designation of electric rate schedules. The filing effects no substantive changes to the tariff.

The NYISO has requested an effective date of September 1, 2000 for the filing, and has requested waiver of the Commission's notice requirements.

The NYISO has requested waiver of the Commission's service requirements. The document is available for download from the NYISO's website at www.nyiso.com. Copies will be provided upon request.

Comment date: December 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Southern Company Services, Inc.

[Docket No. ER01-464-000]

Take notice that on November 17, 2000, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), tendered an Interconnection Agreement (IA) by and between APC and Tenaska Alabama II

Partners, L.P. (Tenaska Alabama). The IA allows Tenaska Alabama to interconnect its generating facility to be located near Billingsley, Alabama in Autauga County to APC's electric system.

An effective date of October 25, 2000 has been requested.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Company

[Docket No. ER01-465-000]

Take notice that on November 16, 2000, New England Power Company (as successor to Montaup Electric Company) (NEP) tendered for filing:

- (1) Supplement No. 6 to Service Agreement No. 10 (Newport Electric Corporation) under Montaup Electric Company, FERC Electric Tariff, First Revised Volume No. 1; and
- (2) Supplement No. 6 to Service Agreement No. 11 (Blackstone Valley Electric Company) under Montaup Electric Company, FERC Electric Tariff, First Revised Volume No. 1.

These Supplements take the form of a Stipulation and Agreement between Rhode Island Public Utilities Commission, the Rhode Island Division of Public Utilities and Carriers, The Narragansett Electric Company (as successor to Blackstone Valley Electric Company and Newport Electric Corporation), and NEP (as successor to Montaup Electric Company).

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE, Ameren Energy Marketing Company and Ameren Energy Generating Company

[Docket No. ER01-466-000]

Take notice that on November 17, 2000, Ameren Energy, Inc., on behalf of Union Electric Company d/b/a AmerenUE, Ameren Energy Market Company, and Ameren Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. § 824d, and the market-based rate authority provided to the Ameren Parties, submitted for filing a bilateral Master Power Purchase and Sale Agreement.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01-467-000]

Take notice that on November 17, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (each doing business and hereinafter collectively referred to as GPU Energy) submit for filing minor amendments to the Restated Composite Power Pooling Agreement among the GPU Energy companies. The Restated Agreement governs the integrated operation of the three GPU Energy companies. It is on file with the Commission as Jersey Central Power & Light Company, Rate Schedule No. 72, Metropolitan Edison Company, Rate Schedule No. 74 and Pennsylvania Electric Company, Rate Schedule No. 111.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Dominion Energy Marketing, Inc.

[Docket No. ER01-468-000]

Take notice that on November 17, 2000, Dominion Nuclear Marketing, Inc. tendered for filing its proposed FERC Electric Market-Based Sales Tariff and certain waivers of the Commission's regulations.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. South Carolina Electric & Gas Company

[Docket No. ER01-470-000]

Take notice that on November 17, 2000, South Carolina Electric & Gas Company (SCE&G), tendered for filing executed service agreements with New Horizons Electric Cooperative, Inc. (NHEC) providing for transmission and ancillary services on a long-term basis pursuant to SCE&G's Open Access Transmission Tariff.

The parties proposed an effective date of January 1, 2001.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Company of New York, Inc.

[Docket No. ER01-471-000]

Take notice that on November 17, 2000, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a Supplement to its Rate Schedule, Con Edison Rate Schedule FERC No. 123, a facilities agreement

with Central Hudson Gas and Electric Corporation (CH).

Con Edison has requested that this supplement take effect as of August 1, 2000.

Con Edison states that a copy of this filing has been served by mail upon CH.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. New York State Electric & Gas Corporation

[Docket No. ER01-472-000]

Take notice that on November 17, 2000 New York State Electric & Gas Corporation (NYSEG) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Federal Energy Regulatory Commission's (Commission) Regulations, an Agreement with the Power of the State of New York (also known as New York Power Authority or NYPA). This Agreement provides for the sale of, as well as the design, procurement, installation, testing, operation, and maintenance by NYSEG of a Static Var Compensator and its associated equipment. NYPA will compensate NYSEG for providing such services. Additionally, NYPA will pay monthly actual charges and costs incurred by NYSEG for operation, maintenance, general expenses and taxes.

NYSEG requests an effective date of November 10, 2000.

Copies of the filing were served upon NYPA and the Public Service Commission of the State of New York.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Idaho Power Company

[Docket No. ER01-473-000]

Take notice that on November 17, 2000, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission an Agreement for Supply of Power and Energy between Raft River Rural Electric Cooperative and Idaho Power Company dated October 25, 2000.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Baconton Power LLC

[Docket No. ER01-474-000]

Take notice that on November 17, 2000, Baconton Power LLC tendered for filing a revised long-term service agreement with Coral Power, L.L.C. pursuant to Baconton Power LLC's market-based tariff, FERC Electric Tariff, Original Vol. No. 1.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. Entergy Services, Inc.

[Docket No. ER01-475-000]

Take notice that on November 17, 2000, Entergy Services, Inc. (Entergy), on behalf of Entergy Mississippi, Inc., tendered for filing a First Revised Interconnection Agreement with Southaven Power LLC. The First Revised Interconnection Agreement reflects the modifications necessary to conform the Southaven Interconnection Agreement with Entergy's Pro Forma Interconnection Agreement as filed on June 19, 2000, in Docket No. ER00-1743-002.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. PJM Interconnection, L.L.C.

[Docket No. ER01-476-000]

Take notice that on November 17, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing the following executed agreements: (i) an agreement for long-term firm point-to-point transmission service for Cargill-Alliant, L.L.C. (Cargill-Alliant), (ii) an umbrella service agreement for short-term firm point-to-point transmission service for the Public Service Company of Colorado (PSCC), and (iii) an umbrella service agreement for non-firm point-to-point transmission service for PSCC.

Copies of this filing were served upon Cargill-Alliant, PSCC, and the state commissions within the PJM control area.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Commonwealth Edison Company

[Docket No. ER01-477-000]

Take notice that on November 17, 2000, Commonwealth Edison Company (ComEd), tendered for filing the following: (1) Facilities Rental Agreement between ComEd and the City of Naperville; (2) Meter Lease Agreement between ComEd and the City of Naperville; (3) Meter Lease Agreement between ComEd and the City of Batavia; and (4) Meter Lease Agreement between ComEd and the City of St. Charles (together Agreements) and respectfully requested that the Commission verify ComEd's conclusions that such Agreements are not subject to the Commission's jurisdiction and oversight.

ComEd requests an effective date of December 1, 2000, for the agreements in the event its request for disclaimer of

jurisdiction is not granted and accordingly, seeks waiver of the Commission's notice requirements.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Consolidated Edison Company of New York, Inc.

[Docket No. ER01-478-000]

Take notice that on November 20, 2000, Consolidated Edison Company of New York, Inc. (Con Edison), tendered the Indian Point 3 Interconnection Agreement between Con Edison and Entergy Nuclear Indian Point 3, LLC, in the above-captioned docket.

Comment date: December 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER01-479-000]

Take notice that on November 20, 2000, the Midwest Independent Transmission System Operator, Inc. (the Midwest ISO), tendered for filing revised pages to its Open Access Transmission Tariff and Agreement of the Transmission Facilities Owners to Organize the Midwest ISO. The Midwest ISO's revisions expand the Midwest ISO Advisory Committee to include certain members of the Mid-Continent Area Power Pool (MAPP) and provide certain MAPP Transmission Owners with the option of electing Network Transmission Service on behalf of their bundled retail customers.

Copies of this filing were served upon parties listed on the official service list compiled by the Secretary of the Commission in Docket No. ER98-1438-000, the Midwest ISO Members, Members and Alternates of the Midwest ISO Advisory Committee as currently constituted, Members of MAPPCCORR and State Commissions in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Dakota, Virginia, West Virginia and Wisconsin.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. Mobile Energy LLC

[Docket No. ER01-480-000]

Take notice that on November 20, 2000, Mobile Energy LLC (Mobile Energy), tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1. Mobile Energy proposes that its Rate Schedule No. 1 become

effective upon commencement of service of the Mobile Energy Center (the Facility), a 345 MW generation project currently being developed by Mobile Energy in Mobile, Alabama. The Facility is expected to be commercially operable by approximately the second quarter of 2001.

Mobile Energy intends to sell energy, capacity, and certain ancillary services from the Facility in the wholesale power market at market-based rates, and on such terms and conditions to be mutually agreed to with the purchasing party.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. Public Service Company of New Mexico

[Docket No. ER01-481-000]

Take notice that on November 20, 2000, Public Service Company of New Mexico (PNM), tendered for filing a Request for Waiver of Certain Provisions of the Fuel and Purchase Economic Power Adjustment Clauses and Refund Requirements Under Suspension Orders Regulations (18 CFR 35.14 and 35.19a) (Request). The Request is being made to allow for the inclusion, retroactively, of certain refunds received from Arizona Public Service Company for settlement of various fuel supply issues associated with the Four Corners Power Plant, of which PNM is a participant/owner, in the calculation of charges pursuant to its Fuel and Purchase Economic Power Adjustment Clause in wholesale power contracts for sales to its firm-requirements wholesale customers. The affected customers, both past and present, include the City of Farmington, New Mexico (Farmington), the City of Gallup, New Mexico (Gallup), Texas-New Mexico Power Company (TNMP), Plains Electric Generation and Transmission Cooperative, Inc. (now a part of Tri-State Generation and Transmission Association, Inc. (Tri-State)), and the United States Department of Energy (DOE). PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to Farmington, Gallup, TNMP, Tri-State, DOE, and to the New Mexico Public Regulation Commission.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

28. NiSource, Inc.

[Docket No. ER01-482-000]

Take notice that on November 20, 2000, NiSource, Inc., tendered for filing

Notice of Succession in the above referenced docket.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00-30723 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01-13-000, et al.]

Duke Energy Corporation, et al.; Electric Rate and Corporate Regulation Filings

November 24, 2000.

Take notice that the following filings have been made with the Commission:

1. Duke Energy Corporation, Carolina Power & Light Company, South Carolina Electric and Gas Company, GridSouth Transco, LLC

[Docket No. EL01-13-0000]

Take notice that on November 3, 2000, Duke Energy Corporation (Duke), Carolina Power & Light Company (CP&L), and South Carolina Electric and Gas Company (SCE&G), (collectively, the Transmission Owners) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Petition for Declaratory Order pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, seeking Commission ratification of proposed accounting and

rate treatment of Start-Up Costs associated with establishing a new Regional Transmission Organization (RTO) formed in compliance with FERC Order No. 2000.

Comment date: December 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Illinois Power Company

[Dockets Nos. ER99-4415-004, ER99-4530-004 and EL00-7-004]

Take notice that on November 9, 2000, Illinois Power Company (Illinois Power) tendered for filing a compliance filing under which Illinois Power modified certain provisions of its Open Access Transmission Tariff (OATT). In addition, Illinois Power re-filed its OATT, FERC Electric Tariff, Third Revised, Volume No. 8, with designations in accordance with the Commission's Order No. 614. Other than the designations, the only modifications to the OATT are those made for the compliance filing.

Copies of this filing have been served upon all affected customers under Illinois Power's OATT, upon the Illinois Commerce Commission, and upon all parties on the official service lists compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Comment date: December 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Central Maine Power Company

[Docket No. ER00-982-005]

Take notice that on November 14, 2000, Central Maine Power Company (CMP) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Compliance Report pursuant to the Commission's Letter Order issued on September 28, 2000, in Docket Nos. ER00-26-000, *et al.*

Comment date: December 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Maine Electric Power Company

[Docket No. OA01-2-000]

Take notice that on November 9, 2000, Maine Electric Power Company (MEPCO) on November 9, 2000 tendered for filing pursuant to Section 37.4(c) of the Code of Federal Regulations, 18 CFR 37.4(c), the revised Standards of Conduct to be followed by MEPCO personnel.

MEPCO requests that the Standards of Conduct become effective on November 10, 2000.

MEPCO served copies of the filing upon the persons listed in the Commission's official service list and the Maine Public Utilities Commission.

Comment date: December 11, 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. 00-30724 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL01-1-000]

Hydroelectric Licensing Policies, Procedures, and Regulations—Comprehensive Review; Notice of Public Meetings and Requesting Comments and Recommendations

November 28, 2000.

Pursuant to Section 603 of the Energy Act of 2000 (Public Law No. 106-469), the Commission is preparing a comprehensive review of policies, procedures, and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. Section 603 directs the Commission to report its findings to Congress, including any recommendations for legislative changes, by May 8, 2001.

To ensure a comprehensive review, the Commission seeks the comments and recommendations of all stakeholders in the Commission's hydroelectric licensing program, including federal and state agencies, Indian tribes, non-governmental organizations, licensees, and other members of the public. In particular, the

Commission wishes to receive comments identifying steps in the existing licensing process that may require inordinate time and expense to complete, and the reasons therefor.

The Commission will meet with other federal agencies in Washington, DC, and will send letters to state water quality officials requesting their views.

The Commission will also hold public meetings to receive comments and recommendations in Washington, DC, and in several locations throughout the country. Notice of the location, date, and times of these meetings will be provided in future notices as arrangements are made. Each public meeting will include a review of the existing licensing process and an opportunity for participants to offer their comments on how it can be improved. The public meetings will be recorded by a stenographer and, thereby, will become a part of the record of the proceeding. Persons making statements will be asked to identify themselves for the record. The speaking time permitted to individuals will be determined at the beginning of each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session, but all speakers will be provided at least ten minutes to present their views.

Persons choosing not to speak but wishing to comment, as well as speakers unable to summarize their positions within the allotted time, may submit written statements for inclusion in the public record.

Written comments may also be mailed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Correspondence should clearly show the following caption on the first page:

[Docket No. PL01-1-000]

Hydroelectric Licensing Policies, Procedures, and Regulations—Comprehensive Review

In light of the limited amount of time available for submission on the Commission's Report to Congress, commenters are encouraged to provide written comments as early as possible, but not later than February 1, 2001, and to use their time at the public meetings to summarize previously filed written comments or to focus on only the most significant sources of cost and delay in the licensing process from their perspective. Comments may also be filed electronically via the Internet. 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>.

For further information, please contact Edward Abrams at the Commission, 202-219-2773.

David P. Boergers,
Secretary.

[FR Doc. 00-30729 Filed 12-1-00; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6911-4]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at 260-2740, or email at *Farmer.sandy@epa.gov*, and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1945.01; State Water Quality Program Management Gap Analysis; was approved 09/22/2000; OMB No. 2040-0216; expires 09/30/2003.

EPA ICR No. 1428.05; Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322); in 40 CFR part 350; was approved 09/22/2000; OMB No. 2050-0078; expires 09/30/2003.

EPA ICR No. 1665.03; Confidentiality Rule; in 40 CFR part 2, subpart B; was approved 09/22/2000; OMB No. 2020-0003; expires 09/30/2003.

EPA ICR No. 1064.09; NSPS for Automobile and Light Duty Truck Surface Coating Operations; in 40 CFR part 63, subpart MM; was approved 09/22/2000; OMB No. 2060-0034; expires 09/30/2003.

EPA ICR No. 0002.09; National Pretreatment Program; in 40 CFR part 403; was approved 09/28/2000; OMB No. 2040-0009; expires 09/30/2003.

EPA ICR No. 1940.02; Health Effects of Particulate Matter and Co-pollutant Exposures Near the El Paso/Juarez Border Crossings; was approved 09/29/2000; OMB No. 2080-0065; expires 09/30/2003.

EPA ICR No. 1415.04; NESHAP for Perchloroethylene (PCE) Dry Cleaning Facilities; in 40 CFR part 63.324, subpart M; was approved 09/30/2000; OMB No. 2060-0234; expires 09/30/2003.

EPA ICR No. 1774.02; Mobile Air Conditioner Retrofitting Program; in 40 CFR part 82.180; was approved 09/30/2000; OMB No. 2060-0350; expires 09/30/2003.

EPA ICR No. 1739.03; National Emission Standards for the Printing and Publishing Industry (MACT); in 40 CFR part 63, subpart KK; was approved 09/30/2000; OMB No. 2060-0335; expires 09/30/2003.

EPA ICR No. 0278.07; Notice of Supplemental Distribution of a Registered Pesticide Product; was approved 10/02/2000; OMB No. 2070-0044; expires 10/31/2003.

EPA ICR No. 1857.02; Emission Reporting Requirements for Ozone SIP Revisions (or Associated Federal Implementation Plans) Relating to Statewide Budgets for Nox Emissions to Reduce the Regional Transport of OZ; in 40 CFR part 75, subpart H; was approved 10/27/2000; OMB No. 2060-0445; expires 10/31/2003.

EPA ICR No. 1981.01; Distribution of Off-site Consequence Analysis Information under Section 112(r) of the Clean Air Act; in 40 CFR Chapter IV, part 1400; was approved 10/30/2000; OMB No. 2050-0172; expires 10/31/2003.

EPA ICR No. 1845.02; Small Spark Ignition Manufacturers Production Line Testing; in 40 CFR part 86, subpart K; was approved 10/30/2000; OMB No. 2060-0427; expires 10/31/2003.

EPA ICR No. 1962.01; Business Ownership Representation; was approved 11/20/2000; OMB No. 2030-0041; expires 11/30/2002.

Short Term Extensions

EPA ICR No. 0155.06; Certification of Pesticide Applicators; in 40 CFR part 171; OMB No. 2070-0029; on 09/26/2000 OMB extended the expiration date through 12/31/2000.

EPA ICR No. 1791.02; Establishment of No-Discharge Zones for Discharges Incidental to the Normal Operation of Armed Forces Vessels under CWA Section 312(n); in 40 CFR part 139; OMB No. 2040-0187; on 10/19/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1056.06; NSPS for Nitric Acid Plants; in 40 CFR part 60, subpart G; OMB No. 2060-0019; on 10/26/2000 OMB extended the expiration date through 01/31/2001.

Comments Filed

EPA ICR No. 1665.04; Proposed Rule for Elimination of Special Treatment for Category of Confidential Business Information; on 09/26/2000 OMB filed comment.

Notice of Transfer

EPA OMB No. 2040-0186; Public Water Systems Annual Compliance Report; (Office of Water); on 09/22/2000 was transferred to OMB No. 2020-0020; (Office of Enforcement and Compliance Assurance).

Dated: November 27, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00-30807 Filed 12-1-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6911-3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Protection of Stratospheric Ozone—Phaseout Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Record Keeping and Periodic Reporting of the Production, Import, Recycling, Destruction, Transshipment and Feedstock Use of Ozone-Depleting Substances, OMB Number 2060-0170; with an extended expiration date of January 31, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 3, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1432.18 and OMB Control No. 2060-0170, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue,

NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260-2740, by E-mail at

Farmer.sandy@epamail.epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1432.18. For technical questions about the ICR contact Tom Land, Global Programs Division (6205J), telephone (202) 564-9185, facsimile (202) 565-2093, e-mail: land.tom@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Record Keeping and Periodic Reporting of the Production, Import, Recycling, Destruction, Transshipment and Feedstock Use of Ozone-Depleting Substances, EPA ICR Number 1432.18; OMB Number 2060-0170; with an extended expiration date of January 31, 2001. This is a request for extension of a currently approved collection.

Abstract: The Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and Title VI of the Clean Air Act (CAA) establish limits on total U.S. production, import and export of class I and class II controlled ozone-depleting substances. To ensure U.S. compliance with the limits and restrictions established by the Protocol and the CAA, the regulation establishes control measures for individual companies. The limits and restrictions for individual U.S. companies are monitored by EPA through the reporting requirements established in the regulation under 40 CFR part 82, subpart A. The regulation outlines both recordkeeping and reporting requirements. These reporting requirements are designed: (1) To satisfy U.S. obligations under the international treaty, the Montreal Protocol on Substances that Deplete the Ozone Layer, in particular the requirements under Article 7 of the Protocol; (2) to fulfill statutory obligations under section 603(b) of Title VI of the CAA; (3) to report to Congress on the production, use and consumption of class I and class II controlled substances as statutorily required in section 603(d) of the CAA; and (4) to address Federal and industry concerns regarding illegal imports of newly produced and previously used controlled substances that are undercutting the U.S. markets for alternatives.

Pursuant to regulations 40 CFR part 2, subpart B, you are entitled to assert a business confidentiality claim covering

any part of the submitted business information as defined in 40 CFR 2.201(c). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 6, 2000, (65 FR 53999) and no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.35 hours per response. EPA is concurrently working on many rules that will revise the recordkeeping and reporting under the regulations in 40 CFR part 82, subpart A in separate rulemakings with revisions to the ICR. In addition, EPA is in the process of reflecting these many revisions in a changed Guidance Document For The Stratospheric Ozone Protection Program on reporting (including reporting forms) and making them available electronically and creating a secure system for the direct submission of electronic reporting.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Users of Ozone-Depleting Substances.

Estimated Number of Respondents: 1,081.

Frequency of Response: On occasion, Quarterly, Annually.

Estimated Total Annual Hour Burden: 6,492.

Estimated Total Annualized Capital, O&M Cost Burden: \$3,032.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection

techniques to the addresses listed above. Please refer to EPA ICR No. 1432.18 and OMB Control No. 2060-0170 in any correspondence.

Dated: November 28, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00-30806 Filed 12-1-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6911-2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Spark-Ignition Marine Engine Application for Emission Certification and, Participation in the Averaging, Banking, and Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Spark-Ignition Marine Engine Application for Emission Certification and Participation in the Averaging, Banking, and Trading Program, OMB Control Number 2060-0321, expiration date December 31, 2000. The ICR describes the nature of the information collection and its expected burden and cost and, where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 3, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1722.03 and OMB Control No. 2060-0321, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260-2740, by E-mail at

Farmer.sandy@epamail.epa.gov, or download from the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1722.03. For technical questions about the ICR contact: William Rutledge

in the Certification and Compliance Division of the Office of Transportation and Air Quality; telephone (202) 564-9297, email address rutledge.william@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Spark-Ignition Marine Engine Application for Emission Certification and Participation in the Averaging, Banking, and Trading Program OMB Control Number 2060-0321, EPA ICR No. 1722.03, expiring December 31, 2000. This is a request for extension of a currently approved collection.

Abstract: Under Title II of the Clean Air Act (42 U.S.C. 7521 *et seq.*; CAA), EPA is charged with issuing certificates of conformity for certain spark-ignition engines used to propel marine vessels that comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system and engine emission test data. This information is organized by "engine family" groups expected to have similar emission characteristics. To comply with the corporate average emission standard, manufacturers must use the Averaging, Banking and Trading Program (AB&T) and must submit information regarding the calculation, actual generation and usage of emission credits in an initial report, end-of-the-year report, and final report. These reports are used for engine family certification, that is, to insure pre-production compliance with emissions requirements, and enforcement purposes. There are also record-keeping requirements. Manufacturers must maintain records for eight years on the engine families included in the program.

This information is collected by the Engine Programs Group (EPG), Certification and Compliance Division (CCD), Office of Transportation and Air Quality, U.S. Environmental Protection Agency, to provide assurance of compliance with certain minimal requirements for certification. Besides CCD, this information could be used by EPA's Office of Enforcement and Compliance Assurance (OECA) and the Department of Justice for enforcement purposes. Information that is not confidential business information (CBI) is also disclosed in a public database and through EPA's Internet web site. It is used by trade associations, environmental groups, and the public. The information is usually submitted in

an electronic format, and it is stored in CCD's certification database.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on August 31, 2000 (65 FR 53005). No comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 152 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities

Respondents/Affected Entities: Engine manufacturers (SIC 3519).

Estimated Number of Respondents: 10.

Frequency of Response: On occasion and annually.

Estimated Total Annual Hour Burden: 38,647 hours.

Estimated Total Annualized Capital, O&M Cost Burden: \$1,881.80.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1722.03 and OMB Control No. 2060-0321 in any correspondence.

Dated: November 28, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00-30808 Filed 12-1-00; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6911-1]

Notice of Availability of Guidance for Controlling Nonpoint Source Pollution From Marinas and Recreational Boating and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has developed and is requesting comments on draft technical guidance for managing sources of nonpoint pollution at marinas and recreational boating facilities. This guidance is intended to provide technical assistance to state program managers and others on the best available, economically achievable means of reducing nonpoint pollution of surface and ground water from marinas and recreational boating activity. The guidance provides background information about nonpoint source pollution, where it comes from, and how it enters the nation's waters; discusses the broad concepts of assessing and addressing water quality problems on a watershed level; and presents up-to-date technical information about how to prevent and reduce nonpoint source pollution from marinas and recreational boating.

Reviewers should note that the draft technical guidance is entirely consistent with the Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, which EPA published in January 1993 under section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). The draft document does not supplant or replace the requirements of the 1993 document. It enhances the technical information contained in the 1993 coastal guidance to include inland as well as coastal context and to provide updated technical information based on current understanding and implementation of best management practices. It does not set new or additional standards for either CZARA section 6217 or Clean Water Act section 319 programs.

EPA will consider comments on this draft guidance and will then publish final guidance.

DATES: Written comments must be postmarked no later than March 5, 2001.

ADDRESSES: Comments may be addressed to Edwin F. Drabkowski, Assessments and Watershed Protection Division (4503-F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460;

or electronically mailed to drabkowski.ed@epa.gov.

FOR FURTHER INFORMATION CONTACT:

Persons requesting additional information or a complete draft of the document should contact Ed Drabkowski at (202) 260-7009; drabkowski.ed@epa.gov; or the U.S. Environmental Protection Agency (4503-F), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The complete text of the draft guidance is also available on EPA's Internet site on the Nonpoint Source Control Branch homepage <<http://www.epa.gov/owow/nps/new.html>>.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, state, territory, and tribal water quality assessments have identified nonpoint source (NPS) pollution as the most significant cause of degradation in surveyed waters nationwide. In 1987, Congress enacted section 319 of the Clean Water Act to establish a national program to control nonpoint sources of water pollution. Under section 319, states, territories, and tribes address NPS pollution by assessing the NPS pollution problems within the state, territory, or tribal lands, identifying the sources of pollution, and implementing management programs to control the NPS pollution. Section 319 also authorizes EPA to award grants to states and tribes to assist them in implementing management programs which have been approved by EPA. Program implementation includes non-regulatory and regulatory programs, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects. In fiscal year 2000, Congress appropriated and EPA awarded \$200 million dollars for nonpoint source management program grants. EPA has awarded a total of \$1 billion under section 319 to states, territories, and Indian tribes since 1990.

In 1993, under the authority of section 6217(g) of the Coastal Zone Act Reauthorization Amendments, EPA issued Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (EPA840-B-92-002). That guidance document details management measures appropriate for the control of five sources of nonpoint pollution in the coastal zone: agriculture, forestry, urban areas, marinas and recreational boating, and hydromodification. The document also includes management measures for wetlands, riparian areas, and vegetated treatment systems, as they are important

to the abatement of nonpoint source pollution in coastal waters. State and territory Coastal Nonpoint Pollution Control Programs were required to adopt measures "in conformity" with the coastal management measures guidance.

The 1993 management measures guidance focused on conditions and examples of management measure implementation for the coastal zone. To date, technical guidance on the best available, economically achievable measures for controlling nonpoint sources with a national scope has not been released. The draft national management measures guidance is intended to address this gap. While the practices detailed in the 1993 guidance generally apply to inland waters, EPA has recognized the utility of developing and publishing a technical guidance document that explicitly addresses nonpoint source pollution on a nationwide basis. Moreover, additional data and examples from inland marinas and recreational boating facilities are available to enrich the national guidance. These additional data have helped to prompt the revision and expansion of the marinas and recreational boating chapter of the 1993 guidance.

**II. Scope of the Draft Guidance—
Sources of Marinas and Recreational Boating Nonpoint Pollution Addressed**

The draft technical guidance continues to focus on the most significant potential sources of pollution from marinas and recreational boating which were originally identified in the 1993 coastal guidance by EPA in consultation with a number of other federal agencies and leading national experts, including several experts from national marina associations and state Sea Grant Universities. Specifically, the guidance provides management measures for the following:

1. Marina flushing;
2. Water quality assessment;
3. Habitat assessment;
4. Shoreline stabilization;
5. Storm water runoff;
6. Fueling station design;
7. Petroleum control;
8. Liquid material management;
9. Solid waste management;
10. Fish waste management;
11. Sewage facility management
12. Maintenance of sewage facilities;
13. Boat cleaning;
14. Boat operation; and
15. Public education.

III. Approach Used to Develop Guidance

The draft national management measures guidance is based in large part

on the 1993 coastal guidance. The 1993 coastal guidance was developed using a workgroup approach to draw upon technical expertise within other federal agencies as well as state water quality and coastal zone management agencies.

The 1993 text has been expanded to include more information on marinas and recreational boating management practices, including boat launching ramps. The draft guidance also incorporates examples and data from inland marinas in addition to improving the coverage of unique coastal environments. The document expands the information on operations and the costs of management measures at marina facilities.

None of the management measures from the 1993 document has been altered in substance. However, some editing was done on the management measure for shoreline stabilization and the order of some measures were rearranged.

IV. Request for Comments

EPA is soliciting comments on the draft guidance on management measures to control sources of nonpoint pollution at marinas and recreational boating facilities. The Agency is soliciting additional information and supporting data on the measures specified in this guidance and on additional measures that may be as effective or more effective in controlling nonpoint source pollution at marinas and recreational boating facilities.

Dated: November 22, 2000.

J. Charles Fox,

Assistant Administrator, Office of Water.

[FR Doc. 00-30805 Filed 12-1-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6911-5]

Notice of Request for Comments on State, Regulated Community, and Small Business Cost Resulting From the TMDL Program

AGENCY: Environmental Protection Agency.

ACTION: Notice for solicitation of comments.

SUMMARY: The Environmental Protection Agency (EPA) is soliciting comments on State resources required for development and implementation of Total Maximum Daily Loads (TMDLs), estimated annual costs to the regulated community, and estimated costs to small businesses resulting from

regulatory changes to the TMDL program. Under the Clean Water Act (CWA), States establish water quality standards for water bodies. The CWA provides a range of mechanisms to support the attainment and maintenance of these standards (e.g. discharge permits, financial assistance, etc.). A TMDL is a mechanism for determining a cost-effective combination of steps that will result in a polluted water body being restored and attaining water quality standards. Congressional Committee Reports accompanying EPA's appropriation for fiscal year 2001 direct EPA to conduct a comprehensive assessment of State and regulated community costs related to TMDLs, to solicit comments from the States and general public on these costs, and to present the results of the study to Congress within 120 days of the signing of the appropriation bill. The information submitted in response to this notice will be used by EPA in the development of the report that EPA must send to the Congress.

DATES: EPA will consider all comments received on or before 11:59 p.m. (Eastern time) January 3, 2001. Comments received after this time may be reviewed at EPA's discretion.

ADDRESSES: Please send electronic mail to ow-docket@epa.gov. Please send mailed comments to: W-00-31 Comment Clerk, Water Docket (MC 4101); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW; Washington, DC 20460. Overnight delivery or hand delivery should be delivered to EPA's Water Docket at 401 M Street, SW; Room EB57; Washington, DC, 20460. Please see **SUPPLEMENTARY INFORMATION** for other information about comments.

FOR FURTHER INFORMATION CONTACT: Michael Haire by phone at (202) 260-2734 or e-mail at Haire.Michael@epa.gov.

SUPPLEMENTARY INFORMATION:

What Does the Appropriation Bill Require?

On October 27, 2000, the President signed EPA's appropriation bill for fiscal year 2001. The Committee Reports for that bill require EPA to conduct three assessments related to TMDLs, one of which pertains to costs to States and the regulated community. The Conference Committee Report, House Report 106-988 (H.R. 4635), states:

... Further, EPA is directed to conduct a comprehensive assessment of the potential State resources which will be required for the development and implementation of TMDLs and present the results of the study to Congress within 120 days of enactment of

this Act. In conducting this cost assessment, EPA must, in addition to direction included in Senate Report 106-410, provide an estimate of the annual costs to the regulated community in both the private and public sectors; address concerns regarding the economic analysis performed by the Administrator on regulatory changes to the TMDL program that were identified by the Comptroller General in a June 21, 2000, report; and estimate the costs to small businesses that would result from regulatory changes to the TMDL program. In conducting these analyses, the Administrator shall solicit comment from the Comptroller General, each State, and the public regarding the Agency's assessment.

The Senate Committee Report, Senate Report 106-410, states:

TMDLs Cost Assessment.—To obtain better cost information, the Committee directs EPA to conduct a comprehensive assessment of the potential State resources which will be required for the development and implementation of TMDLs and present the results of this study to Congress within 120 days of enactment of this Act. At a minimum, the report should (1) identify any expected increase in State personnel needed to develop and implement 40,000 TMDLs; (2) specify additional data collection activities to make listing decisions; (3) identify the cost of conducting the needed studies to collect high quality data on the current loads from sources (point and nonpoint sources) of a pollutant on 303(d) listed waters slated for TMDL development; and (4) provide an estimate of the annual costs to the private sector due to TMDL implementation and related costs.

What Is the Purpose of This Notice?

As required by the Congress, EPA is in the process of developing the assessment of State costs in developing and implementing TMDLs, regulated community costs resulting from TMDLs, and costs to small businesses that will result from the July 2000 regulatory changes to the TMDL program. (See 65 FR 43585-43670, July 13, 2000, which is available at <http://www.epa.gov/owow/tmdl/july2000.html>.) EPA will also address the concerns expressed by the Comptroller General on EPA's costs assessment for the July 2000 rule. The Comptroller General's comments can be found on the Internet at <http://www.gao.gov/cgi-bin/getrpt?GAO/RCED-00-206R>.

EPA solicits information on the topics (above) that EPA is addressing. In particular, EPA is looking for comments and information on:

- the costs to States and Territories for developing and implementing TMDLs; including any savings that may be associated with use of a TMDL to achieve the water quality goals of the CWA, as opposed to other provisions of the Act, and the potential need for additional information to assess current loads. You may want to view EPA's

assessment model for State costs under the current TMDL program at <http://www.asiwpca.org/policy/index.htm#WQ>;

- the costs to the regulated community in both the private and public sectors for complying with TMDLs, including any savings that may result from more cost-effective pollution control approaches developed through the TMDL process (e.g. use of more cost-effective control mechanisms, coordination of program requirements and time lines for a water body, and integration of pollution control planning for multiple water bodies with common pollution problems);

- the costs to small businesses that would result from the July 2000 regulatory changes to the TMDL program. You may want to review EPA's assessment of the potential affect of this rule on small businesses. (See 65 FR 43654-43656, July 13, 2000, which is available at <http://www.epa.gov/owow/tmdl/july2000.html>);

- the concerns expressed by the Comptroller General on EPA's costs assessment for the July 2000 rule. You may want to review EPA's assessment of these costs in EPA's docket W-98-31 located at the Water Docket, Room EB57, 401 M Street, SW, Washington, DC; and

- any additional data collection efforts you believe are required by the July 2000 regulation to make listing decisions.

Due to the need to conduct and submit the assessments within 120 days, and the requirement to solicit comments, EPA has decided to request comments early in the process of developing the assessments. EPA believes, given the short time allowed to submit the report and the significant information now available, that this process provides an opportunity for the public to submit information that EPA will consider in the drafting of the report, and thus will lead to a better report.

How Can You Submit Comments?

You may submit comments by mail, e-mail, or delivered by hand to the addresses shown in the **ADDRESS** section of this notice. EPA will not accept facsimiles (faxes). If you mail or hand deliver comments, please send an original and three copies of your comments and enclosures (including references). If you want receipt of your comments acknowledged, you must include a self-addressed, stamped envelope.

You may also submit your comments by sending an e-mail to ow-docket@epa.gov or by disk. If you do, you must submit electronic comments as an ASCII file, or a WordPerfect 5.1, WordPerfect 6.1, or WordPerfect 8 file avoiding the use of special characters and any form on encryption, and identify these comments by the docket number "W-00-31" on the subject line. You may file electronic comments on

this notice at many Federal Depository Libraries. You should not send confidential business information by e-mail.

The information received in response to this notice will be filed under docket number W-00-31, and includes referenced documents as well as printed, paper versions of electronic comments. The record is available for inspection from 9 to 4 p.m., Monday through Friday, excluding legal holidays at the Water Docket, EB57, U.S. Environmental Protection Agency Headquarters, 401 M., Washington, DC. For access to docket materials, please call (202) 260-3027 to schedule an appointment.

Dated: November 28, 2000.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 00-30908 Filed 12-1-00; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested.

November 20, 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 3, 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, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060-0032.

Title: Application for Consent to Transfer Control of Entity Holding Broadcast Station License Construction Permit or License.

Form No.: FCC 315.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 1,591.

Estimated Hours Per Response: 12-48 hours (the burden hour time and contracting time varies depending on the type of application filed).

Frequency of Response: on occasion.

Cost to Respondents: \$12,236,878.

Estimated Total Annual Burden: 2,546.

Needs and Uses: FCC Form 315 and applicable exhibits/explanations are required to be filed when applying for transfer of control of a corporation holding an AM, FM or TV broadcast station construction permit or license. In addition, the applicant must notify the Commission when an approved transfer of control of a broadcast station construction permit or license has been consummated.

This collection also includes the third party disclosure requirement of Section 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for transfer of control of license/permit. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be placed in the public inspection file along with the application. Additionally, an applicant for transfer of control of license must broadcast the same notice over the station at least once daily on four days in the second week immediately following the tendering for filing of the application.

On April 4, 2000, the Commission adopted a Report and Order in MM Docket No. 95-31 in the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants. This Report and Order adopted new procedures to select among competing applicants for noncommercial educational (NCE) broadcast channels. The new procedure will use points to compare objective characteristics whenever there are competing applications for full-service radio or television channels reserved for NCE use. The new procedure established a four-year holding period of on-air operations for licenses approved as a result of evaluation in a point system. The FCC 315 has been revised to reflect the new policy and to require stations authorized under the point system who have not operated for a four-year period to submit with their applications an exhibit demonstrating compliance with Section 73.7005.

The data is used by FCC staff to determine whether the applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

OMB Approval No.: 3060-0031.

Title: Application for Consent to Assignment of Broadcast License Construction Permit or License.

Form No.: FCC 314.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 1,591.

Estimated Hours Per Response: 12-48 hours (the burden hour time and contracting time varies depending on the type of application filed).

Frequency of Response: on occasion.

Cost to Respondents: \$12,236,878.

Estimated Total Annual Burden: 2,546.

Needs and Uses: FCC Form 314 and applicable exhibits/explanations are required to be filed when applying for consent for assignment of an AM, FM or TV broadcast station construction permit or license, along with applicable exhibits and explanations. In addition, the applicant must notify the Commission when an approved assignment of a broadcast station construction permit or license has been consummated.

This collection also includes the third party disclosure requirement of Section 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the

application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be placed in the public inspection file along with the application. Additionally, an applicant for assignment of license must broadcast the same notice over the station at least once daily on four days in the second week immediately following the tendering for filing of the application.

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The data is used by FCC staff to determine whether the applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 00-30802 Filed 12-01-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-00-35-E (Auction No. 35); DA 00-2259]

Notice and Filing Requirements for 422 Licenses in the C and F Block Broadband PCS Spectrum Auction Minimum Opening Bids, Upfront Payments and Other Procedural Issues For Final Auction Inventory

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids

for the upcoming auction of broadband Personal Communications Services (PCS) spectrum and also provides the final inventory of licenses to be made available for this auction; we will not add to this inventory for the December 12, 2000, auction.

DATES: Auction No. 35 is scheduled for December 12, 2000.

FOR FURTHER INFORMATION CONTACT: Auctions and Industry Analysis Division: Audrey Bashkin, Legal Branch, or Craig Bomberger, Auctions Operations Branch, at (202) 418-0660; Lisa Stover, Auctions Operations Branch, at (717) 338-2888. Commercial Wireless Division: Gary Oshinsky, Policy and Rules Branch, at (202) 418-7167 or JoAnn Epps, Licensing and Technical Analysis Branch, at (202) 418-0620. Media Contact: Meribeth McCarrick at (202) 418-0654.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released October 5, 2000. The complete text of the public notice, including Attachments A through I, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, D.C. 20036, (202) 857-3800. It is also available on the Commission's web site at <http://www.fcc.gov>.

List of Attachments available at the FCC:

- Attachment A..... Upfront Payments and Minimum Opening Bids for Auction No. 35
- Attachment B..... FCC Auction Seminar Registration Form Auction No. 35
- Attachment C..... Electronic Filing and Review of the FCC Form 175
- Attachment D..... Guidelines for Completion of FCC Form 175 and Exhibits
- Attachment E..... Auction-Specific Instructions for FCC Remittance Advice (FCC Form 159-July 1997 edition)
- Attachment F..... FCC Bidding Preference/Remote Software Order Form Auction No. 35
- Attachment G..... Bid Increments and Exponential Smoothing
- Attachment H..... Accessing the FCC Network to File FCC Form 175
- Attachment I..... Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing Application of the Anti-Collusion Rules

I. General Information

A. Introduction

1. By this public notice, the Wireless Telecommunications Bureau ("Bureau") announces the procedures and minimum opening bids for the upcoming auction of broadband Personal Communications Services (PCS) spectrum in the C and F blocks (Auction No. 35) scheduled for December 12, 2000. The public notice also provides the final inventory of licenses to be made available for this auction; we will not add to this inventory for the December 12, 2000, auction.

2. On March 3, 2000, in accordance with the Balanced Budget Act of 1997, the Bureau released the *Auction No. 35 Public Notice* seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 35. After the August 29, 2000 release of the *C/F Block Sixth Report and Order*, 65 FR 53624 (September 5, 2000), the Bureau released the *Auction No. 35 Comment Public Notice*, 65 FR 55243 (September 13, 2000) on September 6, 2000, revising the list of licenses available and again seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 35. The Bureau received seven comments and two reply comments in response to the *Auction No. 35 Public Notice*, and three comments and two reply comments in response to the *Auction No. 35 Comment Public Notice*.

i. Background of Proceeding

3. Auction No. 35 will be the fourth auction of C block spectrum and the third auction of F block spectrum. In the past, these spectrum blocks were designated by the Commission as "entrepreneurs' blocks," meaning that participation in auctions of C and F block licenses was limited to entities qualifying under the Commission's rules as entrepreneurs. The initial C block licenses were awarded through two auctions, Auction No. 5, which ended on May 6, 1996, and Auction No. 10, which concluded on July 16, 1996. Auction No. 11, the initial F block auction, ended on January 14, 1997, and also included D and E block licenses. Auction No. 22, which concluded on April 15, 1999, made available C, E, and F block licenses that had been returned to, or reclaimed by, the Commission.

4. On August 29, 2000, the Commission released the *C/F Block Sixth Report and Order*, revising the service and auction rules for auction of C and F block PCS licenses. The Commission decided to reconfigure

each 30 MHz C block license available in Auction No. 35 and other future broadband PCS auctions into three 10 MHz C block licenses. The Commission also divided Basic Trading Areas ("BTAs") into two tiers according to the population size, with Tier 1 comprising markets with population at or above 2.5 million, based on 1990 census figures, and Tier 2 comprising the remaining markets. The Commission decided that some licenses would be available to all bidders in "open" bidding, while other licenses would be available only to entrepreneurs in "closed" bidding. The Commission established open bidding for all C and F block licenses available but unsold in Auction No. 22 or any subsequent auction. The Commission also established open bidding for the following licenses: two of the three

reconfigured 10 MHz C block licenses in Tier 1, one of the three reconfigured 10 MHz C block licenses in Tier 2, the 15 MHz C block licenses in Tier 1, and all F block licenses (Tier 1 and Tier 2). The Commission established small and very small business bidding credits of 15 percent and 25 percent, respectively, for licenses won in open bidding and eliminated bidding credits for licenses won in closed bidding. Additionally, the Commission removed from its rules the § 24.710 license cap, which had prohibited an applicant from winning more than 98 of the licenses available in the C and F blocks. Finally, the Commission decided that the Commercial Mobile Radio Services spectrum cap would continue to apply to C and F block licenses, including those won in Auction No. 35.

ii. Licenses to Be Auctioned

5. The 422 licenses available in Auction No. 35 cover 195 various BTAs and consist of 312 C block 10 MHz licenses, 43 C block 15 MHz licenses, and 67 F block 10 MHz licenses. As stated, the BTAs are divided into two tiers according to the population size, with Tier 1 comprising markets with population at or above 2.5 million, and Tier 2 comprising the remaining markets. There will be 252 licenses open to all bidders in "open" bidding, while 170 licenses will only be available to entrepreneurs in "closed" bidding.

6. The following table contains the Block/Eligibility Status/Frequency Cross-Reference List for Auction No. 35:

Channel block	Eligibility status		Bandwidth (MHz)	Frequencies
	Tier 1	Tier 2		
C1	[Open]	Closed	15	1902.5–1910, 1982.5–1990
C2	[Open]	Closed*	15	1895–1902.5, 1975–1982.5
C3	Closed*	Closed*	10	1895–1900, 1975–1980
C4	Open	Closed*	10	1900–1905, 1980–1985
C5	Open	Open	10	1905–1910, 1985–1990
F	Open	Open	10	1890–1895, 1970–1975

Note: Brackets indicate that no licenses of the particular tier/channel block combination will be available in Auction No. 35. *The entrepreneur eligibility restriction does not apply to licenses that were available but unsold in Auction No. 22. Tier 2 C2 licenses are classified as closed, but all of the C2 licenses available in Auction No. 35 were available but unsold in Auction No. 22 and are therefore open to all bidders. Certain C block licenses were also available but unsold in Auction No. 22 (as 30 MHz licenses), and the corresponding C3 and C4 licenses are therefore open to all bidders.

7. A complete list of licenses available for Auction No. 35 is included as Attachment A of the Public Notice. The attachment specifies the eligibility status of each license.

8. AT&T proposes switching the eligibility status of the C3 and C5 blocks, thereby making all of the C3 licenses open to all bidders. AT&T argues that the C3 block should be open rather than the C5 block, because that would afford AT&T and other bidders the opportunity to obtain 20 MHz of contiguous spectrum. We note that granting AT&T's request would be contrary to the Commission's recently adopted rules on the location of open and closed blocks of C block spectrum. As the Commission indicated in the *C/F Block Sixth Report and Order*, it placed the closed band(s) next to the F block spectrum in order that entrepreneurs aggregating newly acquired closed 10 MHz C block licenses with F block licenses might enjoy reduced base station facilities costs and simplified maintenance requirements. Accordingly, we will not make the change requested by AT&T.

B. Rules and Disclaimers

i. Relevant Authority

9. Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to Broadband PCS, contained in title 47, part 24, of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1, of the Code of Federal Regulations.

10. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, "Terms") contained in this public notice; the *Auction No. 35 Comment Public Notice*; the *C/F Block Sixth Report and Order*; the *Part 1 Fifth Report and Order*, 65 FR 52323 (August 29, 2000); the *C Block Second Report and Order*, 62 FR 55348 (October 24, 1997); the *C Block Reconsideration Order*, 63 FR 17111 (April 8, 1998); the *C Block Fourth Report and Order*, 63 FR 50791 (September 23, 1998); part 24, subparts A, B, C, E, H, and I, of the Commission's Rules concerning broadband PCS; and part 1, subpart Q, of the Commission's Rules concerning competitive bidding proceedings.

11. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission rules and with all, public notices and pronouncements, including orders on delegated authority or by the Commission relevant to one or more of the licenses or otherwise pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp at <ftp://fcc.gov> or the FCC Auctions World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee, by calling the Commission's copy contractor, International Transcription Service, Inc. ("ITS"), at (202) 314-3070. When ordering documents from ITS, please provide the appropriate FCC number (for example, FCC 00-313 for the *C/F Block Sixth Report and Order*). See also Due Diligence section.

ii. Prohibition of Collusion

12. To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins at the short-form application filing deadline and ends at the down payment deadline after the auction. Bidders competing for licenses in the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he or she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm), a violation could similarly occur. In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.

13. However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted. In Auction No. 35, for example, the rule would apply to any applicants bidding for the same BTA. Therefore, applicants that apply to bid for any license in a BTA would be precluded from communicating after filing the FCC Form 175 short-form application with any other applicant for a license in the same BTA. However, applicants may enter into bidding agreements *before* filing their FCC Form 175, as long as they disclose the existence of the agreement(s) in their FCC Form 175. If parties agree in principle on all material terms prior to the short-form filing deadline, those parties must be identified on the short-form application under § 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for the same geographic license areas. By signing their FCC Form 175 short-form

applications, applicants are certifying their compliance with § 1.2105(c). In addition, § 1.65 of the Commission's rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus, § 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules immediately upon learning of such violation.

14. A summary listing of documents from the Commission and the Bureau addressing the application of the anti-collusion rules may be found in Attachment I of the Public Notice.

iii. Due Diligence

15. Potential bidders are reminded that private and common carrier fixed microwave services ("FMS") operating in the 1850–1990 MHz band (and other bands) are being relocated to available frequencies in higher bands or to other media. Bidders should become familiar with the status of FMS operation and relocation, and applicable Commission rules and orders, in order to make a reasoned, appropriate decision about their participation in Auction No. 35 and their bidding strategy.

16. Potential bidders and interested parties should be aware that various proceedings that may relate to the licenses available in Auction No. 35 may be pending or subject to further administrative review before the Commission, including, for example, waiver requests, petitions for reconsideration, and applications for review. In addition, certain judicial proceedings that may relate to the licenses available in Auction No. 35 are pending or may be subject to further review. Resolution of these matters could have an effect on the availability of spectrum included in Auction No. 35, and the auction is subject to such matters. Some of these matters (whether before the Commission or the courts) may not be resolved by the time of the auction. The Commission will continue to act on matters before it, but it makes no representations as to the resolution of judicial proceedings. Potential bidders are solely responsible for identifying associated risks, and investigating and evaluating the degree to which such matters may affect their ability to bid on or otherwise acquire licenses in Auction No. 35.

17. Potential bidders may obtain information about licenses available in Auction No. 35 through the Bureau's licensing databases on the World Wide

Web at <http://www.fcc.gov/wtb/uls>. Potential bidders should direct questions regarding the search capabilities to the FCC Technical Support hotline at (202) 414–1250 (voice) or (202) 414–1255 (TTY), or via e-mail at ulscomm@fcc.gov. The hotline is available to assist with questions Monday through Friday, from 7:00 AM to 10:00 PM ET, Saturday, 8:00 AM to 7:00 PM ET, and Sunday, 12:00 noon to 6:00 PM ET. In order to provide better service to the public, *all calls to the hotline are recorded*. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems.

18. Further, potential bidders are strongly encouraged to physically inspect any sites located in, or near, the geographic area for which they plan to bid.

19. Finally, potential bidders are strongly encouraged to make periodic, and continuing, inquiries to the Office of the Secretary and other available sources regarding any proceedings that are, or may be, pending with respect to the licenses available in Auction No. 35.

iv. Clarification of Payment Issue Relating to Licenses Subject to Pending Proceedings

20. As noted, potential bidders should be aware that certain of the licenses included in Auction No. 35 are or may become the subject of Commission or judicial proceedings initiated by parties claiming to have continuing interests in the licenses, despite their failure to meet payment obligations. This public notice clarifies that the Commission will return the payments made by winning bidders of licenses in Auction No. 35 in the event that such bidders are subsequently required to surrender licenses won to prior applicants or license holders as a result of final determinations reached in pending proceedings. The Commission, however, will not pay interest on the returned payments, as it lacks legal authority to do so.

21. Including contested licenses in the auction helps to fulfill the Commission's statutory mandate to hasten the development and deployment of new technologies and services and to promote competition for the benefit of the public. Returning payments to winning bidders if licenses won are later determined to be unavailable due to subsequent resolution of other proceedings furthers these vital public interest goals by reducing uncertainty in the licensing process and encouraging auction

participants to bid on licenses regardless of whether they are subject to pending proceedings. Retaining payments under the circumstances could have a chilling effect on participation in Auction No. 35 and would therefore undermine our efforts to encourage more efficient use of the spectrum. We note that winning bidders of licenses subject to pending proceedings are still required to meet the normal payment and construction schedules established by the Commission.

v. Bidder Alerts

22. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially, and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

23. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that a FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. A FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does a FCC license constitute a guarantee of business success. Applicants and interested parties should perform their own due diligence before proceeding, as they would with any new business venture.

24. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 35 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a "cold call" from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example, by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of investment is less than \$25,000.
- The sales representative makes verbal representations that: (a) the

Internal Revenue Service ("IRS"), Federal Trade Commission ("FTC"), Securities and Exchange Commission ("SEC"), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

25. Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals regarding Auction No. 35 may also call the FCC Consumer Center at (888) CALL-FCC ((888) 225-5322).

vi. National Environmental Policy Act ("NEPA") Requirements

26. Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and the licensee must comply with the Commission's NEPA rules for each such facility. The Commission's NEPA rules require, among other things, that the licensee consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). The licensee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. The licensee must also prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

C. Auction Specifics

i. Auction Date

27. The auction will begin on Tuesday, December 12, 2000. The initial schedule for bidding will be announced by public notice at least one week before

the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

28. In response to comments received, the Commission announces that bidding for Auction No. 35 will be temporarily suspended during the holidays. Beginning Friday, December 22, 2000 through Wednesday, January 3, 2001, no bidding will be conducted. Bidding will resume on Thursday, January 4, 2001.

ii. Auction Title

29. Auction No. 35—C and F Block Broadband PCS

iii. Bidding Methodology

30. The bidding methodology for Auction No. 35 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

iv. Pre-Auction Dates and Deadlines

31. The following are important events and deadlines related to Auction No. 35:

Auction Seminar: October 20, 2000.
Short-Form Application (FCC FORM 175): November 6, 2000; 6:00 p.m. ET.
Upfront Payments (via wire transfer): November 27, 2000; 6:00 p.m. ET.
Orders for Remote Bidding Software: November 28, 2000; 6:00 p.m. ET.
Mock Auction: December 8, 2000.
Auction Begins: December 12, 2000.

v. Requirements For Participation

32. Those wishing to participate in the auction must:

- Submit a short-form application (FCC Form 175) electronically by 6:00 p.m. ET, November 6, 2000.
- Submit a sufficient upfront payment and a FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET, November 27, 2000.
- Comply with all provisions outlined in this public notice.

vi. General Contact Information

33. The following is a list of general contact information relating to Auction No. 35:

General Auction Information

General Auction Questions
Seminar Registration
Orders for Remote Bidding Software
FCC Auctions Hotline, (888) 225-5322, Press Option #2, or direct (717) 338-2888, Hours of service: 8 a.m.—5:30 p.m. ET.

Auction Legal Information

Auction Rules, Policies, Regulations

Auctions and Industry Analysis
Division, Legal Branch (202) 418-0660.

Licensing Information

Rules, Policies, Regulations
Licensing Issues
Due Diligence
Incumbency Issues

Commercial Wireless Division, (202)
418-0620.

Technical Support

Electronic Filing Assistance
Software Downloading

FCC Auctions Technical Support
Hotline, (202) 414-1250 (Voice),
(202) 414-1255 (TTY).

Hours of service: Monday through
Friday 7 a.m. to 10:00 p.m. ET,
Saturday, 8:00 a.m. to 7:00 p.m.,
Sunday, 12:00 noon to 6:00 p.m.

Payment Information

Wire Transfers
Refunds

FCC Auctions Accounting Branch,
(202) 418-1995, (202) 418-2843
(Fax).

Telephonic Bidding

Will be furnished only to qualified
bidders.

FCC Copy Contractor

Additional Copies of Commission
Documents

International Transcription Services,
Inc., 445 12th Street, SW Room CY-
B400, Washington, DC 20554, (202)
314-3070.

Press Information

Meribeth McCarrick (202) 418-0654.

FCC Forms

(800) 418-3676 (outside Washington,
DC), (202) 418-3676 (in the
Washington Area) [http://
www.fcc.gov/formpage](http://www.fcc.gov/formpage).

FCC Internet Sites

<http://www.fcc.gov>; <http://ftp.fcc.gov>;
<http://www.fcc.gov/wtb/auctions>.

II. Short-Form (FCC Form 175) Application Requirements

34. Guidelines for completion of the short-form (FCC Form 175) are set forth in Attachment D of the Public Notice. The short-form application seeks the applicant's name and address, legal classification, status, small and very small business bidding credit eligibility, identification of the license(s) sought, the authorized bidders and contact persons. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise

qualified to hold a license and, as discussed in section II.E (Provisions Regarding Defaulters and Former Defaulters), that they are not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency.

A. Ownership Disclosure Requirements (FCC Form 175 Exhibit A)

35. All applicants must comply with the uniform part 1 ownership disclosure standards and provide information required by §§ 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing FCC Form 175, applicants will be required to file an "Exhibit A" providing a full and complete statement of the ownership of the bidding entity. The ownership disclosure standards for the short-form are set forth in § 1.2112 of the Commission's rules.

B. Consortia And Joint Bidding Arrangements (FCC Form 175 Exhibit B)

36. Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships, or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. See 47 CFR 1.2105(a)(2)(viii) and 1.2105(c)(1). Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular construction permits on which they will or will not bid. See 47 CFR 1.2105(a)(2)(ix). As discussed, if an applicant has had discussions, but has not reached a joint bidding agreement by the short-form deadline, it would not include the names of parties to the discussions on its applications and may not continue discussions with applicants for the same geographic license area(s) after the deadline. Where applicants have entered into consortia or joint bidding arrangements, applicants must submit an "Exhibit B" to the FCC Form 175.

37. A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same geographic license area provided that (i) the attributable interest holder certifies

that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies.

C. Eligibility

i. Eligibility for Closed Bidding (FCC Form 175 Exhibit C)

38. *General rule.* In order to be eligible to bid for one or more closed licenses, an applicant must show on Exhibit C that, as of the FCC Form 175 filing deadline, the applicant, its affiliates, persons or entities that hold interests in the applicant, and their affiliates, have combined total assets of less than \$500 million and have had combined gross revenues of less than \$125 million in each of the last two years. Applicants that can make this showing qualify as "entrepreneurs" for purposes of C and F block auctions. See § 24.709 of the Commission's Rules.

39. *Grandfather exception.* Qualified applicants that were eligible for and participated in Auction No. 5 or 10 may bid on closed C block licenses in any auction that begins on or before March 23, 2001, even if their total assets and gross revenues exceed the financial caps for auction participation as an entrepreneur. This exception does not extend to F block licenses.

ii. Small Business Bidding Credit Eligibility (FCC Form 175 Exhibit D)

40. Bidding credits are available to small and very small businesses, or consortia thereof, (as defined in 47 CFR 24.720(b)) that win licenses in open bidding. A bidding credit represents the amount by which a bidder's winning bids are discounted. The size of the bidding credit depends on the average annual gross revenues for the preceding three years of the bidder, together with its affiliates and controlling interests of the bidder and its affiliates:

- A bidder with average annual gross revenues of not more than \$40 million for the preceding three years ("small business") receives a 15 percent discount on its winning bids for C and F block licenses;

- A bidder with average annual gross revenues of not more than \$15 million for the preceding three years (“very small business”) receives a 25 percent discount on its winning bids for C and F block licenses.

41. Bidding credits are not cumulative; qualifying applicants receive either the 15 percent or the 25 percent bidding credit, but not both. No small and very small business bidding credits are provided for licenses subject to closed bidding.

iii. Tribal Land Bidding Credit

42. To encourage the growth of wireless services in federally recognized tribal lands the Commission has implemented a tribal land bidding credit. See Part V.C.

iv. Applicability of Part 1 Attribution Rules

43. *Controlling interest standard.* On August 14, 2000, the Commission released the *Part 1 Fifth Report and Order*, in which the Commission, *inter alia*, adopted a “controlling interest” standard for attributing to auction applicants the total assets and/or gross revenues of their investors and affiliates in determining entrepreneur and small business eligibility for future C and F block auctions. The Commission observed that the rule modifications adopted in the various part 1 orders would result in discrepancies and/or redundancies between certain of the new part 1 rules and existing service-specific rules, and the Commission delegated to the Bureau the authority to make conforming edits to the Code of Federal Regulations (CFR) consistent with the rules adopted in the part 1 proceeding. Time may not permit conforming edits to the part 24 C and F block rules to be made in advance of Auction No. 35; however, the part 1 rules that superseded inconsistent service-specific rules will control in Auction No. 35. *Accordingly, the “controlling interest” standard as set forth will be in effect for Auction No. 35, even if conforming edits to the CFR are not made prior to the auction.*

44. *Control.* The term “control” includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity’s voting stock evidences de jure control.* *De facto* control is determined on a case-by-case basis. The following are some common indicia of control:

- The entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- The entity has authority to appoint, promote, demote, and fire senior

executives that control the day-to-day activities of the licensee; or

- The entity plays an integral role in management decisions.

45. *Attribution for entrepreneur eligibility.* For purposes of determining which entities qualify as entrepreneurs for closed bidding, the Commission will consider the total assets and gross revenues of the applicant, its controlling interest holders, the affiliates of the applicant, and their controlling interest holders. The Commission does not impose specific equity requirements on parties with controlling interests. Once principals or entities with a controlling interest are determined, only the assets and revenues of those principals or entities, the applicant, and their affiliates will be counted in determining entrepreneur eligibility. Applicants for closed bidding in Auction No. 35 should not include existing C and F block licenses in their calculations of total assets; however, all other Commission licenses must be included in such calculations.

46. *Attribution for small and very small business eligibility.* Similarly, in determining which entities qualify as small or very small businesses, the Commission will consider the gross revenues of the applicant, its controlling interest holders, the affiliates of the applicant, and their controlling interest holders. As stated, the Commission does not impose specific equity requirements on controlling interest holders. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the applicant and their affiliates will be counted in determining small business eligibility.

47. A consortium of small or very small businesses is a “conglomerate organization formed as a joint venture between or among mutually independent business firms,” each of which *individually* must satisfy the definition of small or very small business in § 24.720(b). Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests’ affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

v. Application Showing

48. Applicants should note that they will be required to file supporting

documentation to their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify as entrepreneurs and/or small or very small businesses (or consortia of small or very small businesses) for this auction.

49. Applicants should further note that submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form’s instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

50. *Entrepreneur eligibility (Exhibit C).* Entities applying to bid on closed licenses will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate*, the gross revenues for the preceding two years and the total assets of each of the following: (i) the applicant, (ii) the applicant’s affiliates, (iii) the applicant’s controlling interest holders, and (iv) the affiliates of the applicant’s controlling interest holders. Certification that the gross revenues for each of the preceding two years or the total assets do not exceed the applicable limit is not sufficient. The applicant must provide separately for itself, its affiliates, its controlling interest holders, and their affiliates a schedule of gross revenues for *each* of the preceding two years. As stated, entities applying for closed bidding under the grandfather exception (47 CFR 24.709(b)(i)) need not meet the total assets and gross revenues limits of § 24.709(a) of the Commission’s rules. Applicants claiming auction eligibility under the grandfather exception should note the Commission’s clarification of this exception in the *C/F Block Sixth Report and Order*.

51. *Small and very small business eligibility (Exhibit D).* Entities applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit D to their FCC Form 175 short-form applications, *separately and in the aggregate*, the gross revenues for the preceding three years of each of the following: (i) the applicant, (ii) the applicant’s affiliates, (iii) the applicant’s controlling interest holders, and (iv) the affiliates of the applicant’s controlling interest holders. Certification that the average annual gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A

statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, its controlling interest holders, and their affiliates a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

D. Special C Block Eligibility Restriction Regarding Surrendered C Block Licenses

52. C block licensees that surrendered C block licenses pursuant to the disaggregation, prepayment, and/or amnesty/prepayment election options the Commission made available in the *C Block Second Report and Order*, as modified by the *C Block Reconsideration Order*, are ineligible to reacquire the spectrum represented by their surrendered licenses through auction participation, or by any other means, until March 23, 2001. This prohibition extends to qualifying members of the licensee's control group, and their affiliates. Licensees that surrendered licenses pursuant to the "pure amnesty" election option remain eligible to reacquire the spectrum represented by those surrendered licenses through auction participation or a secondary market transaction. Applicants that are prohibited from bidding on licenses representing previously surrendered spectrum, should not select "all markets" on their FCC Form 175 application if any of their surrendered spectrum is available in Auction No. 35.

E. Provisions Regarding Defaulters and Former Defaulters (FCC Form 175 Exhibit E)

53. Each applicant must certify on its FCC Form 175 application that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency. Applicants must include this statement as Exhibit E of the FCC Form 175. If any of an applicant's controlling interests holders or their affiliates, as defined by § 1.2110 of the Commission's rules (as recently amended in the *Part 1 Fifth Report and Order*) have ever been in default on any Commission license or have ever been

delinquent on any non-tax debt owed to any Federal agency, the applicant must include such information as part of the same attached statement. Prospective bidders are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

54. "Former defaulters"—*i.e.*, applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—are eligible to bid in Auction No. 35, provided that they are otherwise qualified. However, as discussed *infra* in section III.D.3, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

F. Transfer and Assignment Restrictions on Licenses Won in Closed Bidding

55. C or F block licenses won in closed bidding generally may be transferred or assigned only to an entity that meets the entrepreneur financial caps or that holds another C or F block license that it acquired while meeting the entrepreneur financial caps. This restriction ends five years after the date of the initial license grant or upon notification by the licensee that it has satisfied its five-year construction requirement under 47 CFR 24.203(c), whichever comes first. Licenses won in open bidding are not subject to this restriction and may be transferred or assigned any time after grant to any qualified entity.

G. Unjust Enrichment Payments

56. C or F block licensees that use a small or very small business bidding credit, and during the first five years of their license term seek to assign or transfer control of a license to an entity that does not meet the eligibility criteria for a small or very small business bidding credit, or that is eligible for a lower bidding credit, will have to reimburse the U.S. Government for a percentage of the amount of the bidding credit, plus interest.

57. In the *C/F Block Sixth Report and Order*, the Commission decided that licensees are not subject to bidding credit unjust enrichment payments for early transfer or assignment of licenses won in Auction No. 5 or No. 10. We

clarify that transfer or assignment of a license won in Auctions No. 11, 22, 35, or any other auction using a small or very small business bidding credit, will still be subject to any applicable bidding credit unjust enrichment payment under the Commission's rules.

H. Installment Payments

58. Installment payment plans will not be available in Auction No. 35.

I. Other Information (FCC Form 175 Exhibits F and G)

59. Applicants owned by minorities or women, as defined in 47 CFR 1.2110(c)(2), may attach an exhibit (Exhibit F) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of "designated entities" in its auctions. Applicants wishing to submit additional information may do so on Exhibit G (Miscellaneous Information) to the FCC Form 175.

J. Minor Modifications to Short-Form Applications (FCC Form 175)

60. After the short-form filing deadline (November 6, 2000), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections or proposed service areas, change the certifying official, or change control of the applicant or change bidding credits). See 47 CFR 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Louis Sigalos, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4-A668 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Audrey Bashkin of the Auctions and Industry Analysis Division at (202) 418-0660.

K. Maintaining Current Information in Short-Form Applications (FCC Form 175)

61. Applicants have an obligation under 47 CFR 1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications, as defined by 47 CFR

1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application.

III. Pre-auction Procedures

A. Auction Seminar

62. On Friday, October 20, 2000, the FCC will sponsor a free seminar for Auction No. 35 at the Federal Communications Commission, located at 445 12th Street, SW, Washington, DC. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the C and F block broadband PCS spectrum and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff.

B. Short-Form Application (FCC Form 175)—Due November 6, 2000

63. In order to be eligible to bid in this auction, applicants must first submit a FCC Form 175 application. This application must be submitted electronically and received at the Commission no later than 6:00 p.m. ET on November 6, 2000. Late applications will not be accepted.

64. There is no application fee required when filing a FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. See Part III.D.

i. Electronic Filing

65. Applicants must file their FCC Form 175 applications electronically. Applications may generally be filed at any time beginning at noon on October 20, 2000, until 6:00 p.m. ET on November 6, 2000. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline on November 6, 2000.

66. Applicants must press the "Submit Form 175" button on the "Submit" page of the electronic form to successfully submit their FCC Forms 175. Any form that is not submitted will not be reviewed by the FCC. Information about accessing the FCC Form 175 is included in Attachment C of the Public Notice. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service Monday through Friday, from 7:00 AM to 10:00 PM ET, Saturday, 8:00 AM to 7:00 PM ET, and Sunday, 12:00 noon to 6:00 PM ET. In order to provide better service to the public, *all calls to the hotline are recorded.*

ii. Completion of the FCC Form 175

67. Applicants should carefully review 47 CFR 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment D of the Public Notice. Applicants are encouraged to begin preparing the required attachments for FCC Form 175 prior to submitting the form. Attachments C and D to this public notice provide information on the required attachments and appropriate formats.

iii. Electronic Review of FCC Form 175

68. The FCC Form 175 electronic review software may be used to review and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any exhibits to their FCC Form 175 applications. There is no fee for accessing this system. See Attachment C of the Public Notice for details on accessing the review system.

C. Application Processing and Minor Corrections

69. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

70. As described more fully in the Commission's rules, after the November 6, 2000 short-form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (e.g., change their license selections, change the certifying official, change control of the applicant, or change bidding credit eligibility).

D. Upfront Payments—Due November 27, 2000

71. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by a FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an

electronic version of the FCC Form 159 that can be printed and faxed to Mellon Bank in Pittsburgh, PA. All upfront payments must be received at Mellon Bank by 6:00 p.m. ET on November 27, 2000.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 35 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the November 27, 2000, deadline will result in dismissal of the application and disqualification from participation in the auction.

i. Making Auction Payments by Wire Transfer

72. Wire transfer payments must be received by 6:00 p.m. ET on November 27, 2000. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261
 Receiving Bank: Mellon Pittsburgh
 BNF: FCC/AC 910-0198
 OBI Field: (Skip one space between each information item)
 "AUCTIONPAY"
 TAXPAYER IDENTIFICATION NO.:
 (same as FCC Form 159, block 26)
 PAYMENT TYPE CODE (enter "A35U")
 FCC CODE 1 (same as FCC Form 159, block 23A: "35")
 PAYER NAME (same as FCC Form 159, block 2)
 LOCKBOX NO. #358410

Note: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

73. Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 209-6045 or (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer—Auction Payment for Auction Event No. 35." Bidders should confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

ii. FCC Form 159

74. A completed FCC Remittance Advice Form (FCC Form 159) must be

faxed to Mellon Bank in order to accompany each upfront payment. Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment E of the Public Notice. An electronic version of the FCC Form 159 is available after filing the FCC Form 175. The FCC Form 159 can be completed electronically, but must be filed with Mellon Bank via facsimile.

iii. Amount of Upfront Payment

75. *In the Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, 62 FR 13570 (March 21, 1997), the Commission delegated to the Bureau the authority and discretion to determine an appropriate upfront payment for each license being auctioned. In addition, as required by the *Part 1 Fifth Report and Order*, the upfront payment amount for "former defaulters," *i.e.*, applicants that have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, will be fifty percent more than the normal amount required to be paid. In the *Auction No. 35 Comment Public Notice*, the Bureau proposed upfront payments for Auction No. 35. Specifically, the Bureau proposed upfront payments using the following formula:

Tier 1

- (1) 15 MHz licenses—2.5 % of most recent net high bid for C block licenses in same BTA
- (2) 10 MHz licenses—1.6 % of most recent net high bid for C block licenses in same BTA

Tier 2

- (1) 15 MHz licenses—1.25 % of most recent net high bid for C block licenses in same BTA
- (2) 10 MHz licenses—1.0 % of most recent net high bid for C block licenses in same BTA

We adopt the proposed formula for upfront payments (with clarification):

Tier 1

- (1) 15 MHz licenses—2.5 % of most recent net high bid for 30 MHz C block license in same BTA
- (2) 10 MHz licenses—1.6 % of most recent net high bid for 30 MHz C block license in same BTA

Tier 2

- (1) 15 MHz licenses—1.25 % of most recent net high bid for 30 MHz C block license in same BTA

- (2) 10 MHz licenses—1.0 % of most recent net high bid for 30 MHz C block license in same BTA

76. Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 35, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids at any given time.

77. In order to be able to place a bid on a license, in addition to being qualified for and having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

78. In calculating its upfront payment amount, an applicant should determine the *maximum* number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. In order to make this calculation, an applicant should add together the upfront payments for all licenses on which it seeks to bid in any given round. Bidders should check their calculations carefully, as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.

79. Former defaulters should calculate their upfront payment for all licenses by multiplying the number of bidding units they wish to purchase by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

Note: An applicant may, on its FCC Form 175, apply for every applicable license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.

iv. Applicant's Wire Transfer Information for Purposes of Refunds for Upfront Payments

80. The Commission will use wire transfers for all Auction No. 35 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed be supplied to the FCC. Applicants can provide the information electronically during the initial short-form filing window after the form has been submitted. Wire Transfer Instructions can also be manually faxed to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Tim Dates or Gail Glasser, at (202) 418-2843 by November 28, 2000. Should the payer fail to submit the requested information, the refund will be returned to the original payer. For additional information, please call (202) 418-1995.

Name of Bank
ABA Number
Contact and Phone Number
Account Number to Credit
Name of Account Holder
Correspondent Bank (if applicable)
ABA Number
Account Number
(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in Part V.F.

A. Auction Registration

81. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

82. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. These mailings will be sent only to the contact person at the contact address listed in the FCC Form 175.

83. Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Friday, December 8, 2000, should contact the Auctions Hotline at (717) 338-2888. Receipt of both registration mailings is

critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

84. Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing *in person* at the FCC Auction Headquarters located at 445 12th St., SW, Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes. Qualified bidders requiring replacement codes must call technical support prior to arriving at the FCC to arrange preparation of new codes.

B. Remote Electronic Bidding Software

85. Qualified bidders are allowed to bid electronically or telephonically. If choosing to bid electronically, each bidder must purchase its own copy of the remote electronic bidding software. Electronic bids will only be accepted from those applicants purchasing the software. However, the software may be copied by the applicant for use by its authorized bidders at different locations. The price of the FCC's remote bidding software is \$175.00 and must be ordered by Tuesday, November 28, 2000. For security purposes, the software is only mailed to the contact person at the contact address listed on the FCC Form 175. Please note that auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 35. If bidding telephonically, the telephonic bidding phone number will be supplied in the first Federal Express mailing of confidential login codes. Qualified bidders that do not purchase the software may only bid telephonically. To indicate your bidding preference, a FCC Bidding Preference/Remote Software Order Form can be accessed when submitting the FCC Form 175. Bidders should complete this form electronically, print it out, and fax to (717) 338-2850. A manual copy of this form is also included as Attachment F of the Public Notice.

C. Mock Auction

86. All qualified bidders will be eligible to participate in a mock auction on Friday, December 8, 2000. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly

recommended. Details will be announced by public notice.

IV. Auction Event

87. The first round of bidding for Auction No. 35 will begin on Tuesday, December 12, 2000. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

88. In the *Auction No. 35 Comment Public Notice*, we proposed to award all licenses in Auction No. 35 in a single, simultaneous multiple round auction. We received no comment on this issue. We conclude that it is operationally feasible and appropriate to auction the PCS licenses through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, we believe, allows bidders to take advantage of any synergies that exist among licenses and is most administratively efficient.

ii. Maximum Eligibility and Activity Rules

89. In the *Auction No. 35 Comment Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder.

90. For Auction No. 35 we will adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will be permitted to bid. As there is no provision for increasing a bidder's maximum eligibility during the course of an auction (as described under "Auction Stages" as set forth in Part IV.A.4), prospective bidders are cautioned to calculate their upfront payments carefully. The total upfront payment does not define the total dollars a bidder may bid on any given license.

91. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction,

rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

92. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round either if it is the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see "Minimum Accepted Bids" in Part IV.B.(iii)). The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions as set forth under "Auction Stages" in Part IV.A.4 and "Stage Transitions" in Part IV.A.v., we adopt them for Auction No. 35.

iii. Activity Rule Waivers and Reducing Eligibility

93. In the *Auction No. 35 Comment Public Notice*, we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the course of the auction.

94. Based upon our experience in previous auctions, we adopt our proposal that each bidder be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. We are satisfied that our practice of providing five waivers over the course of the auction provides a sufficient number of waivers and maximum flexibility to the bidders, while safeguarding the integrity of the auction.

95. The FCC automated auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing

eligibility, thereby meeting the minimum requirements.

96. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in "Auction Stages" (see Part IV.A.iv.). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

97. Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

iv. Auction Stages

98. In the *Auction No. 35 Comment Public Notice*, we proposed to conduct the auction in three stages and employ an activity rule. We further proposed that, in each round of Stage One, a bidder desiring to maintain its current eligibility would be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. In each round of Stage Two, a bidder desiring to maintain its current eligibility would be required to be active on at least 90 percent of its current bidding eligibility. Finally, we proposed that a bidder in Stage Three, in order to maintain eligibility, would be required to be active on 98 percent of its current bidding eligibility.

99. We conclude that the auction will be composed of three stages, which are each defined by an increasing activity rule. We will adopt our proposals for the activity rules. Listed are the activity levels for each stage of the auction. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

Stage One: During the first stage of the auction, a bidder desiring to maintain its current eligibility will be required to be active on licenses that represent at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One,

reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by five-fourths (5/4).

Stage Two: During the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage Two, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by ten-ninths (10/9).

Stage Three: During the third stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). In this stage, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by fifty-fortyninths (50/49).

Caution: Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding period of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding software's bidding module.

Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, we adopt them for Auction No. 35.

v. Stage Transitions

100. In the *Auction No. 35 Comment Public Notice*, we proposed that the auction would generally advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is below 10 percent for three consecutive rounds of bidding in each Stage. However, we further proposed that the Bureau would retain the discretion to change stages unilaterally

by announcement during the auction. This determination, we proposed, would be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue.

101. We adopt our proposal. Thus, the auction will start in Stage One. Under the FCC's general guidelines, the auction will start in Stage One and it will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on 10 percent or less of the licenses being auctioned (as measured in bidding units). However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We believe that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 35.

vi. Auction Stopping Rules

102. For Auction No. 35, the Bureau proposed to employ a simultaneous stopping rule. Under this rule, bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. After the first such round, bidding closes simultaneously on all licenses.

103. The Bureau also proposed a modified version of the simultaneous stopping rule. This modified version will close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder will not keep the auction open under this modified stopping rule.

104. The Bureau further proposed retaining the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn in a round. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the

activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

105. In addition, we proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders will be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or adjusting the amount of the minimum bid increments for the licenses.

106. We adopt all of the proposals concerning the auction stopping rules. Auction No. 35 will begin under the simultaneous stopping rule, and the Bureau will retain the discretion to invoke the other versions of the stopping rule. We believe that these stopping rules are most appropriate for Auction No. 35, because our experience in prior auctions demonstrates that the auction stopping rules balance the interests of administrative efficiency and maximum bidder participation. The substitutability among licenses in different geographic areas and the importance of preserving the ability of bidders to pursue backup strategies support the use of these stopping rules.

vii. Auction Delay, Suspension, or Cancellation

107. In the *Auction No. 35 Comment Public Notice*, we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.

108. Because this approach has proven effective in resolving exigent circumstances in previous auctions, we will adopt our proposed auction cancellation rules. By public notice or

by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

i. Round Structure

109. The initial bidding schedule will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. This public notice will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will also be included in the public notice.

110. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

ii. Reserve Price or Minimum Opening Bid

111. *Background.* The Balanced Budget Act calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because there are mutually exclusive applications for those licenses), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission directed the

Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction. Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could have an impact on the spectrum being auctioned. The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.

112. In the *Auction No. 35 Comment Public Notice*, the Bureau proposed to establish minimum opening bids for Auction No. 35 and to retain discretion to lower the minimum opening bids. Specifically, for Auction No. 35, the Commission proposed the following formula for minimum opening bids:

Tier 1

- (1) 15 MHz licenses—5 % of most recent net high bid for C block licenses in same BTA
- (2) 10 MHz licenses—3.2 % of most recent net high bid for C block licenses in same BTA

Tier 2

- (1) 15 MHz licenses—2.5 % of most recent net high bid for C block licenses in same BTA
- (2) 10 MHz licenses—1.6 % of most recent net high bid for C block licenses in same BTA

113. In the alternative, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

114. We will adopt minimum opening bids for Auction No. 35, which are reducible at the discretion of the Bureau. Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids, or reserve prices are in the public interest. We adopt the proposed formula for minimum opening bids (with clarification):

Tier 1

- (1) 15 MHz licenses—5 % of most recent net high bid for 30 MHz C block license in same BTA
- (2) 10 MHz licenses—3.2 % of most recent net high bid for 30 MHz C block license in same BTA

Tier 2

- (1) 15 MHz licenses—2.5 % of most recent net high bid for 30 MHz C block license in same BTA
- (2) 10 MHz licenses—1.6 % of most recent net high bid for 30 MHz C block license in same BTA

115. We conclude that the adopted formula presented here best meets the objectives of our authority in establishing reasonable minimum opening bids. We have noted in the past that the reserve price and minimum opening bid provision is not a requirement to maximize auction revenue but rather a protection against assigning licenses at unacceptably low prices, and that we must balance the revenue raising objective against our other public interest objectives in setting the minimum bid level. For the sake of auction integrity and fairness, minimum opening bids must be set in a manner that is consistent across licenses.

116. As a final safeguard against unduly high pricing, minimum opening bids are reducible at the discretion of the Bureau. This discretion will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

iii. Bid Increments and Minimum Accepted Bids

117. In the *Auction No. 35 Comment Public Notice*, we proposed to use a smoothing methodology to calculate minimum bid increments. We further proposed to retain the discretion to change the minimum bid increment if circumstances so dictate.

118. We will adopt our proposal for a smoothing formula. The smoothing methodology is designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. This methodology allows the increments to be tailored to the activity level of a license, decreasing the time it takes for active licenses to reach their final value. The formula used to calculate this increment is included as Attachment G of the Public Notice.

119. We adopt our proposal of initial values for the maximum of 0.2 (20 percent of the license value) and for the minimum of 0.1 (10 percent of the license value). The Bureau retains the

discretion to change the minimum bid increment if it determines that circumstance so dictate. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau may also use its discretion to adjust the minimum bid increment without prior notice if circumstances warrant. As an alternative approach, the Bureau may, in its discretion, adjust the minimum bid increment gradually over a number of rounds as opposed to single large changes in the minimum bid increment (*e.g.*, by raising the increment floor by one percent every round over the course of ten rounds). The Bureau also retains the discretion to use alternate methodologies, such as a flat percentage increment for all licenses, for Auction No. 35 if circumstances warrant.

iv. High Bids

120. Each bid will be date-and time-stamped when it is entered into the FCC computer system. In the event of tied high bids (identical gross bid amounts) for a license during a round, the earliest of the tied bids will be the standing high bid at the end of the round. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date-and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date and time stamp than bids submitted later in a round.

v. Bidding

121. During a bidding round, a bidder may submit bids for as many licenses as it wishes (subject to its eligibility), withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date-and time-stamp of that bid reflects the latest time the bid was submitted.

122. Please note that all bidding will take place remotely either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. Normally, four to five minutes are necessary to complete

a bid submission.) There will be no on-site bidding during Auction No. 35.

123. A bidder's ability to bid on specific licenses in the first round of the auction is determined by three factors: (1) the licenses applied for on FCC Form 175, (2) eligibility restrictions on those licenses, and (3) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses.

124. The bidding software requires each bidder to log in to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations *after* they submit their bids.

125. The bid entry screen of the Automated Auction System software for Auction No. 35 allows bidders to place multiple increment bids. Specifically, high bids may be increased from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license. The bidding software will display the bid increment for each license.

126. To place a bid on a license, the bidder must increase the standing high bid by one to nine times the bid increment. This is done by entering a whole number between 1 and 9 in the bid increment multiplier (Bid Mult) field in the software. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

$$\text{Amount Bid} = \text{High Bid} + (\text{Bid Mult} * \text{Bid Increment})$$

127. Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter "1" in the bid increment multiplier column and press submit.

128. For any license on which the FCC is designated as the high bidder (*i.e.*, a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and

bidders should enter "1" in the Bid Mult field. Note that in this case, any whole number between 1 and 9 entered in the multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

vi. Bid Removal and Bid Withdrawal

129. In the *Auction No. 35 Comment Public Notice*, we proposed bid removal and bid withdrawal rules. With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion.

130. In previous auctions, we have detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While we continue to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various geographic area licenses in combination, we conclude that, for Auction No. 35, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so we believe we strike a reasonable compromise that will allow bidders to use withdrawals. Our decision on this issue is based upon our experience in prior auctions, particularly the PCS D, E and F block auctions, and 800 MHz SMR auction, and is in no way a reflection of our view regarding the likelihood of any speculation or "gaming" in this auction.

131. The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will still be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The Commission will serve as a "place holder" on the license until a new

acceptable bid is submitted on that license.

132. Procedures. Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the "remove bid" function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.*, a bid that is subsequently removed does not count toward the bidder's activity requirement. This procedure will enhance bidder flexibility during the auction. Therefore, we will adopt these procedures for Auction No. 35.

133. Once a round closes, a bidder may no longer remove a bid. However, in later rounds, a bidder may withdraw standing high bids from previous rounds using the "withdraw bid" function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 CFR 1.2104(g).

134. Calculation. Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction. If a bidder withdraws its bid and there is no higher bid in the same or subsequent auction(s), the bidder that withdrew its bid is responsible for the difference between its withdrawn bid and the net high bid in the same or subsequent auction(s). In the case of multiple bid withdrawals on a single license, within the same or subsequent auction(s), the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids, in either the same or subsequent auction(s), equals or exceeds that withdrawn bid. Thus, a bidder that withdraws a bid will not be responsible for any withdrawal payments if there is a subsequent higher bid in the same or subsequent auction(s). This policy allows bidders to most efficiently allocate their resources as well as to evaluate their bidding strategies and business plans during an auction while, at the same time, maintaining the integrity of the auction process. The Bureau retains the discretion to scrutinize multiple bid withdrawals on a single license for evidence of anti-competitive strategic

behavior and take appropriate action when deemed necessary.

135. In the *Part 1 Fifth Report and Order*, the Commission modified § 1.2104(g)(1) of the rules regarding assessments of interim bid withdrawal payments. As amended, § 1.2104(g)(1) provides that in instances in which bids have been withdrawn on a license that is not won in the same auction, the Commission will assess an interim withdrawal payment equal to 3 percent of the amount of the bid withdrawals. The 3 percent interim payment will be applied toward any final bid withdrawal payment that will be assessed at the close of the subsequent auction of the license. Assessing an interim bid withdrawal payment ensures that the Commission receives a minimal withdrawal payment pending assessment of any final withdrawal payment. The *Part 1 Fifth Report and Order* provides specific examples showing application of the bid withdrawal payment rule.

vii. Round Results

136. Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Commission will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access. Reports reflecting bidders' identities and bidder identification numbers for Auction No. 35 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

viii. Auction Announcements

137. The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as on the Internet.

ix. Maintaining the Accuracy of FCC Form 175 Information

138. As noted in Part II.J., after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and certain revision of exhibits. Filers must make these changes on-line, and submit a letter summarizing the changes to: Louis Sigalos, Deputy Chief, Auctions and Industry Analysis

Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-A668, Washington, DC 20554.

139. A separate copy of the letter should be mailed to Audrey Bashkin, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-A665, Washington, DC 20554. Questions about other changes should be directed to Audrey Bashkin at (202) 418-0660.

V. Post-auction Procedures

A. Down Payments and Withdrawn Bid Payments

140. After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

141. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable small and very small business bidding credits). See 47 CFR 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 CFR 1.2104(g), as discussed in "Bid Removal and Bid Withdrawal," Part IV.B.6. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

B. Long-Form Application

142. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application and required exhibits for each license won through Auction No. 35. Winning bidders that are entrepreneurs and/or small or very small businesses must include an exhibit demonstrating their eligibility for closed bidding and/or small and very small business bidding credits as applicable. See 47 CFR 1.2112(b), 24.709(c)(2)(i). Further filing instructions will be provided to auction winners at the close of the auction.

C. Tribal Land Bidding Credit

143. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have

a telephone service penetration rate equal to or below 70 percent is eligible to receive a tribal land bidding credit as set forth in 47 CFR 1.2107 and 1.2110(e). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

144. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal land bidding credit *after* winning the auction when it files its long-form application (FCC Form 601). In order for a winning bidder to be awarded a tribal land bidding credit, it must provide specific certifications regarding the servicing of tribal lands and is subject to specific performance criteria as set forth in 47 CFR 1.2110(e).

145. For additional information on the tribal land bidding credit, including how to determine the amount of credit available, see Public Notice DA 00-2219, released September 28, 2000, entitled *Wireless Telecommunications Bureau Announces Availability of Bidding Credits For Providing Wireless Services To Qualifying Tribal Lands*.

D. Auction Discount Voucher

146. On June 8, 2000, the Commission awarded Qualcomm, Inc. a transferable Auction Discount Voucher in the amount of \$125,273,878.00. This Auction Discount Voucher may be used by Qualcomm or its transferee, in whole or in part, to adjust a winning bid in any spectrum auction prior to June 8, 2003, subject to terms and conditions set forth in the Commission's Order.

E. Default and Disqualification

147. Any high bidder that defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at its final bid. See 47 CFR 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. See 47 CFR 1.2109(d).

F. Refund of Remaining Upfront Payment Balance

148. All applicants that submitted upfront payments but were not winning bidders for a license in Auction No. 35 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

149. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request. If you have completed the refund instructions electronically, then only a written request for the refund is necessary. If not, the request must also include wire transfer instructions and a Taxpayer Identification Number (TIN). Send refund request to: Federal Communications Commission, Financial Operations Center, Auctions Accounting Group, Shirley Hanberry, 445 12th Street, SW, Room 1-A824, Washington, DC 20554.

150. Bidders are encouraged to file their refund information electronically using the refund information portion of the FCC Form 175, but bidders can also fax their information to the Auctions Accounting Group at (202) 418-2843. Once the information has been approved, a refund will be sent to the party identified in the refund information. NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Tim Dates or Gail Glasser at (202) 418-1995.

Federal Communications Commission.

Margaret Wiener,

Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

[FR Doc. 00-30860 Filed 12-1-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1347-DR]

Arizona; Amendment No. 3 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 27, 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 area 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:

Yavapai County 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. 00-30707 Filed 12-01-00; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 18, 2000.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Carl W. Ellis*, Perryton, Texas; to acquire additional voting shares of FirstPerryton Bancorp, Inc., Perryton, Texas, and FirstPerryton Delaware, Inc., Dover, Delaware, and thereby indirectly acquire additional voting shares of First Bank Southwest, N.A., Amarillo, Texas.

Board of Governors of the Federal Reserve System, November 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-30758 Filed 12-1-00; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL TRADE COMMISSION

Charges for Certain Disclosures

AGENCY: Federal Trade Commission.

ACTION: Notice regarding charges for certain disclosures.

SUMMARY: The Federal Trade Commission announces that the current \$8.50 ceiling on allowable charges under Section 612(a) of the Fair Credit Reporting Act ("FCRA") will remain unchanged for 2001. Under 1996 amendments to the FCRA, the Federal Trade Commission is required to increase the \$8.00 amount referred to in paragraph (1)(A)(i) of Section 612(a) on January 1 of each year, based proportionally on changes in the Consumer Price Index ("CPI"), with fractional changes rounded to the nearest fifty cents. The CPI increased 7.75 percent between September 1997, the date the FCRA amendments took effect, and September 2000. This increase in the CPI and the requirement that any increase be rounded to the nearest fifty cents results in no change in the current maximum allowable charge of \$8.50.

EFFECTIVE DATE: January 1, 2001.

ADDRESSES: Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:

Keith B. Anderson, Bureau of Economics, Federal Trade Commission, Washington, DC 20580, 202-326-3428.

SUPPLEMENTARY INFORMATION: Section 612(a)(1)(A) of the Fair Credit Reporting Act, as amended in 1996, states that, where a consumer reporting agency is permitted to impose a reasonable charge on a consumer for making a disclosure to the consumer pursuant to Section 609, the charge shall not exceed \$8 and shall be indicated to the consumer before making the disclosure. Section 612(a)(2) goes on to state that the Federal Trade Commission ("the Commission") shall increase the \$8.00 maximum amount on January 1 of each year, based proportionally on changes in

the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.

The Commission considers the \$8 amount referred to in paragraph (1)(A)(i) of Section 612(a) to be the baseline for the effective ceiling on reasonable charges dating from the effective date of the amended FCRA, *i.e.*, September 30, 1997. Each year the Commission calculates the proportional increase in the Consumer Price Index (using the most general CPI, which is for all urban consumers, all items) from September 1997 to September of the current year. The Commission then determines what modification, if any, from the original base of \$8 should be made effective on January 1 of the subsequent year, given the requirement that fractional changes be rounded to the nearest fifty cents.

Between September 1997 and September 2000, the Consumer Price Index for all urban consumers and all items increased by 7.75 percent—from an index value of 161.2 in September 1997 to a value of 173.7 in September 2000. An increase of 7.75 percent in the \$8.00 base figure would lead to a new figure of \$8.62. However, because the statute directs that the resulting figure be rounded to the nearest \$0.50, the allowable charge should be \$8.50.

The Commission therefore determines that the allowable charge for the year 2001 will remain unchanged at \$8.50.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00-30811 Filed 12-1-00; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N-1639]

SangStat Medical Corp.; Withdrawal of Approval of an Abbreviated New Drug Application; Cyclosporine

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of an abbreviated new drug application (ANDA) held by SangStat Medical Corp., 6300 Dumbarton Circle, Fremont, CA 94555 (Sangstat). The ANDA is for SangCya Oral Solution (Cyclosporine Oral Solution, USP) Modified, which was the subject of a class II recall announced on July 10, 2000. SangStat has agreed in writing to

permit FDA to withdraw approval of the application and has waived its opportunity for a hearing.

EFFECTIVE DATES: January 3, 2001.

FOR FURTHER INFORMATION CONTACT:

David T. Read, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION: On July 10, 2000, SangCya Oral Solution (Cyclosporine Oral Solution, USP) Modified, 100 milligrams per milliliter, was the subject of a class II recall under 21 CFR part 7 (Ref. 1). The recall of the drug product, marketed under ANDA 64-195, arose from data recently submitted by SangStat to the agency regarding the bioavailability of the product in healthy subjects when administered with apple juice. Following the recall, SangStat notified the agency in writing on July 21, 2000, that the company had decided to permanently withdraw the product from the market. On August 4, 2000, SangStat requested in writing that the agency withdraw approval of ANDA 64-195. Subsequently, SangStat provided the agency with a full and complete waiver of the company's right to a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)) to allow the agency to complete the withdrawal of approval under 21 CFR 314.150(d).

Therefore, under section 505(e) of the act and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of ANDA 64-195, and all amendments and supplements thereto, is hereby withdrawn, effective January 3, 2001. The effective date of the withdrawal of approval is intended to allow patients the opportunity to complete their transition to another cyclosporine drug product (see Ref. 1). Thereafter, distribution of the product in interstate commerce without an approved application is illegal and subject to regulatory action. Also, on the basis of the circumstances described above that led to the recall of the product and its subsequent removal from the market, the agency will remove the product from the agency's list of drug products with effective approvals, published under the title "Approved Drug Products with Therapeutic Equivalence Evaluations." This document serves as notice of the removal of the product covered by ANDA 64-195, SangCya Oral Solution, from the list of approved drug products.

Reference

The following reference has been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. The document may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. The document is available on the Internet at: <http://www/fda.gov/bbs/topics/ANSWERS/ANS01025.html>.

1. FDA Talk Paper dated July 10, 2000.

Dated: November 21, 2000.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 00-30773 Filed 12-1-00; 8:45 am]

BILLING CODE: 3510-22-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D-1601]

Guidance for Industry and for FDA Employees on Import Alert #66-66; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled "Import Alert #66-66, Detention Without Physical Examination of API's That Appear To Be Misbranded Under 502(f)(1) Because They Do Not Meet the Requirements for the Labeling Exemptions in 21 CFR 201.122." This document provides guidance for industry and FDA employees on FDA's interpretation of the Federal Food, Drug, and Cosmetic Act (the act) and the labeling exemptions in title 21 of the Code of Federal Regulations regarding bulk chemicals that can be used as active pharmaceutical ingredients (API's) and may be destined for pharmaceutical processors formulating finished drug products. The document includes FDA's guidance to industry and FDA district offices for detention without physical examination of API's from certain manufacturers.

DATES: Submit written comments on the guidance to the Dockets Management Branch (address below) by February 2, 2001. After February 2, 2001, submit written comments to the contact person listed below.

ADDRESSES: Submit written requests for single copies of the guidance document entitled "Import Alert #66-66,

Detention Without Physical Examination of API's That Appear To Be Misbranded Under 502(f)(1) Because They Do Not Meet the Requirements for the Labeling Exemptions in 21 CFR 201.122" to the Division of Import Operations and Policy (HFC-170), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. You may fax your request to 301-594-0413. Submit written comments on this guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Thaddeus J. Poplawski, Division of Import Operations and Policy (HFC-170), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6553.

SUPPLEMENTARY INFORMATION:

I. Background

A large volume of bulk chemicals that can be used as API's in human medicines are being offered for entry into the United States. In order to be used as a pharmaceutical, an API is required to be included in an FDA approved new drug application (NDA), abbreviated new drug application (ANDA), or investigational new drug application (IND).

Imported API's labeled for further manufacturing and processing or labeled as chemical substances are frequently destined for pharmaceutical processors that formulate finished drug products under approved NDA's. These drug substances, consigned to individuals or processors who formulate and distribute human drugs, may be misbranded under section 502(f)(1) of the act (21 U.S.C. 352(f)(1)).

Sponsors of IND's frequently import from foreign countries either the dosage form or the API for use in laboratory research or clinical trials.

Some persons importing API's have found that they could obtain entry of these articles if they simply supply an NDA or IND number at the point of entry. FDA is advising its district offices that they should be alert to the possibility that: (1) The NDA or IND number provided does not cover the source of the particular API or (2) the persons importing the API have no authorization to refer to the particular NDA or IND number.

Section 502(f)(1) of the act provides that API or bulk chemical that can be used as an API must have labeling that lists adequate directions for its use, unless the API is subject to exemptions from labeling found in § 201.122 (21 CFR 201.122). If the API appears not to meet the requirements for the exemptions in § 201.122, and also lacks labeling listing adequate directions for its use, the article may be subject to refusal of admission under section 801(a)(3) of the act (21 U.S.C. 381(a)(3)) because it appears to be misbranded under section 502(f)(1) of the act.

A. Exemption Under § 201.122

API labeling invariably lacks adequate directions for use as required by section 502(f)(1) of the act. However, such drugs may be subject to an exemption under § 201.122. This regulation requires specific labeling on the package when adequate directions for use are missing, such as "Caution: For manufacturing, processing, or repacking."

However, the exemption under § 201.122 will not apply to a substance intended for a use in the manufacture, processing, or repacking of the API that causes the finished article to be a new drug, unless:

1. An approved NDA covers the production and delivery of the API to the application holder by persons named in the application; or

2. If no application is approved with respect to the API, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug or new animal drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug or new animal drug limited to investigational use as provided in 21 CFR part 312 or 21 CFR 511.1.

The API/manufacturer combinations listed in Attachment A to Import Alert #66-66 appear to represent importations of API's to be used for the manufacture, processing, or repacking of drugs that the act and regulations require to be the subject of an approved NDA or a valid IND. However, either the person receiving the API or the person importing the API appears not to meet the statutory and/or regulatory labeling requirements. Further, it appears that the agency has never inspected the declared manufacturer's current good manufacturing practice for that imported API.

B. Guidance

FDA's district offices are provided guidance to detain, without physical

examination, the API's from the manufacturers named in the attachment to this Import Alert.

Districts may detain without physical examination API's from the persons listed in Attachment A to Import Alert #66-66 because it appears that the API is misbranded based on its lack of adequate directions for use as required by section 502(f)(1) of the act and its failure to meet the requirements of the exemption found in § 201.122. Persons importing these API's may obtain release of the detained articles if these persons can supply evidence establishing that the article is:

1. Intended for pharmacy compounding that meets the requirements of section 503A of the act (21 U.S.C. 353a), including that the API: (a) Is accompanied by a valid certificate of analysis; (b) is manufactured by an establishment registered under section 510 of the act (21 U.S.C. 360); and (c) does not appear on a list of drugs identified in 21 CFR 216.24, that have been withdrawn or removed from the market for reasons of safety or effectiveness.

2. Intended for use in the manufacture, processing, or repacking of an over-the-counter (OTC) product or prescription product that does not require an NDA; or

3. A new animal drug, or intended for use in the manufacture, processing, or repacking of a new animal drug, subject to an NADA; and, therefore, the API is not subject to this import alert.

Persons importing API's may obtain release of the detained articles by supplying evidence establishing that the article is:

1. Intended for use in the manufacture, processing, or repacking of a human drug that is itself the subject of an approved NDA, and that the API is from the appropriate source; or

2. It is covered by IND requirements at § 312.110(a).

This guidance is not intended to address new animal drugs or investigational new animal drugs addressed by Import Alert number 68-09. If the imported API's are intended for use in an NADA or INAD (investigational new animal drug notice), refer to Import Alert number 68-09.

If the API's are intended for the compounding of finished drugs by pharmacies, persons importing the API's must comply with the requirements in section 503A of the act.

This guidance does not apply to excipients or API's intended for use in OTC drugs or prescription drugs that do not require a new drug application.

II. Significance of Guidance

This Level 1 guidance is being issued consistent with FDA's good guidance regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking on the detention without physical examination of API's that appear to be misbranded under 502(f)(1) of the act because they do not meet the requirements for the labeling exemptions in § 201.122. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statutes and regulations.

This guidance document is effective immediately because prior public participation to its implementation is not feasible or appropriate due to the risk to the public health.

III. Electronic Access

Persons with access to the Internet may obtain the guidance at http://www.fda.gov/ora/fiars/ora_import_ia6666.html

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this immediately-in-effect guidance by February 2, 2001. After February 2, 2001, submit written comments regarding this guidance to the contact person (address above). Such comments will be considered when determining whether to amend the current guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 2000.

Dennis E. Baker,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 00-30696 Filed 12-1-00; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D-1595]

Draft Guidance for Industry on Recommendations for Complying With the Pediatric Rule; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Recommendations for Complying With the Pediatric Rule (21 CFR 314.55(a) and 601.27(a))." The draft guidance provides recommendations for sponsors of new drug applications (NDA's) and biologics license applications (BLA's) on how to meet the requirements of the final rule requiring manufacturers to assess the safety and effectiveness of new drugs and biological products in pediatric patients (pediatric rule).

DATES: Submit written comments on the draft guidance by March 5, 2001. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Copies of this draft guidance for industry are available on the Internet at <http://www.fda.gov/cder/guidance/index.htm>. Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD-210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Terrie L. Crescenzi, Center for Drug Evaluation and Research (HFD-104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-7337, FAX 301-827-2520, e-mail crescenzi@cder.fda.gov, or Elaine C. Esber, Center for Biologics Evaluation and Research (HFM-30), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0641, FAX 301-827-0644, e-mail esber@cber.fda.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled

"Recommendations for Complying With the Pediatric Rule (21 CFR 314.55(a) and 601.27(a))." In the **Federal Register** of December 2, 1998 (63 FR 66632), FDA published the pediatric rule. Under the pediatric rule, applications for new active ingredients, new indications, new dosage forms, new dosing regimens, and new routes of administration must contain a pediatric assessment unless the applicant has obtained a waiver or deferral of pediatric studies (21 CFR 314.55(a) and 601.27(a)). The rule became effective on April 1, 1999. Under the compliance dates in the final rule, pediatric assessments must be included in applications after December 2, 2000, for: (1) NDA's; (2) BLA's; and (3) abbreviated new drug applications (ANDA's) that are based on suitability petitions for a change in active ingredient, dosage form, or route of administration.¹ This draft guidance describes how the pediatric rule will be implemented. Areas covered include an overview of pediatric assessments, pediatric plans, waivers and deferrals, compliance issues, pediatric exclusivity, and the role of FDA's Pediatric Advisory Subcommittee.

This Level 1 draft guidance is being issued consistent with FDA's good guidance regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on how to comply with the pediatric rule. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

¹ On November 4, 1999, FDA received a citizen petition raising issues associated with the relationship between the pediatric rule and ANDA suitability petitions. The issues raised in the petition are still under consideration by the agency. Therefore, this guidance does not address pediatric studies associated with suitability petitions.

Dated: November 22, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00-30697 Filed 12-1-00; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA-1156-N]

Medicare Program; Request for Nominations for the Practicing Physicians Advisory Council

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

ACTION: Notice.

SUMMARY: This notice requests nominations from physician medical organizations for individuals to serve on the Practicing Physicians Advisory Council.

Section 4112 of the Omnibus Budget Reconciliation Act of 1990 established the Council to advise the Secretary of the Department of Health and Human Services on proposed regulations and manual issuances related to physicians' services. There will be three Council vacancies on February 28, 2001.

EFFECTIVE DATE: Nominations will be considered if we receive them at the appropriate address, provided below, no later than 5 p.m., E.S.T., on December 30, 2000.

ADDRESSES: Mail or deliver nominations to the following address: Health Care Financing Administration, Center for Health Plans and Providers, Office of Professional Relations, Attention: Paul Rudolf, MD, JD, Executive Director, Practicing Physicians Advisory Council, Room 435-H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Paul Rudolf, MD, JD, Executive Director, Practicing Physicians Advisory Council, (202) 690-7418.

SUPPLEMENTARY INFORMATION: Section 4112 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) added a new section 1868 to the Social Security Act (the Act), which established the Practicing Physicians Advisory Council (the Council). The Council advises the Secretary of the Department of Health and Human Services (the Secretary) on proposed regulations and manual issuances related to physicians' services. An advisory committee created by the Congress, such as this one, is subject to

the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Section 1868(a) of the Act requires that the Council consist of 15 physicians, each of whom must have submitted at least 250 claims for physicians' services under Medicare in the previous year. At least 11 Council members must be physicians as defined in section 1861(r)(1) of the Act, that is, State-licensed physicians of medicine or osteopathy. The other four Council members may include dentists, podiatrists, optometrists, and chiropractors.

The Council must include both participating and nonparticipating physicians, as well as physicians practicing in rural and underserved urban areas. In addition, section 1868(a) of the Act provides that nominations to the Secretary for Council membership must be made by medical organizations representing physicians.

This notice is an invitation to all organizations representing physicians to submit nominees for membership on the Council. Current members whose terms expire in 2001 will be considered for reappointment, if renominated, subject to the Federal Advisory Committee Management Handbook. The Secretary will appoint new members to the Council from among those candidates determined to have the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

Each nomination must state that the nominee has expressed a willingness to serve as a Council member and must be accompanied by a short resume or description of the nominee's experience. To permit an evaluation of possible sources of conflict of interest, potential candidates will be asked to provide detailed information concerning financial holdings, consultant positions, research grants, and contracts.

Section 1868(b) of the Act provides that the Council meet once each calendar quarter, as requested by the Secretary, to discuss proposed changes in regulations and manual issuances that relate to physicians' services. Council members are expected to participate in all meetings. Section 1868(c) of the Act provides for payment of expenses and a per diem allowance for Council members at a rate equal to payment provided members of other advisory committees. In addition to making these payments, the Department of Health and Human Services provides management and support services to the Council.

Authority: Section 1868 of the Social Security Act (42 U.S.C. 1395ee); 5 U.S.C. App. 2; and 45 CFR part 11.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 28, 2000.

Michael M. Hash,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 00-30717 Filed 12-1-00; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds Announced in the HRSA Preview; Correction

AGENCY: Health Resources and Services Administration.

ACTION: Notice; correction.

SUMMARY: In the *Federal Register* issue of Friday, July 7, 2000, make the following corrections:

Correction

In the *Federal Register* notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00-16874:

(1) on page 42223, the grant category beginning in the third column under the heading "Healthy Start Initiative Eliminating Disparities in Perinatal Health (CFDA #93.926E)," is amended to: (a) further restrict eligibility to applicants who will establish community-based consortia of individuals and organizations (including State Title V agencies, consumers of project services, public health departments, hospitals, community health centers, and other significant sources of health care services) that are appropriate for participation. Eligibility remains open to any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b); (b) restrict project areas to those which target a geographic area with high annual rates of infant mortality within a particular State, *i.e.*, no statewide programs will be funded and (c) require that grantees coordinate their services and activities with State Title V agencies. Funding priorities and/or preferences will be given only to applicants who were recipients of Healthy Start community-based grants awarded prior to July 2000 (details will be provided in the application guidance). There will be no special considerations. The estimated amount of this competition will be up to

\$66,840,000. It is anticipated that 67 awards will be made.

(2) on page 42224, the grant category beginning in the first column under the heading "Interconceptional Care for High-Risk Women and Their Infants (CFDA #93.926K)", is amended to: (a) further restrict eligibility to applicants who will establish community-based consortia of individuals and organizations (including State Title V agencies, consumers of project services, public health departments, hospitals, community health centers, and other significant sources of health care services) that are appropriate for participation. Eligibility remains open to any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b); (b) restrict project areas to those which target a geographic area with high annual rates of infant mortality within a particular State, *i.e.*, no statewide programs will be funded and (c) require that grantees coordinate their services and activities with State Title V agencies. Funding priorities and/or preferences will be given only to applicants who were recipients of Healthy Start community-based grants awarded prior to July 2000 (details will be provided in the application guidance). There will be no special considerations.

(3) on page 42224, the grant category beginning in the second column under the heading "Improving Women's Health Through Screening and Intervention for Depression During and Around the Time of Pregnancy (CFDA #93.926L)" is amended to: (a) further restrict eligibility to applicants who will establish community-based consortia of individuals and organizations (including State Title V agencies, consumers of project services, public health departments, hospitals, community health centers, and other significant sources of health care services) that are appropriate for participation. Eligibility remains open to any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b); (b) restrict project areas to those which target a geographic area with high annual rates of infant mortality within a particular State, *i.e.*, no statewide programs will be funded and (c) require that grantees coordinate their services and activities with State Title V agencies. Funding priorities and/or preferences will be given only to applicants who were recipients of Healthy Start community-based grants awarded prior to July 2000 (details will be provided in the application

guidance). There will be no special considerations.

(4) on page 42225, the grant category beginning in the second column under the heading "Healthy Start Initiative Eliminating Disparities in Perinatal Health Border Health (CFDA #93.926N)", is amended to: (a) further restrict eligibility to applicants who will establish community-based consortia of individuals and organizations (including State Title V agencies, consumers of project services, public health departments, hospitals, community health centers, and other significant sources of health care services) that are appropriate for participation. Eligibility remains open to any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450b); (b) restrict project areas to those which target a geographic area with high annual rates of infant mortality within 62 miles from the Mexican border in a particular State, i.e., no statewide programs will be funded; and (c) require that grantees coordinate their services and activities with State Title V agencies. Funding priorities and/or preferences will be given only to applicants who were recipients of Healthy Start community-based grants awarded prior to July 2000 (details will be provided in the application guidance). There will be no special considerations. The estimated amount of this competition will be up to \$1,500,000. It is anticipated that two awards will be made.

The amendments above conform to changes made in the Healthy Start program by Title XV of Public Law 106-310. Prospective applicants who have submitted letters of intent or requested application materials have been notified directly of this withdrawal. It is anticipated that applications for all four of these competitions will be available December 21, 2000. The deadline for Letters of Intent will be January 15, 2001. The application deadline is March 1, 2001. The anticipated project award date is June 1, 2001.

Two pre-application conferences are scheduled for these competitions. The first conference will be held on the afternoon of Wednesday, December 13, 2000, from 1:30-4:00 p.m., at the Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC, 20001, (202)737-1234. The second conference will be held on Friday, December 15, 2000, at the Hyatt Regency Dallas at Reunion, 300 Reunion Blvd., Dallas, TX, 75207-4498, (214)651-1234, Fax: (214)742-8126, Website: www.hyatt.com. If you plan to attend either one of these pre-

application conferences, please call Shirletia Meredith at (301)443-0543.

FOR FURTHER INFORMATION CONTACT:

Angela Hayes Toliver or Beverly Wright at 301-443-0543 (for CFDA #93.926E); Madelyn Renteria or Alexandra Cossi, at 301-443-0543 (for CFDA #93.926K); Janice Berger or John McGovern at, 301-443-8427 (for CFDA #93.926L); or David de la Cruz, at 301-443-8427 (for CFDA #93.926N), Division of Perinatal Systems and Women's Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 11A-05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1-301-443-8427.

Dated: November 29, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00-30824 Filed 12-1-00; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds Announced in the HRSA Preview; Withdrawal

AGENCY: Health Resources and Services Administration.

ACTION: Notice; withdrawal.

SUMMARY: In the **Federal Register** issue of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00-16874, on page 42219, the grant category beginning in the second column under the heading "Continuing Education and Development Cooperative Agreement to Advance Education and Program/Policy Development in Maternal and Child Health (CFDA #93.110TP)," is withdrawn from competition while the Agency is considering its options regarding the activities proposed for support. After a decision is made, another announcement will be published in the **Federal Register**.

Prospective applicants who have submitted letters of intent or requested application materials from the HRSA Grants Application Center have been notified directly of this withdrawal.

FOR FURTHER INFORMATION CONTACT:

Carol Galaty or Sharon Adamo, Office of Program Development, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 11A-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1-301-443-2778.

Dated: November 29, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00-30825 Filed 12-1-00; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds Announced in the HRSA Preview; Withdrawal

AGENCY: Health Resources and Services Administration.

ACTION: Notice; withdrawal.

SUMMARY: In the **Federal Register** notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00-16874, on page 42223, the grant category beginning in the second column under the heading "The Perinatal Systems and Women's Health National Resource Center (CFDA #93.926D)," is withdrawn from competition while the Agency is considering its options regarding the activities proposed for support. After a decision is made, another announcement will be published in the **Federal Register**.

Prospective applicants who have submitted letters of intent or requested application materials from the HRSA Grants Application Center have been notified directly of this withdrawal.

FOR FURTHER INFORMATION CONTACT:

Beverly Wright, Division of Perinatal Systems and Women's Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 11A-05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1-301-443-8427.

Dated: November 29, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00-30826 Filed 12-1-00; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request, The Cardiovascular Health Study (CHS)

AGENCY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood

Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: The Cardiovascular Health Study. *Type of Information Request:* Revision. (OMB No. 0925-0334). *Need and Use of Information Collection:* This study will quantify associations between conventional and hypothetical

risk factors and coronary heart disease (CHD) and stroke in people age 65 years and older. The primary objectives include quantifying associations of risk factors with subclinical disease, characterize the natural history of CHD, stroke and identify factors associated with clinical course. The findings will provide important information on cardiovascular disease in an older U.S. population and lead to early treatment of risk factors associated with disease and identification of factors which may be important in disease prevention.

Frequency of Response: twice a year (participants) or once per cardiovascular disease event (proxies and physicians); *Affected Public:* Individuals. *Types of Respondents:* Individuals recruited for CHS and their selected proxies and physicians. The annual reporting burden is as follows: *Estimated Number of Respondents:* 4,606; *Estimated Number of Responses per respondent:* 4.55; and *Estimated Total Annual Burden Hours Requested:* 1,719.

There are no capital, operating, or maintenance costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent*	Average burden hours per response	Estimated total annual burden hours requested
Participants	3,580	5.6	0.25	1,665
Physicians	606	1.0	0.10	20
Participant proxies	420	1.0	0.25	35
Total	4,606	4.55	0.246	1,719

*Total for 3 years.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information will have practical utility; (2) The accuracy of the agency's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of data collection plans and instruments, contact Dr. Diane Bild, Division of Epidemiology and Clinical Applications, Epidemiology and Biometry Program, NHLBI, NIH, II Rockledge Centre, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892-7934, or call non-toll-free number (301) 435-0707, or e-mail your request, including your address to: bild@nih.gov.

DATES: *Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received on or before February 2, 2001.

Dated: November 16, 2000.

Peter Savage,
Acting Director, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute.

[FR Doc. 00-30713 Filed 12-1-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301/496-7057; fax: 301/402-0220. A signed

Confidential Disclosure Agreement will be required to receive copies of the patent applications.

NAG-1: A Non-Steroidal Anti-Inflammatory Drug Related Gene Which Has Anti-Tumorigenic Properties

Thomas E. Eling, Seung Joon Baek (NIEHS)
DHHS Reference No. E-170-00/0 filed 08 Sep 2000
Licensing Contact: Richard Rodriguez; 301/496-7056 ext. 287; e-mail: rodrigur@od.nih.gov
Non-steroidal anti-inflammatory drugs (NSAIDs) are widely used in the treatment of inflammatory disease, and their anti-inflammatory effects are believed to result from their ability to inhibit the formation of prostaglandins by prostaglandin H synthase (COX). Two forms of prostaglandin H have been identified, COX-1 and COX-2. The former seems to be constitutively expressed in a variety of tissues while the high expression of the latter has been reported in colorectal tumors. NSAIDs have been shown to be effective in reducing human colorectal cancers and possibly breast and lung cancers. While the exact mechanism(s) by which NSAIDs function has not been elucidated, they could potentially play a critical role in detecting, diagnosing and treating inflammatory diseases as well as cancer. The present invention relates to screening methods for the identification of agonistic and/or antagonistic agents for the activation of the promoter region of NAG-1. Additional claims are directed to 1) the

DNA sequence of NAG-1, 2) compositions containing the NAG-1 sequence and 3) methods for treating cancer patients using NAG-1.

Novel MHC Class II Restricted T Cell Epitopes from the Cancer Antigen, NY-ESO-1

DHHS Reference No. E-090-00/0 filed 28 Jan 2000 and

MHC Class II Restricted CD4+ T Cell Epitopes From NY-ESO-1 Presented by DP

DHHS Reference No. E-227-00/0 filed 29 Sep 2000

Wang et al. (NCI)

Licensing Contact: Elaine White; 301/496-7056 ext. 282; e-mail: gesee@od.nih.gov

NY-ESO-1 is a known tumor antigen which is expressed on a broad range of tumor types, including melanoma, breast, bladder, ovarian, prostate, head and neck cancers, neuroblastoma, and small cell lung cancer. The above-referenced inventions embody the identification of a number of novel immunogenic peptide epitopes, and analogs thereof, which are derived from the NY-ESO-1 tumor antigen.

DHHS Reference No. E-090-00/0 serves to identify novel MHC Class II restricted epitopes of NY-ESO-1 which are recognized by CD4+ T cells. DHHS Reference No. E-227-00/0 embodies the identification of two additional immunogenic peptide epitopes of NY-ESO-1. The latter two epitopes are presented by HLA-DP4, a prevalent MHC Class II allele present in 43-70% of Caucasians. The inventors also determined that the DP allele is highly associated with the NY-ESO-1 antibody production. In addition, one of these epitopes has dual HLA A2 and DP4 specificity, thereby has the potential to generate both CD4+ and CD8+ tumor specific T cells. These epitopes may be of great value as prophylactic and/or therapeutic cancer vaccines for use against a number of common cancers.

T-Cell Epitope of MAGE-12 and Related Nucleic Acids, Vectors, Cells, Compositions, and Methods of Inducing an Immune Response to Cancer

Monica Panelli, Francesco Marincola, Maria Bettinotti (NCI)

DHHS Reference No. E-056-00/0 filed 03 Mar 2000

Licensing Contact: Elaine White; 301/496-7056 ext. 282; e-mail: gesee@od.nih.gov

The current invention embodies the identification of a T-cell epitope from the cancer-specific antigen MAGE-12. The MAGE family of genes encodes human tumor specific antigens (TSA),

and various genes of this family are expressed by tumors of different histologies (melanoma, lung, colon, breast, laryngeal cancer, sarcomas, certain leukemias) and not by normal cells (except testis and placenta). The MAGE-12 peptide which is the subject of the current invention is a specific epitope within MAGE-12 (residues 170-178) which is recognized by tumor infiltrating lymphocytes in the context of HLA-Cw0702 (a common HLA type in the Caucasian population). This T-cell epitope is advantageous in that it represents a novel tumor rejection antigen for use as a peptide vaccine against melanoma or other cancer types expressing MAGE-12 and may therefore be of great value for use in cancer immunotherapy.

Secreted Frizzled Related Protein, sFRP, Fragments and Methods of Use Thereof

JS Rubin, A Uren (both of NCI), and F Reichsman, S Cumberledge

Serial No. 09/546,043 filed 10 April 00

Licensing Contact: Susan S. Rucker; 301/496-7056 ext 245; e-mail: ruckers@od.nih.gov

This application relates to signal transduction pathways and mechanisms. More particularly, the application describes various active fragments of the secreted Wnt binding protein sFRP-1 (secreted Frizzled Related Protein-1). The sFRP-1 fragments described are capable of binding to Wnt and therefore are able to modulate Wnt activity. The fragments may or may not contain the cysteine rich domain (CRD) of sFRP-1 suggesting that the CRD is not essential for Wnt binding. In addition, in contrast to earlier findings employing higher levels of sFRP-1, the ability of sFRP-1 to enhance Wnt signaling at low levels is also described suggesting biphasic regulation of Wnt signaling by sFRP-1. The sFRP-1 fragments described herein may be useful in the further study of Wnt signaling as well as targets for the development of small molecules which can modulate Wnt signaling. PHS also owns additional intellectual property related to sFRP-1 which is described in US Patent Application Serial Number 09/087,031 and which has been published as WO 98/54325 (12/03/1998).

This work has appeared, in part, in Uren, A et al. JBC 275(6): 4374-4382 (Feb 11, 2000).

Dated: November 22, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00-30714 Filed 12-1-00; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

ADDRESSES: Licensing information and a copy of the U.S. patent application referenced below may be obtained by contacting J. R. Dixon, Ph.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804 (telephone 301/496-7056 ext 206; fax 301/402-0220; e-mail: jd212g@nih.gov). A signed Confidential Disclosure Agreement is required to receive a copy of any patent application.

Entitled: "Discovery of Gene Expressed in Many Cancers and Only Normal Testis"

Inventors: Drs. Ira H. Pastan (NCI), Xiu F. Liu (NCI), Byungkook Lee (NCI) and Lee J. Helman (NCI).

DHHS Ref. No. E-161-00/0 Filed: September 1, 2000.

Large numbers of expressed sequence tags (EST's) have been cloned from various normal and cancer tissues. Cancer-testis antigens are a distinct class of differentiation antigens that have a restricted pattern of expression in normal tissues. These genes are primarily expressed in the primitive germ cells, spermatogonia, in the normal testis. Malignant transformation is often associated with activation or derepression of silent Cancer-testis genes, and this results in the expression of Cancer-testis antigen in a variable proportion of a wide range of human tumors. Three related genes, termed XAGEs, were recently identified by homology walking using the dbEST database.

The XAGE-1 gene is a human X-linked gene that is strongly expressed in

normal testis, Ewing's sarcoma, alveolar rhabdomyosarcoma, as well as breast cancer and other cancers (e.g., lung carcinoma, prostate adenocarcinoma, ovarian carcinoma, pancreatic adenocarcinoma, glioblastoma, etc.). The largest open reading frame of the XAGE-1 transcript encodes a putative protein of 16.3 kD (p16) with a potential transmembrane domain at the amino terminus. In addition, the XAGE-1 transcript contains a second ATG in the reading frame corresponding to residue 66, which would encode a 9 kD protein (p9). In vitro transfection experiments using 293T cells have revealed a 9 kD protein. However, the size of the protein expressed endogenously is not yet known. XAGE-1 shares homology with GAGE/PAGE proteins in the C-terminal end.

The invention relates to the fact that the XAGE-1 gene is expressed in a number of human cancers, specifically: prostate, pancreatic, and ovarian cancers, as well as a large percentage of breast and lung tumors. The protein p9 and p16, immunogenic fragments thereof, analogs of these proteins, and nucleic acids encoding these proteins, fragments, or analogs, can be administered to persons with XAGE-1 expressing cancers to raise or augment an immune response to the cancer. The invention further provides nucleic acid sequences encoding the protein, as well as expression vectors, host cells, and antibodies to the proteins. Further, the invention provides immunoconjugates that comprise an antibody to p16 or to p9, and an effector molecule, such as a label, a radioisotope, or a toxin. The invention also provides methods of inhibiting the growth of XAGE-1 expressing cells by contacting them with immunoconjugates of an anti-p9 or p16 antibody and a toxic moiety. The invention also provides kits for the detection of p9 or p16 proteins in a sample. The XAGE-1 gene and encoded protein could be of value in the development of a cancer diagnostic and cancer immunotherapy.

The above mentioned invention is available for licensing on an exclusive or non-exclusive basis.

Dated: November 22, 2000.

Jack Spiegel,

Director, Division of Technology Development & Transfer, Office of Technology Transfer.

[FR Doc. 00-30716 Filed 12-1-00; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel.
Date: December 1, 2000.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Bethesda, MD 20017.

Contact Person: Eric H Brown, Scientific Review Administrator, Review Branch, Room 7204, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: November 22, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-30711 Filed 11-1-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB-B(J3)M.

Date: December 4, 2000.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Blvd, Rm 645, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ned Feder, Scientific Review Administrator, Review Branch, DEA NIDDK, Room 645, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594-8890.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB-B(J2)S.

Date: December 15, 2000.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Blvd, Rm 645, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ned Feder, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 645, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594-8890.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 27, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00-30708 Filed 12-1-00; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental & Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research, Gene Therapy & Therapeutics & Molecular Structural Biology Section.

Date: December 7–8, 2000.

Closed: December 7, 2000, 8:30 a.m. to 9 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: NIH, Building 30, Room 132, Bethesda, MD 20892.

Closed: December 7, 2000, 4:20 p.m. to 6 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: NIH, Building 30, Room 132, Bethesda, MD 20892.

Open: December 8, 2000, 8:30 a.m. to 11:55 a.m.

Agenda: Laboratory Tours, Poster Presentations.

Place: NIH, Building 30, Room 132, Bethesda, MD 20892.

Closed: December 8, 2000, 12:05 p.m. to 4:30 p.m.

Agenda: To review and evaluate meeting Report Formulation, Exit Interviews.

Place: NIH, Building 30, Room 132, Bethesda, MD 20892.

Contact Person: Wendy A. Liffers, JD, Director, Office of Science Policy & Analysis, National Institute of Dental & Craniofacial Res., 31 Center Drive, Rm. 5B55, Bethesda, MD 20892–2190.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: November 22, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30709 Filed 12–1–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: December 18, 2000.

Time: 12 to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John R. Lymangrover, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: December 20, 2000.

Time: 2 to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Natcher Bldg., Rm 5As.25u, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tracy A. Shahan, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5AS25H, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: November 22, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30710 Filed 12–1–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; National Toxicology Program (NTP) Board of Scientific Counselors Meeting; Review of Nominations for Listing in the 10th Report on Carcinogens: Revised Preliminary Agenda and Review Order

This notice provides updated information and notes changes for the meeting of the NTP Board of Scientific Counselors' Report on Carcinogens (RoC) Subcommittee to be held on December 13, 14, & 15, 2000, at the Wyndham City Center, 1143 New Hampshire Ave., NW, Washington, DC 20037. On December 13, registration will begin at 9:00 am and the meeting will begin at 9:30 am. On December 14 & 15, the meeting will begin at 8:30 am. Pre-registration is not required; however, persons requesting time to make oral, public comments are asked to notify Dr. Mary S. Wolfe, Executive Secretary, prior to the meeting (contact information given below).

Background

This meeting covers the peer review of nominations for listing in the 10th RoC, and includes opportunity for public input. An earlier notice of this meeting, which included information about the nominations, review order, solicitation of oral and written comments, and how to secure background documents for the nominations, was published in the **Federal Register** (October 17, 2000, Volume 65, Number 201, Pages 61352–61354).

Changes in Review Order

While the agenda for this meeting remains preliminary, the order of the review as published in the previous notice has been altered as follows: the review of Chloramphenicol changes from six to five; Talc (Asbestiform and

Non-Asbestiform) changes on the agenda from number seven to number six; and Estrogens, Steroidal changes

from number five to number seven for review. Summary data and the revised, preliminary order for review of the

nominations are listed in the table below:

SUMMARY DATA FOR NOMINATIONS TO BE REVIEWED AT THE MEETING OF THE NTP BOARD OF SCIENTIFIC COUNSELORS' REPORT ON CARCINOGENS SUBCOMMITTEE—DECEMBER 13, 14, & 15, 2000

Nomination to be reviewed/cas number	Primary uses or exposures	To be reviewed for	Tentative review order
Broad Spectrum UV Radiation and UVA, UVB and UVC.	Solar and artificial sources of ultraviolet radiation	Listing in the 10th Report.	1
Chloramphenicol/(56-75-7)	Used widely as an antibiotic since the 1950s	Listing in the 10th Report.	5
Estrogens, Steroidal	Estrogens are widely used in post-menopausal therapy and in oral contraceptives for women.	Listing in the 10th Report.	7
Metallic Nickel & Nickel Alloys	Widely used in commercial applications for over 100 years.	Listing in the 10th Report.	4
Methyleugenol/(93-15-2)	Flavoring agent used in jellies, baked goods, nonalcoholic beverages, chewing gum, candy, and ice cream. Also used as a fragrance for many perfumes, lotions, detergents and soaps.	Listing in the 10th Report.	3
Talc/(14807-96-6) (Asbestiform and (Non-Asbestiform).	Asbestiform talc (i.e. talc containing Asbestiform fibers) occurs in various geological settings around the world. Occupational exposure occurs during mining, milling and processing. Non-asbestiform talc (i.e. talc not containing asbestiform fibers) occurs in various geological settings around the world. Occupational exposure occurs during mining, milling and processing. Exposure to general population occurs through use of products such as cosmetics.	Listing in the 10th Report.	6
Trichloroethylene (TCE)/(79-01-6)	Trichloroethylene is widely used as a solvent with 80-90% used worldwide for degreasing metals.	Upgrade to Known	2
Wood Dust	It is estimated that at least two million people are routinely exposed occupationally to wood dust worldwide. Non-occupational exposure also occurs. The highest exposures have generally been reported in wood furniture and cabinet manufacturer, especially during machine sanding and similar operations.	Listing in the 10th Report.	8

The RoC Subcommittee will provide separate recommendations for each of the agents, substances, mixtures or exposure circumstance listed in the table above. This includes separate recommendations for Broad Spectrum UV Radiation and for UVA, for UVB, and for UVC; for Metallic Nickel and for Nickel Alloys, and for Talc Asbestiform and for Talc Non-Asbestiform.

The agenda and a roster of Subcommittee members is available on the NTP web homepage at <http://ntp-server.niehs.nih.gov/> and upon request from Dr. Wolfe (Dr. Mary S. Wolfe, P.O. Box 12233, A3-07, Research Triangle Park, NC 27709 (telephone 919/541-3971; FAX 919/541-0295; email wolfe@niehs.nih.gov). Summary minutes for the previous meeting are available on the NTP web homepage and upon request from Dr. Wolfe.

Dated: November 21, 2000.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Services.

[FR Doc. 00-30712 Filed 12-1-00; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Request for Comments on Substances Nominated to the National Toxicology Program (NTP) for Toxicological Studies and on the Testing Recommendations Made by the NTP Interagency Committee for Chemical Evaluation and Coordination (ICCEC)

Summary

The National Toxicology Program (NTP) routinely solicits, accepts and reviews for consideration nominations for toxicological studies to be undertaken by the Program on substances of potential human health concern. Nominations are solicited widely from Federal agencies, the public, and other interested parties and those received undergo several levels of review before toxicological studies are designed and implemented. The NTP Interagency Committee for Chemical Evaluation and Coordination (ICCEC)

serves as the first level of review for NTP nominations. At the October 27, 2000 ICCEC meeting, 18 new nominations were reviewed and testing recommendations were made. As part of an effort to inform the public and to obtain input for consideration when selecting chemicals for evaluation, the NTP routinely seeks public comment on (1) substances nominated to the Program for toxicological studies and (2) the testing recommendations made by the ICCEC. This announcement provides brief background information about the nomination of substances for NTP study; presents the ICCEC's testing recommendations from the October 27, 2000 meeting; solicits public comment on those nominations and recommendations; and requests the submission of additional relevant information for consideration by the NTP in its subsequent evaluation of the nominations.

Background

The NTP actively seeks to identify and select for study chemicals and agents with the highest potential for

adversely impacting public health. The nomination process is open to all interested parties and substances selected for study generally fall into two broad overlapping categories: (1) Those substances of greatest concern for public or occupational health based on the extent of human exposure and suspicion of toxicity; and (2) substances for which toxicological data gaps exist and additional studies would aid in assessing potential human health risks by facilitating cross-species extrapolation and evaluation of dose-response relationships. Particular assistance is also sought for the nomination of studies that permit the testing of hypotheses to enhance the predictive ability of future NTP studies, address mechanisms of toxicity, or fill significant gaps in the knowledge of the toxicity of chemicals or classes of chemicals. Substances may be studied for a variety of health-related effects, including but not limited to reproductive and developmental toxicity, genotoxicity, immunotoxicity, metabolism and disposition, as well as carcinogenicity. Selections for NTP testing also consider legislative mandates that require responsible manufacturers to evaluate their own chemicals or agents for health and environmental effects. The possible human health consequences of anticipated or known human exposure, however, remain the over-riding factor in the decision to study a particular chemical or agent.

The review and selection of substances nominated for study is a multi-level process. A broad range of concerns are addressed during this process through the participation of representatives from Federal agencies, the NTP Board of Scientific Counselors—an external scientific advisory body, the NTP Executive Committee—the NTP Federal interagency policy body, and a public comment period. This process is described in further detail in a March 2, 2000 **Federal Register** Announcement (Volume 65, Number 42, pages 11329–11331). As a result of this multi-step

evaluative process for NTP nominations, the Program receives appropriate direction and guidance to ensure that its testing program addresses toxicological concerns relative to all areas of public health, and furthermore, that there is balance among the types of substances selected for study (e.g., industrial chemicals, consumer products, therapeutic agents, etc.). As such, it must be recognized that for any given committee review, the substances being considered for new testing do not necessarily reflect the overall balance of substances historically or currently being evaluated by NTP in its testing program. For further information on NTP studies (previous or in progress) visit the NTP web page at the URL listed at the end of this announcement.

Nominated Substances and ICCEC Review

The NTP Interagency Committee for Chemical Evaluation and Coordination (ICCEC) is composed of representatives from the Agency for Toxic Substances and Disease Registry, Consumer Product Safety Commission, Department of Defense, Environmental Protection Agency, Food and Drug Administration's National Center for Toxicological Research, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Library of Medicine, and the Occupational Safety and Health Administration. As part of the review and selection process for nominations, the ICCEC meets once or twice annually to review and evaluate the nominations and to make testing recommendations with respect to both specific types of studies and testing priorities. At its meeting on October 27, 2000, the ICCEC reviewed 18 new nominations for NTP studies. For 15 of these nominations, pharmacokinetic, toxicity, and/or carcinogenicity studies were recommended. A testing recommendation for three nominations was deferred pending receipt of (1) additional information or data from the nominator or other organizations on related studies completed, anticipated

or in progress, or (2) additional information on production, exposure, use patterns, and regulatory needs. The nominated substances with CAS numbers, nomination source, types of studies recommended, study rationale and other information are given in the attached tables.

Request for Comment

Interested parties are encouraged to provide comments or supplementary information on the nominated substances and recommendations identified in this announcement. The NTP would welcome receiving toxicology and carcinogenesis information from completed, ongoing, or planned studies, as well as information on current production levels, human exposure, use patterns, environmental occurrence, or public health concerns for any of the substances listed in the attached tables. Comments or information should be sent to Dr. Scott Masten at the address given below within 60 days of the publication date of this announcement. Persons responding to this request are asked to include their name, affiliation, mailing address, phone, fax, e-mail address and sponsoring organization (if any) with the submission. An electronic copy of this announcement as well as further information on the NTP and the NTP Chemical Nomination and Selection Process can be accessed through the NTP web site. The URL for the NTP homepage is <http://ntp-server.niehs.nih.gov>.

Contact may be made by mail to Dr. Scott Masten, NIEHS/NTP, P. O. Box 12233, Research Triangle Park, North Carolina 27709; by telephone at (919) 541-5710; by FAX at (919) 558-7067; or by email to masten@niehs.nih.gov.

Dated: November 20, 2000.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

Attachment—Substances Nominated to the NTP for Study and Testing Recommendations Made by the ICCEC on October 27, 2000

TABLE 1.—SUBSTANCES RECOMMENDED FOR TESTING

Substance [CAS Number]	Nominated by	ICCEC recommendations	Study rationale; other information
Aluminum complexes found in drinking water, Aluminum fluoride, [7784-18-1], Aluminum citrate, [31142-56-0].	Environmental Protection Agency; National Institute of Environmental Health Sciences.	Long-term drinking water studies to address pharmacokinetics, neurotoxicity, bone development, and reproduction and developmental toxicity. —Consider testing in transgenic animal models of neurodegenerative disease.	Drinking water contaminants with a high health research priority; known neurotoxicity of aluminum; need for better understanding of pharmacokinetics and toxicity of aluminum species occurring in drinking water.

TABLE 1.—SUBSTANCES RECOMMENDED FOR TESTING—Continued

Substance [CAS Number]	Nominated by	ICCEC recommendations	Study rationale; other information
Bilberry fruit extract, [84082–34–8].	National Cancer Institute	— <i>In vitro</i> and <i>in vivo</i> genotoxicity testing ..	Widespread human exposure through use as a dietary supplement; lack of toxicity information.
Black cohosh, [84776–26–1].	National Cancer Institute; National Institute of Environmental Health Sciences.	—Subchronic toxicity testing in young and aged female animals. —Two-generation reproductive and developmental toxicity study.	Widespread human exposure through use as a dietary supplement; reported estrogenic activity; inadequate toxicity information.
Blue-Green algae (dietary supplements and selected toxins).	National Cancer Institute	—Subchronic toxicity and neurotoxicity studies of commercial blue-green algae dietary supplements. —Consider testing specific cyanobacterial toxins pending results of Blue-Green algae dietary supplement and microcystin-LR studies.	Widespread human exposure through drinking water and via contamination of algal dietary supplements; demonstrated acute toxicity but only limited chronic toxicity information available.
Cefuroxime, [55268–75–2]	Food and Drug Administration.	—Genotoxicity testing (Syrian hamster embryo <i>in vitro</i> cell transformation assay; <i>in vivo</i> micronucleus assay).	Prescription drug with widespread and potentially long-term use; lack of chronic toxicity data for any member of this class of drugs.
Clarithromycin, [81103–11–9].	Food and Drug Administration.	—Genotoxicity testing (Syrian hamster embryo <i>in vitro</i> cell transformation assay; <i>in vivo</i> micronucleus assay).	Prescription drug with widespread and potentially long-term use; numerous known toxicities in short-term studies; lack of chronic toxicity data.
D&C Red No. 27, [13473–26–2] and D&C Red No. 28, [18472–87–2].	Food and Drug Administration.	— <i>In vitro</i> percutaneous absorption testing —Photocarcinogenicity testing dependent on results of absorption studies.	Approved colorings for drugs and cosmetics that can lead to DNA damage; lack of sufficient data on long-term phototoxicity or photocarcinogenicity.
N,N-Dimethyl- <i>p</i> -toluidine, [99–97–8].	National Cancer Institute	—Subchronic toxicity testing pending review of industry test plans and/or data developed under EPA's High Production Volume Chemical Challenge Program.	High production volume chemical with potential for widespread human exposure and limited chronic toxicity or carcinogenicity data; genotoxic; suspicion of carcinogenicity.
Lemon Oil, [8008–56–8] and Lime Oil, [8008–26–2].	Food and Drug Administration.	—Photogenotoxicity testing —Photocarcinogenicity testing dependent on results of photogenotoxicity studies.	Widespread consumer exposure as a fragrance component; known phototoxicity; long-term toxicity unknown.
Local anesthetics that metabolize to 2,6-xylylidine or <i>o</i> -toluidine, Bupivacaine, [38396–39–3], Prilocaine, [721–50–6].	Private Individual; National Institute of Environmental Health Sciences.	—Short-term <i>in vitro/in vivo</i> mechanistic studies to evaluate carcinogenic metabolite formation and genotoxicity of representative local anesthetic compounds.	Widespread clinical use and human exposure; potentially metabolized to carcinogenic and neurotoxic intermediates; little available quantitative metabolism or genotoxicity data.
Microcystin-LR, [101043–37–2].	National Institute of Environmental Health Sciences.	—Toxicokinetic, subchronic, reproductive toxicity, chronic toxicity and carcinogenicity studies including doses relevant to environmental concentrations in drinking water. —Consider carcinogenicity testing in Japanese Medaka fish model.	Cyanobacteria and their toxins are drinking water contaminants with a high health research priority; many have high acute toxicity and known hepatotoxicity and hepatocarcinogenicity.
Organotin compounds occurring in drinking water, Monomethyltin trichloride, [993–16–8], Dimethyltin dichloride, [753–73–1], Monobutyltin trichloride, [1118–46–3], Dibutyltin dichloride, [683–18–1].	Environmental Protection Agency; National Institute of Environmental Health Sciences.	—Long-term single chemical and binary mixture drinking water studies to address pharmacokinetics, neurotoxicity, immunotoxicity, and reproductive and developmental toxicity. —Consider testing in transgenic animal models of neurodegenerative disease.	Drinking water contaminants with a high health research priority; numerous organotins have demonstrated a broad spectrum of toxicity; chronic toxicity information on organotin species primarily found in drinking water is limited.
All- <i>trans</i> -retinyl palmitate, [79–81–2].	Food and Drug Administration.	—Phototoxicity and photocarcinogenicity testing.	Widespread use in cosmetic products; known biochemical and histological cutaneous alterations; other retinoids known to enhance photocarcinogenesis.

TABLE 1.—SUBSTANCES RECOMMENDED FOR TESTING—Continued

Substance [CAS Number]	Nominated by	ICCEC recommendations	Study rationale; other information
S-Adenosylmethionine, [29908-03-0].	National Cancer Institute	— <i>In vitro</i> genotoxicity testing (Syrian hamster embryo cell transformation and DNA alkylation assays). —Subchronic toxicity testing dependent on results of genotoxicity studies.	Widespread exogenous human exposure through use as a dietary supplement; limited toxicity data available.
Senna [8013-11-4]	Food and Drug Administration	—Carcinogenicity testing in p53 transgenic mouse model	Data needed to complete safety evaluation of stimulant laxatives; transgenic studies will complement manufacturer sponsored carcinogenicity studies.

TABLE 2.—SUBSTANCES FOR WHICH A TESTING RECOMMENDATION IS DEFERRED PENDING RECEIPT AND CONSIDERATION OF ADDITIONAL INFORMATION

Substance [CAS Number]	Nominated by	Nominated for	Nomination rationale	Additional information needed
1,3-Dichloropropane, [142-28-9], 2,2-Dichloropropane, [594-20-7], 1,1-Dichloropropene, [563-58-6].	Environmental Protection Agency; National Institute of Environmental Health Sciences.	—Short-term comprehensive drinking water toxicity studies. —Pharmacokinetics —Medaka studies —Testing in human bladder cell transformation model.	Drinking water contaminants with high health research priority; very limited toxicity data; known toxicity and carcinogenicity of structurally similar compounds.	Additional drinking water occurrence data; production volumes; potential sources of drinking water contamination; anticipated regulatory value of additional toxicity data.
Hydergine, [8067-24-1].	National Cancer Institute.	—Genotoxicity testing.	Ergot alkaloid prescription drug with recent increase in "off label" and dietary supplement use in healthy individuals; lack of available information on toxicity and carcinogenicity.	Dietary supplement sales and use information; regulatory agency information needs.
Yohimbe bark extract, [85117-22-2], Yohimbine, [146-48-5].	National Cancer Institute.	—Micronucleus assay.	Significant human exposure through use as a dietary supplement; suspicion of carcinogenicity of yohimbine based on structural similarity to reserpine.	Dietary supplement use levels and patterns; regulatory agency information needs.

[FR Doc. 00-30715 Filed 12-1-00; 8:45 am]
BILLING CODE 4140-00-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443-7978.

Treatment Improvement Protocols (TIPs) Evaluation Project—Prospective Study—New—Since 1993, SAMHSA's

Center for Substance Abuse Treatment has published 37 Treatment Improvement Protocols, which provide administrative and clinical practice guidance to the substance abuse treatment field. This is the third of three major studies and is designed to assess readers' use of TIPs and the impact of TIPs on changing substance abuse treatment practices.

The Prospective Study seeks to determine the most cost effective level of support needed by substance abuse treatment providers to implement in practice the information contained in TIPs. Specifically, this study will examine the use of TIP # 35, "Enhancing Motivation for Change in Substance Abuse Treatment," by treatment professionals in four different areas of the country. The study will use a pretest/post-test experimental design in which treatment facilities will be randomly assigned to one of four conditions: (1) The control group

(which will receive the TIP and no additional support); (2) a TIP-plus curriculum group; (3) a TIP-plus curriculum and training group; and (4) a TIP-plus curriculum, training, and ongoing support group.

Data will be collected at baseline and follow-up. Measures will include providers' awareness of TIP 35, their knowledge of the content contained in this TIP, their attitudes toward the TIP and its content, and their use of this TIP and its impact on practices within their facilities. Burden for State substance abuse (SSA) agency directors in the four areas of the country chosen will consist of information gathering by telephone. Burden for other respondents will consist of completing the pretest and post-test questionnaires. The total estimated burden for this project, to be completed in a 1-year period, is summarized below.

Respondent	Number of respondents	Responses/ respondent	Average burden/response (hrs.)	Total burden (hrs.)
SSA Directors	6	1	1.0	6
Pretest:				
Facility Directors	577	1	.14	81
Clinical Supervisors	577	1	.14	81
Program Counselors	2,350	1	.14	329
Post-test:				
Facility Directors	577	1	.19	110
Clinical Supervisors	577	1	.19	110
Program Counselors	2,350	1	.19	447
Total	3,510	1,164

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: November 27, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00-30757 Filed 12-1-00; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board to be held in December 2000. A portion of the meeting will be open and will include a Department of Health and Human Services drug testing program update, a Department of Transportation drug testing program update, and an update on the draft guidelines for alternative specimen testing and on-site testing.

If anyone needs special accommodations for persons with disabilities, please notify the Contact listed below.

The meeting will also include the review, discussion, and evaluation of sensitive National Laboratory Certification Program (NLCP) internal operating procedures and program development issues. Therefore, a portion of the meeting will be closed to the public as determined by the SAMHSA Administrator in accordance with Title 5 U.S.C. 552b(c)(2), (4), and (6) and 5 U.S.C. App. 2, section 10(d).

A roster of the board members may be obtained from: Mrs. Giselle Hersh, Division of Workplace Programs, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, MD 20857, Telephone: (301) 443-6014. The transcript for the open session will be available on the following website: www.health.org/workplace. Additional information for this meeting may be obtained by contacting the individual listed below.

Committee Name: Center for Substance Abuse Prevention Drug Testing Advisory Board.

Meeting Date: December 5, 2000; 8:30 a.m.-4:30 p.m.; December 6, 2000; 8:30 a.m.-3:30 p.m.

Place: Embassy Suites Hotel, 4300 Military Road, Chevy Chase, Maryland 20815.

Type: Open: December 5, 2000; 8:30 a.m.-Noon; Closed: December 5, 2000; Noon-4:30 p.m.; Closed: December 6, 2000; 8:30 a.m.-3:30 p.m.

Contact: Donna M. Bush, Ph.D., Executive Secretary, Telephone: (301) 443-6014, and FAX: (301) 443-3031.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: November 27, 2000.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 00-30699 Filed 12-1-00; 8:45 am]

BILLING CODE 4162-20-U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Extension of Comment Period: Draft Policy on Maintaining the Ecological Integrity of the National Wildlife Refuge System

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice, extension of comment period.

SUMMARY: We are extending the comment period on the **Federal Register**

notice dated October 17, 2000 (65 FR 61356) that invites the public to comment on our draft ecological integrity policy.

DATES: Submit comments on or before December 15, 2000.

ADDRESSES: Send comments concerning this draft ecological integrity policy via mail, fax or email to: Elizabeth Souheaver, Chief, Branch of Wildlife Resources, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203; fax (703-358-2248; email: ecointegrity_policy_comments@fws.gov.

FOR FURTHER INFORMATION CONTACT: Elizabeth Souheaver, Chief, Branch of Wildlife Resources, (703) 358-1744.

SUPPLEMENTARY INFORMATION: In a **Federal Register** notice dated October 17, 2000, we published our draft ecological integrity policy. We propose to establish an internal policy to guide personnel of the National Wildlife Refuge System (System) in implementing the clause of the National Wildlife Refuge System Improvement Act of 1997 that calls for maintaining the "biological integrity, diversity, and environmental health" of the System. The holistic integration of these three qualities constitutes ecological integrity.

We received several requests to extend the public comment period beyond the December 1, 2000 due date. In order to ensure that the public has an adequate opportunity to review and comment on our draft policy, we are extending the comment period to December 15, 2000.

Dated: November 29, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00-30781 Filed 12-1-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[NV-056-1430-ES; N-51437-A, N-51437-B]****Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes****AGENCY:** Bureau of Land Management.**ACTION:** Segregation Terminated, Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial number N-61855 and on July 23, 1997 under serial number N-66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County proposes to use the land for a park and tree farm.

N-51437-A (Park)

T. 21 S., R. 60 E., M.D.M., sec. 15,

E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

(approximately 52.5 acres)

N-51437-B (Tree Farm)

T. 21 S., R. 60 E., M.D.M., sec. 15,

SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$. (approximately 10

acres)

Both parcels are located at Buffalo Drive and Flamingo Road. The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for water line purposes which have been granted to the Las Vegas Valley Water District by Permit No. N-24659 under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for power and telephone line purposes which have been granted to Nevada Power Company and Sprint Central by Permit N-24663 under the Act of October 21, 1976 (43 U.S.C. 1761).

4. Those rights for telephone line purposes which have been granted to the Sprint Central by Permit No. N-55679 under the Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for power and telephone line purposes which have been granted to Nevada Power Company and Sprint Central by Permit N-58098 under the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for power line purposes which have been granted to the Nevada Power Company by Permit No. N-59318 under the Act of October 21, 1976 (43 U.S.C. 1761).

7. Those rights for roadway purposes which have been granted to Clark County by Permit N-59691 under the Act of October 21, 1976 (43 U.S.C. 1761). Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647-5088.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a park and tree farm. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding

the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a park and tree farm. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: November 21, 2000.

Cheryl Ruffridge,*Acting Assistant Field Manager, Division of Lands, Las Vegas, NV.*

[FR Doc. 00-30703 Filed 12-1-00; 8:45 am]

BILLING CODE 4510-HC-P**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[NV-056-1430-ES; N-73990]****Notice of Realty Action: Direct Sales****AGENCY:** Bureau of Land Management.**ACTION:** Direct Sale of Reversionary Interest—Recreation or Public Purposes Patent, Number 27-99-0008.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada, was patented to West Charleston Baptist Church on February 19, 1999 under the Recreation or Public Purpose Act for a church and school. West Charleston Baptist Church requests the purchase of the reversionary interest. The land has been examined and found suitable for sale at fair market value under the provisions of the Federal Land Policy and Management Act (43 CFR 2711.3-3).

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E., Sec. 7: Lots 22, 27-30

Containing 25.00 acres, more or less.

The land is not required for any federal purpose. The direct sale is consistent with current Bureau planning for this area and would be in the public interest. The patent will be subject to the provisions of the Federal Land Policy and Management Act and applicable regulations of the Secretary of the Interior, and the land will continue to be subject to the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. A 40 foot easement in width along the North boundary and a 30 foot easement along the West boundary of Lot 22, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada; TOGETHER with a 20 foot spandral area in the Northwest corner of Lot 22, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada, in favor of the City of Las Vegas, for roads, public utilities, and flood control purposes to insure continued ingress and egress to adjacent lands.

2. A 30 foot easement in width along the West boundary of Lot 27, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada, in favor of the City of Las Vegas, for roads, public utilities, and flood control purposes to insure continued ingress and egress to adjacent lands.

3. An easement covering the West 20 feet of the East 45.5 feet of Lots 28 and 29, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada, in favor of the City of Las Vegas, for roads, public utilities, and flood control purposes to insure continued ingress and egress to adjacent lands.

4. A 30 foot easement in width along the South boundary of Lot 29, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada, in favor of the City of Las Vegas, for roads, public utilities, and flood control purposes to insure continued ingress and egress to adjacent lands.

5. A 30 foot easement in width along the South boundary and a 30 foot easement in width along the West boundary of Lot 30, sec. 7, T. 20 S., R. 60 E., Mount Diablo Meridian, Nevada, in favor of the City of Las Vegas, for roads, public utilities, and flood control purposes to insure continued ingress and egress to adjacent lands.

6. Those rights for public roadway purposes which have been granted to Clark County, its successors or assigns, by right-of-way No. N-59722 the pursuant to the Act of October 21, 1976 (43 U.S.C.1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

The lands have been segregated from all forms of appropriation under the Southern Nevada Public Lands Management Act (P.L. 105-263).

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed direct sale to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Comments: Interested parties may submit comments regarding whether the BLM followed proper administrative procedures in reaching the decision or any other factor not directly related to the suitability of the land for a direct sale. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the decision will become effective February 2, 2001. The lands will not be offered for conveyance until after the decision becomes effective.

Dated: November 21, 2000.

Mark T. Morse,

Field Manager, Las Vegas, NV.

[FR Doc. 00-30704 Filed 12-01-00; 8:45 am]

BILLING CODE 4510-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-056-1430-ES; N-66784]

Notice of Realty Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management.

ACTION: Segregation Terminated, Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial number N-61855 and on July 23, 1997 under serial number N-66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County proposes to use the land for an equestrian park.

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E., M.D.M.
Sec. 7, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 7.5 acres, more or less, located at Cameron Street and Maulding Avenue.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647-5088.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for an equestrian park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper

administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for an equestrian park. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: November 17, 2000.

Rex Wells,

*Assistant Field Manager, Division of Lands,
Las Vegas, NV.*

[FR Doc. 00-30705 Filed 12-1-00; 8:45 am]

BILLING CODE 4510-HC-P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 65 FR 50019 and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Comments regarding these information collections are best assured of having their full effect if received by OMB before January 3, 2001.

ADDRESSES: Written comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of NSF'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; or (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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to splimpto@nsf.gov. Copies of the submission may be obtained by calling (703) 292-7556.

FOR FURTHER INFORMATION CONTACT:

Suzanne H. Plimpton, NSF Reports Clearance Officer at (703) 292-7556 or send email to splimpto@nsf.gov.

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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Public Attitudes Toward and Understanding of Science and Technology (OMB Control No. 3145-0033).

1. *Use of the information.* The proposed continuing information collection is a survey used to monitor public attitudes towards science and technology, including the public's level of scientific understanding and policy preferences on selected issues. This telephone survey has been conducted approximately every two years for more than 20 years, and the information collected with it appears in the Congressionally mandated National Science Board biennial report, Science and Engineering Indicators, and other publications. Information on public attitudes and understanding of science and technology is used by government and nongovernment policy makers in developing and designing science and education programs and by researchers in government, industry, and academia. The proposed collection will occur in early 2001.

2. *Expected respondents.* The survey will be conducted by telephone. Using state-of-the-art, computer-assisted telephone interviewing software and random digit dialing, approximately 2000 adults will be contacted and asked a series of questions designed to

measure their attitudes toward science and technology and their understanding of scientific concepts.

3. *Burden on the public.* The estimated respondent burden is 1000 hours. This estimate is based on the completion of 2000 telephone interviews with an average length of 30 minutes each.

Dated: November 28, 2000.

Suzanne H. Plimpton,

NSF Reports Clearance Officer.

[FR Doc. 00-30749 Filed 12-01-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT:

Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On October 13, 2000, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued on November 18, 2000 to the following applicant: Colin M. Harris, Permit No. 2001-023.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 00-30746 Filed 12-1-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Conservation Act of 1978; Notice of Permit Modification

AGENCY: National Science Foundation.

SUMMARY: The Foundation modified a permit to conduct activities regulated under the Antarctic Conservation Act of 1978 (Public Law 95-541; 45 CFR Part 670).

FOR FURTHER INFORMATION CONTACT:

Nadene G. Kennedy, Permit Officer, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Description of Permit and Modification

1. On September 15, 1999, the National Science Foundation issued a permit (ACA #2000-004) to Dr. Paul J. Ponganis after posting a notice in the August 17, 1999 **Federal Register**. Public comments were not received. A request to modify the permit was posted in the **Federal Register** on October 20, 2000. No public comments were received. The modification, issued by the Foundation on November 1, 2000, allows for entry into the Cape Crozier Antarctic Specially Protected Area No. 124 for the purpose of conducting a census on the newly hatched Emperor penguin chicks.

Location: ASPA 124—Cape Crozier, Ross Island.

Dates: November 15, 2000 to February 28, 2002.

Nadene G. Kennedy,
Permit Officer.

[FR Doc. 00-30747 Filed 12-1-00; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION**Agency Information Collection Activities: Proposed Collection; Comment Request**

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: State Agreements Program, as authorized by Section 274(b) of the Atomic Energy Act.
2. Current OMB approval number: 3150-0029.
3. How often the collection is required: One time or as needed.
4. Who is required or asked to report: Thirty-two Agreement States who have signed Section 274(b) Agreements with NRC.
5. The number of annual respondents: 32.
6. The number of hours needed annually to complete the requirement or request: 1005.
7. Abstract: Agreement States are asked on a one-time or as-needed basis, *e.g.*, to respond to a specific incident, to gather information on licensing and inspection practices and other technical statistical information. The results of such information requests, which are authorized under Section 274(b) of the Atomic Energy Act, are utilized in part by NRC in preparing responses to

Congressional inquiries. Agreement State comments are also solicited in the areas of proposed procedure and policy development.

Submit, by February 2, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 E6, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 28th day of November, 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-30787 Filed 12-1-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-146]

GPU Nuclear, Inc. and Saxton Nuclear Experimental Corporation; Saxton Facility; Notice of Consideration of Approval of Application Regarding Proposed Merger 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 indirect transfer of Facility Amended License No. DPR-4 for the Saxton Facility, held by Saxton Nuclear Experimental Corporation (SNEC) and GPU Nuclear, Inc. (GPUN). The indirect

transfer would be to FirstEnergy Corp. (FE), headquartered in Akron, Ohio.

According to a September 26, 2000, application submitted by FE and GPUN, as supplemented by letters dated September 27, November 9, and November 14, 2000, GPU, Inc., the corporate parent of SNEC and GPUN, is planning to be merged with and into FE. FE will remain as the surviving corporation in this transaction. Upon consummating the merger, FE will become a registered holding company under the Public Utility Holding Company Act of 1935, and SNEC and GPUN, currently direct or indirect subsidiaries of GPU, Inc., will become direct or indirect subsidiaries of FE.

No physical changes to the Saxton Facility or operational changes are being proposed in the application. SNEC, the licensed owner of the facility, will continue to be so following the merger, and GPUN, currently the licensee authorized to decommission the facility, will continue to maintain that status after the merger. No direct transfer of the license will result from the planned merger.

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 indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holders of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 26, 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 FE, Roy P. Lessey, Esq., Akin, Gump, Strauss, Hauer, & Feld, L.L.P., 1333 New Hampshire Ave., NW., Suite 400, Washington, DC 20036, (202) 887-4500, (202) 887-4288 (fax), e-mail: rllessy@akingump.com; and Mary O'Reilly, Esq., FirstEnergy Corp., 76 South Main Street, Akron, OH 44308, (330) 384-5224, (330) 384-3875 (fax), e-mail: meoreilly@firstenergycorp.com; counsel for GPUN, David R. Lewis, Esq., Shaw Pittman, 2300 N Street, NW., Washington, DC 20037-1128, (202) 663-8474, (202) 663-8007 (fax), e-mail: david.lewis@shawpittman.com; and Michael J. Connolly, Esq., Vice President—Law, GPU Service, Inc., 300 Madison Avenue, Morristown, NJ 07962, (973) 455-8245, (973) 993-4801 (fax), e-mail: mconnolly@gpu.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; 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 January 3, 2001, 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 license transfer application dated September 26, 2000, and supplements dated September 27, November 9, and November 14, 2000, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 22nd day of November 2000.

For the Nuclear Regulatory Commission.

John L. Minns,

*Project Manager, Decommissioning Section,
Project Directorate IV & Decommissioning,
Division of Licensing Project Management,
Office of Nuclear Reactor Regulation.*

[FR Doc. 00-30786 Filed 12-1-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423]

Northeast Nuclear Energy Company, et al.; Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 189 to Facility Operating License No. NPF-49, issued to Northeast Nuclear Energy Company (NNECO), which revised the Technical Specifications (TSs) for operation of the Millstone Nuclear Power Station, Unit No. 3 located in New London, Connecticut. The amendment was effective as of the date of its issuance.

The amendment modifies License No. NPF-49 for the Millstone Nuclear Power Station, Unit No. 3 (MNPS3) by revising TSs 1.40, "Spent Fuel Pool Storage Pattern"; 1.41, "3-OUT-OF-4 AND 4-OUT-OF-4"; 3/4.9.1.2, "Boron Concentration"; 3/4.9.7, "Crane Travel-Spent Fuel Storage Areas"; 3/4.9.13, "Spent Fuel Pool-Reactivity"; 3.9.14, "Spent Fuel Pool-Storage Pattern"; 5.6.1.1, "Design Features—Criticality"; and 5.6.3, "Design Features—Capacity." In addition, the amendment revises INDEX pages xii and xv for new figures and page numbers and replaces Figures 3.9-1 and 3.9-2 with four new figures and makes changes to the TS Bases consistent with changes to their respective TS sections. These changes are being made to support the increase in the capacity of the spent fuel pool at

MNPS3 from 756 assemblies to 1,860 assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on September 7, 1999 (64 FR 48672). A request for a hearing was filed on October 6, 1999, by the Connecticut Coalition Against Millstone (CCAM) and the Long Island Coalition Against Millstone (CAM). As a result of the request, the Atomic Safety and Licensing Board (ASLB) held hearings on July 19, 2000. The ASLB, reaching a conclusion on the contentions brought before it, issued its Memorandum and Order on October 26, 2000. Having reached a conclusion, the ASLB ordered the hearing terminated. However, the proceeding continues, since, on November 13, 2000, CCAM/CAM petitioned the Commission for review of the Memorandum and Order.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this amendment. Accordingly, as described above, the amendment has been issued and made immediately effective.

The Commission has determined that this amendment satisfies the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

For further details with respect to this action see: (1) The application for an amendment filed by NNECO dated March 19, 1999, as supplemented April 17, May 5, June 16, July 26, and November 21, 2000, (2) Amendment No.

189 to Facility Operating License No. NPF-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 28th day of November 2000.

For the Nuclear Regulatory Commission.

James W. Clifford,

Chief, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-30784 Filed 12-1-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-336 and 50-423]

Northeast Nuclear Energy Company, et al.; Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment Nos. 250 and 188 to Facility Operating License Nos. DPR-65 and NPF-49, issued to Northeast Nuclear Energy Company (NNECO), which revised the Technical Specifications (TSs) for operation of the Millstone Nuclear Power Station, Unit Nos. 2 and 3 located in New London, Connecticut. The amendment was effective as of the date of its issuance.

The amendments revise the TSs to relocate selected procedural details contained in the radiological effluent technical specifications (RETS) to the Radiological Effluent Monitoring and Offsite Dose Calculation Manual which is a licensee-controlled document. The relocation will be done in accordance with NRC guidance provided in: (1) Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program;" (2) NUREG-1431, "Standard Technical Specifications Westinghouse Plants;" and (3) NUREG-1432, "Standard Technical Specifications Combustion Engineering Plants." In addition, several administrative changes to the TSs for Unit 2 are included.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on August 9, 2000, (65 FR 48754). A request for a hearing was filed on September 8, 2000, by the Connecticut Coalition Against Millstone and the STAR (Standing for Truth About Radiation) Foundation.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendments have been issued and made immediately effective and any hearing will be held after issuance.

The Commission has determined that the amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

For further details with respect to this action see (1) the application for amendments dated February 22, 2000, as supplemented August 28, 2000, (2) Amendment Nos. 250 and 188 to Facility Operating License Nos. DPR-65 and NPF-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 28th day of November 2000.

For the Nuclear Regulatory Commission.

James W. Clifford,

Chief, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-30788 Filed 12-1-00; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 and 50-446]

TXU Utilities Electric Company, et al.; Comanche Peak Steam Electric Station, Units 1 and 2; notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of amendments to Facility Operating License Nos. NPF-87 and NPF-89 issued to TXU Electric Company, *et al.* (the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, respectively. The CPSES facility is located at the licensee's site in Somervell County, Texas.

The proposed amendments would revise the technical specifications to reconfigure spent fuel storage in the spent fuel pool and increase the spent fuel pool storage capacity from 2,026 to 3,373 fuel assemblies.

Before issuance of the proposed 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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed license amendment includes changes which provide the criteria for acceptable fuel storage in Region I/Region II racks. The revised criteria for acceptable fuel storage in the Region I/Region II racks are discussed below.

The Region I/Region II racks proposed for Spent Fuel Pool One (SFP1) and Spent Fuel Pool Two (SFP2), are a nominal 10.6×11 inch and nominal 9×9 inch center to center spacing respectively. The SFP1 Region II racks are similar to the existing Region II racks in SFP2 (nominal 9×9 inch center to center). The proposed Region I/Region II racks and the existing Region II racks in SFP2 are free standing whereas the low density racks being removed from SFP1 are bolted to the pool. Administrative controls are used to maintain the specified storage patterns and to assure storage of a fuel assembly in a proper location based on initial U-235 enrichment, burnup, and decay time. The increased storage capacity results in added weight in the pools and additional heat loads.

There is no significant increase in the probability of an accident concerning the potential insertion of a fuel assembly in an incorrect location in the Region I/Region II racks. TXU Electric has used administrative controls to move fuel assemblies from location to location since the initial receipt of fuel on site. Fuel assembly placement will continue to be controlled pursuant to approved fuel handling procedures and will be in accordance with the Technical Specification spent fuel rack storage configuration limitations.

There is no increase in the probability of the loss of normal cooling to the fuel storage pool water due to the presence of soluble boron in the pool water for subcriticality control. A concentration of soluble boron similar to that currently approved (Technical Specification 3.7.16) has always been maintained in the fuel storage pool water. The amount of soluble boron required to offset the reactivity increase associated with water temperature outside the normal range was established for the proposed storage configurations.

The consequences of all of these changes have been assessed and the current acceptance criteria in the licensing basis of CPSES will continue to be met. The nuclear criticality, thermal-hydraulic, mechanical, material and structural designs will accommodate these changes. Potentially affected analyses, including a dropped spent fuel assembly, a loss of spent fuel pool cooling, a seismic event, a fuel assembly placed in a location other than a prescribed location, and a stuck fuel assembly and the associated uplift force continue to satisfy the CPSES licensing basis acceptance criteria. The analysis methods used by TXU Electric are consistent with methods used by TXU Electric in the past or methods used elsewhere in the industry and accepted by the NRC.

Based on the acceptability of the methodology used and compliance with the current CPSES licensing basis, use of the Region I/Region II racks and the increase in storage capacity do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The potential for criticality in the spent fuel pool is not a new or different type of accident. The potential criticality accidents have been reanalyzed to demonstrate that the pool remains subcritical.

Soluble boron has been maintained in the fuel storage pool water since its initial operation. The possibility of a fuel storage pool dilution is not affected by the proposed change to the Technical Specifications. Therefore, extending the Technical Specification controls for the soluble boron to include the Region II racks in SFP1 will not create the possibility of a new or different kind of accidental pool dilution.

With credit for soluble boron now a major factor in controlling subcriticality for the Region II racks in SFP1 (with no neutron absorber installed), the evaluation of fuel storage pool dilution events previously performed was updated. The results of the updated evaluation concluded that an event which would result in a reduction of the criticality margin below the 5% margin recommended by the NRC is not credible. In addition, the no soluble boron 95/95 criticality analysis assures that a boron concentration of zero ppm [parts per million] will not result in criticality.

The proposed changes which ensure the maintenance of the fuel storage pool boron concentration and storage configuration, do not represent new concepts. The actual boron concentration in the fuel storage pool is currently maintained at 2,400 ppm for SFP1 and SFP2 for refueling purposes. The criticality analysis determined that a boron concentration of 800 ppm (non-accident) and 1,900 ppm (accident) results in a $k_{\text{eff}} \leq 2$ 0.95.

For the Region I racks, credit is taken in the reactivity control analysis for the neutron absorber Boral (soluble boron is not credited). The criticality evaluation concluded that the requirement of $k_{\text{eff}} \leq 0.95$ when fully flooded with unborated water, including uncertainties, remain satisfied.

There is no significant change in plant configuration, equipment design, or usage of plant equipment. The safety analysis for boron dilution has been performed; however, the criticality analyses assure that the pool will remain subcritical with no credit for soluble boron. Therefore, the proposed changes will not create the possibility of a new or different kind of accident.

The installation and removal of racks meet the requirements of NUREG 0612, "Control of Heavy Loads at Nuclear Power Plants," and current CPSES Technical Requirement 13.9.34, "Refueling—Crane Travel—Spent Fuel Storage Areas."

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The NRC guidance has established that an evaluation of margin of safety should address the following areas:

- (1) Nuclear criticality considerations
- (2) Thermal-Hydraulic considerations
- (3) Mechanical, material and structural consideration

Proposed Technical Specifications 3.7.17 and 4.3 and the associated fuel storage requirements will provide adequate margin to assure that the fuel storage array (Region I and Region II) will always remain subcritical by the 5% margin recommended by the NRC.

While the criticality analysis for Region II utilized credit for soluble boron, the storage configurations have been defined using k_{eff} calculations to ensure that the spent fuel rack k_{eff} will be less than 1.0 with no soluble boron. The criticality analysis for Region I utilized credit for the neutron absorber material Boral, the storage configurations have been defined using k_{eff} calculations to ensure that the spent fuel rack k_{eff} will be less than or equal to 0.95 with no soluble boron.

Soluble boron credit is used to offset off-normal conditions (such as a misplaced assembly) and to provide subcritical margin such that the fuel storage pool k_{eff} is maintained less than or equal to 0.95.

The loss of substantial amount[s] of soluble boron from the spent fuel pools, which could lead to exceeding a k_{eff} of 0.95, has been evaluated and shown not to be credible. These evaluations show that the dilution of the spent fuel pools boron concentration from 1,900 ppm to 800 ppm is not credible and that the Region II spent fuel rack k_{eff} will remain less than 1.0 when flooded with unborated water.

The thermal-hydraulic evaluation of spent fuel pool cooling demonstrates that the temperature margin of safety will be maintained. Evaluation of the spent fuel pool cooling system for the increased heat loads shows that the spent fuel cooling system will maintain the temperature of the bulk spent fuel pool water within the limits of the existing licensing basis. Additionally, it shows that the maximum temperature will be within the existing design temperatures for the Region I / Region II racks, liner, structure, and cooling system and will not have any significant impact on the spent fuel pool demineralizers. Thus, the existing licensing basis remains valid, and there is no significant reduction in the margin of safety for the thermal-hydraulic design or spent fuel cooling.

The main safety function of the spent fuel pool and the Region I / Region II racks is to maintain the spent fuel assemblies in a safe configuration through normal and abnormal operating conditions. The design basis floor responses of the Fuel Building were confirmed to be adequate and conservative and the floor loading will not exceed the capacity of the Fuel Building. The structural considerations of the Region I / Region II racks maintain margin of safety against tilting and deflection or movement, such that the Region I / Region II racks do not impact each other or the pool walls, damage spent fuel assemblies, or cause criticality concerns. Thus, the margin of safety with respect to

mechanical, material or structural considerations is not significantly reduced by the use of the Region I / Region II racks.

Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, 20852 from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852 or by electronically accessing the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.org>).

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 3, 2001, the licensee may file a request for a hearing with respect

to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 or by electronically accessing the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.org>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding, (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention

must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852 by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington,

DC 20555-0001, and to George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for license amendments falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPAA), 42 U.S.C. 10154. Under section 134 of the NWPAA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPAA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662, dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the

hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application for amendments dated October 4, 2000, which is available for public inspection at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852 and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://nrc.gov>).

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

For the Nuclear Regulatory Commission.

David H. Jaffe,

Senior Project Manager, Section 1, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-30785 Filed 12-1-00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43620; File No. SR-CSE-00-06]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 Thereto by the Cincinnati Stock Exchange, Inc., To Provide for the Listing and Trading of Index Fund Shares

November 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4² thereunder, notice is hereby given that on October 13, 2000, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared primarily by the Exchange. On November 17, 2000, the CSE filed Amendment No. 1 to the proposal.³ The Commission is

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the CSE requested accelerated effectiveness of the proposed rule change and provided reasons therefor. See Letter

publishing this notice to solicit comments on the proposed rule change and Amendment No. 1 from interested persons, and to grant accelerated approval of the proposed rule change and Amendment No. 1.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend its rules to adopt listing standards and trading rules for Index Fund Shares, including generic listing standards, which would permit the Exchange to trade, either by listing or pursuant to unlisted trading privileges ("UTP"), series of Index Fund Shares. Below is the text of the proposed rule change; new language is in italics.

* * * * *

Chapter XI

Trading Rules

Rule 11.9 National Securities Trading System

* * * * *

Rule 11.9(x) Index Fund Shares

(1) Applicability. This Chapter is applicable only to Index Fund Shares. Except to the extent inconsistent with this Chapter, or unless the context otherwise requires, the provisions of the Constitution and all other rules and policies of the Exchange shall be applicable to the trading on the Exchange of Index Fund Shares. Index Fund Shares are included within the definition of "security" or "securities" as such terms are used in the Constitution and Rules of the Exchange.

(2) Definitions. The following terms as used in the Rules shall, unless the context otherwise requires, have the meanings herein specified.

(a) Index Fund Share⁴ means a security (a) that is issued by an open-end management investment company based on a portfolio of stocks that seeks to provide investment results that correspond generally to the price and yield performance of a specified foreign or domestic stock index; (b) that is

from James M. Flynn, Staff Attorney, CSE, to Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission (November 16, 2000). The CSE in fact meant to request accelerated approval under Section 19(b)(2) of the Act in Amendment No. 1. Telephone conversation between James M. Flynn, Staff Attorney, CSE, and Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission, on November 21, 2000. Amendment No. 1 also made certain minor changes to the text of the proposed rule language, discussed below.

⁴ In the proposed rule language submitted by the CSE, the term "Index Fund Share" as used here inadvertently had the letter "s" at the end. In the final rule text, the word "Share" will be in the singular. See Amendment No. 1.

issued by such an open-end management investment company in a specified aggregate minimum number in return for a deposit of specified numbers of shares of stock and/or a cash amount with a value equal to the next determined net asset value; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's⁵ request by such open-end investment company which will pay to the redeeming holder the stock and/or cash with a value equal to the next determined net asset value.

(b) **Reporting Authority.** The term "Reporting Authority" in respect of a particular series of Index Fund Shares means the Exchange, a subsidiary of the Exchange, or an institution or reporting service designated by the Exchange or its subsidiary as the official source for calculating and reporting information relating to such series, including, but not limited to, any current index or portfolio value; the current value of the portfolio of any securities required to be deposited in connection with issuance of Index Fund Shares; the amount of any dividend equivalent payment or cash distribution to holders of Index Fund Shares, net asset value, or other information relating to the issuance, redemption or trading of Index Funds Shares.

Nothing in this section shall imply that an institution or reporting service that is the source for calculating and reporting information relating to Index Fund Shares must be designated by the Exchange. The⁶ term "Reporting Authority" shall not refer to an institution or reporting service not so designated.

(3) **Disclosure.** Upon request of a customer, members and member organizations shall provide to all purchasers of Index Fund Shares a prospectus for the series of Index Fund Shares.

(4) **Designation.** The trading of Index Fund Shares based on one or more securities, whether by listing or pursuant to unlisted trading privileges, shall be considered on a case-by-case basis. Each issue of Index Fund Shares

shall be based on each particular stock index or portfolio and shall be designated as a separate series and shall be identified by a unique symbol. The securities that are included in a series of Index Fund Shares shall be selected by the Exchange or its agent, a wholly-owned subsidiary of the Exchange, or by such other person thereof, as shall have authorized use of such index. Such index or portfolio may be revised from time to time as may be deemed necessary or appropriate to maintain the quality and character of the index or portfolio.

(5) **Initial and Continued Listing and/or Trading.** Each series of Index Fund Shares will be traded on the Exchange, whether by listing or pursuant to unlisted trading privileges, subject to application of the following criteria:

(a) **Commencement of Trading.**—For each Series, the Exchange will establish a minimum number of Index Fund Shares required to be outstanding at the time of commencement of trading on the Exchange.

(b) **Continued Trading.**—Following the initial twelve month period following commencement of trading on the Exchange of a series of Index Fund Shares, the Exchange will consider the suspension of trading, the removal from listing, or termination of unlisted trading privileges for such series under any of the following circumstances:

(i) if there are fewer than 50 beneficial holders of the series of Index Fund Shares for 30 or more consecutive trading days;

(ii) if the value of the index or portfolio of securities on which the series of Index Fund Shares is based is no longer calculated or available; or

(iii) if such other event shall occur or condition exist which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Upon termination of an open-ended management investment company, the Exchange requires that Index Fund Shares issued in connection with such entity be removed from Exchange listing.

(c) **Voting.** Voting rights shall be as set forth in the applicable open-end management investment company prospectus.

* * * **Interpretation and Policies**

.01 **The Exchange may approve a series of Index Fund Shares for listing pursuant to Rule 19b-4(e) under the Securities Exchange Act of 1934 provided each of the following criteria is satisfied:**

(a) **Eligibility Criteria for Index Components.** Upon the initial listing of a series of Index Fund Shares each component of an index or portfolio

underlying a series of Index Fund Shares shall meet the following criteria as of the date of the initial deposit of securities to the fund in connection with the initial issuance of shares of such fund:

(i) **Component stocks that in the aggregate account for at least 90% of the weight of the index or portfolio shall have a minimum market value of at least \$75 Million;**

(ii) **The component stocks shall have a minimum monthly trading volume during each of the last six months of at least 250,000 shares for stocks representing at least 90% of the weight of the index or portfolio;**

(iii) **The most heavily weighted component stock cannot exceed 25% of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65% of the weight of the index or portfolio;**

(iv) **The underlying index or portfolio must include a minimum of 13 stocks; and**

(v) **All securities in an underlying index or portfolio must be listed on a national securities exchange or The Nasdaq Stock Market (including the Nasdaq SmallCap Market).**

(b) **Index Methodology and Calculation.**

(i) **The index underlying a series of Index Fund Shares will be calculated based on either the market capitalization, modified market capitalization, price, equal-dollar or modified equal-dollar weighting methodology;**

(ii) **If the index is maintained by a broker-dealer, the broker-dealer shall erect a "fire-wall" around the personnel who have access to information concerning changes and adjustments to the index and the index shall be calculated by a third party who is not a broker-dealer; and**

(iii) **The current index value will be disseminated every 15 seconds over the Consolidated Tape Association's Network B.**

(c) **Disseminated Information.** The Reporting Authority will disseminate for each series of Index Fund Shares an estimate, updated every 15 seconds, of the value of a share of each series. This may be based, for example, upon current information regarding the required deposit of securities and cash amount to permit creation of new shares of the series or upon the index value.

(d) **Initial Series Outstanding.** A minimum of 100,000 shares of a series of Index Fund Shares is required to be outstanding at commencement of trading.

(e) **Minimal Fractional Trading Variation.** The minimum fractional

⁵ In the initial language of the proposed rule, the CSE inadvertently omitted the apostrophe in the word "holder's." The CSE has indicated that, in the official rule language, the apostrophe will be included. Telephone conversation between James M. Flynn, Staff Attorney, CSE, and Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission, on November 21, 2000.

⁶ In the proposed rule language submitted by the CSE, the two sentences of this paragraph were inadvertently run together and joined with a comma. The CSE has indicated that, in the official rule language, the sentences will be separated by a period, and the first letter of the word beginning the second sentence ("The") will be capitalized. See Amendment No. 1.

trading variation may vary among different series of Index Fund Shares but will be set at $\frac{1}{16}$, $\frac{1}{32}$, or $\frac{1}{64}$ of \$1.00.

(f) *Hours of Trading.* Trading will occur between 9:30 a.m. and either 4:00 p.m. or 4:15 p.m. for each series of Index Fund Shares, as specified by the Exchange.

(g) *Surveillance Procedures.* The Exchange will utilize existing surveillance procedures for Index Fund Shares.

(h) *Applicability of Other Rules.* The provisions of the Cincinnati Stock Exchanges Rules and By-Laws will apply to all series of Index Fund Shares.

.02 The following paragraphs only apply to series of Index Fund Shares that are the subject of an order by the Securities and Exchange Commission exempting such series from certain prospectus delivery requirements under Section 24(d) of the Investment Company Act of 1940. The Exchange will inform members and member organizations regarding application of these provisions to a particular series of Index Fund Shares by means of an Information Circular prior to commencement of trading in such series. The Exchange requires that members and member organizations provide to all purchasers of a series of Index Fund Shares a written description of the terms and characteristics of such securities, in a form prepared by the open-end management investment company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. In addition, members and member organizations shall include such a written description with any sales material relating to a series of Index Fund Shares that is provided to customers or the public. Any other written materials provided by a member or member organization to customers or the public making specific reference to a series of Index Fund Shares as an investment vehicle must include a statement in substantially the following form: "A circular describing the terms and characteristics of [the series of Index Fund Shares] has been prepared by the [open-end management investment company name] and is available from your broker or the Exchange. It is recommended that you obtain and review such circular before purchasing [the series of Index Fund Shares]."

A member or member organization carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of Index

Fund Shares for such omnibus account will be deemed to constitute agreement by the non-member to make such written description available to its customers on the same terms as are directly applicable to members and member organizations under this rule.

Upon request of a customer, a⁷ member or member organization shall also provide a prospectus for the particular series of Index Fund Shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections, A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes, in a new CSE Rule 11.9(x), to adopt listing standards to accommodate the trading, whether by listing or pursuant to UTP, of Index Fund Shares. The CSE has stated that these standards are similar to those established by other exchanges.⁸ The CSE believes that the proposed rule change would further the intent of Rule 19b-4(e) under the Act⁹ by allowing trading on the Exchange to begin in Index Fund Shares, subject to the proposed generic standards, without the need for notice and comment and Commission approval. The CSE also believes that this new procedure has the

⁷ In the proposed rule language submitted by the CSE, the word "a" as used here was omitted. The CSE has indicated that, in the official rule language, the word "a" will appear before the word "member." See Amendment No. 1.

⁸ See Exchange Act Release No. 34-42988 (June 28, 2000), 65 FR 42041 (July 7, 2000) (accelerated approval of BSE generic listing standards for Index Fund Shares); Exchange Act Release No. 34-42975 (June 22, 2000), 65 FR 40712 (June 30, 2000) (accelerated approval of CHX generic listing standards for Portfolio Depository Receipts and Investment Company Units); Exchange Act Release No. 34-42833 (May 26, 2000), 65 FR 35679 (June 5, 2000) (accelerated approval of CBOE generic listing standards for Index Portfolio Shares); Exchange Act Release No. 34-42787 (May 15, 2000), 65 FR 33598 (May 24, 2000) (approval of Amex generic listing standards for Portfolio Depository Receipts and Index Fund Shares).

⁹ 17 CFR 240.19b-4(e).

potential to reduce the time frame for bringing these securities to market or for trading them pursuant to UTP.

i. Index Fund Shares Generally

Index Fund Shares are securities that are issued by an open-end management investment company ("Fund") that seeks to provide investment results that correspond generally to the price and yield performance of a specified foreign or domestic equity market index. Index Fund Shares will be issued by an entity registered with the Commission as an open-end management investment company, and which may be organized as a series fund providing for the creation of separate series of securities, each with a portfolio consisting of some or all of the component securities of a specified securities index.

Issuance of Index Fund Shares by a Fund will be made only in minimum size aggregations or multiples thereof ("Creation Units"). The applicable Creation Unit size aggregation will be set forth in the Fund's prospectus and will vary from one series of Index Fund Shares to another, but generally will be of substantial size (e.g., value in excess of \$450,000 per Creation Unit). It is expected that a Fund will issue and sell Index Fund Shares through a principal underwriter on a continuous basis at the net asset value per share next determined after an order to purchase Index Fund Shares in Creation Unit size aggregations is received in proper form.

Index Fund Shares will be traded on the Exchange like other equity securities, and the CSE's equity trading rules will apply to the trading of Index Fund Shares. The Exchange expects that Creation Unit size aggregations of Index Fund Shares generally will be issued in exchange for the "in kind" deposit of a specified portfolio of securities, together with a cash payment representing, in part, the amount of dividends accrued up to the time of issuance. The Exchange anticipates that such deposits will be made primarily by institutional investors, arbitrageurs, and the Exchange designated dealers (generally referred to as "specialists"). Redemption of Index Fund Shares generally will be made "in kind" with a portfolio of securities and cash exchanged for Index Fund Shares that have been tendered for redemption. Issuances of redemptions also could occur for cash under specified circumstances (e.g., if it is not possible to effect delivery of securities underlying the specific series in a particular foreign country) and at other times in the discretion of the Fund.

The Exchange expects that a Fund will make available on a daily basis a list of the names and the required

number of shares of each of the securities to be deposited in connection with issuance of Index Fund Shares of a particular series in Creation Unit size aggregations, as well as information relating to the required cash payment representing, in part, the amount of accrued dividends.

A Fund may make periodic distributions of dividends from net investment income, including net foreign currency gains, if any, in an amount approximately equal to accumulated dividends on securities held by the Fund during the applicable period, net expenses and liabilities for such period.

ii. Criteria for Initial and Continued Listing

The Exchange believes that the listing criteria proposed in its new rule are generally consistent with the listing standards used by the CSE for Portfolio Depository Receipts, currently found in Chapter XI, Rule 11.9(v) of the Exchange Rules.¹⁰

If Index Fund Shares are to be listed on the CSE, it will establish a minimum number of Index Fund Shares that must be outstanding at the commencement of Exchange trading, and such minimum number will be included in any required submission under Rule 19b-4.

In connection with continued listing, the CSE will consider the suspension of trading in, or removal from listing of, a Fund upon which a series of Index Fund Shares is based when any of the following circumstances arise: (1) there are fewer than 50 beneficial holders of the series of Index Fund Shares for 30 or more consecutive trading days; (2) the value of the index or portfolio of securities on which the series of Index Fund Shares is based is no longer calculated or available; or (3) such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. However, the CSE will not be required to suspend or delist from trading, based on the above factors, any Index Fund Shares for a period of twelve months after the initial listing of such Index Fund Shares for trading on the Exchange. In any case, upon termination of a Fund, the Exchange will require that Index Fund Shares issued in connection with that Fund be removed from Exchange listing.

The Exchange believes that these proposed criteria are similar to the

Index Fund Shares listing criteria currently used by the Amex.¹¹

iii. Required Standards To Permit Trading

The CSE proposes to adopt generic listing and delisting standards to permit the trading, either by listing or pursuant to UTP, of Index Fund Shares pursuant to Rule 19b-4(e) under the Act.¹² Accordingly, the CSE proposes to approve a series of Index Fund Shares for listing or trading under the following criteria.

Initial Listing Criteria

Upon the initial listing of a series of Index Fund Shares, component stocks that in the aggregate account for at least 90 percent of the weight of the underlying index or portfolio must have a minimum market value of at least \$75 million. The component stocks representing at least 90 percent of the weight of the index or portfolio must have a minimum monthly trading volume during each of the last six months of at least 250,000 shares. The most heavily weighted component stocks in an underlying index or portfolio cannot exceed 25 percent of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65 percent of the weight of the index or portfolio.¹³ All securities in an underlying index or portfolio must be listed on either a national securities exchange or the Nasdaq Stock Market (including the Nasdaq SmallCap Market). Finally, any series of Index Fund Shares must meet these eligibility criteria as of the date of the initial deposit of securities and cash into the trust or fund.

Continued Listing Criteria

The index underlying a series of Index Fund Shares will be calculated based on either the market capitalization, modified market capitalization, price, equal-dollar, or modified equal-dollar weighting methodology. In addition, if the index is

maintained by a broker-dealer, the broker-dealer will erect a fire-wall around the personnel who have access to information concerning changes and adjustments to the index, and the index will be calculated by a third party who is not a broker-dealer.

The current index value will be disseminated every 15 seconds over the Consolidated Tape Association's Network B. The Reporting Authority will disseminate for each series of Index Fund Shares an estimate, updated every 15 seconds, of the value of a share of each series. This may be based upon, for example, current information regarding the required deposit of securities plus any cash amount to permit creation of new shares of the series or upon the index value.

Index Fund Shares will be registered in book entry form through the Depository Trust Company. A minimum of 100,000 shares of a series of Index Fund Shares is required to be outstanding at commencement of trading. Trading in Index Fund Shares on the Exchange will occur between 9:30 a.m. and either 4:00 p.m. or 4:15 p.m. (all times Eastern Standard Time) for each series of Index Fund Shares, as specified by the CSE.

Pursuant to UTP, the CSE will rely upon the primary exchange that originally listed the respective Fund to monitor, surveil, and insure that the proceeding listing criteria are met by each index or portfolio that is listed and traded on the CSE. The CSE has stated that it will also monitor the respective primary exchange's actions, news releases, and disclosures made about any Index Fund Shares traded on the CSE.

iv. CSE Rules Applicable to the Trading of Index Fund Shares

Index Fund Shares are considered "securities" under the CSE's Rules and are subject to all applicable trading rules, including the provisions of CSE Chapter XIV, Rule 14.9, ITS "Trade-Throughs" and "Locked Markets," which prohibit Exchange members from initiating trade-throughs for Intermarket Trading System securities, as well as rules governing priority, parity, and precedence of orders; market volatility-related trading halt provisions; and responsibilities of CSE Designated Dealers.¹⁴ CSE equity margin rules also

¹⁴ The term "Designated Dealer" means a proprietary Member who maintains a minimum net capital of at least the greater of \$500,000 or the amount required under Rule 15c3-1 under the Act, 17 CFR 240.15c3-1, and who has been approved by the Exchange's Securities Committee to perform market functions by entering bids and offers for

¹⁰ See Exchange Act Release No. 34-39268 (October 22, 1997), 62 FR 56211 (October 29, 1997) (approval of CSE proposal to establish listing criteria for Portfolio Depository Receipts).

¹¹ See *supra* note 8.

¹² 17 CFR 240.19b-4(e). Rule 19b-4(e) permits self-regulatory organizations ("SROs") to list and trade new derivative products that comply with existing SRO trading rules, procedures, surveillance programs, and listing standards, without submitting a proposed rule change under Section 19(b) of the Act, 15 U.S.C. 78s(b).

¹³ The CSE states that, under Subchapter M of the Internal Revenue Code, for a fund to qualify as a regulated investment company, the securities of a single issuer can account for no more than 25 percent of a fund's total assets, and at least 50 percent of a fund's total assets must be comprised of cash (including government securities) and securities of single issuers whose securities account for less than 5 percent of such fund's total assets.

will apply to trading in Index Fund Shares.

The CSE's surveillance procedure for Index Fund Shares will be similar to the existing CSE procedures used for Portfolio Depositary Receipts¹⁵ and will incorporate and rely upon existing Exchange surveillance systems. The Exchange has stated that it believes these procedures will effectively monitor the trading activity in Index Fund Share products so as to ensure full compliance with Exchange rules and the federal securities laws.¹⁶

Prior to the commencement of trading in Index Fund Shares, the Exchange will issue a circular to members highlighting the characteristics of Index Fund Shares. The circular will discuss the special characteristics and risks of trading this type of security. Specifically, the circular will discuss what Index Fund Shares are, how they are created and redeemed, the requirement that members and member firms deliver a prospectus to investors purchasing Index Fund Shares prior to or concurrently with the confirmation of a transaction, applicable Exchange Rules, dissemination information, trading information, and the applicability of suitability rules.

Additionally, the circular will inform members of specific Exchange policies, such as trading halts and market conditions particular to such securities. First, the circular will advise that trading will be halted in the event the market volatility trading halt parameters have been reached.¹⁷ Second, the circular will advise that the Exchange may consider factors such as the extent to which trading is not occurring in one or more deposited securities and whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market in such securities are present.

Pursuant to Rule 12f-5 under the Act,¹⁸ to trade a particular class or type of security pursuant to UTP, the Exchange must have rules providing for transactions in such class or type of security. The CSE's proposed rule change is designed to create standards substantially similar to those approved for other exchanges.

v. Disclosure to Customers

The CSE will require its members to provide all purchasers of newly issued Index Fund Shares with a prospectus for

each separate Fund. Because the Creation Units will be in continuous distribution, the prospectus delivery requirements of Section 5(b)(2) of the Securities Act of 1933¹⁹ will apply to all investors in Index Fund Shares, including investors who make secondary market purchases on the Exchange in Index Fund Shares. With respect to series of Index Fund Shares that are the subject of an order by the Commission exempting such series from certain prospectus delivery requirements under Section 24(d) of the Investment Company Act of 1940,²⁰ the CSE will inform members and member organizations regarding disclosure obligations with respect to a particular series of Index Fund Shares by means of an Information Circular prior to commencement of trading in such series.

For any exempted series, the Exchange requires that members and member organizations provide to all purchasers of a series of Index Fund Shares a written description of the terms and characteristics of such securities, in a form prepared by the Fund issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to a purchaser. In addition, members and member organizations shall include such written description with any sales material relating to a series of Index Fund Shares that is provided to customers or the public. Any other written materials provided by a member or member organization to customers or the public making specific reference to a series of Index Fund Shares as an investment vehicle must include a statement in substantially the following form: "A circular describing the terms and characteristics of [the series of Index Fund Shares] has been prepared by the [Fund name] and is available from your broker or the Exchange. It is recommended that you obtain and review such circular before purchasing [the series of Index Fund Shares]. In addition, upon request you may obtain from your broker a prospectus for [the series of Index Fund Shares]."

A member or member organization carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of Index Fund Shares for such omnibus account will be deemed to constitute agreement by the non-member to make such written description available to its customers on the same terms as are

directly applicable to members and member organizations under this rule.

Upon request of a customer a member or member organization shall also provide a prospectus for the particular series of Index Fund Shares.

vi. Minimum Fractional Change

The CSE proposes that the minimum fractional change for Index Fund Shares on the Exchange will be 1/16th, 1/32nd, or 1/64th of \$1.00, depending on the series of Index Fund Shares. The Exchange has stated that these are the same minimum fractional increments for the trading of Index Fund Shares on the CSE, until such time as decimal increments are implemented.

2. Statutory Basis

The CSE believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,²¹ in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating securities transactions; 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change would 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

No written comments were either solicited or received in connection with the proposed rule change.

III. 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, 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

Designated Issues into the System. See CSE Rule 11.9(a)(3).

¹⁵ See CSE Rule 11.9(v).

¹⁶ See Amendment No. 1

¹⁷ See CSE Rules, Chapter XIV.

¹⁸ 17 CFR 240.12f-5.

¹⁹ 15 U.S.C. 77e(b)(2).

²⁰ 15 U.S.C. 80a-24(d).

²¹ 15 U.S.C. 78f(b)(5).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-CSE-00-06 and should be submitted by December 26, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5).²² Specifically, the Commission finds that the CSE's proposal to establish generic standards to permit the trading of Index Fund Shares pursuant to Rule 19b-4(e) furthers the intent of that rule by facilitating commencement of trading in these securities without the need for notice and comment and Commission approval under Section 19(b) of the Act.²³ By establishing generic standards, the proposal should reduce the CSE's regulatory burden, as well as benefit the public interest, by enabling the Exchange to bring qualifying products to the market more quickly. Accordingly, the Commission finds that the CSE's proposal will promote just and equitable principles of trade; foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and, in general, protect investors and the public interest consistent with Section 6(b)(5) of the Act.²⁴ The Commission notes that it has previously approved similar rules, including generic listing standards, relating to similar products traded on the Boston Stock Exchange, the American Stock Exchange, the Chicago Board Options Exchange, and the Chicago Stock Exchange.²⁵

Rule 19b-4(e) provides that the listing and trading of a new derivative securities product by an SRO shall not be deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b-4, if the Commission has approved,

pursuant to Section 19(b) of the Exchange Act, the SRO's trading rules, procedures, and listing standards for the product class that include the new derivative securities product and the SRO has a surveillance program for the product class.²⁶ The Commission's approval of the proposed generic listing standards for Index Fund Shares will allow those series of Index Fund Shares that satisfy those standards to start trading under Rule 19b-4(e), without the need for notice and comment and Commission approval. The Exchange's ability to rely on Rule 19b-4(e) for these products potentially reduces the time frame for bringing these securities to the market and thus enhances investors' opportunities. The Commission notes that, while the proposal reduces the Exchange's regulatory burden, the Commission maintains regulatory oversight over any products listed under the generic standards through regular inspection oversight.

The Commission previously concluded that Index Fund Shares and like products that it approved for trading under similar rules on other exchanges would allow investors: (1) To respond quickly to market changes through intra-day trading opportunities, (2) to engage in hedging strategies similar to those used by institutional investors, and (3) to reduce transactions costs for trading a portfolio of securities.²⁷ The Commission believes, for the reasons set forth below, that the product classes that satisfy the proposed standards for Index Fund Shares should produce the same benefits to the CSE and to investors.

The Commission finds that the Exchange's proposal contains adequate rules and procedures to govern the trading of Index fund Shares under Rule 19b-4(e). All series of Index Fund Shares listed under the proposed standards will be subject to the full panoply of CSE rules and procedures that now govern the trading of existing securities on the CSE.²⁸ Accordingly, any new series of Index Fund Shares listed and traded on the Exchange, or

pursuant to UTP, will be subject to CSE rules governing the trading of equity securities, including, among others, rules and procedures governing trading halts, disclosures to members, responsibilities of the specialist, account opening and customer suitability requirements, and margin. These criteria allow the CSE to consider the suspension of trading and the delisting of a series if an event occurred that made further dealings in such securities inadvisable. This will give the CSE flexibility to delist Index Fund Shares if circumstances warrant such action.

The Commission believes that the CSE's proposal will ensure that investors have information that will allow them to be adequately apprised of the terms, characteristics, and risks of trading Index Fund Shares. Members and member organizations will be required to provide to all purchasers of Index Fund Shares a written description of the terms and characteristics of these securities, to include their description in sales materials provided to customers or the public, to include a specific statement relating to the availability of the description in other types of materials distributed to customers or the public, and to provide a copy of the prospectus, when requested by the customer. The proposal also requires a member or member organization carrying an omnibus account for a non-member broker-dealer to notify the non-member that execution of an order to purchase Index Fund Shares constitutes an agreement by the non-member to provide the product description to its customers.

The Commission also notes that, upon the initial listing or trading pursuant to UTP of any Index Fund Shares, the CSE will issue a circular to its members explaining the unique characteristics and risks of this particular type of security. The circular also will note the prospectus or product description delivery requirements of Exchange members and inform members of their responsibilities under CSE Rules in connection with customer transactions in these securities. The Commission believes that these requirements ensure adequate disclosure to investors about the terms and characteristics of a particular series and are consistent with Section 6(b)(5) of the Act.²⁹

In addition, the CSE has developed specific listing criteria for series of Index Fund Shares qualifying for Rule 19b-4(e) treatment that will help to ensure that a minimum level of liquidity will exist to allow for the maintenance

²² 15 U.S.C. 78f(b)(5).

²³ 15 U.S.C. 78s(b).

²⁴ 15 U.S.C. 78f(b)(5). In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁵ See *supra* note 8.

²⁶ See Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998) (adopting release for Rule 19b-4(e)).

²⁷ See *supra* note 25.

²⁸ The Commission notes that, although Index Fund Shares are not leveraged instruments and therefore do not possess any of the attributes of stock index options, their prices will be derived and based upon the securities held in their respective Funds. Accordingly, the level of risk involved in the purchase or sale of Index Fund Shares is similar to the risk involved in the purchase or sale of traditional common stock. Nevertheless, the Commission believes there are unique aspects to trading Index Fund Shares, which the Exchange has sufficiently and adequately addressed in this proposal.

²⁹ 15 U.S.C. 78f(b)(5).

of fair and orderly markets. Specifically, the proposed generic listing standards require that a minimum of 100,000 shares of a series of Index Fund Shares be outstanding as of the start of trading. The Commission believes that this minimum number of securities is sufficient to establish a liquid market at the commencement of trading.

The Commission believes that the proposed generic listing standards ensure that the securities composing the underlying indexes and portfolios are well capitalized and actively traded. These capitalization and liquidity criteria serve to prevent fraudulent or manipulative acts, and are therefore consistent with Section 6(b)(5) of the Act. Furthermore, the Commission finds that the Exchange's proposal to trade Index Fund Shares in increments of $\frac{1}{16}$, $\frac{1}{32}$, or $\frac{1}{64}$, of \$1.00, until the Exchange is required to convert to decimal trading, is consistent with the Act.

The Exchange also represents that the Reporting Authority will disseminate for each series of Index Fund Shares an estimate, updated every 15 seconds, of the value of a share of each series. The Commission believes that the information the Exchange proposes to have disseminated will provide investors with timely and useful information concerning the value of each series.

The Commission also notes that certain concerns are raised when a broker-dealer is involved in both the development and maintenance of a stock index upon which products such as Index Fund Shares are based. The proposal requires that, in such circumstances, the broker-dealer must have procedures in place to prevent the misuse of material, non-public information regarding changes and adjustments to the index, and that the index value be calculated by a third party who is not a broker-dealer. The Commission believes that these requirements should help address concerns raised by a broker-dealer's involvement in the management of such an index.

In its proposed generic listing standards, the CSE represents that it will rely upon its existing surveillance procedures for supervision of trading in Index Fund Shares listed or traded pursuant to Rule 19b-4(e). The Commission believes that these surveillance procedures are adequate to address concerns associated with listing and trading Index Fund Shares, including those listed or traded under the generic standards. Accordingly, the Commission believes that the rules governing the trading of such securities provide adequate safeguards to prevent

manipulative acts and practices and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act.³⁰ The Commission further notes that the Exchange has represented that it will file form 19b-4(e) with the Commission within five business days of commencement of trading a series under the generic standards, and will comply with all Rule 19b-4(e) recordkeeping requirements.³¹

The Commission finds good cause for approving the proposed rule change and Amendment No. 1 thereto prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission notes that the CSE's proposal regarding the listing and trading of Index Fund Shares will be substantially similar to the rules for similar products traded on other exchanges that the Commission has previously approved, and that they raise issues that previously have been the subject of a full comment period under Section 19(b) of the Act.³² The Commission does not believe that the proposal raises novel regulatory issues that were not addressed in the previous filings. Accordingly, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act,³³ to approve the proposed rule change and Amendment No. 1 on an accelerated basis.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,³⁴ that the proposed rule change (SR-CSE-00-06) and Amendment No. 1 thereto are hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-30719 Filed 12-1-00; 8:45 am]

BILLING CODE 8010-01-M

³⁰ 15 U.S.C. 78f(b)(5).

³¹ Telephone conversation between James M. Flynn, Staff Attorney, CSE, and Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission, on November 1, 2000.

³² 15 U.S.C. 78s(b) See *supra* note 25.

³³ 15 U.S.C. 78f(b)(6).

³⁴ 15 U.S.C. 78s(b)(2).

³⁵ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43604; File No. SR-CSE-00-05]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 Thereto by the Cincinnati Stock Exchange, Inc. Relating to the Listing and Trading of Trust Issued Receipts

November 21, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4² thereunder, notice is hereby given that on October 13, 2000, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. On November 17, 2000, the CSE filed Amendment No. 1 to the proposed rule change.³ The Commission is publishing this notice to solicit comments on the proposed rule change and Amendment No. 1 from interested persons, and to grant accelerated approval of the proposed rule change and Amendment No. 1.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend its listing standards for Trust Issued Receipts ("TIRs") to establish generic standards that permit listing and trading, or trading pursuant to unlisted trading privileges ("UTP"), of TIRs pursuant to Rule 19b-4(e) under the Act.⁴ The text of the proposed rule change is available at the principal office of the CSE and at the Commission.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the CSE requested accelerated effectiveness of the proposed rule change and provided reasons therefore. See Letter from James M. Flynn, Staff Attorney, CSE, to Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission (November 16, 2000). The CSE in fact meant to request accelerated approval of the proposal in Amendment No. 1. Telephone conversation between James M. Flynn, Staff Attorney, CSE, and Michael Gaw, Attorney-Adviser, Division of Market Regulation, Commission, on November 21, 2000. Amendment No. 1 also corrected a typographical error in the proposed rule text.

⁴ 17 CFR 240.19b-4(e).

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 CSE 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 III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend CSE Chapter XI, Rule 11.9(w) (Trust Issued Receipts), to establish generic standards that permit listing and trading, or trading pursuant to UTP, of TIRs pursuant to Rule 19b-4(e) under the Act.

On July 17, 2000, the Commission approved a CSE proposal to adopt certain listing standards for TIRs and to trade two kinds of TIR—Internet HOLDRs and Biotech HOLDRs—pursuant to UTP.⁵ This proposal included new rules stating that the CSE may trade, whether by listing or pursuant to UTP, TIRs based on one or more securities.⁶ In addition, the new rules provided that the Exchange's Constitution and all other rules and policies of the Board of Trustees apply to the trading of TIRs on the Exchange.⁷ For each trust, the CSE will establish a minimum number of TIRs required to be outstanding at the time of commencement of trading on the Exchange.⁸ In addition, following the initial 12-month period after formation of a trust and commencement of trading on the Exchange, the CSE will consider the suspension of trading in, or removal from listing of a trust upon which a series of TIRs is based, under any of the following circumstances: (1) The trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of TIRs for 30 or more consecutive trading days; (2) the Trust has more than 50,000 receipts issued and outstanding; (3) the

market value of all receipts issued and outstanding is less than \$1,000,000; or (4) if any other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.⁹

The CSE now intends to trade additional TIR products (e.g., Pharmaceutical HOLDRs and Telecommunications HOLDRs) that currently are listed on other exchanges and that are developed from time to time. To accommodate the efficient listing or trading, or trading pursuant to UTP, of additional TIRs, the CSE proposes to add a new Interpretation to the Exchange's existing rules that would establish generic standards for the listing and trading of TIRs pursuant to Rule 19b-4(e). Under the new Interpretation, the Exchange could list or trade, pursuant to Rule 19b-4(e), any TIRs that meet the following additional criteria: (1) Each security underlying the TIR must be registered under Section 12 of the Act;¹⁰ (2) each company whose securities are underlying securities for the TIR must have a minimum public float of at least \$150 million; (3) each security underlying the TIR must be listed on a national securities exchange or traded through the facilities of Nasdaq as a reported national market system security; (4) each company whose securities are underlying securities for the TIR must have an average daily trading volume of at least 100,000 shares during the preceding 60-day trading period; (5) each company whose securities are underlying securities for the TIR must have an average daily dollar value of shares traded of at least \$1 million; and (6) the most heavily weighted security in the TIR cannot initially represent more than 20 percent of the overall value of the TIR.

The CSE believes that these additional criteria will ensure that no security included as an underlying security in a TIR product will be readily susceptible to manipulation, while at the same time permitting sufficient flexibility in the construction of various TIRs to meet investors' needs. The CSE also believes that these criteria will ensure sufficient liquidity for those investors seeking to purchase and deposit the underlying securities with the trustee to create a new TIR.

2. Statutory Basis

The CSE believes that the proposed rule change is consistent with Section 6(b) of the Act¹¹ in general, and furthers

the objectives of Sections 6(b)(5)¹² in particular, in that it is designed to promote just and equitable principles of trade; 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule would impose any inappropriate burden on competition. The CSE believes that the proposed rule would encourage competition among markets by allowing more than one exchange to list and trade TIRs pursuant to Rule 19b-4(e) under the Act.¹³

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received in connection with the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change and Amendment No. 1 are 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, 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-CSE-00-05 and should be submitted by December 26, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1

The Commission finds that the proposed rule change and Amendment No. 1 are consistent with the

⁵ See Exchange Act Release No. 43024 (July 17, 2000), 65 FR 45640 (July 24, 2000).

⁶ See CSE Chapter XI, Rule 11.9(w)(3).

⁷ See CSE Chapter XI, Rule 11.9(w)(1). However, exceptions exist where a trading rule is inconsistent with the TIR listing standards or where the context otherwise requires. See *id.*

⁸ See CSE Chapter XI, Rule 11.9(w)(4)(a).

⁹ See CSE Chapter XI, Rule 11.9(w)(4)(b).

¹⁰ 15 U.S.C. 78l.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 17 CFR 240.19b-4(e).

requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(5).¹⁴ Specifically, the Commission finds that establishing generic standards to permit listing and trading of TIRs pursuant to Rule 19b-4(e) will further the intent of that rule by facilitating commencement of trading in these securities without the need for notice and comment and Commission approval under Section 19(b) of the Act.¹⁵ By establishing generic standards, the proposal should reduce the CSE's regulatory burden, as well as benefit the public interest, by enabling the Exchange to bring qualifying products to the market more quickly. Accordingly, the Commission finds that the CSE's proposal will promote just and equitable principles of trade; foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and, in general, protect investors and the public interest consistent with Section 6(b)(5) of the Act.¹⁶ Furthermore, the Commission notes that it has previously approved similar proposals by the Chicago Stock Exchange ("CHX") and the American Stock Exchange ("Amex") to establish generic listing standards for TIRs.¹⁷

Rule 19b-4(e) provides that the listing and trading of a new derivative securities product by an SRO shall not be deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b-4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO's trading rules, procedures, and listing standards for the product class that include the new derivative securities product and the SRO has a surveillance program for the product class.¹⁸ The Commission's approval of the proposed generic listing standards for TIRs and the CSE will allow TIRs that meet those standards to start trading pursuant to Rule 19b-4(e) without the need for notice and comment and Commission approval. The Exchange's ability to rely on Rule 19b-4(e) for these products potentially reduces the time frame for bringing these securities to the market and thus

enhances investors' opportunities. The Commission notes that, while the proposal reduces the Exchange's regulatory burden, the Commission maintains regulatory oversight over any TIRs listed under the generic standards through regular inspections.

The Commission has previously approved a CSE proposal to establish certain listing standards for TIRs and to trade two series of TIRs (Internet HOLDRs and Biotech HOLDRs) pursuant to UTP.¹⁹ In approving these securities for trading, the Commission considered their structure, their usefulness to investors and the markets, and the CSE's rules and surveillance programs that govern their trading, and determined that the CSE proposal was consistent with Section 6(b)(5) of the Act.²⁰ The Commission also believes that additional TIRs, that satisfy the proposed generic standards and thus can be listed or traded pursuant to Rule 19b-4(e) without prior Commission approval, should produce the same benefits to the CSE and to investors. As the Commission noted in the prior approval, trading of these products will be subject to the full panoply of rules and procedures that govern the trading of securities on the CSE, including, among others, rules and procedures governing trading halts, disclosures to members, responsibilities of the specialist, account opening and customer suitability requirements, the election of a stop or limit order, and margin.²¹

The Commission further finds that: (1) By requiring that the underlying securities in a TIR be registered under Section 12 of the Act and listed on a national securities exchange or Nasdaq; and (2) by establishing minimum values for the number of outstanding receipts, average daily trading volume, average daily dollar volume, and public float, the Exchange's proposed listing criteria will help to ensure that a minimum level of liquidity will exist to allow for the maintenance of fair and orderly markets for those trust issued receipt products listed and traded pursuant to Rule 19b-4(e). The Commission believes that these listing criteria will help to ensure that no security underlying a TIR will be readily susceptible to manipulation, while permitting sufficient flexibility in the construction of various TIRs to meet investors' needs. The Commission further believes that these criteria should help to ensure that the securities underlying such TIRs are

well capitalized and actively traded, which will help ensure that U.S. securities markets are not adversely affected by the listing and trading of new TIRs under Rule 19b-4(e). Accordingly, the Commission finds that these criteria are consistent with Section 6(b)(5) of the Act because they serve to prevent fraudulent or manipulative acts, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.²²

The Commission further notes that, in connection with its previous review and approval of the trading of two series of TIRs on the CSE, it approved the Exchange's surveillance procedures and disclosure and prospectus delivery requirements for TIRs.²³ In accord with these previous findings, the Commission believes that these rules, which will govern the trading of TIRs pursuant to Rule 19b-4(e), will provide adequate safeguards to prevent manipulative acts and practices and to protect investors and the public interest.

Finally, the Commission notes that the CSE, when trading a new derivative securities product under Rule 19b-4(e), must comply with certain recordkeeping requirements pertaining to each such product and must file Form 19b-4(e)²⁴ with the Commission within five business days after commencement of trading a new TIR under the generic standards.²⁵

In conclusion, the Commission believes that the CSE's proposed rules governing the listing and trading of TIRs pursuant to Rule 19b-4(e) will provide adequate safeguards to prevent manipulative acts and practices and to protect investors and the public interest, consistent with Section 6(b)(5) of the Act.²⁶

The Commission finds good cause for approving the proposed rule change and Amendment No. 1 thereto prior to the thirtieth day after the date of publication of notice in the **Federal Register**, pursuant to Section 19(b)(2) of the Act. The Commission notes that the generic listing standards for TIRs at the CSE will be substantially similar to the listing standards at the Amex and CHX that the Commission has approved in the past.²⁷ The Commission also observes that the proposal concerns issues that previously have been the

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b).

¹⁶ 15 U.S.C. 78f(b)(5). In approving these rules, the Commission notes that it has considered the proposed rules' impact on efficiency, completion, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ See Exchange Act Release No. 43396 (September 29, 2000), 65 FR 60230 (October 10, 2000).

¹⁸ See Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998) (adopting release for Rule 19b-4(e)).

¹⁹ See Exchange Act Release No. 43042 (July 17, 2000), 65 FR 45640 (July 24, 2000).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ See 65 FR at 45643.

²² 15 U.S.C. 78f(b)(5).

²³ See 65 FR 45643-44.

²⁴ 17 CFR 249.820.

²⁵ See 17 CFR 19b-4(e)(2).

²⁶ 15 U.S.C. 78f(b)(5).

²⁷ See *supra* note 17.

subject of a full comment period pursuant to Section 19(b) of the Act.²⁸ The Commission does not believe that the proposal raises novel regulatory issues that were not addressed in the previous filings. Accordingly, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act,²⁹ to approve the proposed rule change and Amendment No. 1 on an accelerated basis.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,³⁰ that the proposed rule change (SR-CSE-00-05) and Amendment No. 1 thereto are hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 00-30770 Filed 12-1-00; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43624; File No. SR-DTC-00-13]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Related to the Processing of Low Volume Tender Offers

November 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on September 29, 2000, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared primarily by DTC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to clarify the policy of DTC regarding low volume tender offers. A low volume tender offer is an offer in which the offeror is seeking to purchase for cash up to 5% of the outstanding

shares of an equity issue or any amount of a debt issue. Low volume tender offers do not include an exchange offer or an offer by the issuer of the target security. The proposed rule change clarifies that it is DTC's policy (i) not to make an offeror's information about a low volume tender offer available to participants through DTC's Reorganization Inquiry for Participants System ("RIPS") unless the offeror uses DTC's Automated Tender Offer Program ("ATOP") to process the offer and (ii) not to make securities available to the offeror at the conclusion of a low volume tender offer processed through ATOP until DTC has received payment for the securities from the offeror.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As DTC has gained experience in processing low volume tender offers during recent years, DTC has sought to improve the manner in which it handles such offers. In a small number of cases, the offeror making a low volume tender offer sent DTC information to be entered into RIPS and paid DTC's low volume tender offer fee³ but did not use ATOP to process acceptances of the offer. In such cases the offeror included in the offering documents an instruction that participants who wished to accept the offer should do so by a free book-entry delivery at DTC to the account of a participant represented to be acting on behalf of the offeror. Participants accepting such an offer did not have all the benefits of ATOP. Those benefits include more detailed information in the RIPS announcement, such as

information about the existence of any withdrawal rights in the offer and information about the offeror's payment arrangements, and an indication on their daily participant statements while the offer is open that a tendered position is outstanding. In order to assure that its participants receive the benefits of ATOP, as a matter of policy DTC does not announce a low volume tender offer in RIPS unless the offer is processed through ATOP.

When a low volume tender offer is not processed through ATOP, payment for any securities purchased in the offer usually, if not always, are made to participants outside of DTC's facilities. It can be difficult for participants to assure themselves that securities delivered to the offeror by a free book-entry delivery at DTC are promptly paid for at the end of the offer. To give its participants the efficiency and safeguards of payment through DTC's facilities, DTC requires the offeror in a low volume tender offer processed through ATOP to send payment to DTC for any securities purchased in the offer before DTC makes the securities available to the offeror.

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC since the proposed rule change will facilitate the processing of low volume tender offers at DTC. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since low volume tender offers will be processed with the safeguards of the ATOP procedures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received on the proposed rule change. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of

²⁸ 15 U.S.C. 78s(b). See *supra* note 17.

²⁹ 15 U.S.C. 78f(b)(5).

³⁰ 15 U.S.C. 78s(b)(2).

³¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² The Commission has modified the text of the summaries prepared by DTC.

³ DTC charges a fee of \$2,700 in connection with low volume tender offers processed through its facilities. Securities Exchange Act Release No. 41032, (February 9, 1999) 64 FR 7931 (February 17, 1999) [File No. SR-DTC-99-01]. DTC will continue to charge that fee, which is not affected by the proposed rule change.

Section 17A(b)(3)(F).⁴ Section 17A(b)(3)(A)(F) requires that the rules of a clearing agency be designed, among other things, to protect investors and the public interest. DTC's policy of requiring low volume tender offers to be processed through ATOP and of not making securities available to an offeror until payment for the shares tendered is received should help to ensure that those tendering shares will be paid for their tendered shares. This should help DTC and its participants to protect investors and is in the public interest.

DTC has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of the notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice because such approval will allow DTC to immediately apply the safeguards discussed above to the processing of low volume tender offers.

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, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR-DTC-00-13 and should be submitted by December 26, 2000.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,⁵ that the proposed rule change (File No. SR-DTC-00-13) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-30718 Filed 12-1-00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43626; File No. SR-GSCC-00-05]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Enhancements to the Government Collateral Finance Repo Service and Clarifying Certain Risk Management Practices of the Service

November 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on June 5, 2000, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") and on July 13, 2000, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow GCF Repo securities lenders to satisfy their collateral allocation requirements with "comparable securities," benchmark U.S. Treasury securities, or cash. Similarly, the proposed rule change will allow GCF Repo securities borrowers, under certain conditions, to return "comparable securities," benchmark U.S. Treasury securities, or cash. The proposed rule change also would allow GSCC to alter its risk management procedures associated with the GCF Repo service to conform to the mortgage-backed securities ("MBS") market practice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC 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. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC introduced its GCF Repo Service in November 1998.³ The GCF Repo Service allows GSCC's non-interdealer broker netting members ("dealers") to trade general collateral repos involving U.S. Government securities throughout the day without requiring trade for trade settlement on a delivery versus payment basis.

GSCC has been activating the generic CUSIP numbers representing the securities that are eligible for GCF Repo processing in stages. U.S. Treasury securities with a maturity of ten years or less and U.S. Treasury securities with a maturity of thirty years or less were the first products to be made eligible for GCF Repo processing. At the beginning of this year, GSCC also began accepting non-mortgage-backed agency securities for GCF Repo processing and more recently began accepting mortgage-backed securities ("MBS") for GCF Repo processing.⁴

Having gained the experience of operating the GCF Repo Service for more than one year, GSCC is now seeking to enhance the service in certain ways in order to make it more responsive to its members' needs and to clarify certain risk management practices, each in a manner consistent with market practice.

(i) Authority To Deliver Comparable or U.S. Treasury Securities

The first change proposed by GSCC applies to the collateral allocation

² The Commission has modified the text of the summaries prepared by GSCC.

³ In 1998, the Commission approved a rule change that allowed GSCC to implement the GCF Repo Service on an intrabank basis. Securities Exchange Act Release No. 40623 (October 30, 1998), 63 FR 59831, (November 5, 1998) [File No. SR-GSCC-98-02]. In 1999, the Commission approved a rule change that allowed GSCC to implement the second, interbank phase of the GCF Repo Service. That enhancement has enabled participating dealers to engage in GCF Repo trading with participating dealers that use a different clearing bank. Securities Exchange Act Release No. 41303 (April 16, 1999), 64 FR 20346 (April 26, 1999) [File No. SR-GSCC-99-01].

⁴ On March 20, 2000, GSCC activated the generic CUSIP number representing Federal Home Loan Mortgage Corporation and Federal National Mortgage Association fixed-rate MBS.

⁴ 15 U.S.C. 78q-1(b)(3)(F).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

obligations of securities lenders⁵ in GCF Repo transactions. Under the proposed rule change, securities lenders will be permitted to satisfy their collateral allocation requirements in connection with their GCF Repo activity with (1) "comparable securities" (*i.e.*, those that fall within the same generic CUSIP number), (2) benchmark U.S. Treasury securities (*i.e.*, bills, notes, or bonds), or (3) cash. Market participants consider comparable securities to be acceptable substitutes because securities that fall within the same generic CUSIP number tend to have the same level of liquidity. U.S. Treasury securities are also acceptable substitute securities because of their high level of liquidity.

The second change proposed by GSCC applies where the securities borrower, due to reasons beyond its control and despite exercising best efforts, is not able to obtain in a timely manner the securities that were delivered on the day before by the securities lender. Under the proposed rule change, the securities borrower will have the right to return (1) "comparable securities," (2) benchmark U.S. Treasury securities, or (3) cash. The securities borrower will be responsible for making the securities lender whole (through GSCC) for any actual damages directly suffered by the securities lender as a result of not receiving back the same securities that were originally lent.

(ii) Insolvency Situation Involving Mortgage-Backed Securities

The third change proposed by GSCC relates to clarification of its risk management procedures associated with the GCF Repo Service to reflect the nature of MBS and MBS market practice. In the event of a securities borrower's insolvency, it may be impractical or even impossible for GSCC to obtain the identical types of MBS that were originally lent. Moreover, MBS market practice is such that in such a situation, securities lenders in repurchases transactions involving MBS would not expect to receive the same securities back.

The proposed rule change will amend Rule 22, Section 4 of GSCC's rules by giving GSCC the authority in an insolvency situation, where MBS were the underlying collateral, to deliver back to a securities lender "comparable securities" or benchmark U.S. Treasury

securities.⁶ Alternatively, the proposed rule change will permit GSCC to give a securities lender the right to close out the transaction by buying "comparable securities" or U.S. Treasury securities in return for a cash payment by GSCC equal to the value of the securities it bought. However, if GSCC determines that the price paid by the securities lender is unreasonably high, GSCC will be entitled to pay the securities lender a reasonable price as determined by an independent third party pricing source for the "comparable securities" or U.S. Treasury securities.

GSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to GSCC and in particular with Section 17A(b)(3)(F) of the Act because it will enhance the GCF Repo Service by making it more responsive to the needs of GSCC's members and by clarifying certain of GSCC's risk management practices, each in a manner consistent with market practice.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

⁶ Rule 3 of MBS Clearing Corporation ("MBSCC") reflects MBS market practice of delivering comparable securities in an insolvency situation.

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 of 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 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of GSCC.

All submissions should refer to File No. SR-GSCC-00-05 and should be submitted by December 26, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 00-30771 Filed 12-1-00; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43603; File No. SR-NYSE-00-36]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change by the New York Stock Exchange, Inc. Extending the Pilot Fee Structure Governing the Reimbursement of Member Organizations for Costs Incurred in the Transmission of Proxy and Other Shareholder Communication Materials and Amending the Components of Coordination Activities

November 21, 2000.

I. Introduction

On August 11, 2000, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or

⁷ 17 CFR 200.30-3(a)(12).

⁵ As provided in GSCC's Rule 46, the use of borrowing and lending terminology in this proposed rule change filing and in GSCC's rules and agreements shall not be deemed to affect the intent of members as to their characterization of their transactions in agreements entered into by the members with each other or with third parties with respect to such transactions.

“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder,² a proposed rule change to extend the pilot fee structure governing the reimbursement of member organizations for costs incurred in the transmission of proxy and other shareholder communication materials and to amend the list of coordination services an intermediary must perform to collect the \$20.00 nominee coordination fee. The proposed rule change was published in the **Federal Register** on August 23, 2000.³ The Commission received one comment letter on the proposed rule change.⁴ On October 20, 2000, the Exchange submitted Amendment No. 1 to the proposed rule change.⁵ This order approves the amended proposed rule change, including Amendment No. 1 on an accelerated basis through September 1, 2001. The Commission is also soliciting comment on Amendment No. 1 to the proposed rule change.

II. Background

NYSE member organizations that hold securities for beneficial owners in street name solicit proxies from, and deliver proxy and issuer communications to, beneficial owners on behalf of NYSE-listed companies.⁶ For this service, NYSE issuers reimburse NYSE member organizations for reasonable out-of-pocket, clerical, postage, and other expenses incurred in performing such activities. The reimbursement of NYSE member organizations by NYSE issuers is governed by NYSE rules.⁷ Today,

many NYSE member organizations outsource their proxy delivery obligations to proxy distribution intermediaries. Currently, one intermediary handles the majority of the proxy distribution business, Automatic Data Processing, Inc. (“ADP”).

Currently, the Exchange has a pilot fee structure (“Pilot Fee Structure”) set forth in its Rules that governs the reimbursement of expenses by NYSE issuers to NYSE member organizations for processing and delivering proxy materials and other issuer communications (collectively “Materials”) with respect to security holders whose securities are held in street name. Among other things, the Pilot Fee Structure sets certain guidelines concerning the reimbursement of fees for the distribution of Materials, creates incentive fees to eliminate duplicative mailings, and establishes a supplemental fee for intermediaries that coordinate multiple nominees.⁸ The Pilot Fee Structure has been modified and extended several times,⁹ most recently until November 20, 2000.¹⁰

In February 2000, the Exchange proposed extending the Pilot Fee Structure through September 1, 2000.¹¹ At that time, the Commission requested that the Exchange and ADP provide the Commission with descriptions and analysis of the fees permissible under

the Pilot Fee Structure. In response, the Exchange submitted the Proposal and ADP submitted a letter to the Commission.¹²

III. Description of the Proposal

In the Proposal, the Exchange has requested that the Pilot Fee Structure be extended through September 1, 2001.

In addition, the Proposal would amend the functions that an intermediary is expected to perform to recover the nominee coordination fee.¹³ Specifically, the Proposal contains detailed descriptions of the minimum services that must be provided by an intermediary that coordinates the delivery and processing of proxies across multiple nominees. For example, the Proposal specifies that an intermediary must coordinate the search of nominees and beneficial owners by: (1) Searching for all nominees that are clients of the intermediary; (2) obtaining beneficial ownership lists from nominee clients; (3) consolidating nominees’ responses to an issuer’s requests for the number of beneficial owner customers of the nominee clients; and (4) providing the names and addresses of nominee clients when requested by an issuer pursuant to Rule 14a-13(a)(1)(D) under the Act.¹⁴ In addition, intermediaries collecting the coordination fee will be required to (1) accept issuers’ proxies at a single location and prepare such proxies across multiple nominees for distribution to beneficial owners, including packaging, if necessary; (2) transmit issuers’ proxy materials by making effective use of bulk mail opportunities; (3) receive and tabulate vote responses; and (4) provide vote reports across multiple nominees.¹⁵

⁸ See Securities Exchange Act Release No. 38406 (March 14, 1997), 62 FR 13922 (March 24, 1997). The Commission originally approved the Pilot Fee Structure for a one-year period, expiring on May 13, 1998. See note 9 *infra* for additional extensions and changes to the original pilot.

⁹ See Securities Exchange Act Release Nos. 39672 (February 17, 1998), 63 FR 9034 (February 23, 1998) (order extending Pilot Fee Structure through July 31, 1998, and lowering the rate of reimbursement for mailing each set of initial proxies and annual reports from \$.55 to \$.50); 40289 (July 31, 1998), 63 FR 42652 (August 10, 1998) (order extending Pilot Fee Structure through October 31, 1998); 40621 (October 30, 1998), 63 FR 60036 (November 6, 1998) (order extending Pilot Fee Structure through February 12, 1999); 41044 (February 11, 1999), 64 FR 8422 (February 19, 1999) (order extending Pilot Fee Structure through March 15, 1999); 41177 (March 16, 1999), 64 FR 14294 (March 24, 1999) (order extending Pilot Fee Structure through August 31, 1999); 41669 (July 29, 1999), 64 FR 43007 (August 6, 1999) (order extending Pilot Fee Structure through November 1, 1999); 42086 (November 1, 1999), 64 FR 60870 (November 8, 1999) (order extending Pilot Fee Structure through January 3, 2000); 42304 (December 30, 1999), 65 FR 1212 (January 7, 2000) (order extending Pilot Fee Structure through February 15, 2000); 42433 (February 16, 2000), 65 FR 10137 (February 25, 2000) (order extending the Pilot Fee Structure through September 1, 2000); and 43151 (August 14, 2000), 65 FR 51382 (August 23, 2000) (order extending the Pilot Fee Structure through October 10, 2000).

¹⁰ See Securities Exchange Act Release No. 43429 (October 10, 2000), 65 FR 62781 (October 19, 2000).

¹¹ Securities Act Release No. 4243 (February 16, 2000), 65 FR 10137 (February 25, 2000).

¹² See letter from Richard J. Daly, Group Co-President, ADP, to Jonathan G. Katz, Secretary, SEC, dated June 28, 2000.

¹³ There is some overlap of the functions that an intermediary needs to perform to collect the proxy mailing fee and the nominee coordination fee. For example, under the Commission’s rules, an intermediary is required to respond to an issuer’s request for the number of beneficial owners served by the intermediary and forward issuer proxy materials to the beneficial owners, even if the intermediary is not coordinating these functions on behalf of multiple nominees. Intermediaries also traditionally have received and tabulated vote responses from beneficial owners and provided vote reports to the issuer in return for the proxy mailing fee. The proposed rule change is not intended to change existing practices or fee allocation in this regard. The listed functions are relevant to the nominee coordination fee only to the extent that an intermediary performs them on behalf of multiple nominees.

¹⁴ 17 CFR 240.14a-13(a)(1)(D).

¹⁵ The intermediary must provide a vote report, consolidated across multiple nominee clients no less than 10 days before the shareholder meeting. Thereafter, the intermediary must provide updated consolidated vote reports each day before the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 43159 (August 16, 2000), 65 FR 51384 (“Proposal”).

⁴ See letter from T. Peter Townsend, Vice President, Investor Relations, Secretary, Exxon Mobil Corp., to Secretary, SEC, dated September 13, 2000.

⁵ See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Sharon Lawson, Senior Special Counsel, Office of Market Supervision, Division of Market Regulation, SEC, dated October 18, 2000 (“Amendment No. 1”). In Amendment No. 1, the Exchange amended the language of the nominee coordination fee provision to more clearly articulate what services an intermediary is expected to perform to earn the \$20.00 coordination fee.

⁶ The ownership of shares in street name means that a shareholder, or “beneficial owner,” has purchased shares through a broker-dealer or bank, also known as a “nominee.” In contrast to direct ownership, where the shares are directly registered in the name of the shareholder, shares held in street name are registered in the name of the nominee, or in the nominee name of a depository, such as the Depository Trust Company.

⁷ See NYSE Rules 451, “Transmission of Proxy Material,” and 465 “Transmission of Interim Reports and other Materials.” In addition, the text of NYSE Rule 451 also is included at Paragraph 402.10(A) of the Exchange’s *Listed Company Manual* (collectively “Rules”).

Finally, intermediaries must submit consolidated invoices to issuers for the processing of proxies on behalf of multiple nominees.¹⁶

IV. Summary of Comments

The Commission received one comment letter on the Proposal.¹⁷ The commenter argued that the Pilot Fee Structure is not competitive and ultimately is costly to shareholders. The commenter suggested that the fee for mailing issuer materials be reduced from \$0.50 to \$0.25 per mailing to make it consistent with similar services for registered shareholders. The commenter argued that the current \$0.50 mailing fee does not reflect continued technological improvements that have lowered costs. According to the commenter, this reduction could be recovered in the \$0.50 elimination fee and \$20.00 nominee coordination fee. Further, the commenter requested that intermediaries be required to provide annual justification of their costs that would be subject to an independent review. Finally, the commenter suggests the use of a sliding scale based on volume or a cap on total proxy fees paid by large issuers. In support of this, the commenter states that the current flat fee structure fails to take into account economies resulting from large shareholder bases.

V. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)¹⁸ of the Act.¹⁹ Section 6(b)(4) of the Act²⁰ requires that exchange rules provide the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using the facilities of an exchange.

shareholder meeting. On the day before the shareholder meeting, the intermediary must provide two vote reports consolidated across multiple clients. Finally, on the day of the shareholder meeting, the intermediary must provide a final vote report consolidated across multiple nominee clients.

¹⁶ In the Proposal, the Exchange clarified that the list of coordination activities that an intermediary must perform was not intended to be exclusive. By setting forth the list of coordination activities in the Rules, the Exchange intended to add a level of specificity to provide both intermediaries and issuers with notice as to the minimum services that an intermediary is expected to perform.

¹⁷ See note 4 *supra*.

¹⁸ 15 U.S.C. 78f(b).

¹⁹ In approving this proposal, the Commission has considered its impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

²⁰ 15 U.S.C. 78f(b)(4).

Section 6(b)(5) of the Act²¹ requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, processing information with respect to, and facilitating transactions in securities, and in general, to protect investors and the public interest.

The Commission has decided to extend the pilot through September 1, 2001. The Commission believes that this time frame will permit further consideration by market participants and the Commission of the proxy fee structure.²²

The Commission also believes that the components of the nominee coordination fee are consistent with the requirements of the Act. Currently, the Rules only require that an intermediary provide an issuer with the names and address of the nominees in response to the issuer's request and transmit the issuer's proxies to beneficial owners. The Proposal provides more specific information as to the services an intermediary is expected to perform, at a minimum, in order to collect the \$20.00 nominee coordination fee. The Commission believes that clarifying the minimum services to be provided by intermediaries and specifying these in the Rules will provide market participants, including issuers, with more complete information about the scope of the fees charged and services provided by intermediaries.

The Commission notes that, under the NYSE Proposal, the list of services that an intermediary is required to provide for collecting the \$20.00 nominee coordination fee is not exclusive. The list is considered the minimum services required to be performed for collection of the coordination fee and should be helpful to issuers by providing them with information on the services being provided for the fees they are paying. The Commission also believes that the additional specificity in the rule on the minimum requirements to collect the \$20.00 coordination fee should help to address some of the concerns that have been raised since the inception of the Pilot Fee Structure.

As noted above, there is one intermediary, ADP that provides the majority of proxy and issuer communication delivery services. Thus, there is a lack of competitive market forces to dictate appropriate fees for

services. The Commission believes that until an approach can be developed that would foster competition in the proxy distribution industry so that market forces could determine reasonable expenses for services, that it is appropriate for the Exchange to specify rates of reimbursement for NYSE member organizations that distribute Materials to beneficial owners on behalf of NYSE issuers.

The Commission received one comment letter in response to the proposed rule change.²³ The commenter argued that the Pilot Fee Structure is not competitive and ultimately costly to shareholders and therefore, the commenter believed that certain mailing fees should be reduced. The commenter also raised concerns that the fee structure does not reflect economies of scale from issuers with a large shareholder base.

The Commission, as noted above, also continues to be concerned about the lack of competitive forces driving the fees charged for the delivery and processing of issuer Materials and that is one of the main reasons why the Commission has decided to continue to approve the Rules on a pilot basis. The Commission hopes that market participants will further consider other more competitive approaches to establishing reasonable fees for distributing issuer Materials. The Commission believes that competitive market forces would best dictate reasonable fees. However, in the absence of such a competitive scheme, the Commission believes that it is appropriate for the minimum fees to be governed by NYSE Rules. The Commission also will continue to consider the appropriateness of the fees over the course of the pilot.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication in the **Federal Register**. In Amendment No. 1, the Exchange merely added clarifying language to the text of the proposed Rules. The substance of the minimum services expected to be provided by an intermediary in order to earn the nominee coordination fee was not changed. Therefore, because the substance of the Rules was not amended and the Proposal was subject to notice and comment by interested persons, the Commission believes that good cause exists pursuant to Sections 6(b)(5)²⁴ and 19(b)²⁵ of the Act to accelerate approval

²¹ 15 U.S.C. 78f(b)(5).

²² See Securities Exchange Act Release No. 41177 (March 16, 1999), 64 FR 14294 (March 24, 1999) for a complete description of the Pilot Fee Structure and the Commission's basis for approval, which is incorporated herein.

²³ See note 4 *supra*.

²⁴ 15 U.S.C. 78f(b)(5).

²⁵ 15 U.S.C. 78s(b).

of Amendment No. 1 to the proposed rule change.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, including whether Amendment No. 1 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 NYSE. All submissions should refer to File No. SR-NYSE-00-36 and should be submitted by December 26, 2000.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁶ that the proposed rule change (SR-NYSE-00-36), as amended, is approved through September 1, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁷

Margaret H. McFarland,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43619; File No. SR-PCX-00-44]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Committee Voting Requirements

November 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on November

20, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. 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

The PCX is proposing to amend PCX Rule 11.2(a) to replace the word "present" with the word "voting" to allow committee action to be approved by a majority of those voting at a meeting at which a quorum has been established. Below is the complete text of the proposed rule change. Proposed new text is in *italics*. Proposed deletions are in [brackets].

* * * * *

Pacific Exchange, Inc.

Constitution and Rules

* * * * *

Rule 11

Committees of the Exchange

¶6233 Committee Procedures

Rule 11.2(a). Except as otherwise provided in the Constitution, the Rules, or a resolution of the Board, each committee shall determine its own time and manner of conducting its meetings. The vote of a majority of the members of a committee [present] *voting* at a meeting at which a quorum is present shall be the act of the committee. Committees may act by written consent of a majority of the members of the committee.

(b) 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the PCX's Board of Governors and the Exchange's standing committees operate under different voting standards. The voting standard applied to committees is more restrictive than that applied to the Board of Governors. The standard for committee voting is set by PCX Rule 11.2(a) which states that "the vote of a majority of the members of a committee present at a meeting at which a quorum is present shall be the act of the committee." This differs from the voting requirement for the Board of Governors which may act upon the affirmative vote of "not less than a majority of the Governors voting at a meeting at which a quorum is present * * *"³ This section allows the Board of Governors to act on the majority vote of the Governors voting, regardless of whether the number of Governors recusing or abstaining reduces the number of those eligible to vote below a quorum, below a majority of the Governors attending or below a majority of the total number of Governors on the Board.

Unlike Section 1(a), PCX Rule 11.2(a) requires a vote of a majority of committee members present at the meeting, rather than a mere majority of those voting. The PCX believes that Rule 11.2(a) should be amended to make it consistent with the requirements set forth for the PCX Board of Governors. Recent changes in the ownership of, or capital investment in, many PCX member firms has increased the number of instances in which committee members must abstain or recuse from a committee vote. This may delay or preclude a committee from taking action, thereby reducing the responsiveness of a committee to rapidly changing market conditions and limiting overall committee effectiveness.

The proposed rule change conforms the committee voting standard to that applied to the PCX Board of Governors. The rule change will allow for greater committee responsiveness, improved timing for committee actions, and consistency across the Exchange with respect to rules of order.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,⁴ in general, and furthers the objectives of Section

²⁶ 15 U.S.C. 78s(b)(2).

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ PCX Constitution, Article II, Section 1(a).

⁴ 15 U.S.C. 78f.

6(b)(5)⁵, in particular, in that it is designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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

Written comments on the proposed rule change 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)⁶ of the Securities Exchange Act of 1934 and subparagraph (f)(3) of Securities Exchange Act Rule 19b-4 thereunder⁷ because it is concerned solely with the administration of the Exchange. At any time within 60 days of this filing, the Commission may summarily abrogate this rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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, 450 Fifth Street, NW., Washington, DC. Copies of such filing

will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-00-44 and should be submitted by December 26, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43623; File No. SR-PCX-00-04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Buy-Writes & Book Priority

November 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 3, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. 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

The Exchange is proposing to amend its rules to facilitate the execution of stock/option orders on the Exchange. Below is the text of the proposed rule change. Proposed new language is *italicized* and proposed deletions are in [brackets].

* * * * *

¶ 5139 Priority of Bids and Offers

Rule 6.75. Except as provided by Rule 6.76 below, the following rules of priority shall be observed with respect to bids and offers:

(a)-(c) No change.

(d) Notwithstanding anything in paragraphs (a) and (b) to the contrary, when a member *is* holding a spread order, a straddle order, or a combination order, *or stock/option order and is* bidding or offering on the basis of a total credit or debit for the order *and has*

determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Order Book Official or other members, in procedures determined by the Options Floor Trading Committee, then the order may be executed as a spread, straddle, or combination, *or stock/option order* at the total credit or debit with one or more members without giving priority to bids or offers for the individual option series of the Order Book Official or of other members at the post that are no better than the bids or offers comprising such total credit or debit.

Commentary: .01-.03—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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's priority rules for options provide, in general, that the highest bids and lowest offers have priority over other bids and offers, except that orders in the Limit Order Book have priority over other bids and offers at the same price.³ The rules further provide if there are two or more bids (or offers) representing the highest bid (or lowest offer), and no orders in the Limit Order Book are involved, then priority is afforded to those bids (or offers) in the sequence in which they were made.⁴ PCX Rule 6.75(d) currently allows three exceptions to the priority rules with respect to "spread orders,"⁵ "straddle orders,"⁶ and "combination

³ See PCX Rules 6.75(a)-(b).

⁴ *Id.*

⁵ A "spread order" is an order to buy a stated number of option contracts and to sell the same number of contracts (or contracts representing the same number of shares of the underlying security) of the same class of options. See PCX Rule 6.62(d).

⁶ A "straddle order" is an order to buy or to sell the same number of options of each type with respect to the same underlying security and having the same exercise price and expiration date (e.g., an

Continued

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(3).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

orders.”⁷ As discussed below, the Exchange is now proposing to add a fourth exception, for stock/option orders,⁸ including those that are commonly known as “buy-writes.”

Currently, under Rule 6.75(d), when a member is holding a spread order, a straddle order or combination order, and is bidding or offering on the basis of a total credit or debit for the order, and has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Order Book Official or other members, then the order may be executed as a spread, straddle or combination at the total credit or debit with one or more members without giving priority to bids or offers for the individual option series of the Order Book Official or of other members at the post that are no better than the bids or offers comprising such total credit or debit.

For example, a spread order may be executed as follows: assume that a floor broker is holding a spread order that requires selling 20 June 25 XYZ calls and buying 20 July 25 XYZ calls, and further assume that there is an order in the book to buy 5 June 25 XYZ calls and there are no orders in the book to sell July 25 XYZ calls. The floor broker could attempt to execute the spread order as three separate transactions: (1) Sell 5 June 25 calls to the Book; (2) sell 15 June 25 calls to the trading crowd; and (3) buy 20 July 25 calls from the trading crowd. If the customer's order specified a limit price of a specific debit amount—\$1, for example—the order might theoretically be filled in this manner. Thus, if the broker could sell

order to buy two XYZ July 50 calls and to buy two XYZ July 50 puts is a straddle order.) In the case of adjusted options contracts, a straddle order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares of the underlying security. See PCX Rule 6.62(g).

⁷ A “combination order” is an order involving a number of call option contracts and the same number of put option contracts with respect to the same underlying security. In the case of adjusted options contracts, a combination order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares of the underlying security. See PCX Rule 6.62(h).

⁸ A stock/option order is an order to buy or sell a stated number of units of an underlying or a related security coupled with either: (i) The purchase or sale of option contract(s) of the same series on the opposite side of the market representing the same number of units of the underlying or related security; or (ii) the purchase and sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and number of units of the underlying or related security, on the opposite side of the market representing in aggregate twice the number of units of the underlying or related security See PCX Rule 6.62(j).

all 20 June calls at 4 and buy all 20 July calls at 5, the spread order could be filled as long as the customer's limit price was no more than a debit of \$1. However, if the order in the book was to buy the June calls at 4, and the crowd was bidding 3⁷/₈ for those calls, the broker could not fill the orders at the customer's limit price. In this example, the broker is placed at undue market risk in attempting to execute the order as separate transactions. If the broker sold 5 June calls to the book and, while consummating the trade, the XYZ stock ticks up 1/2 a point, the crowd would likely be unwilling to trade the remaining calls at a price that is within the customer's limit. The broker is then left with an error.

To avoid that problem, floor brokers typically call for a quote from the crowd for the entire spread. Following the previous example involving the June/July call spread, the trading crowd might provide a bid of \$1 credit for the spread, which would satisfy the customer's limit price. This may occur, in accordance with Rule 6.75(d), even though one leg of the spread has traded at a price equal to the price of an order in the book on the other side of the market, *i.e.*, it “touches the book.” The rationale for this exception is, as described previously, that without it a broker would assume undue risk in executing the spread order and many spread orders would otherwise remain unexecuted.

A similar problem exists for stock/option orders, such as buy-writes, which involve writing call options and purchasing the underlying stock.⁹ For example, a customer may want to sell 10 XYZ July calls and buy 1000 shares of XYZ stock. The broker will typically enter the trading crowd and call for a market for the buy-write. The crowd will generally provide a two sided market expressed in the form of a total debit or credit—for example, \$1 bid, \$1 1/2 offered—which will represent both the market to “buy” the buy-write (\$1) as well as the market to “sell” the buy-write (\$1 1/2). If the customer is a seller and accepts the trading crowd's \$1 bid

⁹This strategy is also referred to as “covered call writing.” As stated in the *Characteristics and Risks of Standardized Options*:

“If the writer of a physical delivery call option owns or acquires the amount of the underlying interest that is deliverable upon exercise of the call, he is said to be a covered call writer. EXAMPLE: An individual owns 100 shares of XYZ common stock. If he writes one physical delivery XYZ call option—giving the holder the right to purchase 100 shares of the stock at a specified exercise price—this would be a covered call. If he writes two such XYZ calls, one would be covered and one would be uncovered.”

[Citation omitted in original].

on the transaction, then the stock and option portions of the trade will both have to be completed before the trade is fully consummated.¹⁰

Following the previous example, assume that the market in the underlying stock is 65⁷/₈–66¹/₈ and the market in the overlying July 65 calls is 2–2¹/₄. The customer would receive an execution at a total credit of \$1 if the stock is executed at \$66 and the calls are executed at \$2. However, if the stock trades at 66¹/₈, the price of the option could be adjusted to 1⁷/₈, so that the net debit is \$1.

To complicate this matter, if there is an order in the book to buy 5 July 65 calls at 2, the buy-write cannot be executed unless either the stock trades at a price other than 66 or the trading crowd is willing to trade the buy-write with a stock/option ratio other than one-to-one. This is the case because, under PCX Rule 6.75, buy-writes are not afforded the same priority rule exemption that applies to spread, straddle and combination orders. Instead, buy-writes are only afforded a limited exemption to the priority rule, *i.e.*, “a stock/option order has priority over the bids and offers of members in the trading crowd, but not over the bids and offers of the Order Book Official.”

Therefore, the Exchange is proposing to modify Rule 6.75 to provide stock/option orders with the same exemptive relief from Rule 6.75(a)–(b) that currently applies to spread orders, straddle orders and combination orders. The Exchange believes that this rule change will facilitate transactions in securities because it will allow floor brokers to execute stock/option orders more promptly, as a single package, without regard to other orders that may be in the Order Book at the time. This

¹⁰ See Options Floor Procedure Advice A–6, which provides in part:

“When a stock/option order is taken to a crowd for execution, the stock transaction must be effected prior to the option transaction pursuant to Rule 6.47, Commentary .04. The following procedure should be observed:

After agreement with other members of the crowd has been reached as to the terms of the transaction, the option order tickets shall be written up and time-stamped. However, the order tickets should not be turned in to the Order Book Official at this time. The members shall attempt to immediately affect the transaction in the underlying or related security. If the stock transaction cannot be executed immediately or is effected at a price different than the agreed-upon price, the members shall not be held to the option transaction. If the stock transaction is effected at the agreed-upon price, then all the members who participated in the option transaction shall be held to their agreed-upon price. At the time the stock transaction is effected, the option trade tickets should be given to the Order Book Official.

This procedure applies to all executions of stock/option orders.”

[Citation omitted in original].

will allow brokers to focus on other orders they are representing. It will allow brokers to avoid undue liability and to avoid having to spend an inordinate amount of time in executing stock/option orders in compliance with the current restrictions of Rule 6.75 relating to orders in the order book. It will also allow stock/option orders to be executed when otherwise they might not be executed under Rule 6.75. The Exchange believes that the current exemptions for spread, straddle and combination orders under Rule 6.75 should be extended to include stock/option orders based upon just and equitable principles of trade.

2. Basis

The Exchange believes that this proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5),¹² in particular, in that it is designed to facilitate transactions in securities, promote just and equitable principles of trade, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will—

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 and copying at the principal office at the PCX. All submissions should refer to File No. SR-PCX-00-04 and should be submitted by December 26, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-30769 Filed 12-1-00; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3305; Amendment No. 2]

State of Arizona

In accordance with a notice received from the Federal Emergency Management Agency, dated November 27, 2000, the above-numbered Declaration is hereby amended to include Yavapai County in the State of Arizona as a disaster area due to damages caused by severe storms and flooding which occurred beginning on October 21, 2000 and continuing through November 8, 2000.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Coconino, Arizona may be filed until the specified date at the previously designated location. All other contiguous counties have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is December 26, 2000 and for economic injury the deadline is July 27, 2001.

¹³ 17 CFR 200.30-3(a)(12).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 28, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00-30778 Filed 12-1-00; 8:45 am]

BILLING CODE 8025-01-U

SMALL BUSINESS ADMINISTRATION

[License #09/09-0386]

First Commerce & Loan, L.P.; Notice of License Surrender

Notice is hereby given that First Commerce & Loan, L.P. ("First Commerce"), an Arizona limited partnership, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). First Commerce was licensed by the Small Business Administration on October 19, 1990.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on November 9, 2000, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies)

Dated: November 28, 2000.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00-30777 Filed 12-1-00; 8:45 am]

BILLING CODE 8025-01-U

SMALL BUSINESS ADMINISTRATION

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of the U.S. Small Business Administration Financial Assistance Programs 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. SBA 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

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

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 the twenty-one (21) federal agencies, including SBA, on August 30, 2000 (65 FR 52857–52895). SBA's portion of the final common rule will be codified at 13 CFR Part 113.

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 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, SBA-funded small business development centers and for profit and nonprofit organizations that receive SBA disaster loans.

List of Federal Financial Assistance Administered by the U.S. Small Business Administration to Which Title IX Applies

Note: All recipients of federal financial assistance from SBA 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.

Information on SBA 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 Catalog,” select “Browse the Catalog—By Agency,” and then click on “Small Business Administration.” 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 types of federal financial assistance administered through SBA are listed in the CFDA. For further information on any of these types of federal financial assistance, please consult the CFDA.

Economic Injury Disaster Loans
Business Development Assistance to Small Business
8(a) Business Development Management and Technical Assistance for Socially and Economically Disadvantaged Businesses
Physical Disaster Loans
Procurement Assistance to Small Businesses
Small Business Investment Companies
Bond Guarantees for Surety Companies
Service Corps of Retired Executives Association
Small Business Development Centers
Certified Development Company Loans (504 Loans)
Women's Business Ownership Assistance
Veterans Entrepreneurial Training and Counseling
Microloan Demonstration Program
Office of Small Disadvantaged Business Certification and Eligibility

(Authority: 28 U.S.C. 1681–1688)

Dated: November 28, 2000.

James A. Westbrook,

Acting Assistant Administrator, Office of Equal Employment Opportunity and Civil Rights Compliance.

[FR Doc. 00–30780 Filed 12–1–00; 8:45 am]

BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Rescission of Social Security Acquiescence Ruling 00–3(10)

AGENCY: Social Security Administration.

ACTION: Notice of rescission of Social Security Acquiescence Ruling 00–3(10)—*Haddock v. Apfel*, 196 F.3d 1084 (10th Cir. 1999).

SUMMARY: In accordance with 20 CFR 402.35(b)(2), 404.985(e) and 416.1485(e) the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 00–3(10).

EFFECTIVE DATE: December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Cassia W. Parson, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1695.

SUPPLEMENTARY INFORMATION: A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of

Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), a Social Security Acquiescence Ruling may be rescinded as obsolete if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On June 20, 2000, we issued Acquiescence Ruling 00–3(10) (65 FR 38312) to reflect the holding in *Haddock v. Apfel*, 196 F.3d 1084 (10th Cir. 1999). This circuit court holding interpreted 20 CFR 404.1566 and 416.966 to require that, before an Administrative Law Judge (ALJ) may rely on evidence from a Vocational Expert (VE) to support a determination of nondisability at step five of the sequential evaluation process, he or she must ask the expert how the testimony or information corresponds to the information provided in the Dictionary of Occupational Titles (DOT)¹ and elicit a reasonable explanation for any conflict.

We are publishing this notice of rescission of the Acquiescence Ruling concurrently with our publication of Social Security Ruling (SSR) 00–4p clarifying 20 CFR 404.1566 and 416.966. The SSR clarifies our rules on identifying and resolving conflicts or apparent conflicts between the testimony of the VE or a Vocational Specialist (VS) and the information contained in the DOT. The SSR explains that when a VE or VS provides evidence about the requirements of a job or occupation, the adjudicator has an affirmative responsibility to ask about any possible conflict between that VE or VS evidence and the information provided in the DOT. The SSR also provides that, before relying on VE or VS evidence to support a disability determination or decision, the adjudicator must obtain a reasonable explanation for any such conflict.

Because the SSR clarifies the provision of our rules upon which the holding in *Haddock* is based and our standards for identifying and resolving conflicts between occupational evidence provided by a VE and the information in the DOT, we are rescinding Acquiescence Ruling 00–3(10). By clarifying our regulations and

¹ Employment and Training Administration, U.S. Department of Labor, Dictionary of Occupational Titles (Fourth Edition, Revised 1991) and its companion publication, Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles, (1993).

rescinding this Acquiescence Ruling, we are restoring uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards as discussed in the preamble to the 1998 acquiescence regulations, 63 FR 24927 (May 6, 1998).

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income)

Dated: October 27, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–30700 Filed 12–1–00; 8:45 am]

BILLING CODE 4191–02–U

SOCIAL SECURITY ADMINISTRATION

Social Security Ruling, SSR 00–4p.; Titles II and XVI: Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling.

SUMMARY: In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling, SSR 00–4p. This Ruling clarifies our standards for the use of vocational experts, vocational specialists, and other reliable sources of occupational information in the evaluation of Social Security disability claims under title II, Federal Old-Age, Survivors, and Disability Insurance, and title XVI, Supplemental Security Income for the Aged, Blind, and Disabled, of the Social Security Act.

In view of the clarification provided by this Ruling, AR 00–3(10) *Haddock v. Apfel*, “Use of Vocational Expert Testimony and the Dictionary of Occupational Titles Under 20 CFR 404.1566, 416.966—Titles II and XVI of the Social Security Act,” is being rescinded through a separate notice in the **Federal Register**.

EFFECTIVE DATE: December 4, 2000.

FOR FURTHER INFORMATION CONTACT:

Georgia E. Myers, Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, 1–410–965–3632 or TTY 1–800–966–5609.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are

publishing this Social Security Ruling in accordance with 20 CFR 402.35(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner’s decisions, opinions of the Office of the General Counsel, and policy interpretations of the law and regulations.

Although Social Security Rulings do not have the same force and effect as the statute or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 402.35(b)(1), and are to be relied upon as precedents in adjudicating cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income.)

Dated: October 27, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

Policy Interpretation Ruling

Titles II and XVI: Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions

Purpose: This Ruling clarifies our standards for the use of vocational experts (VEs) who provide evidence at hearings before administrative law judges (ALJs), vocational specialists (VSs) who provide evidence to disability determination services (DDS) adjudicators, and other reliable sources of occupational information in the evaluation of disability claims. In particular, this ruling emphasizes that before relying on VE or VS evidence to support a disability determination or decision, our adjudicators must:

- Identify and obtain a reasonable explanation for any conflicts between occupational evidence provided by VEs or VSs and information in the Dictionary of Occupational Titles (DOT), including its companion publication, the Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCO), published by the Department of Labor, and

- Explain in the determination or decision how any conflict that has been identified was resolved.

Citations (Authority): Sections 216(i), 223(d)(2)(A), and 1614(a)(3)(B) of the Social Security Act, as amended; 20 CFR Part 404, sections 404.1566–404.1569, 20 CFR Part 404, subpart P, appendix 2, § 200.00(b), and 20 CFR Part 416, sections 416.966–416.969.

Pertinent History: To determine whether an individual applying for disability benefits (except for a child applying for Supplement Security Income) is disabled, we follow a 5-step sequential evaluation process as follows:

1. Is the individual engaging in substantial gainful activity? If the individual is working and the work is substantial gainful activity, we find that he or she is not disabled.

2. Does the individual have an impairment or combination of impairments that is severe? If the individual does not have an impairment or combination of impairments that is severe, we will find that he or she is not disabled. If the individual has an impairment or combination of impairments that is severe, we proceed to step 3 of the sequence.

3. Does the individual’s impairment(s) meet or equal the severity of an impairment listed in appendix 1 of subpart P of part 404 of our regulations? If so, we find that he or she is disabled. If not, we proceed to step 4 of the sequence.

4. Does the individual’s impairment(s) prevent him or her from doing his or her past relevant work (PRW), considering his or her residual functional capacity (RFC)? If not, we find that he or she is not disabled. If so, we proceed to step 5 of the sequence.

5. Does the individual’s impairment(s) prevent him or her from performing other work that exists in the national economy, considering his or her RFC together with the “vocational factors” of age, education, and work experience? If so, we find that the individual is disabled. If not, we find that he or she is not disabled.

The regulations at 20 CFR 404.1566(d) and 416.966(d) provide that we will take administrative notice of “reliable job information” available from various publications, including the DOT. In addition, as provided in 20 CFR 404.1566(e) and 416.966(e), we use VEs and VSs as sources of occupational evidence in certain cases.

Questions have arisen about how we ensure that conflicts between occupational evidence provided by a VE or a VS and information in the DOT (including its companion publication,

the SCO) are resolved. Therefore, we are issuing this ruling to clarify our standards for identifying and resolving such conflicts.

Policy Interpretation

Using Occupational Information at Steps 4 and 5

In making disability determinations, we rely primarily on the DOT (including its companion publication, the SCO) for information about the requirements of work in the national economy. We use these publications at steps 4 and 5 of the sequential evaluation process. We may also use VEs and VSs at these steps to resolve complex vocational issues.¹ We most often use VEs to provide evidence at a hearing before an ALJ. At the initial and reconsideration steps of the administrative review process, adjudicators in the DDSs may rely on VSs for additional guidance. See, for example, SSRs 82-41, 83-12, 83-14, and 85-15.

Resolving Conflicts in Occupational Information

Occupational evidence provided by a VE or VS generally should be consistent with the occupational information supplied by the DOT. When there is an apparent unresolved conflict between VE or VS evidence and the DOT, the adjudicator must elicit a reasonable explanation for the conflict before relying on the VE or VS evidence to support a determination or decision about whether the claimant is disabled. At the hearings level, as part of the adjudicator's duty to fully develop the record, the adjudicator will inquire, on the record, as to whether or not there is such consistency.

Neither the DOT nor the VE or VS evidence automatically "trumps" when there is a conflict. The adjudicator must resolve the conflict by determining if the explanation given by the VE or VS is reasonable and provides a basis for relying on the VE or VS testimony rather than on the DOT information.

Reasonable Explanations for Conflicts (or Apparent Conflicts) in Occupational Information

Reasonable explanations for such conflicts, which may provide a basis for relying on the evidence from the VE or VS, rather than the DOT information, include, but are not limited to the following:

- Evidence from VEs or VSs can include information not listed in the DOT. The DOT contains information

about most, but not all, occupations. The DOT's occupational definitions are the result of comprehensive studies of how similar jobs are performed in different workplaces. The term "occupation," as used in the DOT, refers to the collective description of those jobs. Each occupation represents numerous jobs. Information about a particular job's requirements or about occupations not listed in the DOT may be available in other reliable publications, information obtained directly from employers, or from a VE's or VS's experience in job placement or career counseling.

- The DOT lists maximum requirements of occupations as generally performed, not the range of requirements of a particular job as it is performed in specific settings. A VE, VS, or other reliable source of occupational information may be able to provide more specific information about jobs or occupations than the DOT.

Evidence That Conflicts With SSA Policy

SSA adjudicators may not rely on evidence provided by a VE, VS, or other reliable source of occupational information if that evidence is based on underlying assumptions or definitions that are inconsistent with our regulatory policies or definitions. For example:

- **Exertional Level**

We classify jobs as sedentary, light, medium, heavy and very heavy (20 CFR 404.1567 and 416.967). These terms have the same meaning as they have in the exertional classifications noted in the DOT.

Although there may be a reason for classifying the exertional demands of an occupation (as generally performed) differently than the DOT (e.g., based on other reliable occupational information), the regulatory definitions of exertional levels are controlling. For example, if all available evidence (including VE testimony) establishes that the exertional demands of an occupation meet the regulatory definition of "medium" work (20 CFR 404.1567 and 416.967), the adjudicator may not rely on VE testimony that the occupation is "light" work.

- **Skill Level**

A skill is knowledge of a work activity that requires the exercise of significant judgment that goes beyond the carrying out of simple job duties and is acquired through performance of an occupation that is above the unskilled level (requires more than 30 days to learn). (See SSR 82-41.) Skills are acquired in PRW and may also be learned in recent

education that provides for direct entry into skilled work.

The DOT lists a specific vocational preparation (SVP) time for each described occupation. Using the skill level definitions in 20 CFR 404.1568 and 416.968, unskilled work corresponds to an SVP of 1-2; semi-skilled work corresponds to an SVP of 3-4; and skilled work corresponds to an SVP of 5-9 in the DOT.

Although there may be a reason for classifying an occupation's skill level differently than in the DOT, the regulatory definitions of skill levels are controlling. For example, VE or VS evidence may not be relied upon to establish that unskilled work involves complex duties that take many months to learn, because that is inconsistent with the regulatory definition of unskilled work. See 20 CFR 404.1568 and 416.968.

- **Transferability of Skills**

Evidence from a VE, VS, or other reliable source of occupational information cannot be inconsistent with SSA policy on transferability of skills. For example, an individual does not gain skills that could potentially transfer to other work by performing unskilled work. Likewise, an individual cannot transfer skills to unskilled work or to work involving a greater level of skill than the work from which the individual acquired those skills. See SSR 82-41.

The Responsibility To Ask About Conflicts

When a VE or VS provides evidence about the requirements of a job or occupation, the adjudicator has an affirmative responsibility to ask about any possible conflict between that VE or VS evidence and information provided in the DOT. In these situations, the adjudicator will:

- Ask the VE or VS if the evidence he or she has provided conflicts with information provided in the DOT; and
- If the VE's or VS's evidence appears to conflict with the DOT, the adjudicator will obtain a reasonable explanation for the apparent conflict.

Explaining the Resolution

When vocational evidence provided by a VE or VS is not consistent with information in the DOT, the adjudicator must resolve this conflict before relying on the VE or VS evidence to support a determination or decision that the individual is or is not disabled. The adjudicator will explain in the determination or decision how he or she resolved the conflict. The adjudicator must explain the resolution of the

¹In accordance with Acquiescence Ruling 90-3(4), we do not use VEs at step 4 of the sequential evaluation process in the Fourth Circuit.

conflict irrespective of how the conflict was identified.

Effective Date: This Ruling is effective on the date of its publication in the **Federal Register**. The clarified standard stated in this ruling with respect to inquiring about possible conflicts applies on the effective date of the ruling to all claims for disability benefits in which a hearing before an ALJ has not yet been held, or that is pending a hearing before an ALJ on remand. The clarified standard on resolving identified conflicts applies to all claims for disability or blindness benefits on the effective date of the ruling.

Cross-References: SSR 82-41, "Titles II and XVI: Work Skills and Their Transferability as Intended by the Expanded Vocational Factors Regulations Effective February 26, 1979," SSR 82-61, "Titles II and XVI: Past Relevant Work—The Particular Job or the Occupation as Generally Performed," SSR 82-62, "Titles II and XVI: A Disability Claimant's Capacity to Do Past Relevant Work, In General," SSR 83-10, "Titles II and XVI: Determining Capability to Do Other Work—The Medical-Vocational Rules of Appendix 2," SSR 83-12, "Titles II and XVI: Capability to Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Exertional Limitations Within a Range of Work or Between Ranges of Work," SSR 83-14, "Titles II and XVI: Capability to do Other Work—The Medical-Vocational Rules as a Framework for Evaluating a Combination of Exertional and Nonexertional Impairments," and SSR 85-15, "Titles II and XVI: Capability to Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Solely Nonexertional Impairments"; AR 90-3(4), 837 F.2d 635 (4th Cir. 1987)—Use of Vocational Experts or Other Vocational Specialist in Determining Whether a Claimant Can Perform Past Relevant Work—Titles II and XVI of the Social Security Act; Program Operations Manual System, Part 04, sections DI 25001.001, DI 25005.001, DI 25020.001—DI 25020.015, and DI 25025.001—DI 25025.005.

[FR Doc. 00-30701 Filed 12-1-00; 8:45 am]

BILLING CODE 4191-02-U

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice: 3488]

Extension of the Restriction of the Use of United States Passports for Travel to, in, or Through Libya

On December 11, 1981, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73 (a)(3), all United States passports were declared invalid for travel to, in or through Libya unless specifically validated for such travel. This restriction has been renewed yearly because of the unsettled relations between the United States and the Government of Libya and the possibility of hostile acts against Americans in Libya.

In light of these events and circumstances, I have determined that Libya continues to be an area " * * * where there is imminent danger to the public health or physical safety of United States travelers" within the meaning of 22 U.S.C. 211a and 22 CFR 51.73(a)(3).

Accordingly, all United States passports shall remain invalid for travel to, in or through Libya unless specifically validated for such travel under the authority of the Secretary of State.

The Public Notice shall be effective upon publication in the **Federal Register** and shall expire at midnight November 24, 2001, unless extended or sooner revoked by Public Notice.

Dated: November 22, 2000.

Madeleine K. Albright,

Secretary of State.

[FR Doc. 00-30813 Filed 12-1-00; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

[Public Notice 3487]

Privacy Act of 1974; Altered System of Records

Notice is hereby given that the Department of State proposes to alter two existing systems of records, STATE-35 and STATE-40, pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 522a (r)), and the Office of Management and Budget Circular No. A-130, Appendix I. The Department's report was filed with the Office of Management and Budget on November 27, 2000.

It is proposed that the current systems STATE-35 and STATE-40 will be

merged and renamed "Information Access Programs Records," and due to the expanded scope of the current system, the altered system description will include revisions and/or additions to all other sections. Relevant information in STATE-40 has been incorporated in STATE-35 and STATE-40 will be deleted in the near future. Changes to the existing system descriptions are proposed in order to reflect more accurately the Bureau of Administration's record-keeping systems and a reorganization of activities and operations.

Any person interested in commenting on these altered systems of records may do so by submitting comments in writing to Margaret Peppe, Chief; Programs and Policies Division; Office of IRM Programs and Services; A/RPS/IPS/PP; U.S. Department of State, SA-2; Washington, D.C. 20522-6001.

This system of records will be effective 40 days from the date of publication, unless we receive comments that will result in a contrary determination.

The altered system description, "Information Access Programs Records, STATE-35" will read as set forth below.

Dated: November 27, 2000.

Patrick F. Kennedy,

Assistant Secretary for the Bureau of Administration, Department of State.

STATE-35

SYSTEM NAME:

Information Access Programs Records.

SECURITY CLASSIFICATION:

Unclassified and classified.

SYSTEM LOCATION:

Department of State; SA-2; 515 22nd Street, NW; Washington, DC 20522-6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting access to Department of State records under the Freedom of Information Act, the Privacy Act, the Ethics in Government Act, the access provisions of Executive Order 12958 or a successor order on national security information, and Touhy regulations. Also covered are individuals requesting access to Department of State records pursuant to certain other authorities for special documents requests and discovery and litigation support requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information documenting the processing of all requests pursuant to the Freedom of Information Act, the Privacy Act, the

Ethics in Government Act, and Executive Order 12958 or a successor order on national security information, for access to State Department records. This includes the request letter and Department responses, a copy of responsive records (if applicable) and any other correspondence, memoranda, interrogatories and declarations related to the processing of the request from the initial receipt stage through to completion, amendment, appeal and litigation. Hard copy records, for example, could include correspondence between the Department of State and the requester and other federal agencies pertaining to the request. Electronic records may contain the date of the request; requester's name and address; type of case; case number; dates of acknowledgement; fee categories; search and review taskings; number of documents/pages found, reviewed and released or denied; date of response and, where applicable, the exemptions applied. These files may contain names, addresses and phone numbers of attorneys, law firms, judges and U.S. attorneys involved with the processing or litigation of the case as well as separate but related court decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 (Management of the Department of State); 5 U.S.C. 552 (Freedom of Information Act); 5 U.S.C. 552a (Privacy Act); 22 U.S.C. 2651a (Organization of the Department of State); 22 U.S.C. 3921 (Management of Foreign Service) and Executive Order 12958 (Classified National Security Information).

PURPOSE(S):

The information contained in the Information Access Programs Records is created, collected, and maintained by the Office of IRM Programs and Services in the administration of its responsibility as the State Department's centralized authority for processing requests for access; amendments; appeals; special projects for Congress, the General Accounting Office, and the Department of Justice in support of court orders and subpoenas; discovery, litigation support, and litigation pursuant to the Freedom of Information Act, the Privacy Act, the Ethics in Government Act, Executive Order 12958 or a successor order on national security information, and Touhy regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the Information Access Programs Records is used or disseminated as follows:

—To formulate a response to requests for access to Department of State records and subsequent amendment requests, appeals and litigation;

—By Department of State officials in the execution of their responsibilities;

—By other government agencies that have custody of Department of State records or that share with the Department responsibility for granting access to certain categories of records, to coordinate decisions on access to records;

—By other government agencies for concurrence reviews in recommendations for access to classified or restricted material and in making appropriate arrangements for such access;

—In a proceeding before a court or adjudicative body, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation;

—To the Department of Justice for the purpose of obtaining its advice on any aspect of the processing of any requests for information under the access provisions of the laws or in connection with litigation;

—To an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings;

—By the Office of Management and Budget, National Archives and Records Administration and the Interagency Security Oversight Office, for the purpose of obtaining its advice regarding agency obligations under the Privacy Act or other access provisions of law;

—By the Interagency Security Classification Appeals Panel and member agencies for the purpose of obtaining its advice regarding agency obligations under the Privacy Act or other access provisions of law;

—In response to a properly issued subpoena; and

—By National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Also see "Routine Uses" paragraphs of the Prefatory Statement published in the **Federal Register**.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, electronic media.

RETRIEVABILITY:

Individual name, case number.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough background security investigation. Access to the Department and its annexes is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage.

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These records will be maintained until they become inactive, at which time they will be destroyed or retired according to published records schedules of the Department of State and as approved by the National Archives and Records Administration. More specific information may be obtained by writing to the Director, Office of IRM Programs and Services; SA-2; Department of State; 515 22nd Street, NW; Washington, DC 20522-6001.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Office of IRM Programs and Services, SA-2; Department of State; 515 22nd Street, NW; Washington, DC 20522-6001.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the Office of IRM Programs and Services might have records maintained under their name or personal identifier should write to the Director, Office of IRM Programs and Services; SA-2; Department of State; 515 22nd Street, NW; Washington, DC 20522-6001. The individual must specify that he/she wishes the Information Access Programs Records to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; and case number if available.

RECORD ACCESS AND AMENDMENT PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Director, Office of IRM Programs and Services (address above).

RECORD SOURCE CATEGORIES:

These records may contain information obtained from the requester, attorneys representing the requester and others authorized to represent requesters, records systems searched, and officials of other government agencies who may have provided/referred information relative to the request including but not limited to documents, advice, concurrence, recommendations and disclosure determinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), (k)(5), and (k)(6) records in this system of records may be exempted from 5 U.S.C. 522a (c)(3) and (4), (d), (e)(1), (e)(4)(G), (H), and (I) and (f).

[FR Doc. 00-30812 Filed 12-1-00; 8:45 am]

BILLING CODE 4710-05-U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**Implementation of Tariff-Rate Quota for Imports of Beef**

AGENCY: Office of the United States Trade Representative.

ACTION: Correction of Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that USTR has determined that effective January 1, 2001, all imports of beef from New Zealand will need to be accompanied by an export certificate in order to qualify for the in-quota tariff rate. The exception to this certificate requirement for exports made prior to January 1, 2001, announced in the **Federal Register** on October 26, 2000, is hereby eliminated.

DATES: The action is effective December 4, 2000.

FOR FURTHER INFORMATION CONTACT:

Suchada Langley, Senior Economist for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW, Washington, DC 20508; telephone: (202) 395-6127.

SUPPLEMENTARY INFORMATION: The United States maintains a tariff-rate quota on imports of beef as part of its implementation of the Marrakesh Agreement Establishing the World

Trade Organization. The in-quota quantity of that tariff-rate quota is allocated in part among a number of countries. As part of the administration of that tariff-rate quota, USTR provided, in 15 CFR part 2012, for the use of export certificates with respect to imports of beef from countries that have an allocation of the in-quota quantity. The export certificates apply only to those countries that USTR determines are participating countries for purposes of 15 CFR part 2012.

On September 26, 2000, USTR received a request and the necessary supporting information from the government of New Zealand to be considered as a participating country for purposes of the export certification program. Accordingly, USTR has determined that, effective January 1, 2001, New Zealand is a participating country for purposes of 15 CFR part 2012. As a result, USTR published a notice on October 26, 2000 stating that effective on and after January 1, 2001, imports of beef from New Zealand will need to be accompanied by an export certificate in order to qualify for the in-quota tariff rate, but that imports exported from New Zealand prior to January 1, 2001, including exports currently warehoused, will not require an export certificate.

Since the publication of the October 26, 2000 notice, USTR has determined in consultation with the United States Department of Agriculture and New Zealand that given existing circumstances, including the imminent fill of the beef tariff quota for the current quota year, exemption of exports made prior to January 1, 2001, from the export certificate requirement for imports entered into the United States after January 1, 2001, is not necessary. Accordingly, the October 26, 2000 notice is hereby revised to provide that effective on January 1, 2001, imports of beef from New Zealand will need to be accompanied by an export certificate in order to qualify for the in-quota tariff rate. There will be no exceptions made for exports of beef from New Zealand made prior to January 1, 2001.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 00-30782 Filed 12-1-00; 8:45 am]

BILLING CODE 3190-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**Trade Policy Staff Committee; Public Comments on Environmental Review of Proposed Free Trade Area of the Americas**

ACTION: Notice of Initiation of Environmental Review and Request for Comments on Scope of Review, and Notice of Availability of the Report of the Quantitative Analysis Working Group and Request for Comments.

SUMMARY: This publication gives notice that pursuant to Executive Order 13141 signed by President Clinton on November 16, 1999 (64 FR 63169) the Office of the U.S. Trade Representative (USTR), through the Trade Policy Staff Committee (TPSC), is formally initiating an environmental review of the proposed Free Trade Area of the Americas (FTAA). USTR has established an FTAA interagency group, chaired at the TPSC level, to oversee the development and implementation of the environmental review, and an interagency working group composed of economic and environmental experts, to provide guidance on the quantitative and methodological parameters of the review. Thus far, the working group has developed a draft report which provides advice on the quantitative aspects of the environmental review, and an interagency working group composed of economic and environmental experts, to provide guidance on the quantitative and methodological parameters of the review. This document, entitled: Report of the Quantitative Analysis Working Group to the FTAA Interagency Environment Group, is available for review on the USTR website www.ustr.gov.

In this notice, the TPSC is requesting written comments from the public regarding what should be included in the scope of the environmental review, including the identification of potentially significant environmental impacts, both positive and negative, that may arise in the context of trade liberalization. Respondents should provide as much detail as possible on the degree to which the subject matter they propose may raise significant environmental issues in the context of the negotiation. In addition, the TPSC is seeking comments on advice provided by the interagency working group regarding the methodology for performing quantitative aspects of the environmental review.

DATES: Although USTR will accept any comments received during the course of the negotiations, comments should be submitted on or before January 19, 2001 to be assured of timely consideration in determining the scope of the environmental review.

FOR FURTHER INFORMATION CONTACT:

Background information on the Executive Order 13141, the Environmental Review Guidelines and the FTAA can be found on the USTR website (www.ustr.gov). FTAA information can also be found on the official FTAA website (www.ftaa-alca.org). For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 600 17th Street, NW, Washington, DC 20508 (202) 395-3475. All other questions regarding the review should be addressed to Joseph Ferrante, Director for Land Use Policy and Environmental Reviews, Office of Environment and Natural Resources, USTR (202-395-7320) or Chris Wilson, Director for Central America and the Caribbean, Office of Western Hemisphere, USTR (202-395-5190).

SUPPLEMENTARY INFORMATION:**Previous Notices**

USTR welcomes and is taking into account the public comments on FTAA environmental issues submitted in response to two previous notices, the **Federal Register** notice dated Tuesday, December 28, 1999 (64 FR 72715) requesting written comments from the public to assist USTR in formulating positions and proposals with respect to all aspects of the negotiations, including environmental issues, and the **Federal Register** notice dated Thursday, June 22, 2000 (65 FR 38872) providing notice that the FTAA Committee of Government Representatives on the Participation of Civil Society had issued a request for public comments on trade matters related to the FTAA process.

Background Information

The effort to unite the economies of the Western Hemisphere into a single free trade agreement was initiated at the Summit of the Americas, which was held on December 11, 1994 in Miami. President Clinton and the leaders of 33 other Western Hemisphere countries agreed to construct a "Free Trade Area of the Americas", or FTAA, and to complete negotiations for the agreement no later than 2005. The Miami Declaration of Principles and Plan of Action spells out the objectives of the FTAA as agreed by the leaders at the Summit. The full text can be found on the FTAA website. (www.ftaa-alca.org/ministerials/plan_e.asp)

The FTAA represents the largest regional integration effort ever undertaken involving both developed and developing countries in a common objective to realize free trade and investment in goods and services, on a basis of strengthened rules and

disciplines. In 1999 two-way merchandise trade between the United States and the 33 other FTAA countries amounted to \$675 billion, with more than eighty percent taking place between the United States and NAFTA partners Canada (\$365 billion) and Mexico (\$197 billion). Two-way services trade amounted to roughly \$93 billion in 1998 (the most recent year for which data is available), \$36 billion with South/Central America and the Caribbean, \$35 billion with Canada, and \$22 billion with Mexico.

FTAA Objectives

Nine negotiating groups responsible for the following areas of the negotiations have been established by the FTAA countries: (1) Market access; (2) investment; (3) services; (4) government procurement; (5) dispute settlement; (6) agriculture; (7) intellectual property rights; (8) subsidies, antidumping and countervailing duties; and (9) competition policy. In addition to the nine negotiating groups, three non-negotiating committees and groups were established. They are: (1) The Consultative Group on Smaller Economies; (2) the Committee of Government Representatives on the Participation of Civil Society; and (3) the Joint Government-Private Sector Committee of Experts on Electronic Commerce. Within the nine negotiating groups, and throughout the discussions in the three non-negotiating groups, the United States seeks to maximize market openness through high levels of discipline by creating a state-of-the-art, comprehensive agreement which, inter alia, will eliminate tariffs, reduce or eliminate non-tariff barriers and trade-distorting subsidies, provide non-discrimination in services and treatment of investment, provide transparency and market access in government procurement, strengthen the protection of intellectual property, and provide transparent and effective dispute settlement. The U.S. also seeks to further secure the observance and promotion of worker rights. In addition, the U.S. is striving to make our trade liberalization and environmental policies mutually supportive. These negotiation objectives are shaped in part by the information obtained through an environmental review, which is described in more detail below.

Environmental Review

Executive Order 13141 commits the United States to a policy of careful assessment and consideration of the environmental impacts of trade agreements and calls for environmental

reviews of certain proposed trade agreements during the negotiating process. These environmental reviews will help identify potential environmental effects (both positive and negative) resulting from the proposed agreement, and facilitate the development of appropriate policy responses. As lead for this activity, USTR initiated an interagency process to analyze the environmental effects of the FTAA. This review will be the first application of Executive Order 13141 to a major pluri-lateral trade negotiation, and the results of this analysis are intended to inform our negotiating positions throughout the FTAA negotiations. Ultimately, the review will include an analysis of environmental effects resulting from projected changes in economic activity as a result of negotiations, and potential impacts on U.S. environmental laws and regulations. Comments are sought on the full range of possible impacts that could be associated with the agreement, taking into account a realistic range of approaches for achieving its broad objectives, as well as the relative importance and priority of these impacts. Statements regarding potential impacts will be most useful if they are elaborated with some specificity and supported by factual references and analysis. As stated in the Executive Order, the emphasis of the review shall be on domestic impacts, but transboundary and global impacts may also be considered as appropriate and prudent.

Given the FTAA environmental review's potential complexity and significance, the FTAA Environmental Group, chaired at the TPSC level, created an interagency Quantitative Analysis Working Group composed of experts from relevant agencies. The Working Group was charged with providing advice on an analytical methodology for quantifying the environmental effects of hemispheric trade liberalization. The Working Group recently presented its recommendations regarding the completion of a quantitative analysis in a report to the FTAA Environmental Group.

This document, entitled Report of the Quantitative Analysis Working Group to the FTAA Interagency Environment Group, is available on the USTR website (www.ustr.gov).

In summary, the Working Group has recommended a two pronged approach consisting of a core (quantitative) analysis of the FTAA, accompanied by a supplemental analysis of specific economic sectors, geographic areas, and other relevant issues not covered in the core analysis. The Working Group has

presented: (1) Existing methods to quantify the potential economic and environmental effects to complete the core analysis, (2) identification of and recommendations to address some of the challenges presented by the core analysis, (3) recommendations for a process to help identify priority issues and appropriate methodologies for a supplemental analysis of issues not treated in the core analysis, and (4) estimates of the resources necessary to perform the core analysis.

By itself, the proposed quantitative methodology will not constitute a comprehensive analysis of the FTAA's environmental effects; rather, the outcome of this effort is intended to feed into the larger environmental review process. In addition, the core quantitative analysis would help inform the selection of key economic sectors and geographic areas within the United States that may warrant further examination in the supplemental analysis. These issues may be analyzed in a qualitative or quantitative fashion, depending upon such factors as: the nature of potential environmental effects, data availability and the availability of methods to estimate environmental endpoints (positive or negative). As envisaged by the Working Group, once the additional issues have been identified in the core and supplemental analyses, specific recommendations can be developed regarding analytical methods. In addition, specific global and trans-boundary environmental effects that may emerge as potentially significant issues will be examined in the core and/or supplemental analyses and incorporated, as appropriate, into the environmental review. At a minimum, other components of the review will include a concurrent analysis of potential impacts on domestic environmental laws and regulations resulting from potential rules changes and changes in non-tariff barriers to trade which may result from the negotiations. In addition, specific global and trans-boundary environmental effects that may emerge as potentially significant issues will be examined and incorporated, as appropriate, in the environmental review.

The FTAA Environmental Group is favorably considering the advice and recommendations of the Working Group as presented in the proposed methodology. Following input from USTR's advisors, Congress, and the public, the Environmental Group will further refine its analytical strategy. Initiation of the entire analytical effort should take place as soon as possible to

ensure the timely consideration of the results in the negotiating process.

WRITTEN COMMENTS: Persons submitting written comments should provide twenty (20) copies no later than 5:00 PM January 19, 2001, to Gloria Blue at the address listed above. Written comments submitted in connection with this request, except for information granted "business confidential" status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling Brenda Webb at (202) 395-6186. The Reading Room is open to the public from 10:00 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains business confidential information, twenty (20) copies of a public version that does not contain confidential information, must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked "confidential" at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, "public version" or "non-confidential."

Carmen Suro-Bredie,

Chair, Trade Policy Staff Committee.

[FR Doc. 00-30783 Filed 12-1-00; 8:45 am]

BILLING CODE 3901-1-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2000-8278]

High Density Airports; Notice of Lottery of Slot Exemptions at LaGuardia Airport

AGENCY: Federal Aviation Administration.

ACTION: Notice of lottery for takeoff and landing times at LaGuardia Airport.

SUMMARY: This notice announces a Federal Aviation Administration (FAA)

lottery to reallocate exemption slots at LaGuardia Airport as authorized under the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century. The FAA finds that this action is necessary to address the level of delays that are currently experienced as a result of the significant increase in operations authorized by that legislation, and to prevent an increase in delays from additional flights scheduled to begin in the near future.

DATES: The lottery will be held on December 4, 2000.

ADDRESSES: The lottery will take place in the FAA Auditorium, 3rd floor, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 at 12:30 p.m.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of Airport Safety and Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone number 202-267-3053.

SUPPLEMENTARY INFORMATION:

Background

The FAA has broad authority under Title 49 of the United States Code (U.S.C.), Subtitle VII, to regulate and control the use of the navigable airspace of the United States. Under 49 U.S.C. 40103, the agency is authorized to develop plans for and to formulate policy with respect to the use of navigable airspace and to assign by rule, regulation, or order the use of navigable airspace under such terms, conditions, and limitations as may be deemed necessary in order to ensure the safety of aircraft and the efficient utilization of the navigable airspace. Also, under section 40103, the agency is further authorized and directed to prescribe air traffic rules and regulations governing the efficient utilization of the navigable airspace.

The High Density Traffic Airports Rule, or "High Density Rule," 14 CFR part 93, subpart K, was promulgated in 1968 to reduce delays at five congested airports: John F. Kennedy International Airport, LaGuardia Airport, O'Hare International Airport, Ronald Reagan National Airport and Newark International Airport (33 FR 17896; December 3, 1968). The regulation limits the number of instrument flight rule (IFR) operations at each airport, by hour or half hour, during certain hours of the day. It provides for the allocation to carriers of operational authority, in the form of a "slot" for each IFR landing takeoff during a specific 30- or 60-minute period. The restrictions were lifted at Newark in the early 1970s.

“AIR-21”

On April 5, 2000, the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century” (“AIR-21”) was enacted. Section 231 of AIR-21 significantly amended 49 U.S.C. § 41714 and included new provisions codified at 49 U.S.C. §§ 41716, 41717, and 41718. These provisions enabled air carriers meeting specified criteria to obtain new slot exemptions at New York’s LaGuardia Airport (LaGuardia) and John F. Kennedy International Airport (JFK), Chicago’s O’Hare International Airport (O’Hare) and Washington DC’s Ronald Reagan Washington National Airport (National). As a result of this legislation, the Department of Transportation (Department) issued eight orders establishing procedures for the processing of various applications for exemptions authorized by the statute.

Specifically, Order 2000-4-11 implements 49 U.S.C. 41716(a), which provides in pertinent part that an exemption must be granted to any airline using Stage 3 aircraft with less than 71 seats that proposes to provide nonstop service between LaGuardia and an airport that was designated as a small hub or nonhub airport in 1997, under certain conditions. The exemption must be granted if: (1) the airline was not providing such nonstop service between the small hub or nonhub airport and LaGuardia Airport during the week of November 1, 1999; or (2) the proposed service between the small hub or nonhub and LaGuardia, exceeds the number of flights provided between such airports during the week of November 1, 1999; or (3) if the air transportation pursuant to the exemption would be provided with a regional jet as replacement of turboprop service that was being provided during the week of November 1, 1999.

According to AIR-21 and the Department’s Orders, air carriers meeting the statutory tests delineated above automatically receive blanket approval for slot exemptions, provided that they certify in accordance with 14 CFR 302.4(b) that they meet each and every one of the statutory criteria. The certification must state the communities and airport to be served, that the airport was designated a small hub or nonhub airport as of 1997, that the aircraft used to provide the service have fewer than 71 seats, that the aircraft are Stage 3 compliant, and the planned effective dates. Carriers must also certify that the proposed service represents new service, additional frequencies, or regional jet service that has been upgraded from turboprop service when compared to service for the week of

November 1, 1999. In addition, carriers must state the number of slot exemptions and the times needed to provide the service.

Order 2000-4-10 implements the provisions of 49 U.S.C. 41716(b), which states in pertinent part, that exemptions must be granted to any new entrant or limited incumbent airline using Stage 3 aircraft that proposes “* * * to provide air transportation to or from LaGuardia or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20.” Applications submitted under this provision must identify the airports to be served and the time requested.

Section 231 of AIR-21, 49 U.S.C. 41715(b)(1) expressly provides that the provisions for slot exemptions are not to affect the FAA’s authority for safety and the movement of air traffic. The reallocation of exemption times by the lottery procedures described in this Notice is based on the FAA’s statutory authority and does not rescind the exemptions issued by the Department under Orders 2000-4-10 and 2000-4-11. As provided in those orders, carriers that have filed the exemption certifications also need to obtain an allocation of slot exemption times from the FAA. The limiting and reallocation of these exemption slots is in recognition that it is not possible to add an unlimited number of new operations at LaGuardia Airport, especially during peak hours, even if those operations would otherwise qualify for exemptions under AIR-21.

Lastly, section 93.225 of Title 14 of the Code of Federal Regulations sets forth the process for slot lotteries under the High Density Rule. The process described in the regulations is similar to the process described herein and allows for special conditions to be included when circumstances warrant special consideration.

Actions of the Port Authority of New York and New Jersey

In response to a significant increase in exemption operations under AIR-21 beginning in late summer (from 53 operations in August 2000 to 192 operations at the end of September), the Port Authority of New York and New Jersey (Port Authority) issued a letter on August 2 to all carriers filing for AIR-21 exemptions requiring 45 days advance notice of new operations at the airport under AIR-21. On August 21, the Port Authority issued a second letter to carriers planning to initiate service

under AIR-21 exemptions requesting that the carriers schedule their flights outside of the most congested hours in order to mitigate the delays generated by additional flights. On September 19, the Port Authority announced a temporary moratorium on new flights. In that letter, the Port Authority stated its intent to replace this moratorium as soon as possible with a measure that will prevent an unlimited increase in operations at LaGuardia, and at the same time fairly accommodate Federal interests in competition and in service to small hub or nonhub airports as provided in AIR-21. To that end, the Port Authority has proposed to the FAA the imposition of a limit on the number of AIR-21 exemption flights at LaGuardia, and the allocation of those flights to eligible carriers through a lottery procedure to address, in the short-term, the current situation at the airport.

The following factors describe the current operating conditions experienced at LaGuardia:

- There were more than 9,000 flight delays at LaGuardia in September 2000, up from 3,108 in September 1999. In September 2000, 25% of the flight delays in the U.S. were at LaGuardia. In September 1999, the figure was 12%.
- Average delays for many afternoon flights at LaGuardia in September 2000 exceeded 48 minutes. The average delay for all flights that month was 43 minutes.
- LaGuardia has recently experienced as many as 600 delayed flights on a day when there is good weather and no other significant problems in the air traffic control system.
- Some flights at LaGuardia have experienced average ground delay time that exceeds scheduled flight time.
- Air carriers routinely cancel scheduled flights, especially in afternoon and evening hours, due to aircraft positioning and other operational issues related to excessive delays.

Since AIR-21 was enacted on April 5, 2000:

- Carriers have filed exemption requests for more than 600 new flights a day at LaGuardia.
- As of November 1, over 300 new flights are operating under AIR-21 exemptions.
- Carriers have published schedules for 28 new flights in December and 23 more new flights in January 2001.
- In April 2000, the number of scheduled operations at LaGuardia was 1064. As of November 1, that number was 1344.
- If the flights published for December and January began operation,

there would be approximately 1395 scheduled operations each day at the airport, an increase of 30% in less than a year at an airport that was already one of the top two delay airports in the U.S.

Notice of Intent To Conduct a Lottery

On November 9, 2000, the FAA issued a Notice of Intent to Conduct a Lottery seeking comment on the agency's proposed slot lottery at LaGuardia (65 FR 69126; November 15, 2000). The agency proposed that as of January 1, 2001, scheduled operations would be limited to 75 per hour to limit daily and hourly demand on airport facilities and the air traffic control system. The FAA believes that this number of flights can be accommodated in good weather conditions and at the same time, will provide access for AIR-21 exemption flights. (This number does not include extra sections of scheduled air carrier flights or the 6 reservations per hour for "Other" nonscheduled operations, including general aviation, charters and military flights.) As a result, the number of AIR-21 slot exemptions at LaGuardia would be limited to approximately 150 a day between the hours of 7:00 a.m. and 9:59 p.m. (the actual hourly total is 159). Also on January 1, 2001, the FAA would reissue AIR-21 exemption slots and operating times to eligible carriers in accordance with the results of a lottery. The FAA further proposed that carriers eligible for participation in the lottery would be those carriers that have applications on file with the Department, fulfilled the certification requirements articulated in OST Orders 2000-4-10 and 2000-4-11, received an FAA allocation as of the date of the notice, and would have commenced operations by January 1, 2001. Lastly, the agency proposed that independently owned carriers that had obtained AIR-21 certification in their own name could participate in the lottery separately, regardless of whether the service is under that carrier's name or under a code-share arrangement.

Discussion of Comments

After a seven-day comment period, which closed on November 20, the agency received 36 comments. Comments were submitted from 15 airlines, six airport authorities, two associations representing airports and small air carriers, private individuals and representatives from the City of Knoxville, Tennessee (Chamber of Commerce, Convention and Visitors Bureau, and Mayor's Office) and representatives from the State of Maine (Governor King, City of Portland, Department of Economic and Community Development). In addition,

comments were received from Senators Brownback, Roberts, Grassley, Harkin, Kohl and Feingold and Congressmen Barrett and Kleczka.

The comments discussed nine main issues: (1) Treatment of commuter affiliates; (2) elimination or reduction of service to small communities; (3) new entrant/ limited incumbent preference; (4) carrier eligibility for the lottery; (5) suspension of the use-or-lose requirement; (6) suspension of the extra section provision; (7) implementation date of the reallocation; (8) alternative allocation methods; and (9) trading of slot exemption times.

Treatment of Commuter Affiliates

The FAA proposed that independently owned carriers that had obtained AIR-21 certification in their own name could participate in the lottery separately, regardless of code-share arrangements with other operators at LaGuardia Airport. The basis for this proposal was a strict reading of the statutory language in AIR-21, which specifically provides that:

For purposes of this section and section 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or entered into a codeshare agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the 2 carriers at the airport exceeds 20 slots and slot exemptions. (49 U.S.C. 41714(k)).

The majority of comments on this issue opposed the FAA's proposal that the above provision only applies to new entrant/limited incumbents. The majority of commenters argue that by adopting the above interpretation, the code-share affiliates of the major incumbent carriers are being treated as individual carriers for the purpose of participating in the slot lottery, regardless of the fact that many of these carriers carry the same airline designator code. Consequently, the number of carriers eligible to participate in the lottery for slot exemptions to small hub and nonhub airports is inflated to 8 carriers versus 4 carriers-if affiliated carriers are aggregated.

This leaves less exemption slots available for new entrants during the lottery, particularly during the most desirable times and results in an inequitable and disproportionate weight toward incumbent carriers with multiple contracted codeshare affiliates. These commenters contend that this approach would enhance the dominance of the airlines that already dominate LaGuardia and are better able to complement their AIR-21 operations

with HDR slots, which is precisely contrary to the intent of AIR-21.

Both the Senate version (S. 82) and the House version (H.R. 1000) of AIR-21 contained language that aggregated commuter affiliates for purposes of applying for slot exemptions as new entrants or limited incumbents. The conference substitute stated that,

For purposes of determining whether an airline qualifies as a new entrant or limited incumbent for receiving slots exemptions, DOT shall count the slots and slot exemptions of both that airline and any other that it has a code-share agreement at that airport. Conference Report on AIR-21, H. Rep. 106-513, 106th Cong., 2d Sess. (March 8, 2000), p. 174.

Additionally, in the Senate debate, Senator McCain, chairman of the Senate Commerce Committee stated with respect to this provision that "It means the Secretary should consider commuter affiliates as new entrant or limited incumbents for purposes of applying for slot exemptions and interim access to O'Hare. A major airline should not be allowed to game the system and add to its hundreds of daily slots through its commuter affiliates and codeshare partners" (106th Cong., 1st Sess. Vol. 145, No. 134, S12096, October 6, 1999).

It is argued by the commenters, including all members of Congress that commented on this notice, that it was only necessary for Congress to address the commuter affiliates only with respect to new entrants and limited incumbents because those are the only circumstances in which AIR-21 exemptions would be limited by the status of the carrier. The statutory provisions governing slot exemptions for small or nonhub airports provide for automatic access upon meeting the stated criteria without regard to the status of the carrier. Consequently, it was not necessary for Congress to address the affiliated carrier issue with respect to these slot exemptions and the statute is silent.

The FAA does not dispute the above arguments. However, in ensuring that the proposed lottery meets the intent of AIR-21 to the greatest extent possible, the agency has to consider the effect of amending its interpretation of this provision and applying the commuter affiliate provision to both new entrants/limited incumbents and carriers providing service to small and nonhub airports. As stated in the notice, in capping the number of slot exemptions, the agency is striving to strike a balance between new entrants/limited incumbents and carriers providing service to small and nonhub airports that provides a fair and equitable distribution between the two categories

of operations, consistent with the intent of AIR-21.

The FAA agrees with the comments that it was logical for Congress not to treat commuter affiliates as a single entity for purposes of obtaining slot exemptions for carriers providing service to small and nonhub airports. Since the statute does not provide for a cap on these exemptions nor any allocation framework, it is unnecessary to include the language specifically applicable to new entrants and limited incumbent carriers. However, given the circumstances today that warrant a limit of some sort on the total number of operations at the airport and the clear Congressional intent in cases where such limits applied, the FAA finds that it is reasonable to apply the commuter affiliate principle to the carriers providing service to small and nonhub airports. First, since AIR-21 is silent on this issue, in looking at the legislative history, the reading suggested by the commenters is consistent with the intent of the statute. Second, in adapting the use of the definition for the purpose of the lottery of FAA-issued operating rights, the FAA is dealing with a situation not contemplated by the drafters of AIR-21. The agency's procedure is for the allocation of limited operating rights, and attempts to comport with the intent of AIR-21 to the maximum extent possible. Accordingly, the list of eligible carriers set forth in this notice reflect an aggregation of commuter affiliates with their codeshare partners, *i.e.* all carriers sharing a common designator code will be considered a single carrier for the purpose of selecting exemption slots in the lottery.

Elimination or Reduction in Service to Small and Nonhub Airport

Comments were received from the Knoxville Airport Authority, Convention and Visitor Bureau, Mayor, the Charleston County Aviation Authority, Birmingham Area Chamber of Commerce, Lee County Port Authority, City of Portland, Maine, the Governor of Maine, State of Maine Department of Economic and Community Development, Piedmont Triad Airport Authority, Lebanon Municipal Authority, and the Charlottesville-Albemarle Airport Authority who object to the proposed lottery if it would result in any reduction or elimination of service to their communities. They urge the FAA to protect the needs of their individual communities and other communities that AIR-21 was intended to benefit. Colgan Air contends that it provides the only LaGuardia service to the markets it

serves. Without the AIR-21 exemption slots, Colgan states that its service to these small hub and nonhub markets will disappear. Similarly, Delta Air Lines comments that Congress encouraged airlines to institute new regional jet service between LaGuardia and underserved cities to redress the lack of air service from these communities to the New York market. As a result, Delta has already instituted nonstop LaGuardia service with regional jets to 14 small hub and nonhub markets (46 daily nonstop roundtrip flights). According to Delta, the proposed lottery would likely force Delta to cancel all but a few of these flights and impose hardships on these communities who are now using this new service. Delta also argues that the FAA does not properly balance regional jet service versus new entrant service, of which the regional jet service will endure most of the reduction in number of slot exemptions in the lottery.

The FAA realizes that an approximate 44 percent reduction in the number of exemption slots available during peak hours is going to result in reduced service. The agency's foremost concern with this lottery, after establishing the limit on the number of operations, is how to make the resulting allocation as fair as possible among the competing entities and consistent with the purposes of AIR-21. As stated previously, the FAA believes that since the agency is imposing a cap on slot exemptions, it is appropriate to aggregate commuter affiliates with their codeshare partners. While this may reduce the number of slot exemptions available to the carriers providing service to small hub and nonhub airports, these carriers, by virtue of their codeshare arrangements have alternative sources of slots available to adjust their level of service. It is also noted that this action does not reduce the number of HDR slots or preclude the option to provide the small community service to other New York City area airports. Several of the incumbent carriers providing service under AIR-21 slot exemptions are the largest individual slot holders at the airport and previously served some of the same communities using HDR slots. These carriers may choose to continue providing service with a combination of AIR-21 exemption slots and HDR slots within the carriers' base. This notice will not require a carrier to continue or discontinue service to any eligible community. These decisions will be made by the individual carrier. In sum, the FAA is aware that some communities will not receive service to

LaGuardia Airport they may have expected under the provision of AIR-21, even if a carrier is willing to provide the service. LaGuardia Airport simply does not have the capacity for the unlimited addition of new flights.

New Entrants/Limited Incumbents

America West Airlines, Legend Airlines, Spirit Airlines, Shuttle America and the Air Carrier Association of America (ACAA) all raise issues concerning the impact of the lottery on new entrants/limited incumbents. These entities argue that the number of exemption slots operated by new entrants/limited incumbents pales in comparison to the number of exemption slots operated by carriers providing service to small hub and nonhub airports. These commenters believe that the proposed lottery is not structured so as to provide new entrants/limited incumbents with meaningful opportunities to promote competition, as intended by AIR-21. Several of the commenters requested that the FAA allocate additional slots to limited incumbents and new entrants to provide for expansion of their schedules in the next year, even if the slots would not be used immediately.

The FAA believes that the application of the commuter affiliate principle to carriers providing service to small and nonhub airports helps balance the two interests. However, the FAA also believes that while the lottery is intended to equitably address the needs of all carriers under the cap, it is necessary to ensure the competitive viability of new entrants, and still providing small hub and nonhub access granted under the statute. Consequently, the FAA finds that the lottery procedures described herein give equal weight to both categories of carriers for slot exemptions.

Carrier Eligibility

Sun Country states that it meets the definition of a "new entrant," but is not eligible to participate in the lottery because it did not apply for exemptions at the Department and receive allocations from the FAA by November 9. (Sun Country did file its application with the Department on November 17, 2000). Sun Country further argues that at the time that the deadline was published, it made it impossible for any new entrant to participate that had not yet filed with the Department. Shuttle America comments that it should be permitted to participate in all three initial rounds of the lottery because it is a new entrant and because it is providing service to a new and nonhub market, therefore uniquely qualifying

for inclusion in the first three rounds of the lottery under both categories of operations.

Due to the current operating environment at LaGuardia as described in the previous notice, the FAA finds that immediate action is necessary to prevent worsening of an already intolerable situation. As previously stated, the reallocation based on this lottery is an interim step and will only be in effect for the short-term, *i.e.* until September 15, 2001. After that date, the FAA and the Department of Transportation fully expect to have a long-term mechanism in place to better address congestion at the airport, developed with the participation of all interested parties. Because of the temporary nature of the allocation, and the fact that many of the carriers already operating AIR-21 exemption service will need to reduce their operations, the FAA did not open the lottery to carriers that had taken no steps to initiate AIR-21 flights at LaGuardia as of the date the notice was issued. It is incumbent that the FAA reduce the operations at the airport to an acceptable number. The FAA's immediate goal is to bring the current level of operations to a level that more appropriately recognizes airport capacity and to do so by addressing the operations that are already in place. If the FAA were to permit Sun Country to participate in the lottery, that decision would require further reduction of service that is already being operated by other carriers. We note that other carriers, some of whose current operations are being reduced, also have plans (and in some cases, have already received slot times by the FAA) to increase service after January 1, 2001, and prior to September 15, 2001, but are unable to do so. We note that Sun Country has previously filed for exemptions and initiated AIR-21 flights at JFK International Airport and O'Hare International Airport and is clearly benefiting from AIR-21 even if it is unable to begin LaGuardia service immediately. Also, as previously stated, the allocation of exemption slots by this lottery is for the short-term only and this action is not a permanent bar to Sun Country or other operators from commencing future AIR-21 operations.

The FAA does not agree that Shuttle America should be able to participate in all rounds of the lottery as both a new entrant/limited incumbent and a carrier providing small hub and nonhub service. The FAA has listed Shuttle America as a new entrant (to which Shuttle America did not comment on) and eligible to select four slots in the first round, but ineligible for participation in the second and third

rounds for carriers obtaining AIR-21 authority on the basis of providing small hub and nonhub service.

The FAA also makes four corrections to the November 9 notice regarding the number of slot exemptions available during the lottery for Midway, Legend, American Eagle and Delta Connection. In the previous notice, the FAA incorrectly stated that Midway was eligible for 9 operations, Legend for 7 operations, American Eagle for 26 operations and Delta Connection for 81. The corrected numbers are 15, 8, 34 and 88 respectively. However, this notice clarifies that only slots between the hours of 0700-2159 are included.

Alternative Allocation Methods

A number of commenters proposed various alternative methods of allocation or variations of the lottery procedures proposed. These methods and variations include increasing the number of slots that new entrants may select in the first round; withdrawal and reallocation of 10 percent of all HDR slots; allocation of available slots among eligible carriers in proportion to the number of AIR-21 flights already implemented as of a certain date; allowing lottery slots to be traded freely as long as relevant city and aircraft requirements are met; allowing carriers to have a limited number of delay-free arrivals and to pick commercially viable times; rolling back the cut-off date for operations eligible for lottery to those operations operating on August 31, 2000; and use a rolling 3-hour limitation (do not exceed 225 operations in any three consecutive hours).

The FAA has reviewed each alternative and variation submitted and finds that the results of the lottery, if any of these suggestions were adopted, would favor one carrier or category of carriers over the others. It would also detract from the purposes of this lottery, which are to cap operations at an acceptable level for the short-term, and at the same time realize the benefits of AIR-21 to the extent possible at that level of operations. For example, if the number of slots were increased for new entrants in the first round, that would adversely affect the number of slots available for carriers providing service to small and nonhub airports, which has already been significantly reduced. Also, if the FAA were to change the cutoff date to August 31, 2000, this would disproportionately benefit incumbent carriers, which in some cases started the AIR-21 service only a few days before that deadline. If the FAA were to adopt a prorated method of allocation, then new entrants, whose presence at the airport is largely or

exclusively due to slot exemptions, would be disfavored.

Lastly, adoption of a 3 hour rolling limit would allow for further peaking of operations at certain times, which is inconsistent with an hourly cap. Consequently, the FAA believes that the lottery procedures proposed provide an approach that distributes the benefits and burdens of the allocation among carriers, and strikes a balance between the two distinct purposes of AIR-21: competition by new entrant and small incumbent carriers and service to small hub and nonhub airports by regional jets and other small aircraft. The FAA adopts herein the lottery procedures proposed, and as amended by this notice.

Suspension of the Use-or-Lose Requirement

Several commenters requested that the FAA temporarily suspend the minimum slot usage requirement for all operators at LaGuardia.

On November 13, 2000, the FAA issued a Statement of Policy, which set forth a temporary policy concerning the minimum slot usage requirement at LaGuardia (65 FR 69601; November 17, 2000). According to the policy statement, carriers are permitted to temporarily return slots or slot exemptions to the FAA in advance due to schedule planning or other decision by the carriers without fear of jeopardizing the permanent loss of the slot or slot exemptions. Additionally, this policy provided that the FAA will treat as used a slot or slot exemption if the flight was scheduled but canceled for operational reasons and the slot would not otherwise have been subject to withdrawal.

The FAA intends to issue a separate notice that clarifies the November 13 policy statement in view of the lottery and the reallocation of the AIR-21 exemption slots.

Suspension of Extra Sections

Several commenters stated that the extra section provision of the High Density Rule is either being abused and should be suspended or is contributing to the overall delay situation at the airport and that the FAA should suspend this provision.

The FAA is not suspending the use of extra sections at this time. However, based on the comments received, the agency will review extra section operations under current regulations and intends to monitor these operations in the future to determine whether further rulemaking or enforcement action is warranted.

Implementation Date

The FAA received comments regarding the proposed reallocation date of January 1, 2001. Several carriers stated that this date would be too soon after the lottery, in that it would not be possible to change published schedules, or that the date fell in the middle of the holiday travel time. In addition, several carriers cited operational problems with the proposed date since airlines already have posted crew bids for January before the lottery process is completed. Midway Airlines specifically stated that "If the lottery is not held until early December, which appears likely, then carriers will not have the time necessary to review and adjust fleet allocations and positionings in order to meet the deadlines for distributing bid packages to their crews on December 10."

Based on these comments, the FAA agrees that the January 1 date is not practicable to reallocate exemption slots and have carriers adjust schedules based on that reallocation without significant disruption. The carriers recommended implementation date of January 31, 2001, which will provide carriers with approximately seven weeks after the lottery to adjust schedules. This date addresses the situation at the airport in the most expeditious timeframe reasonable recognizing that airlines must take actions to reschedule flights, comport with their union contracts and accommodate passengers on alternative routings if necessary.

Trading of Slot Exemptions

Several commenters raised the issue of allowing the transfer of the slot exemption times among carriers consistent with industry practices and FAA regulations governing the transfer of slots.

Under the provisions of 49 U.S.C. 41714(j), carriers may not sell, trade, transfer, or convey the operating authorities granted by the Department's exemptions. Under certain conditions, the Department has allowed the temporary transfer of slot exemption times under its pre AIR-21 authority and AIR-21 when slot timings were limited. These conditions include that the transfer is for operational reasons, of a temporary nature, and on a one-for-one basis at the same airport. In addition, the carrier with the exemption must certify to the FAA that no other consideration is involved, which is consistent with the provisions of AIR-21.

Re-allocation of Slot Exemptions at LaGuardia Airport by Lottery

As stated in the November 9 notice, the FAA will proceed with the

development of new department policy on measures available at LaGuardia for management of congestion, with participation by all interested parties. However in the short term, the FAA finds that it is appropriate to limit the number of AIR-21 exemption operations at LaGuardia and allocate those operations by lottery to eligible carriers described herein. The agency reiterates that the limit will not be permanent and will remain in effect until September 15, 2001, when a permanent demand management policy for the airport, developed with the participation of all interested parties, can be implemented.

Reallocation of AIR-21 exemption flights at LaGuardia in accordance with the following conditions is in furtherance of the spirit and intent of AIR-21, and is consistent with the FAA's responsibility for the efficient use of the navigable airspace, which is articulated in 49 U.S.C. § 40103(b).

Effective January 31, 2001, the number of scheduled operations at LaGuardia will be limited to approximately 75 per hour. Consequently, the number of AIR-21 slot exemptions at LaGuardia is limited to approximately 159 per day between the hours of 7:00 a.m. and 9:59 p.m. Also effective January 31, 2001, all AIR-21 slot exemptions will be allocated in this lottery, and all carriers currently operating under AIR-21 exemption authority will be required to conform their schedules accordingly.

The number of AIR-21 slot exemptions that will be available during the lottery and consistent with an hourly total of approximately 75 scheduled operations is as follows (allocations will be made by 30 minute time periods):

Hourly period	Number of exemptions
0700	16
0800	11
0900	9
1000	8
1100	8
1200	13
1300	14
1400	8
1500	12
1600	7
1700	2
1800	7
1900	7
2000	6
2100	31

The following criteria, as proposed in the previous notice, are used to determine carrier participation. A carrier must have: (1) An application on file with the Department; (2) fulfilled

the certification requirements articulated in OST Orders 2000-4-10 and 2000-4-11 as of November 9, the date of the notice; (3) received an allocation of slot times from the FAA; and (4) commenced operations by January 1, 2001.

Carriers that meet this criteria under Order 2000-4-10 and eligible for a lottery of times between the hours of 0700-2159 are: Air Tran (11 operations), American Trans Air (6 operations), Legend (7 operations), Midway (15 operations), Midwest Express (8 operations), Spirit Airlines (12 operations), Shuttle America (14 operations), Southeast Airlines (4 operations) and Vanguard (2 operations).

Carriers that meet this criteria under Order 2000-4-11 for service for small hub and nonhub airports and would be eligible for a lottery of slot times between the hours of 0700-2159 are: American Eagle (32 operations), Continental Express (31 operations) Delta Connection (88 operations) and US Airways Express (82 operations).

Definitions for the terms "carrier," "new entrant," and "limited incumbent" for purposes of participation in the lottery, are proposed as set forth in 14 CFR 93.213, and amended by § 231 of AIR-21. The FAA has applied the "commuter affiliate" provision in 49 U.S.C. 41714(k) to carriers eligible for the slot lottery, both new entrants/limited incumbents and carriers serving small hub and nonhub airports, and is reflected in the previously mentioned list of carriers eligible to participate in the slot lottery.

The FAA advises all carriers that it will not allocate slot times for any request for slot exemption times between the hours of 0700-2159 received by the FAA Slot Administration Office prior to September 15, 2001, for operation after that date.

The slot exemption lottery will be conducted in accordance with the following procedures:

a. Carriers will participate in a random drawing for selection order. Carriers will select in that order in each round. At the lottery, each operator must make its selection within 5 minutes after being called or it shall lose its turn.

b. No carrier may select more exemption times than it was allocated by the FAA to operate between 0700-2159 on January 1, 2001.

c. In the first round, only new entrants and limited incumbent carriers may participate. Each new entrant and limited incumbent carrier may select up to 4 slot exemption times, 2 arrivals and

2 departures. No more than one slot exemption time may be selected in any hour. In this round each carrier may select one slot exemption time in each hour without regard to whether a slot is available in that hour.

d. In the second and third rounds, only carriers providing service to small hub and nonhub airports may participate. Each carrier may select up to 2 slot exemption times, one arrival and one departure in each round. No carrier may select more than 4 exemption slot times in rounds 2 and 3.

e. Beginning with the fourth round, all eligible carriers may participate. Each carrier may select up to 2 of the remaining slot exemption times, one arrival and one departure, in each round, until a total of 159 slot exemption times have been selected.

f. If the last remaining slot exemption times available do not permit a reasonable arrival-departure turnaround, the FAA will take requests for limited trades among AIR-21 operators, or may make an adjustment to one of the times to assure that all slot exemption time pairs selected, combined with other slots and slot exemptions available to the operator, provide for a viable operation by the selecting carrier. In addition, the FAA may approve the transfer of slot exemption times between carriers only on a temporary one-for-one basis for the purpose of conducting the operation in a different time period. Carriers must certify to the FAA that no other consideration is involved in the transfer.

g. The Chief Counsel will be the final decisionmaker concerning eligibility of carriers to participate in the lottery.

h. The slot exemptions reallocated by lottery will remain in effect until September 15, 2001.

i. Carriers that participate and select exemption slots during the lottery must re-certify to the Department of Transportation in accordance with the procedures articulated in OST Orders 2000-4-10 and 2000-4-11, and provide the Department and the FAA with the markets to be served, the number of exemption slots, the frequency, and the time of operation, which is consistent with AIR-21 prohibition on the sale or lease of exemption slots.

Issued on November 29, 2000 in Washington, DC.

James W. Whitlow,

Deputy Chief Counsel.

[FR Doc. 00-30793 Filed 11-29-00; 4:18 pm]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Future Flight Data Collection Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for the Future Flight Data Collection Committee meeting to be held January 11, 2000, starting at 9 a.m. This meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Receive report on the deliberations of Working Group 1 (Data Needs); (5) Receive report on the deliberations of Working Group 2 (Technology); (6) Discuss Interim Report; (7) Review First Draft of Final Report Outline; (8) Presentations; (9) Other Business; (10) Establish Agenda for Next Meeting; (11) Date and Location of Next Meeting; (12) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements, obtain information or pre-register for the committee should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833-9339 (phone); (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 22, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00-30775 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Hattiesburg-Laurel Regional Airport, Hattiesburg, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: This correction revises information from the previously published notice.

In notice document 00-29918 appearing in the issue of Wednesday, November 22, 2000, under **SUPPLEMENTARY INFORMATION**, in the first column, in the fifteenth line, the date the FAA will approve or disapprove the application, in whole or part, no later than should read "March 15, 2001".

FOR FURTHER INFORMATION CONTACT: Patrick Vaught, Program Manager, FAA/Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307, 601-664-9885.

Issued in Jackson, Mississippi on November 24, 2000.

Patrick Vaught,

Acting Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 00-30774 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Transportation of Hazardous Materials; Designated, Preferred, and Restricted Routes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: This notice provides the current listing of all restricted, designated, and preferred road and highway routes for transporting radioactive (RAM) and non-radioactive hazardous materials (NRHM) that have been reported to the FMCSA by State and Indian Tribe routing agencies as of November 14, 2000. This listing has been extracted from the National Hazardous Material Route Registry (NHMRR). The information contained in this notice supersedes that published at 63 FR 31549 on June 9, 1998. The periodic updating and publishing of this listing is required by the Hazardous Materials Transportation Act of 1975 (HMTA), as amended (49 U.S.C. 5112). Also, the FMCSA's regulations include Federal standards and procedures which the States and Indian Tribes must follow if they establish, maintain, or enforce routing designations that: (1) Specify highway routes over which NRHM or RAM may, or may not, be transported within their jurisdictions; and/or (2) impose limitations or requirements with respect to highway routing of NRHM or RAM. States and Indian Tribes are also required to furnish updated route information to the FMCSA within 60 days of establishing or changing a route.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Swedberg, (303) 969-5772, ext. 363, FMCSA, 555 Zang St., Room 400, Lakewood, CO 80228-1010; or Mr. Joseph Solomey, Office of the Chief Counsel, (HCC-20), (202) 366-0384, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202)512-1661. Internet users may reach the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web site at: <http://www.access.gpo.gov/nara>. To find the most up-to-date listing of hazmat routes, you may access the National Hazardous Material Route Registry (NHMRR) directly at: <http://hazmat.fmcsa.dot.gov/>. This site is considered the source of this information and will display hazmat route listings and maps which will reflect any changes that have been made since the publication of this notice.

Background

Section 5112(c) of title 49, United States Code, requires the Secretary of Transportation (Secretary), in

coordination with the States and Indian Tribes, to update and publish periodically a list of current effective hazardous materials highway routing designations and restrictions. For NRHM routing designations or restrictions, 49 CFR 397.73(b) requires each State or Indian Tribe to furnish information on any new or changed routes to the FMCSA within 60 days after establishment. For RAM preferred routing, 49 CFR 397.103(c)(1) requires the authorized routing agency to provide the FMCSA with written notification in order for the route to become effective. Updates should be sent to: Mr. Richard Swedberg, FMCSA, 555 Zang St., Room 400, Lakewood, CO 80228-1010.

This notice is being published to provide the public with the FMCSA's current list of State-assigned hazardous materials (HM or hazmat) routes (alphabetically by State) along with the State and Federal points of contact. For each routing agency, the route listing may be divided into three main categories as follows: (1) Restricted Routes for ALL Hazmats, (2) Radioactive Routes, (3) and Non-Radioactive Hazmat Routes. Within the RAM and NRHM categories, the list will further be divided into restricted and designated/preferred routes. Note that "preferred routes" (49 CFR 397.103) are routes which must be utilized for shipments of "highway route controlled quantity" (HRCQ) of radioactive materials. If there are no routes to be reported under any of these categories or subcategories, the

category will not appear in the route listing.

Each route will be identified with one or more restriction or designation codes which will follow the route description. Restriction codes identify which materials may not be transported along the given route, while designation codes indicate which materials the routing authority has determined must be shipped along the route. These codes can be deciphered using the Restriction/Designation key which precedes the route listing. Note that the restriction code "0" indicates that ALL hazmats, both RAM and NRHM, are restricted for the indicated route. These routes will be listed under the main category "Restricted Routes for ALL Hazmats" for that State. Because of this, you may need to look in two sections to find routes that are restricted for either RAM or NRHM. For example, to find all restricted RAM routes, first look under the "Restricted Routes for ALL Hazmats" and then look under the "RAM Restricted" section, which lists routes in which RAM alone is restricted.

Authority: 49 U.S.C. 5112; and 49 CFR 1.73.

Issued on: November 28, 2000.

Julie Anna Crillo,
Acting Assistant Administrator.

Federal Motor Carrier Safety Administration Hazmat Route Registry

Report Date: 11/14/00

The following key applies to information listed for all 50 states

RESTRICTION/DESIGNATION KEY

Restrictions	Designations
0—ALL Hazmats	A—ALL NRHM Hazmats
1—Class 1—Explosives	B—Class 1—Explosives
2—Class 2—Gas	I—Poisonous Inhalation Hazard (PIH)
3—Class 3—Flammable	M—Medical Waste
4—Class 4—Flammable Solid/Combustible	P—*Preferred Route* Class 7—Radioactive
5—Class 5—Organic	
6—Class 6—Poison	
7—Class 7—Radioactive	
8—Class 8—Corrosives	
9—Class 9—Dangerous (Other)	
i—Poisonous Inhalation Hazard (PIH)	

STATE: ALABAMA

State Agency:	AL DOT	FMCSA:	AL FMCSA Field Office
POC:	James R. Braden	FMCSA POC:	AL Motor Carrier State Director
Address:	1409 Coliseum Blvd Montgomery, AL 36130-3050	Address:	500 Eastern Blvd. Suite 200 Montgomery, AL 36117-2018
Phone:	(334)-242-6474	Phone:	(334) 223-7244
Fax:	(334) 242-6378	Fax:	

RESTRICTED ROUTES FOR ALL AL HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/07/94	Wallace Twin Tunnels [I10 & US90 in Mobile] [A signed detour is in place to direct traffic along Water St., US43, and Alt US 90. Traffic will pass over the Mobile River using the Cochrane Bridge.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES

AL RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/26/96	Battleship Parkway [Mobile] from Bay Bridge Rd. [Mobile] to Interstate 10 [exit 27]	P
08/26/96	Bay Bridge Rd. [Mobile] from Interstate 165 to Battleship Parkway [over Africa Town Cochran Bridge] [Westbound Traffic: Head south on I165; To by-pass the downtown area, head north on I165.]	P
08/26/96	Interstate 10 from Mobile City Limits to Exit 26B [Water St] [Eastbound Traffic: To avoid the downtown area, exit on I-65 North]	P
08/26/96	Interstate 10 from Mobile City Limits to Exit 27	P
08/26/96	Interstate 65 from Interstate 10 to Interstate 165 [A route for trucks wishing to by-pass the downtown area.]	P
08/26/96	Interstate 65 from Mobile City Limits to Interstate 165	P
08/26/96	Interstate 165 from Water St. [Mobile] to Bay Bridge Rd. exit [Mobile]	P
09/27/93	Interstate 459 from Interstate 20/I-59 [Northeast of Birmingham] to Interstate 20/I-59 [Southwest of Birmingham]	P
08/26/96	[This route should be used in lieu of I-20/I-50 in the Birmingham area, Jefferson county.] Water St. [Mobile] from Interstate 10 [exit 26B] to Interstate 165	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

AL NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/07/94	US 43/Alt US90 from State 16/US 90 or I-10 to State 16/US 90 or I-10 [Alternate route for Wallace Twin Tunnels, Mobile County.]	A

STATE: ALASKA

State Agency: POC: Address:	AK DOT—MSCVE Trooper Hans Roelle 12050 Industry Way Building O, Suite 6 Anchorage, AK 99515	FMCSA: FMCSA POC: Address:	AK FMCSA Field Office AK Motor Carrier State Director Historic Federal Building 605 W. 4th Ave, Room 249 Anchorage, AK 99501
Phone: Fax:	(907)-345-7750 (907)-345-6835	Phone: Fax:	(907) 271-4068
No Routes Designated as of 11/14/00			

STATE: ARIZONA

State Agency: POC: Address:	AZ DOT, Hwy. Div. Mike Manthey 206 South 17th Ave Phoenix, AZ 85007-3213	FMCSA: FMCSA POC: Address:	AZ FMCSA Field Office AZ Motor Carrier State Director 234 North Central Ave. Suite 305 Phoenix, AZ 85004
Phone: Fax:	(602)-712-8888 (602)-407-3243	Phone: Fax:	(602) 379-6851

RESTRICTED ROUTES FOR ALL AZ HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/20/99	Exit Ramp from US 60 [Westbound] to State 101 [Northbound]	0

RESTRICTED ROUTES FOR ALL AZ HAZMATs—Continued

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/27/99	Exit Ramp from US 60 [Eastbound] to State 101 [Southbound]	0
01/01/90	Interstate 10 [Deck Tunnel—Phoenix] from 7th St. exit [Mile Post 144.3] to 7th Ave. exit [Mile Post 146.2] [Interstate 17 is the designated truck route which has been posted as the alternative route for hazmat traf- fic.]	0
10/16/95	State 202 from Mile Post 8.33 [McClintock Exit] to Mile Post 11.07 [Dobson Exit] [Alternate Routes are as follows: 1. McClintock to University to Dobson 2. McClintock to McKellips to SR-101 Note: Freeway ends at SR-101 with temporary lanes to Dobson. Alternative routing may vary with con- tinuing construction.]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
AZ NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/90	Interstate 17 from Interstate 10 [west of Deck Tunnel] to Interstate 10 [east of Deck Tunnel]	A

STATE: ARKANSAS

State Agency:	AR Hwy & Transportation Dept.	FMCSA:	AR FMCSA Field Office
POC:	Lt. George R. Franks, Jr.	FMCSA POC:	AR Motor Carrier State Director
Address:	Arkansas Highway Police Div. P.O. Box 2779 Little Rock, AR 72203	Address:	3414 Federal Building 700 W. Capitol Ave Little Rock, AR 72201
Phone:	501-569-2421	Phone:	(501) 324-5050
Fax:	501-568-4921	Fax:	

RESTRICTED ROUTES FOR ALL AR HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/08/92	Interstate 30 from Interstate 440 to Interstate 40 [in downtown Little Rock] [Exception for local delivery.]	0
07/08/92	Interstate 630 [Entire Highway] [Downtown Little Rock. Exception for local delivery.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES
AR RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
(unknown)	Interstate 30 from Interstate 440 to Texas [Memphis to Texarkana Route. Use this route in lieu of I-430, I-630 or that portion of I-30 connecting I-40 and I-440]	P
11/28/88	Interstate 40 from Tennessee to Oklahoma [Memphis to Fort Smith route]	P
11/28/88	Interstate 440 from Interstate 40 to Interstate 30 [Memphis to Texarkana route Use this route in lieu of I-430, I-630 or that portion of I-30 connecting I-40 and I-440]	P

STATE: CALIFORNIA

State Agency: POC: Address:	CA Highway Patrol Dave Gaffney P.O. Box 942898 Sacramento, CA 94298-0001	FMCSA: FMCSA POC: Address:	CA FMCSA Field Office CA Motor Carrier State Director US Bank Plaza 980 Ninth Street Sacramento, CA 95814-2724 (916) 498-5050
Phone: Fax:	(916)-445-1865 (916)-446-4579	Phone: Fax:	

RESTRICTED ROUTES FOR ALL CA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/09/95	Berryessa Knoxville Rd [Napa Valley] from Homestake Mining to South [Restrictions are placed on mine's operating permits.]	0
01/01/95	Monterey Traffic Underpass [City of Monterey] from Washington St. to Lighthouse Ave. [Alternate route: Pacific St. to Del Monte Ave.]	0
01/09/95	Napa County [Hazmat to and from the Geysers project in Lake and Sonoma county are excluded from traversing Napa county.]	0
01/01/95	State 24 [Caldecott Tunnel] from Mile Post R5.89 [Alameda County] to Mile Post R0.35 [Contra Costa County] [Transportation of an explosive substance, flammable liquid, liquefied petroleum gas, or poisonous gas in a tank truck, trailer, or semitrailer is allowed through the tunnel only between the hours of 3:00 AM and 5:00 AM.]	0
01/01/95	State 260 from Mile Post R0.62 to Mile Post R1.92 [Alameda County] [Eastbound Webster St. Tube & westbound Posey Tube from Atlantic Ave. to the end of State 260]	0

RADIOACTIVE HAZMAT (RAM) ROUTES

CA RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/25/00	Interstate 5 from Interstate 605 to Interstate 805	P
01/01/95	Interstate 5 from Mexican Border to Interstate 805 [Radioactive route originated 02/25/00]	I,P
10/25/94	Interstate 5 from Oregon to Interstate 210	P
10/25/94	Interstate 8 from Arizona to Interstate 805 [Near San Diego]	P
10/25/94	Interstate 10 from Arizona to Interstate 605 [West of Los Angeles]	P
10/25/94	Interstate 15 from Nevada to Interstate 8	P
01/01/95	Interstate 40 from Arizona to Interstate 15 [Radioactive route designated on 10/25/94]	B,I,P
01/01/95	Interstate 80 from Nevada to Interstate 580 [north of Oakland] [Radioactive route origination date 10/24/94]	B,P
01/01/95	Interstate 205 from Interstate 5 to Interstate 580 [South of San Joaquin Radioactive route origination date 10/24/94]	B,P
01/01/95	Interstate 210 from Interstate 5 [North of Los Angeles] to Interstate 10 [West of Los Angeles] [Radioactive route origination date 10/25/94]	B,P
10/25/94	Interstate 238 [in Ashland] from Interstate 580 to Interstate 880	P
10/25/94	Interstate 280 from Interstate 680 [in San Jose] to Interstate 380 [in San Francisco]	P
10/25/94	Interstate 580 from Interstate 5 [Southwest of Tracy] to Interstate 680 [in Dublin]	P
10/25/94	Interstate 605 [Los Angeles County] from Interstate 210 to Interstate 5	P
10/25/94	Interstate 680 from Interstate 80 [in Cordelia Junction] to Interstate 280 [in San Jose]	P
10/25/94	Interstate 805 from Interstate 5 [North of the city of San Diego] to Interstate 5 [South of the city of San Diego]	P
10/25/94	Interstate 880 from Interstate 980 [in Oakland] to Interstate 238	P
01/01/95	Interstate 980 [Oakland area] from Interstate 580 to Interstate 880 [Radioactive route origination date 10/25/94]	B,P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

CA NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/09/95	Napa County [general county restriction]	1

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
CA NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/95 02/25/00	State 75 [Coronado Toll Bridge] from Mile Post 19.59 to Mile Post R22.26 [San Diego County] State 101 [Golden Gate Bridge] from Marin/San Francisco [County Line—North End] to Toll Plaza [South End] [No explosive laden trucks are permitted on the bridge between the hours of 0630 and 0930 and between 1600 and 1900 on weekdays. Bridge escort required.]	1,3,8 1
01/01/95 02/25/00	S.F.-Oakland Bay Bridge from Mile Post 4.92 [San Francisco] to Mile Post 2.20 [Alameda County] Sepulveda Blvd. [tunnel] from W. Manchester Ave to Mariposa Ave	1,3 1,2,3,4,5,6,8

CA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/95	3rd St. [San Francisco Bay] from US 101 to Berry St.	B
01/01/95	4th St. [San Francisco Bay] from 3rd St. to Channel St.	B
01/01/95	6th St. [San Francisco Bay] from Channel St. to [southeast]	B
01/01/95	Academy Ave. from Ventura Ave. [State 180] to State 168	B
01/01/95	Adobe Rd. from Amboy Rd. to State 62	B
01/01/95	Alabama St. from Interstate 10 to Norton A.F.B.	B
01/01/95	Amboy Rd. from National Trails Highway [near Amboy] to Adobe Rd.	B
01/01/95	American Ave. from Cove Ave. to State 63	B
01/01/95	Army St. [San Francisco Bay] from 3rd St. to Pier 80	B
01/01/95	Bear Valley Cutoff from US 395 to State 18	B
01/01/95	Berry St. [San Francisco Bay] from 3rd St. to pier	B
01/01/95	Bird Rd. from Chrisman Rd. to State 33 [or Ahern Rd.]	B
01/01/95	Byron Rd. [J4] from Grant Line Rd. to State 4	B
01/01/95	County 2 [Susanville Rd.] from State 299 to State 139	B
01/01/95	County 3 from US 395 to US 395	B
01/01/95	CE7 [Pedrick Rd.] from Interstate 80 to Interstate 5	B
01/01/95	Cargo Way [San Francisco Bay] from 3rd St. to Jennings St.	B
01/01/95	Channel St. from 4th St. to 6th St.	B
01/01/95	Chestnut Ave. from State 99 to Jensen Ave.	B
01/01/95	Chrisman Rd./11th St. from Interstate 580 to Bird Rd.	B
01/01/95	Cove Ave. from State 180 to American Ave.	B
01/01/95	Crafton Ave. from Sand Canyon Rd. to Lockheed Propulsion	B
01/01/95	Daggett-Yermo Rd. from Interstate 15 to Interstate 40	B
01/01/95	Dennison St. [San Francisco Bay] from Interstate 880 to Coast Guard Island	B
01/01/95	Evans Ave. [San Francisco Bay] from 3rd St. to Jennings St.	B
01/01/95	Forrester Rd. from State 86 [at Westmoreland] to Interstate 8	B,I
01/01/95	Fort Irwin Rd. from Interstate 15 to Fort Irwin	B
01/01/95	G14 from US 101 [at King City] to G18	B
01/01/95	G18 from G14 to US 101 [near Bradley]	B
01/01/95	Grand St. [San Francisco Bay] from Encinal Ave. to Buena Vista Ave.	B
01/01/95	Grangeville Blvd. from State 41 to Lemoore Naval Air Station	B
01/01/95	Grant Line Rd. from Byron Rd. to Interstate 5	B
01/01/95	Hueneme Rd. from Las Posas Rd. to end of road at Pacific Coast	B
01/01/95	Hunters Point Blvd. [San Francisco Bay] from Evans Ave. to Innes Ave.	B
01/01/95	Interstate 5 from Interstate 405 to State 78	I
01/01/95	Interstate 5 from Mexican Border to Interstate 805 [Radioactive route originated 02/25/00]	I,P
01/01/95	Interstate 5 from Oregon to Interstate 405	I
01/01/95	Interstate 5 from Oregon to Mexico	B
01/01/95	Interstate 8 from North of San Diego to Arizona	B
01/01/95	Interstate 10 from Interstate 405 to Arizona	B
01/01/95	Interstate 10 from State 60 to Arizona	I
01/01/95	Interstate 15 from State 91 to Interstate 8	B
01/01/95	Interstate 15 from Nevada to State 163	I
01/01/95	Interstate 15 from Nevada to State 60	A
01/01/95	Interstate 40 from Arizona to Interstate 15 [Radioactive route designated on 10/25/94]	B,I,P
01/01/95	Interstate 80 from Interstate 5 to Interstate 680	I
01/01/95	Interstate 80 [Sacramento Business Route] from Interstate 80 to Interstate 80	B
01/01/95	Interstate 80 from Nevada to Interstate 580 [north of Oakland] [Radioactive route origination date 10/24/94]	B,P
01/01/95	Interstate 105 from Interstate 405 to Interstate 605	B
01/01/95	Interstate 110 from Interstate 10 to east of San Pedro	B

CA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/95	Interstate 205 from Interstate 5 to Interstate 580 [South of San Joaquin Radioactive route origination date 10/24/94]	B,P
01/01/95	Interstate 210 from Interstate 5 [North of Los Angeles] to Interstate 10 [West of Los Angeles] [Radioactive route origination date 10/25/94]	B,P
01/01/95	Interstate 215 from Interstate 15 to Interstate 10	B
01/01/95	Interstate 280 from US 101 to Interstate 680/US 101	B
01/01/95	Interstate 405 from Interstate 5 [north of L.A.] to Interstate 5 [south of L.A.]	B,I
01/01/95	Interstate 505 from Interstate 5 to Interstate 80	B,I
01/01/95	Interstate 580 from Interstate 880 to Interstate 5	B
01/01/95	Interstate 580 [in Oakland] from Grand Ave to Interstate 980	B
01/01/95	Interstate 605 from Interstate 210 to Interstate 405	B
01/01/95	Interstate 605 from State 91 to State 60	I
01/01/95	Interstate 680 from Interstate 80 to Interstate 580	I
01/01/95	Interstate 680 from Interstate 80 to US 101	B
01/01/95	Interstate 710 from City of Long Beach to City of Commerce	I
01/01/95	Interstate 710 from Interstate 10 to Interstate 405	B
01/01/95	Interstate 780 from Interstate 80 to Interstate 680	B
01/01/95	Interstate 805 from Interstate 5 to Interstate 5	B
01/01/95	Interstate 805 from State 163 to Interstate 5	I
01/01/95	Interstate 880 from Interstate 280 to Market St.	B
01/01/95	Interstate 980 [Oakland area] from Interstate 580 to Interstate 880 [Radioactive route origination date 10/25/94]	B,P
01/01/95	Innes Ave. [San Francisco Bay] from Hunters Point Blvd. to Hunters Pt. Navel Shipyards	B
01/01/95	Jennings St. [San Francisco Bay] from Evans Ave. to Cargo Way	B
01/01/95	Jensen Ave. from Chestnut Ave. to McCall Ave.	B
01/01/95	Jensen Ave. from Marks Ave. to State 99	B
01/01/95	Las Posas Rd. from US 101 to Mugu Navel Air Center [also Missile Test Center]	B
01/01/95	Lenwood Rd. from State 58 to Interstate 15	B,I
01/01/95	Lugonia Ave. from Alabama St. to Menton Ave.	B
01/01/95	Marks Ave. from State 99 to Jensen Ave.	B
01/01/95	McCall Ave. from Jensen Ave. to Ventura Ave. [State 180]	B
01/01/95	Menton Ave. from Lugonia Ave. to Crafton Ave.	B
01/01/95	Mission Gate Rd. from Purisima Rd. to State 1	B
01/01/95	Mission Rd./Main St. [S-13] from Interstate 15 to State 76 [NOTE: Towards Fall Brook NAS.]	B
01/01/95	National Trails Highway from Interstate 40 [near Ludlow] to Interstate 40	B
01/01/95	Oakland Army Base [US Navy Supply Center] from W. Grand Ave. [at Interstate 80] to Market St. [at Interstate 880] [From W. Grand Ave. via Interstate 80 to Maritime St. to 7th St. the 15th St. to Middle Harbor Rd. to 3rd St. to Market St. which connects to Interstate 880.]	B
01/01/95	Ocean Blvd. from State 75 to North Island NAS	B
01/01/95	Patterson Pass Rd. from Byron Rd. to Interstate 580	B
01/01/95	Prairie City Rd. [east of Sacramento] from US 50	I
01/01/95	Purisima Rd. [State 20] from State 246 to State 1	I
01/01/95	Railroad Blvd./River Rd. from State 98 to U.S. Customs Compound [at Mexico]	B
01/01/95	Road 102 [E8] from Interstate 5 to State 113	B
01/01/95	State 1 from Purisima Rd. [State 20] to Vandenberg A.F.B.	I
01/01/95	State 1 from US 101 [north of S.F.] to Las Cruces	B
01/01/95	State 1 from US 101 [at Leggett] to US 101	B
01/01/95	State 2 from Interstate 5 to Interstate 210	B
01/01/95	State 4 from Interstate 680 to City of Pittsburgh	I
01/01/95	State 4 from State 99 to Interstate 80	B
01/01/95	State 4 from State 99 to State 89	B
01/01/95	State 12 from Interstate 80 to State 99	B
01/01/95	State 12 from State 99 to State 49	B
01/01/95	State 14 from US 395 to Interstate 5	B
01/01/95	State 14 from US 395 to State 138 [north junction]	I
01/01/95	State 15 from State 94 to Interstate 5	B
01/01/95	State 16 from State 20 to CE7 [Pedrick Rd.]	B
01/01/95	State 16 from US 50 to State 49	B
01/01/95	State 17 from Interstate 880/I280 to State 1	B
01/01/95	State 18 from Bear Valley Cutoff to State 247	B
01/01/95	State 18 from State 138 to US 395	B
01/01/95	State 20 from State 1 to State 29	B
01/01/95	State 20 from State 53 to Interstate 80	B
01/01/95	State 22 [Garden Grove Freeway] from Interstate 405 to State 55	B
01/01/95	State 25 from US 101 to State 156	B
01/01/95	State 26 from State 99 to State 49	B

CA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/95	State 27 from State 118 to City of Chatsworth	I
01/01/95	State 29 from State 20 to State 53	B
01/01/95	State 32 from State 36/89 to Interstate 5	B
01/01/95	State 33 from Bird Rd. to State 166	B
01/01/95	State 36 from State 99 to US 395	B
01/01/95	State 37 from US 101 to Interstate 80	B
01/01/95	State 37 from US 101 to Interstate 80	I
01/01/95	State 41 from State 145 to Yosemite National Park	B
01/01/95	State 41 from US 101 to State 99	B
01/01/95	State 43 from State 99 to State 58	B
01/01/95	State 44 from Interstate 5 to State 36	B
01/01/95	State 46 from State 41 to State 99	I
01/01/95	State 49 from State 70 to State 140 [near Mariposa]	B
01/01/95	State 53 from State 20 to State 29	B
01/01/95	State 55 from Interstate 405 to State 91	B
01/01/95	State 57 from Interstate 5 to Interstate 10	B
01/01/95	State 58 from State 14 to Interstate 15	I
01/01/95	State 58 from State 33 to Interstate 15	B
01/01/95	State 60 from Interstate 5 to Interstate 10	B
01/01/95	State 60 from Interstate 605 to Interstate 10	I
01/01/95	State 61 [and Hegenberger Rd.—San Francisco Bay] from Interstate 880 to Interstate 880	B
	[The following is the designated route in the vicinity of Alameda: from Hegenberger via Interstate 880 to State 61 to Doolittle Rd. (State 61) to Otis Dr. to Broadway to Encinal Ave. (State 61) to Central Ave. to Main St. to Atlantic Ave. to Webster St. (State 61) to Buena Vista Ave. to Park St. to 23rd St. to Interstate 880.	
	NOTE: Also, Grand St. connects Encinal Ave. and Buena Vista Ave.	
	NOTE: Sherman St. leads to Inner Harbor from Buena Vista Ave.]	
01/01/95	State 62 from Interstate 10 to Arizona	B
01/01/95	State 63 from American Ave. to State 201	B
01/01/95	State 65 from State 198 to State 99	B
01/01/95	State 65 from State 70 to Interstate 80	B
01/01/95	State 67 from State 94 to Interstate 8	B
01/01/95	State 68 from State 1 to US 101	B
01/01/95	State 70 from State 20 to State 99	B
01/01/95	State 70 from State 20 to US 395 [near border of Calif.-Nevada]	B
01/01/95	State 71 from Interstate 10 to State 91	B
01/01/95	State 75 from Interstate 5 to Ocean Blvd.	B
01/01/95	State 76 from Interstate 5 to Interstate 15	B
01/01/95	State 78 from Interstate 5 to Interstate 15	I
01/01/95	State 85 from Interstate 280 to US 101	B
01/01/95	State 86 from Interstate 10 to Forrester Rd. [at Westmoreland]	B,I
01/01/95	State 88 from State 89 [at Picketts Junction] to Nevada	B
01/01/95	State 88 from State 99 to State 49 [at Jackson]	B
01/01/95	State 89 from Interstate 5 to Interstate 70	B
01/01/95	State 89 from US 395 to State 49	B
01/01/95	State 91 from Interstate 605 to State 215	B
01/01/95	State 91 from Interstate 710 to Interstate 605	I
01/01/95	State 92 from US 101 to Interstate 280	B
01/01/95	State 94 from Interstate 5 to Interstate 8	B
01/01/95	State 96 from State 299 to Interstate 5	B
01/01/95	State 98 from Interstate 8 to Interstate 8	B
01/01/95	State 99 from City of McFarland to State 46	I
01/01/95	State 99 from State 36 to Interstate 5	B
01/01/95	State 99 from US 50 to Interstate 5	B
01/01/95	State 108 from State 132 to US 395	B
01/01/95	State 111 from Interstate 8 to State 98	B
01/01/95	State 113 from Interstate 80 to State 12	B
01/01/95	State 113 from State 99 to CE8 [Road 102]	B
01/01/95	State 118 from Interstate 405 to LA County Line	B
01/01/95	State 118 from Interstate 5 to Interstate 210	B
01/01/95	State 118 from Interstate 5 to State 27	I
01/01/95	State 118 from State 126 to State 232	B
01/01/95	State 119 from State 99 to Interstate 5	B
01/01/95	State 120 from State 99 to Yosemite National Park [westside]	B
01/01/95	State 126 from City of Santa Paula to Interstate 5	I
01/01/95	State 126 from Interstate 5 to State 118	B
01/01/95	State 127 from Nevada to Interstate 15	B
01/01/95	State 128 from State 1 to US 101	B
01/01/95	State 132 from Interstate 580 to State 49	B

CA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/95	State 134 from Interstate 5 to Interstate 210	B
01/01/95	State 136 from US 395 to State 190	B
01/01/95	State 138 from Interstate 5 to Interstate 15	B
01/01/95	State 138 from Interstate 5 to State 14	I
01/01/95	State 139 from Oregon to State 36	B
01/01/95	State 140 from State 49 to Interstate 5	B
01/01/95	State 145 from State 99 to State 41	B
01/01/95	State 147 from State 36 to State 89	B
01/01/95	State 149 from State 99 to State 70	B
01/01/95	State 152 from Interstate 5 to City of Gilroy	I
01/01/95	State 152 from US 101 to State 99	B
01/01/95	State 156 from State 1 to State 152	B
01/01/95	State 163 from Interstate 15 to Interstate 805	I
01/01/95	State 163 from Interstate 8 to Interstate 15	B
01/01/95	State 166 from US 101 to Interstate 5	I
01/01/95	State 166 from US 101 to State 33	B
01/01/95	State 167 from Nevada to US 395	B
01/01/95	State 168 from Academy Ave. to Lake Shore	B
01/01/95	State 177 from State 62 to Interstate 10	B
01/01/95	State 180 from McCall Ave. to Cove Ave.	B
01/01/95	State 180 from State 33 to Marks Ave.	B
01/01/95	State 183 from State 1 to State 68/U101	B
01/01/95	State 190 from US 395 to State 127	B
01/01/95	State 193 from State 65 to Interstate 80	B
01/01/95	State 198 from US 101 to Sequoia National Forest [NOTE: State 198 between State 99 and State 65 is NOT a designated route for explosives.]	B
01/01/95	State 201 from State 99 to State 245	B
01/01/95	State 215 from State 91 to Interstate 15	B
01/01/95	State 223 from Interstate 5 to State 58	B
01/01/95	State 232 from State 118 to US 101	B
01/01/95	State 237 from Interstate 680 to US 101	B
01/01/95	State 242 from Interstate 680 to State 4	I
01/01/95	State 245 from State 201 to State 198	B
01/01/95	State 246 from State 1 to US 101	B
01/01/95	State 246 from US 101 to Purisima Rd.	I
01/01/95	State 247 from State 18 to State 62	B
01/01/95	State 299 from US 101 to Nevada	B
01/01/95	State 1000 from Hueneme Rd. to Las Posas Rd.	B
01/01/95	Sand Canyon Rd. from Crafton Ave. to Interstate 10	B
01/01/95	Santa Lucia Canyon Rd. from State 1 to Vandenberg AFB	B
01/01/95	Seal Beach Blvd. [Los Angeles] from Interstate 405 to North of Seal Beach	B
01/01/95	Sherman St. [San Francisco Bay] from Buena Vista Ave. to S.F. Bay [Inner Harbor]	B
01/01/95	Termo-Grasshopper Rd. from State 139 to US 395	B
01/01/95	Twin Cities Rd. from State 99 to Interstate 5	B
01/01/95	US 6 from Nevada to US 395	B,I
01/01/95	US 50 from Interstate 80 [Business Route] to Nevada	B
01/01/95	US 50 from Prairie City Rd. [east of Sacramento] to Interstate 80	I
01/01/95	US 95 from Nevada to Interstate 10	A
01/01/95	US 97 from Oregon to Interstate 5	B,I
01/01/95	US 101 from City of Camarillo to Interstate 5	I
01/01/95	US 101 from Healdsburg to State 37	I
01/01/95	US 101 from State 166 to State 246	I
01/01/95	US 101 from State 232 to Las Posas Rd.	B
01/01/95	US 101 from Oregon to State 246	B
01/01/95	US 199 from Oregon to US 101	B
01/01/95	US 395 from Nevada to Interstate 15	I
01/01/95	US 395 from Oregon to Nevada [NOTE: US 395 enters Nevada and returns into California in the mid-eastern section.]	B
01/01/95	W. El Camino Ave. [Near Sacramento] from Interstate 80 to Interstate 5	I

STATE: COLORADO

State Agency: POC: Address:	CO State Patrol Capt. Allan Turner 700 Kipling Street Denver, CO 80215-5865	FMCSA: FMCSA POC: Address:	CO FMCSA Field Office CO Motor Carrier State Director 555 Zang St. Room 250 Lakewood, CO 80228-1097 (303) 969-6748 x388
Phone: Fax:	(303)-239-4546 (303)-239-4577	Phone: Fax:	

RADIOACTIVE HAZMAT (RAM) ROUTES

CO RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
12/30/86	Interstate 70 from Interstate 25 [at Mile Post 274.039] to State 2 [at Mile Post 276.572]	7
12/30/86	Interstate 70 from Utah to US 40 [at Mile Post 261.63]	7

CO RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/89	Interstate 25 from Wyoming to New Mexico [HMR 9.5]	A,P
04/30/89	Interstate 76 from Interstate 25 to Nebraska [HMR 9.56]	A,P
04/30/89	Interstate 225 from Interstate 70 to Interstate 25 [HMR 9.21]	A,P
04/30/89	Interstate 270 [Near Denver] from Interstate 70 to Interstate 76 [HMR 9.59]	A,P
03/10/89	State 93 from Rocky Flats Plant to State 128	P
03/10/89	State 128 from State 93 to US 36	P
03/10/89	US 36 from State 128 to Interstate 25	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

CO NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/89	1st St. [City of Craig] from State 13 [east] to State 394 [Craig City Limit] [HMR 9.67]	A
04/30/89	1st St. [Moffat County Rd. CG 2] from State 394 [Craig City Limit] to US 40 [HMR 9.68: Runs East from Route 394 to US 40.]	A
04/30/89	2nd St. [City of Lamar] from US 50/385 to Maple St. [HMR 9.26]	A
04/30/89	County 7 [(Great Divide Rd.)] from City Limit [City of Craig (north)] to County 183 [in Moffat County] [HMR 9.29]	A
04/30/89	County 183 [Moffat County] from County 7 [Moffat County] to State 13 [HMR 9.30]	A
04/30/89	Great Divide Rd. [City of Craig] from US 40 [north] to City Limit [HMR 9.28]	A
04/30/89	Interstate 25 from Wyoming to New Mexico [HMR 9.5]	A,P
04/30/89	Interstate 70 from Interstate 270 to Kansas [HMR 9.54]	A
04/30/89	Interstate 70 from US 6 [east of Loveland Pass] to Interstate 25 [HMR 9.53]	A
04/30/89	Interstate 70 from Utah to US 6 [at Silverthorne [Loveland Pass]] [HMR 9.52]	A
04/30/89	Interstate 70 [business loop] from Interstate 70 [east of Grand Junction] to State 141 [HMR 9.55]	A
04/30/89	Interstate 76 from Interstate 25 to Nebraska [HMR 9.56]	A,P
04/30/89	Interstate 225 from Interstate 70 to Interstate 25 [HMR 9.21]	A,P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
CO NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/89	Interstate 270 [Near Denver] from Interstate 70 to Interstate 76 [HMR 9.59]	A,P
04/30/89	Maple St. [City of Lamar] from 2nd St. to US 50/287 [HMR 9.27]	A
04/30/89	State 9 from US 40 [in Kremmling] to Interstate 70 [in Silverthorne] [HMR 9.1]	A
04/30/89	State 10 from Interstate 25 [in Walsenburg] to US 50 [in La Junta] [HMR 9.35]	A
04/30/89	State 13 from US 40 [west of Craig] to US 6 [west of Rifle] [HMR 9.3]	A
04/30/89	State 13 from Wyoming to County 183 [North of Craig] [HMR 9.2]	A
04/30/89	State 14 from Interstate 25 to US 6 [in Sterling] [HMR 9.37]	A
04/30/89	State 14 from US 40 to State 125 [HMR 9.36]	A
04/30/89	State 17 from US 285 [near Mineral Hot Springs] to US 160 [near Alamosa] [HMR 9.4]	A
04/30/89	State 47 from Interstate 25 to US 50 [State 96] [HMR 9.6]	A
04/30/89	State 52 from State 119 to State 79 [HMR 9.50]	A
04/30/89	State 64 from US 40 [in Dinosaur] to State 13 [HMR 9.51]	A
04/30/89	State 71 from State 14 to US 24 [in East Limon] [HMR 9.7]	A
04/30/89	State 71 from US 24 [in Limon (west junction)] to US 50 [near Rocky Ford] [HMR 9.8]	A
04/30/89	State 71 from Nebraska to State 14 [HMR 9.64]	A
04/30/89	State 79 from State 52 to Interstate 70 [at Bennett] [HMR 9.9]	A
04/30/89	State 83 from US 24 to State 115 [HMR 9.10]	A
04/30/89	State 91 from Interstate 70 to US 24 [near Leadville] [HMR 9.11]	A
04/30/89	State 112 from US 285 to US 160 [HMR 9.57]	A
04/30/89	State 113 from Nebraska to US 138 [HMR 9.12]	A
04/30/89	State 115 from State 83 to US 50 [HMR 9.13]	A
04/30/89	State 119 from State 157 to State 52 [HMR 9.14]	A
04/30/89	State 125 from Wyoming to US 40 [west of Granby] [HMR 9.15]	A
04/30/89	State 127 from Wyoming to State 125 [HMR 9.16]	A
04/30/89	State 139 from State 64 [in Rangely] to Interstate 70 [near Loma] [HMR 9.18]	A
04/30/89	State 141 from Interstate 70 [(Business Loop) near Grand Junction] to US 50 [HMR 9.19]	A
04/30/89	State 141 from US 50 to US 666 [HMR 9.66]	A
04/30/89	State 157 from US 36 to State 119 [HMR 9.20]	A
04/30/89	State 470 from US 285 to Interstate 70 [HMR 9.60]	A
04/30/89	US 6 from Interstate 25 [in Denver] to Interstate 70 [HMR 9.32]	A
04/30/89	US 6 [Loveland Pass] from Interstate 70 [just east of the Eisenhower/Johnson Tunnels] to [just west of the Eisenhower/Johnson Tunnels at Silverthorne] [HMR 9.31]	A
04/30/89	US 6 from State 13 [west of Rifle] to Interstate 70 [Exit 87] [HMR 9.33]	A
04/30/89	US 6 from State 14 [(Main St.) in Sterling] to Nebraska [HMR 9.34]	A
04/30/89	US 24 [Business Route] from State 71 [east junction in Limon] to State 71 [west junction] [HMR 9.48]	A

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
CO NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/89	US 24 [Business Route] from US 24 [on the west side of Limon] to State 71 [west junction] [HMR 9.46]	A
04/30/89	US 24 from State 83 to Interstate 70 [at West Limon (Exit 359)] [HMR 9.39]	A
04/30/89	US 24 from State 91 [at Leadville] to Interstate 25 [in Colorado Springs] [HMR 9.38]	A
04/30/89	US 34 from Interstate 25 to Interstate 76 [HMR 9.40]	A
04/30/89	US 34 from State 71 [west junction] to Nebraska [HMR 9.41]	A
04/30/89	US 36 from Interstate 25 to State 157 [HMR 9.42]	A
04/30/89	US 36 from Interstate 70 [in Byers] to State 71 [at Last Chance] [HMR 9.43]	A
04/30/89	US 40 from First St. [Moffat County Road CG 2] to Interstate 70 [east of Craig] [HMR 9.45]	A
04/30/89	US 40 from Interstate 70 [(Exit 363) in Limon] to Kansas [HMR 9.47]	A
04/30/89	US 40 from Utah to State 13 [west of Craig] [HMR 9.44]	A
04/30/89	US 50 from State 141 [north junction near Grand Junction] to Kansas [HMR 9.49]	A
04/30/89	US 85 from Wyoming to Interstate 76 [HMR 9.63]	A
04/30/89	US 138 from State 113 to US 6 [(Chestnut St.) in Sterling] [HMR 9.17]	A
04/30/89	US 160 from New Mexico to Interstate 25 [Business Route in Walsenburg South to Exit 49 on I-25] [HMR 9.58]	A
04/30/89	US 285 from State 112 to US 160 [HMR 9.62]	A
04/30/89	US 285 from State 470 to State 112 [HMR 9.24]	A
04/30/89	US 285 from US 160 [in Alamosa] to New Mexico [HMR 9.23]	A
04/30/89	US 287 from US 40 [in Kit Carson] to Oklahoma [HMR 9.22]	A
04/30/89	US 385 from Interstate 76 [in Julesburg] to US 40 [in Cheyenne Wells] [HMR 9.25]	A
04/30/89	US 550 from US 160 to New Mexico [HMR 9.65]	A
04/30/89	US 666 from Utah to New Mexico [HMR 9.61]	A

STATE: CONNECTICUT

State Agency: POC: Address:	CT Dept. of Environmental Protection Mr. Dave Sattler 79 Elm St. Hartford, CT 06106-5127	FMCSA: FMCSA POC: Address:	CT FMCSA Field Office CT Motor Carrier State Director 628-2 Hebron Ave. Suite 303 Glastonbury, CT 06033-5007 (860) 659-6700 x3020
Phone: Fax:	860-424-3289 860-424-4059	Phone: Fax:	

No Routes Designated as of 11/14/00

STATE: DELAWARE

State Agency: POC: Address:	DE Emergency Management Agency Emily Falone 165 Brick Stone Landing Rd. Smyrna, DE 19977	FMCSA: FMCSA POC: Address:	DE FMCSA Field Office DE Motor Carrier State Director 300 South New St. Room 2101 Dover, DE 19904 (302) 734-8173
Phone: Fax:	(302) 659-2232 (302) 659-6855	Phone: Fax:	

RADIOACTIVE HAZMAT (RAM) ROUTES
DE RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/09/00	Interstate 95 from Interstate 495 [Northeast of Wilmington] to Pennsylvania	P
08/09/00	Interstate 95 from Maryland to Interstate 495 [southwest of Wilmington]	P
08/09/00	Interstate 295 from Interstate 95 [Southwest of Wilmington] to New Jersey	P
08/09/00	Interstate 495 from Interstate 95 [southwest of Wilmington] to Interstate 95 [northeast of Wilmington]	P

STATE: DISTRICT OF COLUMBIA

State Agency: POC: Address: Phone: Fax:	Dept. of Public Works John Payne 2000 14th Street NW 6th Floor Washington, DC 20009 (202)-671-2710 (202)-939-3039	FMCSA: FMCSA POC: Address: Phone: Fax:	DC FMCSA Field Office DC Motor Carrier State Director Union Center Plaza 820 First St., NE., Suite 750 Washington, DC 20002 (202) 523-0178
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RESTRICTED ROUTES FOR ALL DC HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/08/95	9th St. Expressway Tunnel from North Portal [at Madison Dr.] to South Portal [south of Independence Ave.]	0
03/08/95	Interstate 395 Tunnel from South Portal [south of Independence Ave.] to the most northerly portal [at K St.]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
DC NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/08/95	Anacostia Fwy from Interstate 295 [11th St. Bridge] to E. Capitol St.	A
03/08/95	Interstate 295 from Maryland to Interstate 695 [vicinity of 11th and L St, S.E.]	A
03/08/95	Interstate 395 from Virginia to Interstate 695 [vicinity of 2nd and E St., S.W.]	A
03/08/95	Interstate 695 from Interstate 295 [vicinity of 11th and L St., S.E.] to Interstate 395 [vicinity of 2nd and E St., S.W.]	A
03/08/95	Kenilworth Ave., N.E. from E. Capital St. to Maryland	A

STATE: FLORIDA

State Agency: POC: Address: Phone: Fax:	Florida Dept. of Transportation Capt. Ken Carr Miracle Plaza 1815 Thomasville Rd. Tallahassee, FL 32303-5750 (850)-488-7920 (850)-922-6798	FMCSA: FMCSA POC: Address: Phone: Fax:	FL FMCSA Field Office FL Motor Carrier State Director 227 North Bronough St. Suite 2060 Tallahassee, FL 32301 (850) 942-9338
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RESTRICTED ROUTES FOR ALL FL HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/14/95	Florida Ave. [Tampa] from Crosstown Expressway to Scott Street [Use Crosstown Expressway to 22nd St. North, thence north along 22nd Street to Interstate 4 to either Interstate 275 or points east.]	0
02/14/95	Kennedy Blvd. [Tampa] from Crosstown Expressway to Hillsborough River [Use Crosstown Expressway to Hyde Park Ave. and Davis Island Exit No. 5 to all points west.]	0

RESTRICTED ROUTES FOR ALL FL HAZMATS—Continued

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/14/95	Tampa central business area [Bounded on the east by Ybor Channel, on the west by the Hillsborough River, and on the north by a line running along Scott Street east to Orange Ave, south to Cass St., east to the Seaboard Cost Line Railroad, northeast to Adamo Drive, and on the south by Garrison Channel. * State-maintained highways other than Florida Ave. and Kennedy Blvd. are exceptions to this restriction *]	0

STATE: GEORGIA

State Agency: POC: Address: Phone: Fax:	GA Public Service Comm Lucia A. Ramey 1007 Virginia Ave. Suite 310 Hapeville, GA 30354 (404)-559-6626 (404)-559-4906	FMCSA: FMCSA POC: Address: Phone: Fax:	GA FMCSA Field Office GA Motor Carrier State Director 61 Forsyth St., SW Suite 17T85 Atlanta, GA 30303-3104 (404) 562-3620
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RESTRICTED ROUTES FOR ALL GA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/14/95	State 400 [Atlanta area] [Noted by Georgia Public Service Commission: "A ban on a portion of 400 due to a tunnel", but does include specific sections and routes of ban.]	0

STATE: HAWAII

State Agency: POC: Address: Phone: Fax:	No Agency Designated	FMCSA: FMCSA POC: Address: Phone: Fax:	HI FMCSA Field Office HI Motor Carrier State Director 300 Ala Moana Blvd, Room 3-306 Box 50206 Honolulu, HI 96850 (808) 541-2700 x301
No Routes Designated as of 11/14/00			

STATE: IDAHO

State Agency: POC: Address: Phone: Fax:	ID State Police Cpt. Lamont Johnston P.O. Box 700 700 S. Stratford Dr Meridian, ID 83680 (208)-884-7220 (208)-884-7192	FMCSA: FMCSA POC: Address: Phone: Fax:	ID FMCSA Field Office ID Motor Carrier State Director 3050 Lakeharbor Lane Suite 126 Boise, ID 83703 (208) 334-1842
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NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

ID NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/85	Interstate 84 from Exit 99 to Missile Base Rd. [Envirosafe site] [Transporters are to exit at Exit 99 onto I84 Business Loop to its intersection with old US 330. Follow US 30 approx. 3/4 mile to Hamilton Rd. Follow Hamilton for 3 miles and turn south onto S51 until its junction with State 78. Exit State 78 onto Missile Base Rd. and follow to Envirosafe waste site.]	A
01/01/85	US 95 [northbound] from Oregon to Missile Base Road [location of Envirosafe waste site] [Northbound hazardous waste transporters are directed to exit US 95 onto Sommercamp Rd. (STC-3710) to its junction with State 78. Follow State 78 to its junction to Missile Base Rd. that leads to the Envirosafe waste site.]	A

STATE: IDAHO

State Agency: POC: Address:	Fort Hall Reservation Reginald Thorpe Dept. of Public Safety P.O. Box 306 Fort Hall, ID 83203 (208)-237-0137 (208)-237-0049	FMCSA: FMCSA POC: Address:	ID FMCSA Field Office ID Motor Carrier State Director 3050 Lakeharbor Lane Suite 126 Boise, ID 83703 (208) 334-1842
Phone: Fax:		Phone: Fax:	

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

ID NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/12/95	Interstate 15 [within the Fort Hall Indian Reservation] [Designation by Shoshone-Bannock tribe. Only valid within Fort Hall Reservation.]	A
01/12/95	Interstate 86 [within the Fort Hall Indian Reservation] [Designation by Shoshone-Bannock tribe. Only valid within Fort Hall Reservation.]	A

STATE: ILLINOIS

State Agency: POC: Address:	IL DOT Larry Wort 3215 Executive Park Drive P.O. Box 19245 Springfield, IL 62794-9245 (217)-782-4974 (217)-782-9159	FMCSA: FMCSA POC: Address:	IL FMCSA Field Office IL Motor Carrier State Director 3250 Executive Park Drive Springfield, IL 62703-4514
Phone: Fax:		Phone: Fax:	(217) 492-4608

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

IL NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/14/86	Alpine Rd. from Bypass 20 to Riverside Blvd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Auburn St. from Springfield St. to Rock River [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Blackhawk Park from Magnolia St. to Kishwaukee St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Cedar St. from S. Main St. to Tay [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Central Ave. from Preston to Riverside Blvd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Charles St. from Longwood to Alpine Rd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	College Ave. from Rock River to Kishwaukee St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	E. State St. from Second St. to Interstate 90 [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Fifteenth Ave. from S. Main St. to Kishwaukee St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	First Ave. from Kishwaukee St. to Longwood [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Forest Hills Rd. from N. Second St. to Riverside Blvd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
IL NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/14/86	Harrison Ave. from S. Main St. to Mulford Rd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Kilburn Ave. from Auburn St. to W. State St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Kishwaukee St. from Harrison Ave. to Bypass 20 [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Magnolia St. from Harrison Ave. to Fifteenth Ave. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Montague Rd. from S. Pierpont to Bypass 20 [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Morgan St. from S. Main St. to Rock River [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Mulford Rd. from Sandy Hollow Rd. to Riverside Blvd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	N. Main St. from Riverside Blvd. to Auburn St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Preston St. from Tay to S. Pierpont [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	S. Main St. from Morgan St. to Bypass 20 [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	S. Pierpont from W. State St. to Montague Rd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Sandy Hollow Rd. from Kishwaukee St. to Mulford Rd. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Springfield—Riverside St. from W. State St. to Interstate 90 [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Tay from Cedar St. to Preston St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Twentieth St. from Sandy Hollow Rd. to Twentieth St. Underpass [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Twenty Third Ave. from Eleventh St. to Twentieth St. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	US 20 [Business Route throughout the City of Rockford] [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	US 251 [throughout the City of Rockford] [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	W. State St. from Meridian Rd. to Kilburn Ave. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A
02/14/86	Whitman St. from N. Second St. to Kilburn Ave. [Primary Rockford Hazmat route as per City ordinance 1986-18-0 which amended Chapter 11 with Article VII, Division I, Hazardous Materials Routing.]	A

STATE: INDIANA

State Agency: POC: Address:	IN DOT Christine Klika IN Gov. Center North 100 N. Senate Ave. Room N755 Indianapolis, IN 46204	FMCSA: FMCSA POC: Address:	IN FMCSA Field Office IN Motor Carrier State Director 575 N. Pennsylvania St. Room 261 Indianapolis, IN 46204-1520
Phone: Fax:	(317) 232-5526 (317) 232-0238	Phone: Fax:	(317) 226-7474

RESTRICTED ROUTES FOR ALL IN HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
06/19/89	Interstate 65 [within Indianapolis I-465 beltway]	0
06/19/89	Interstate 70 [within Indianapolis I-465 beltway]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

IN NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
06/19/89	Interstate 465 [around the city of Indianapolis]	A

STATE: IOWA

State Agency: POC: Address:	IA DOT, Motor Vehicle Enfcmnt Cpt. Tom Sever Park Fair Mall 100 Euclid Ave. Des Moines, IA 52306-0473	FMCSA: FMCSA POC: Address:	IA FMCSA Field Office IA Motor Carrier State Director 105 6th St. Ames, IA 50010-6337
Phone: Fax:	515-237-3278 515-237-3387	Phone: Fax:	(515) 233-7300

RADIOACTIVE HAZMAT (RAM) ROUTES

IA RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/18/88	Interstate 29 from Missouri to Interstate 80 [I-80 and I-680 are used in lieu of I-29 in the Council Bluffs area when heading North/South per 49 CFR 397.103 (b)]	P
07/18/88	Interstate 29 from Nebraska to Interstate 680 [I-80 and I-680 are used in lieu of I-29 in the Council Bluffs area when heading North/South per 49 CFR 397.103 (b)]	P
07/18/88	Interstate 35 from Minnesota to Missouri [Say on I-35/I-80 in lieu of I-235 in the Des Moines area per 49 CFR 397.103 (b)]	P
07/18/88	Interstate 80 from Interstate 29 to Illinois [Use I-280 or I-80 in the Quad cities. Use I-80 in lieu of I-235 in the Des Moines area. Use I-680 in lieu of I-80 in the Council Bluffs area per IA-NE coordination when heading east/west. Use I-80 and I-680 in the Council Bluffs area in lieu of I-29 when heading north/south]	P
07/18/88	Interstate 280 from Interstate 80 to Illinois [Use I-280 or I-80 in Quad cities area.]	P
07/18/88	Interstate 680 from Interstate 80 to Interstate 29 [Used in lieu of I-29 in the Council Bluffs area per 49 CFR 397.103 (b)]	P
07/18/88	Interstate 680 from Nebraska to Interstate 80 [Use I-680 and I-80 in lieu of I-29 in the Council Bluffs area when heading north/south per 49 CFR 397.103 (b). Use I-680 in lieu of I-80 in the Council Bluffs area when heading east/west per IA-NE co-ordination.]	P

STATE: KANSAS

State Agency: POC: Address: Phone: Fax:	Div of Emergency Mgmt Mr. Frank Moussa Technological Hazards Section 2800 SW Topeka Blvd Topeka, KS 66611-1287 (785) 274-1408 (785) 274-1426	FMCSA: FMCSA POC: Address: Phone: Fax:	KS FMCSA Field Office KS Motor Carrier State Director 3300 S. Topeka Blvd. Suite 1 Topeka, KS 66611-2237 (916) 267-7286
No Routes Designated as of 11/14/00			

STATE: KENTUCKY

State Agency: POC: Address: Phone: Fax:	Dept. of Vehicle Regulation Commissioner Ed Logsdon 501 High St., No. 308 Frankfort, KY 40622 (502)-564-7000 (502)-564-6403	FMCSA: FMCSA POC: Address: Phone: Fax:	KY FMCSA Field Office KY Motor Carrier State Director Federal Bldg. & US Courthouse 330 W. Broadway Frankfort, KY 40601 (502) 223-6779
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RESTRICTED ROUTES FOR ALL KY HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/88	Interstate 75 from Interstate 275 to Ohio [Ban has been currently lifted due to construction to northbound I275. This route will be evaluated again to reinstate restriction after construction is complete.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES

KY RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/02/88	Interstate 264 from Interstate 64 [West of Louisville] to Interstate 71 [East of Louisville]	7
11/02/88	Interstate 471 [in Newport area] [Use the preferred route I-275 instead]	7

KY RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/02/88	Interstate 24 [Western KY North/South Route]	P
11/02/88	Interstate 64 [East/West route]	P
11/02/88	Interstate 65 [Central KY North/South route]	P
11/02/88	Interstate 71 from Indiana [in Louisville] to Interstate 275 [southwest of Covington]	P
01/01/88	Interstate 275 from Interstate 75 to Ohio [Preferred route origination date 11/2/88]	A,P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

KY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/88	Interstate 275 from Interstate 75 to Ohio [Preferred route origination date 11/2/88]	A,P

STATE: LOUISIANA

State Agency: POC: Address:	LA State Police Transportation Dept. Lt. Tim Sharkey Environmental Safety Section P.O. Box 66614, Mail Slip 21 Baton Rouge, LA 70896-6614 (225)-295-8550 (225)-295-8554	FMCSA: FMCSA POC: Address:	LA FMCSA Field Office LA Motor Carrier State Director 5304 Flanders Drive Suite A Baton Rouge, LA 70808-4348 (225) 757-7640
Phone: Fax:		Phone: Fax:	

RESTRICTED ROUTES FOR ALL LA HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/01/99	Caddo and Bossier Parish [All Roads] [Except for carriers making local pickups or deliveries, carriers using the route to reach a local pickup or delivery point, or carriers traveling to or from their terminal facilities or carriers using the route to reach maintenance or service facilities within the boundaries of the parish, no carrier shall transport hazardous materials in Caddo or Bossier Parish, except on the designated routes. [R.S. 32:1521 Motor Vehicles-Traffic Regulations]]	0
03/01/95	Harvey Tunnel [of Jefferson Parish on US90-B]	0
08/01/99	State 1 from State 3132 to Interstate 220 [R.S. 32:1521 Motor Vehicles—Traffic Regulations]	0
08/01/99	State 73 from Interstate 10 to State 74 [R.S. 32:1521 Motor Vehicles—Traffic Regulations]	0
03/01/95	State 73 [In Ascension Parish] from Interstate 10 to State 74 [and within 300 yards or less of any building used as a public or private elementary or secondary school except for carriers making local deliveries on this portion of State 73.]	0
03/01/95	Tunnel Boulevard Tunnel [in Terrebonne Parish (Houma)]	0
08/01/99	US 71 from Interstate 220 to Interstate 20 [R.S. 32:1521 Motor Vehicles—Traffic Regulations]	0
08/01/99	US 171 from State 3132 to US 80 [R.S. 32:1521 Motor Vehicles—Traffic Regulations]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
LA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/01/99	Interstate 20 from Bossier-Caddo [parish boundary] to Bossier-Webster [parish boundary] [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	Interstate 20 from Texas to Caddo-Bossier [parish boundary] [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	Interstate 49 from Caddo-DeSoto [parish boundary] to Interstate 20 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	Interstate 220 from Bossier-Caddo [parish boundary] to Interstate 20 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	Interstate 220 from Interstate 20 to Caddo-Bossier [parish boundary] [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 1 from Caddo-Red River [parish boundary] to State 3132 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 1 from Interstate 220 to Arkansas [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 2 from Caddo-Bossier [parish boundary] to Bossier-Webster [parish boundary] [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 2 from State 1 to Caddo-Bossier [parish boundary] [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 3 [Benton Road] from Arkansas to Interstate 20 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 511 [Jimmie Davis Highway] from US 71 to State 3132 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	State 3105 [Airline Drive] from Arkansas to US 71 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	US 71 from Bossier-Red River [parish boundary] to Interstate 20 [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	US 71 from Interstate 229 to Arkansas [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	US 79 from Texas to Interstate 20 [R.S. 32:1521 Caddo-Bossier designated route]	A

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
LA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/01/99	US 80 from Texas to City of Greenwood [R.S. 32:1521 Caddo-Bossier designated route]	A
08/01/99	US 171 from Caddo-DeSoto [parish boundary] to State 3132 [R.S. 32:1521 Caddo-Bossier designated route]	A

STATE: MAINE

State Agency: POC: Address: Phone: Fax:	Maine State Police John Fraser Department of Public Safety 20 State House Station Augusta, ME 04333 (207)-624-8939 (207)-624-8945	FMCSA: FMCSA POC: Address: Phone: Fax:	ME FMCSA Field Office ME Motor Carrier State Director Federal Bldg & US Post Office 40 Western Ave., Room 601 Augusta, ME 04330 (207) 622-8358
No Routes Designated as of 11/14/00			

STATE: MARYLAND

State Agency: POC: Address: Phone: Fax:	MD Transportation Authority Police Capt. Martin Uzarowski Comm Vehicle Safety Division 15 Turnpike Dr. Perryville, MD 21903 (410) 575-6955 (410) 378-8123	FMCSA: FMCSA POC: Address: Phone: Fax:	MD FMCSA Field Office MD Motor Carrier State Director The Rotunda 711 West 40th St., Suite 220 Baltimore, MD 21211-2187 (410) 962-2889
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RESTRICTED ROUTES FOR ALL MD HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/25/80	Baltimore Harbor Tunnel [I-895]	0
01/25/80	Fort McHenry Tunnel [I95]	0
01/25/80	Francis Scott Key Bridge [State 695]	0
01/25/80	Harry W. Nice Memorial Bridge [Located on US Route 301]	0
01/25/80	Thomas J. Hatem Mem. Bridge [US Route 40]	0
01/25/80	W. P. Lane, Jr. Mem. Bridge [Located on US 50/301]	0

STATE: MARYLAND

State Agency: POC: Address: Phone: Fax:	MD State Highway Administration Ms. Dolores Strausser Motor Carrier Division 7491 Connelley Dr. Hanover, MD 21076 (410) 582-5734 (410) 787-2863	FMCSA: FMCSA POC: Address: Phone: Fax:	MD FMCSA Field Office MD Motor Carrier State Director The Rotunda 711 West 40th St., Suite 220 Baltimore, MD 21211-2187 (410) 962-2889
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RESTRICTED ROUTES FOR ALL MD HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/25/80	J.F.K. Memorial Highway [I-95]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
MD NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/16/95	Interstate 495 [NOTE: Restricts all vehicles carrying hazmats to right two lanes.]	A

STATE: MASSACHUSETTS

State Agency: POC: Address:	MA Highway Department Mr. Harindra Vohra, P.E. Ten Park Plaza Boston, MA 02116-3973	FMCSA: FMCSA POC: Address:	MA FMCSA Field Office MA Motor Carrier State Director Transportation Systems Center 55 Broadway, Room I-35 Cambridge, MA 02142 (617) 494-2770
Phone: Fax:	(617) 973-7362 (617) 973-8037	Phone: Fax:	(617) 494-2770

RESTRICTED ROUTES FOR ALL MA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/13/94	Callahan Tunnel [Route 1A Northbound under Boston Inner Harbor]	0
11/13/94	Charlestown Tunnel from Interstate 93 to Charlestown	0
11/13/94	Interstate 90 [Prudential Tunnel] from Dalton St. to Clarendon St. [including interchange 22]	0
12/01/95	Interstate 90 [Ted Williams Tunnel under Boston Harbor]	0
11/13/94	Interstate 93 [Dewey Square Tunnel] from Sumner St. to Kneeland St.	0
11/13/94	Sumner Tunnel [Route 1A Southbound under Boston Inner Harbor]	0
11/13/94	US 1 [Northbound and Southbound Tunnels in Boston]	0

STATE: MICHIGAN

State Agency: POC: Address:	Michigan DOT Mr. James R. DeSana, Director 425 West Ottawa P.O. Box 30050 Lansing, MI 48909	FMCSA: FMCSA POC: Address:	MI FMCSA Field Office MI Motor Carrier State Director Federal Building, Room 205 315 West Allegan Street Lansing, MI 48933 (517) 377-1866
Phone: Fax:	(517)-373-1884 (517)-373-0176	Phone: Fax:	(517) 377-1866

RESTRICTED ROUTES FOR ALL MI HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/08/95	International Bridge [I75] [All placarded vehicles require an escort. Contact Operations Supervisor at (906)-635-5255 before crossing. Sault Ste. Marie, MI to Sault Ste. Marie, Ontario.]	0
03/08/95	Mackinac Bridge [I75] [Mackinac City to St. Ignace. All placarded loads require an escort by the Mackinac Bridge Authority. Phone (906) 643-7600.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES
MI RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/29	Ambassador Bridge [Detroit] from Porter St. to Canada [Windsor] [Phone (313)-849-5244]	1,3,7,8
03/08/95	Blue Water Bridge [I69] [Port Huron, MI to Sarnia, Ontario. NOTE: In addition to the listed restrictions, Pyrophoric Liquids prohibited. Contact Michigan Dept. of Transportation for specific restrictions. (810)-984-3131]	1,5,7,9

RADIOACTIVE HAZMAT (RAM) ROUTES—Continued
MI RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/30	Windsor Tunnel [Detroit] from Jefferson Ave. to Canada [Windsor] [Phone: (313)-567-4422]	1,3,7,8

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
MI NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/29	Ambassador Bridge [Detroit] from Porter St. to Canada [Windsor] [Phone (313)-849-5244]	1,3,7,8
03/08/95	Blue Water Bridge [I69] [Port Huron, MI to Sarnia, Ontario. NOTE: In addition to the listed restrictions, Pyrophoric Liquids prohibited. Contact Michigan Dept. of Transportation for specific restrictions. (810)-984-3131]	1,5,7,9
01/01/90	Interstate 696 [County of Oakland] from State Route M-10 to Interstate 75	1,3
01/01/64	State Route M-10 [Detroit] from 8 Mile Rd [South] to Wyoming Rd	1,3
01/01/58	State Route M-10 [Detroit] from Howard St. to Woodward Ave. [Under Cobo Hall (approx 1 mile)]	1,3
10/03/98	State Route M-59 [Utica] [1.1 mile from either direction of the Mound Rd exit]	1,3
01/01/30	Windsor Tunnel [Detroit] from Jefferson Ave. to Canada [Windsor] [Phone: (313)-567-4422]	1,3,7,8

STATE: MINNESOTA

State Agency: POC: Address:	MN DOT—OCMS Michael Ritchie 1110 Centre Point Curve GNB Building—MS 420 Mendota Heights, MN 55120 (651) 405-6120 (651) 405-6082	FMCSA: FMCSA POC: Address:	MN FMCSA Field Office MN Motor Carrier State Director Galtier Plaza, Box 75 175 E. 5th St., Suite 500 St. Paul, MN 55101-2904 (612) 291-6150
Phone: Fax:		Phone: Fax:	

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
MN NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/09/95	Lowry Hill Tunnel [I94]	1,3

STATE: MISSISSIPPI

State Agency: POC: Address:	MS Emergency Management Svcs Robert Latham P.O. Box 4501 Jackson, MS 39296-4501 (601)-352-9100 (601)-352-8314	FMCSA: FMCSA POC: Address:	MS FMCSA Field Office MS Motor Carrier State Director 666 North St. Suite 105 Jackson, MS 39202-3199 (601) 965-4219
Phone: Fax:		Phone: Fax:	

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
MS NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/06/94	Utilize interstate system as the primary routes or transporting NRHM.	A

STATE: MISSOURI

State Agency: POC: Address: Phone: Fax:	No Agency Designated	FMCSA: FMCSA POC: Address: Phone: Fax:	MO FMCSA Field Office MO Motor Carrier State Director 209 Adams St. Jefferson City, MO 65101 (573) 636-3246
No Routes Designated as of 11/14/00			

STATE: MONTANA

State Agency: POC: Address: Phone: Fax:	Montana DOT Mr. Drew Livesay Motor Carrier Services Div. P.O. Box 4639 Helena, MT 59620-0801 (406)-444-6146 (406)-444-7670	FMCSA: FMCSA POC: Address: Phone: Fax:	MT FMCSA Field Office MT Motor Carrier State Director 2880 Skyway Drive Helena, MT 59602-1230 (406) 449-5304 x223
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RESTRICTED ROUTES FOR ALL MT HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
09/26/94	US 191 [through and around the Yellowstone Park area] [This route under the jurisdiction of the Park Service, not the State of Montana. Contact Yellowstone Visitor Services Office 307-344-2115.]	0

STATE: NEBRASKA

State Agency: POC: Address: Phone: Fax:	Nebraska State Patrol Major Bryan Tuma P.O. Box 94907 Lincoln, NE 68509-4907 (402) 479-4950 (402) 479-4002	FMCSA: FMCSA POC: Address: Phone: Fax:	NE FMCSA Field Office NE Motor Carrier State Director Federal Building, Room 220 100 Centennial Mall North Lincoln, NE 68508 (402) 437-5986
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RADIOACTIVE HAZMAT (RAM) ROUTES
NE RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
08/03/88	Interstate 680 from Interstate 80 to Iowa [Use in lieu of I-80 in the Omaha area.]	P

STATE: NEVADA

State Agency: POC: Address: Phone: Fax:	No Agency Designated	FMCSA: FMCSA POC: Address: Phone: Fax:	NV FMCSA Field Office NV Motor Carrier State Director 705 N. Plaza St. Suite 220 Carson City, NV 89701-4015 (775) 687-5335
No Routes Designated as of 11/14/00			

STATE: NEW HAMPSHIRE

State Agency: POC: Address:	NH Dept. of Safety Commissioner Richard Flynn 10 Hazen Dr. Concord, NH 03305	FMCSA: FMCSA POC: Address:	NH FMCSA Field Office NH Motor Carrier State Director 279 Pleasant St. Suite 202 Concord, NH 03301-2509 (603) 225-1626
Phone: Fax:	(603) 271-2792 (603) 271-3903	Phone: Fax:	
No Routes Designated as of 11/14/00			

STATE: NEW JERSEY

State Agency: POC: Address:	Ports Terminals & Freight Svcs Theodore H. Matthews, Manager NJ Dept of Transportation 1035 Parkway Ave (CN-600) Trenton, NJ 08625	FMCSA: FMCSA POC: Address:	NJ FMCSA Field Office NJ Motor Carrier State Director 840 Bear Tavern Rd. Suite 310 West Trenton, NJ 08628-1019 (609) 637-4222
Phone: Fax:	(609) 530-8026 (609) 530-4549	Phone: Fax:	
No Routes Designated as of 11/14/00			

STATE: NEW MEXICO

State Agency: POC: Address:	NM State Hwy & Transportation Richard Montoya General Office P.O. Box 1149 Santa Fe, NM 87504-1149	FMCSA: FMCSA POC: Address:	NM FMCSA Field Office NM Motor Carrier State Director 2400 Louisiana Blvd., NE AFC-5, Suite 520 Albuquerque, NM 87110-4316 (505) 346-7858
Phone: Fax:	(505)-827-5549 (505)-989-4983	Phone: Fax:	

RADIOACTIVE HAZMAT (RAM) ROUTES

NM RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/99	<p>Eastern WIPP Route [From the Texas-New Mexico border [MP 373.51] west on I-40 through Tucumcari to the junction of I-40 and US 54 [MP 276.836, Exit 275] at Santa Rosa; west on US 54 through Pastura to the junction of US 54 and US 285 at Vaughn; south on US 285 through Roswell (along the Roswell Relief Route) [MP 119.930] and Artesia to the junction of US 285 and US 62/180 [MP 31.180] in Carlsbad; east on US 62/180 to the WIPP north access road [MP 64.652]. If and when Artesia and Carlsbad Relief Routes are available, they shall be used instead of the route through each respective city. Currently posted "truck routes" shall not be used.</p> <p>Note: This designation is based on 18 NMAC 20.9 (Designation of Highway Routes for the Transport of Radioactive Materials)]</p>	P
04/30/99	<p>Los Alamos National Laboratory [From the Los Alamos National Laboratory in Los Alamos County [Tech Area 54, MP 0.000] east on the Los Alamos Truck Route to the junction of the Los Alamos Truck Route and NM 4; east on NM 4 to the junction of NM 4 and NM 502; [MP 68.186] east on NM 502 to the junction of NM 502 [18.081] and US 84/285 at Pojoaque; south on US 84/285 [MP 181.251] to the junction of US 84/285 and NM 599; [MP 167.443] south on NM 599 to the junction of NM 599 and I-25; north on I-25 to the junction of I-25 and US 285 [MP 290.809, Exit 290]; south on US 285 through Clines Corners, Encino, Vaughn, Roswell (along the Roswell Relief Route) and Artesia to the junction of US 285 and US 62/180 [MP 31.180] in Carlsbad; east on US 62/180 to the WIPP north access. If and when the Artesia and Carlsbad Relief Routes are available, they shall be used instead of the route through each respective city. Currently posted "truck routes" shall not be used, except for the Los Alamos Truck Route as stated above.</p> <p>Note: This designation is based on 18 NMAC 20.9 (Designation of Highway Routes for the Transport of Radioactive Materials)]</p>	P

RADIOACTIVE HAZMAT (RAM) ROUTES—Continued
NM RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/30/99	Northern WIPP Route [From the Colorado-New Mexico border [MP 462.124] south on I-25 through Raton, Springer, and Las Vegas to the junction of I-25 and US 285 [283.800, Exit 290] near Santa Fe; south on US 285 through Clines Corners, Encino, Vaughn, Roswell (along the Roswell Relief Route) [MP 119.930] and Artesia to the junction of US 285 and US 62/180 [MP 31.180] in Carlsbad; east on us 62/180 to the WIPP north access road [MP 64.652]. If and when Artesia and Carlsbad Relief Routes are available, they shall be used instead of the route through each respective city. Currently posted "truck routes" shall not be used. Note: This designation is based on 18 NMAC 20.9 (Designation of Highway Routes for the Transport of Radioactive Materials)]	P
04/30/99	Southern WIPP Route [From the Texas-New Mexico border [MP 0.000] north on US 285 through Loving to the Junction on US 285 and US 62/180 [MP 31.180] in Carlsbad; east on US 62/180 to the WIPP north access road [MP 64.652]. If and when a south Carlsbad Relief Route is available, it shall be used instead of the route through the city. Currently posted "truck routes" shall not be used. Note: This designation is based on 18 NMAC 20.9 (Designation of Highway Routes for the Transport of Radioactive Materials)]	P
04/30/99	Western WIPP Route [From the Arizona-New Mexico border [MP 0.000] east on I-40 through Gallup, Thoreau, Grants, Albuquerque and Moriarty to the junction of I-40 and US 285 [MP 218.064, Exit 218] at Clines Corners; south on US 285 through Encino, Vaughn, Roswell (along the Roswell Relief Route) [MP 119.930] and Artesia to the junction of US 285 and US 62/180 [MP 31.180] in Carlsbad; east on US 62/180 to the WIPP north access road [MP 64.652]. If and when Artesia and Carlsbad Relief Routes are available, they shall be used instead of the route through each respective city. Currently posted "truck routes" shall not be used. Note: This designation is based on 18 NMAC 20.9 (Designation of Highway Routes for the Transport of Radioactive Materials)]	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
NM NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
02/18/91	Interstate 10 [within Las Cruces city Limits]	A
02/18/91	Interstate 25 [within Las Cruces city Limits]	A
02/18/91	US 70 from East City Limits [Las Cruces near Organ] to Interstate 25	A

STATE: NEW YORK

State Agency: POC: Address: Phone: Fax:	New York City Fire Dept. Lt. James Yakimovich Bureau of Operations 9 MetroTech Center Brooklyn, NY 11201-3587 (718) 999-1060	FMCSA: FMCSA POC: Address: Phone: Fax:	NY FMCSA Field Office NY Motor Carrier State Director Leo O' Brien Federal Bldg. Clinton & N. Pearl St., 9th Fl Albany, NY 12207 (518) 431-4145 x315
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RESTRICTED ROUTES FOR ALL NY HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>City of New York Hazmat Restrictions</p> <p>[For shipments of Hazardous Cargo through the City without pickup or delivery within the City, to piers, airports, and shipping terminals, hazardous cargo transportation prohibited by City, State, Federal law or regulation shall not be permitted to enter or pass through New York City, except where specifically authorized by authorized governmental agencies and the Fire Commissioner. Such shipments shall conform to routes, times, and safety conditions specified by the Fire Commissioner. (Such designated routes are listed here in the National Hazardous Material Route Registry)</p> <p>Motor Vehicles conforming to Fire Department specifications and under Fire Department permit may be used to transport allowable Hazardous Cargo in accordance with Chapter 4 of Title 27 Administrative Code and the rules and regulations of the Fire Commissioner without conformance to the routing, time, escorts, and other restrictions and such "permitted" vehicles must be used for deliveries for storage and/or use or for pickup in the City.</p> <p>Hazardous cargo shipments shall transit the City only during non-rush hours. Shipments of explosives are permitted only during daylight hours, except that shipments at night may be allowed in individual cases for escorted shipments as pursuant to Administrative Code 27-4019(b). Times for shipments are as follows:</p> <p>Monday through Friday: For explosives, and prohibited materials for which specific permission has been given by Fire Department: 10:00 A.M. to 3:00 P.M. and 7:00 P.M. to 6:00 A.M. For all other hazardous cargo: 9:00 A.M. to 4:00 P.M. and 6:00 P.M. to 7:00 A.M. Saturday, Sunday, and Holidays: As traffic conditions permit, consistent with the rules and regulations of government agencies and/or authorities having jurisdiction.]</p>	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

NY NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>Verrazano Bridge</p> <p>[Contact the FDNY (718) 403-1580 for more information.]</p>	1

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>City of New York Escort Rendezvous Points</p> <p>[Escorts by a fully manned fire department engine company shall be required for all permitted Class "A", Class "B", and Class "C" explosives (over 50 pounds in weight) from point of entry into the City until its exit from the City pursuant to 27-4034(j) Administrative Code of the City of New York. The fire commissioner reserves the right to require escorts for any hazardous cargo shipment when he deems necessary. Notification of arrival of explosives shipments shall be made 48 hours in advance by calling the notification desk in the chief of department's office (718) 403-1580.</p> <p>Shipments from North Shore Long Island: Meet at safety area of Westbound Long Island Expressway (I-495) on the right side between Lakeville Road and Little Neck Parkway.</p> <p>Shipments from South Shore Long Island: Meet at northwest corner of intersection of Sunrise Highway (State 27) between Hook Creek Blvd. and 246th Street.</p> <p>From Upstate New York or New England via New England Thruway (I-95): exit at Connors Street exit, proceed on New England Thruway Service Road to Connors Street to meet Fire Department escort.</p> <p>From Upstate New York and New England via New York Thruway (I-87): exit into Service Area of Major Deegan Expressway located between Westchester County line and the East 233rd street exit of the expressway, to meet Fire Department escort</p> <p>From NJ via Goethals, Bayonne, Outerbridge Crossing, and George Washington Bridges: Meet at Adm. Bldg—Toll Plaza</p> <p>From J.F.K. International Airport: Meet in front of the Major Robert Fitzgerald Building t111 on the inbound service road of the Federal Circle</p> <p>From LaGuardia Airport: Meet at Marine Air Terminal P.A.N.Y.N.J. Police Building, entering at 82nd Street entrance to LaGuardia Airport.]</p>	B
01/06/95	<p>NYC Route 1: From NJ to western Westchester County and upstate New York</p> <p>[George Washington Bridge (upper level) to Washington Expressway (without detour on City streets) via the Alexander Hamilton Bridge to the Major Deegan Expressway to New York Thruway (I-87).</p> <p>Note: Reverse routing permitted. Rendezvous with escort, if required.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 2: From NJ to eastern Westchester County, upstate New York, and New England [George Washington Bridge (upper level) to Washington Expressway (without detour on City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95) to Bruckner Interchange, continue on Bruckner Expressway to New England Thruway (I-95).</p> <p>Note: Reverse routing permitted. Rendezvous with escort if required.]</p>	A
01/06/95	<p>NYC Route 3: From NJ to Nassau and Suffolk Counties</p> <p>[NYC Route 3(i): George Washington Bridge (upper level) via Washington Expressway (without detour on City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway, east on Long Island Expressway (I-495) to Nassau and/or Suffolk Counties.</p> <p>NYC Route 3(ii): Use either 3(ii)A, 3(ii)B, or 3(ii)C THEN, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Nassau and/or Suffolk Counties.</p> <p>NYC Route 3(ii)A: Outerbridge crossing to West Shore Expressway, North on West Shore Expressway (State 440) to Staten Island Expressway (I-278)</p> <p>NYC Route 3(ii)B: Bayonne Bridge to Willowbrook Expressway (State 440) south to Staten Island Expressway (I-278)</p> <p>NYC Route 3(ii)C: Goethals Bridge to Staten Island Expressway (I-278)</p> <p>Note: Reverse routing permitted. Rendezvous with escort if required. Hazardous cargo requiring escort (i.e. explosives) shall use route via George Washington Bridge only to minimize travel time within the city. Explosives are prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 4: From Upstate NY or New England to Nassau and Suffolk Counties</p> <p>[NYC Route 4(i): New England Thruway (I-95) (to Connors Street exit to meet escort if required), to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495), east on Long Island Expressway to City Line.</p> <p>NYC Route 4(ii): New York State Thruway (I-87) south to Major Deegan Expressway (I-87), to Cross Bronx Expressway (I-95), east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495), east on Long Island Expressway to City Line.</p> <p>Note 1: Reverse routing permitted. Rendezvous with escort if required. See NYC Route 25 for alternate routes.]</p>	A
01/06/95	<p>NYC Route 5: From NJ to LaGuardia Airport via Goethals Bridge</p> <p>[Goethals Bridge to Staten Island Expressway (I-278) to Verrazano Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278) to Astoria Blvd. (exit 39), east to 82nd Street then north on 82nd Street to LaGuardia Airport.</p> <p>Note: Reverse routing permitted. Rendezvous with escort if required. Explosives prohibited on Verrazano Bridge]</p>	A
01/06/95	<p>NYC Route 6: From NJ to LaGuardia Airport via Outerbridge Crossing</p> <p>[Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) east to Verrazano Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278) to Astoria Blvd. (exit 39), east to 82nd Street then north on 82nd Street to LaGuardia Airport.</p> <p>Note: Reverse routing permitted. Rendezvous with escort if required. Explosives prohibited on Verrazano Bridge]</p>	A
01/06/95	<p>NYC Route 7: From NJ to LaGuardia Airport via George Washington Bridge</p> <p>[George Washington Bridge (upper level) via Washington Expressway (without detour on City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on L.I.E. (I-495) to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Northern Blvd. (25A), west on Northern Blvd. to Astoria Blvd. West on Astoria Blvd to 82nd Street, north on 82nd Street to LaGuardia Airport.</p> <p>Note: See NYC Route 25 for alternate routes. Rendezvous with escort if required. Reverse routing permitted.]</p>	A
01/06/95	<p>NYC Route 8: From Long Island to LaGuardia Airport</p> <p>[NYC Route 8(i): Long Island Expressway (I-495) West to Van Wyck Expressway (I-678), North to Northern Blvd. (25-A), West to Astoria Blvd., Astoria Blvd. to 82nd Street, North on 82nd Street to LaGuardia Airport</p> <p>NYC Route 8(ii): Long Island Expressway (I-495) West to Brooklyn Queens Expressway (I-278) East to Astoria Blvd. (Exit 39) East to 82nd Street, North on 82nd Street to LaGuardia Airport</p> <p>NYC Route 8(iii): West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), North on Van Wyck Expressway (I-678) to Northern Blvd. (25-A), West to Astoria Blvd., Astoria Blvd. to 82nd Street, North on 82nd Street to LaGuardia Airport</p> <p>NYC Route 8(iv): West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), North on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), West to Brooklyn Queens Expressway (I-278), East to Astoria Blvd. (Exit 39), East to 82nd Street, North on 82nd Street to LaGuardia Airport</p> <p>Note: Rendezvous for escort if required Reverse routing permitted.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 9: From New England or upper New York State to LaGuardia Airport [NYC Route 9(i): New England Thruway (I-95) south (to Connors Street exit to meet escort, if required), to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-278) east, to Astoria Blvd. (exit 39), east to 82nd Street, then north on 82nd Street to LaGuardia Airport NYC Route 9(ii): New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95) east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495) west, to Brooklyn Queens Expressway (I-278) east, to Astoria Blvd. (Exit 39), east to 82nd Street, then north on 82nd Street to LaGuardia Airport Note: Rendezvous with escort if required. Reverse routing permitted. See NYC Route 25 for alternate routes.]</p>	A
01/06/95	<p>NYC Route 10: From New Jersey to J.F.K. International Airport via Goethals Bridge [From New Jersey via Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), Brooklyn Queens Expressway (I-278) east to Long Island Expressway (I-495), east to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F.K. International Airport Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 11: From New Jersey to J.F.K. International Airport via Outerbridge Crossing [From New Jersey via Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway east (I-278) to Long Island Expressway (I-495), East on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), South on Van Wyck Expressway (I-678) to J.F.K. International Airport Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 12: From New Jersey to J.F.K. International Airport via George Washington Bridge (upper level) [From New Jersey via George Washington Bridge (upper level), via Washington Expressway (without detouring onto City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95), to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F.K. International Airport Note: Rendezvous with escort if required. Reverse routing permitted. See NYC Route 25 for alternate routes.]</p>	A
01/06/95	<p>NYC Route 13: From New England and upper New York State to J.F.K. International Airport [NYC Route 13(i): New England Thruway (I-95), south (to Connors Street exit to meet escort, if required) to Bruckner Expressway (I-95), to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495) west on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678), to J.F.K. International Airport NYC Route 13(ii): New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295) to L.I. Expressway (I-495) west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F.K. Airport Note: Rendezvous with escort if required. Reverse routing permitted. See NYC Route 25 for alternate routes.]</p>	A
01/06/95	<p>NYC Route 14: From Long Island to J.F.K. International Airport [NYC Route 14(i): West on Long Island Expressway (I-495) to Van Wyck Expressway (I-676), south on Van Wyck Expressway (I-678) to J.F.K. International Airport NYC Route 14(ii): West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F.K. International Airport NYC Route 14(iii): West on Sunrise Highway (State 27) to North Conduit Blvd. to Rockaway Blvd., or 150th Street, to J.F.K. International Airport Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A
01/06/95	<p>NYC Route 15: From New Jersey to Staten Island Piers [NYC Route 15(i): From New Jersey via Bayonne Bridge Plaza via Willowbrook Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue, north on Western Avenue to Richmond Terrace, east on Richmond Terrace to Northside Piers, or Staten Island Expressway, east to Bay Street Exit, then local streets to east side piers NYC Route 15(ii): From Goethals Bridge Plaza via Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue to Northside Piers, or Staten Island Expressway east to Bay Street exit, then local streets to east side piers NYC Route 15(iii): From Outerbridge Crossing via West Shore Expressway (State 440) and Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside piers, or Staten Island Expressway east to Bay Street exit, then local streets to east side piers Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 16: From New Jersey to Brooklyn Piers [NYC Route 16(i): From Bayonne Bridge, south via Willobrook Expressway (State 440) to Staten Island Expressway (I-278), east to Verrazano-Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of pier then local streets to pier NYC Route 16(ii): From New Jersey via Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of pier then local streets to pier NYC Route 16(iii): >From New Jersey via Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level) , to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of pier, local streets to pier Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge]</p>	A
01/06/95	<p>NYC Route 17(i): From New Jersey to Manhattan Piers via George Washington Bridge [NYC Route 17(i): From New Jersey via George Washington Bridge (upper level), exit at 178th Street and Fort Washington Avenue, east on 178th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street), east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to 55th Street, west on 55th Street to 12th Avenue, 12th Avenue north or south to pier location. Note: Rendezvous with escort if required. Reverse routing permitted. In area of 12th Street, 12th Avenue becomes West Street.]</p>	A
01/06/95	<p>NYC Route 17(ii)A and 17(ii)B: From New Jersey to Manhattan Piers via Lincoln Tunnel [NYC Route 17(ii)A: Lincoln Tunnel to west side piers north of Lincoln Tunnel: From Lincoln Tunnel, exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street, to 12th Avenue (right turn at 12th Avenue adjacent to elevated structure of West Side Highway, continue north on 12th Avenue to piers. Return route 17(ii)A: Return route to Lincoln Tunnel: South on 12th Avenue (at 43rd Street, move to left traffic lane to exit at 42nd Street), east (left turn) at 42nd Street on block to 11th Avenue, turn south (right) at 11th Avenue, continue south on 11th Avenue for two blocks (follow signs to Lincoln Tunnel) , east (left) on 40th Street to Lincoln Tunnel entrance at Galvin Avenue. NYC Route 17(ii)B: Lincoln Tunnel to west side piers south of Lincoln Tunnel: From Lincoln Tunnel exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street to 12th Avenue, south (left) on 12th Avenue (under elevated structure of West Side Highway to southbound traffic lane of 12th Avenue) continue south on 12th Avenue and/or West Street to piers. Return route 17(ii)B: Return route to Lincoln Tunnel: North on West Street to 12th Avenue, north on 12th Avenue to 40th Street, east on 40th Street across 11th Avenue to Galvin Avenue entrance to Lincoln Tunnel. Note: In area of 12th Street, 12th Avenue becomes West Street.]</p>	A
01/06/95	<p>NYC Route 17(ii)C and 17(ii)D: From New Jersey to Manhattan Piers via Holland Tunnel [NYC Route 17(ii)C: Holland Tunnel to west side piers north of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street, continue north on West Street and/or 12th Avenue, to piers. Return route 17(ii)C: Return route to Holland Tunnel: South on 12th Avenue and continue south on West Street to Canal Street, east (left turn) on Canal Street to Hudson Street, then north (left turn) at Hudson Street to Holland Tunnel entrance. NYC Route 17(ii)D: Holland Tunnel to west side piers south of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street to west Houston Street, make "U" turn from north bound traffic lane under elevated West Side Highway to south bound traffic lane of West Street, continue south on West Street to piers. Return route 17(ii)D: North on West Street to Canal Street, east (right turn) on Canal Street to Hudson Street, then north (left turn) on Hudson Street to Holland Tunnel entrance. Note: In area of 12th Street, 12th Avenue becomes West Street.]</p>	A
01/06/95	<p>NYC Route 17(ii)E: From New Jersey, via George Washington Bridge, Lincoln or Holland Tunnels to lower east side (East River) piers [Utilize routes 17(ii)A through 17(ii)D, continue south on 12th Avenue or West Street, south on West Street to Battery Park Underpass (head room 12' 11"), enter Battery Park Underpass and exit on South Street, continue north on South Street and/or marginal street under elevated F.D.R. Drive to location of pier Return route: Proceed south on marginal street under elevated F.D.R. Drive and/or South Street to Battery Park Underpass, enter Battery Park Underpass and exit on West Street, proceed north on West Street and/or 12th Avenue, continue as per routes 17(ii)A through 17(ii)D to Lincoln and Holland Tunnels respectively, and, for George Washington Bridge, proceed north on 12th Avenue to 57th Street, east on 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 179th Street, west on 179th Street to George Washington Bridge. Note: Rendezvous with escort if required. In area of 12th Street, 12th Avenue becomes West Street.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 18(i): From New England to Manhattan piers [South on New England Thruway (I-95) (to Connors Street exit to meet escort if required), to Bruckner Expressway (I-278), to Willis Avenue and Third Avenue exit on 135th Street, west on 135th Street Third Avenue, south on Third Avenue across 3rd Avenue Bridge to 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to East 125th Street.</p> <p>Return route: From Manhattan Piers to upstate New York, Westchester County, and New England. Reverse route 18 (ii) to 12th Avenue, north to West 57th Street, then east on West 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge to Bruckner Blvd., Bruckner Blvd. to 138th Street entrance to Bruckner Expressway (I-278), east and north on Bruckner Expressway (I-278) to New England Thruway (I-95), then New England Thruway (I-95) north to City line.</p> <p>Note: Rendezvous with escort if required.]</p>	A
01/06/95	<p>NYC Route 18(ii): From Westchester County or upstate New York to Manhattan piers [New York Thruway (I-87), south to Major Deegan Expressway (I-87), Major Deegan Expressway, (I-87) south to 138th Street exit, service road to Third Avenue, south on 3rd Avenue, across 3rd Avenue Bridge to east 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to east 125th Street. Then, west on 125th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street) east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to west 55th Street, west on west 55th Street to 12th Avenue north or south to pier location. For lower East River piers, continue south on 12th Avenue to West Street, south on West Street around Battery Park (do not use Battery Under-Pass) to South Street, north on marginal streets under the elevated F.D.R. Drive to location of pier.</p> <p>Return route: Reverse route 18(ii) to 12th Avenue, then north to West 57th Street, then east on west 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east on 125th Street to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge, Willis Avenue to Major Deegan Expressway (I-87), Major Deegan Expressway north to New York Thruway (I-87), then north to City line.</p> <p>Note: Rendezvous with escort if required.]</p>	A
01/06/95	<p>NYC Route 19: From New England, upper New York State and Westchester County to Staten Island Piers [NYC Route 19(i): South on New England Thruway (I-95) (to Connors Street exit to meet escort if required) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west to Verrazano-Narrows Bridge (upper level) to Staten Island Expressway (I-278) to Bay Street exit for eastside piers, or west to Western Avenue, north to Richmond Terrace, then local streets to northside piers.</p> <p>NYC Route 19(ii): New York State Thruway (I-87) south to Major Deegan Expressway (I-87) (exit into "service area" of Expressway, located between Westchester County line and east 233rd Street exit of the Expressway, to rendezvous with escort, if required) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-279), west to Verrazano-Narrows Bridge (upper level), to Staten Island Expressway (I-278) , exit at Bay Street for eastside piers, or continue on Staten Island Expressway (I-278) to Western Avenue, north on western Avenue to Richmond Terrace, then local streets to northside piers.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 20: From New England, Westchester County and upstate New York to Brooklyn piers [NYC Route 20(i): South on New England Thruway (I-95) (to Connors Street exit to meet escort if required) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278) west on Brooklyn Queens Expressway (I-278) to nearest exit to pier location. Route from nearest expressway exit to pier via local streets</p> <p>NYC Route 20(ii): From New York State Thruway (I-87), south to Major Deegan Expressway (I-87) , (exit into "service area" of expressway, located between Westchester County line and east 233rd Street exit of the Expressway, to rendezvous with escort, if required) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south to Clearview Expressway (I-295), to Long Island Expressway, west on Long Island Expressway (I-495) to Brooklyn Queens Expressway, west on Brooklyn Queens Expressway (I-278) to nearest exit to pier location, then via local streets to pier.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 21: From Long Island (Nassau or Suffolk) to Brooklyn and Staten Island piers [Long Island Expressway (I-495) west to Brooklyn Queens Expressway (I-278) , then west on Brooklyn Queens Expressway (I-278), then either:</p> <p>NYC Route 21(i)A: Continue to nearest exit for Brooklyn piers location</p> <p>NYC Route 21(i)B: Continue west on Brooklyn Queens Expressway (I-278) to Verrazano Bridge (upper level), cross bridge to Staten Island Expressway (I-278), exit at Bay Street for Staten Island eastside piers (utilizing local streets) , or continue west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for northside Staten Island piers.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 22: From Long Island (Nassau or Suffolk) to Manhattan piers</p> <p>[East on Long Island Expressway (I-495) to Clearview Expressway (I-295), north on Clearview Expressway (I-295) across Throgs Neck Bridge to Bruckner Expressway (I-278), west on Bruckner Expressway (I-278) continuing as per NYC route 18(i) and 18(ii) to Manhattan piers.</p> <p>Return routing: From Manhattan piers to Long Island. Use return route for 18(i) to Bruckner Expressway (I-278), east on Bruckner Expressway (I-278) to Throgs Neck Expressway (I-295) south on Throgs Neck Expressway (I-295), over Throgs Neck Bridge, south on Clearview Expressway (I-295) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Nassau and Suffolk Counties.</p> <p>Note: Rendezvous with escort if required.]</p>	A
01/06/95	<p>NYC Route 23(i): From New Jersey to Howland Hook Truck Terminal, Staten Island</p> <p>[NYC Route 23(i)A: From New Jersey via Bayonne Bridge Plaza via Willowbrook Expressway (State 440) south to Staten Island Expressway (I-278), north on Western Avenue, east to Howland Hook Terminal.</p> <p>NYC Route 23(i)B: From New Jersey via Outerbridge Crossing, north on West Shore Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, east to Howland Hook Terminal.</p> <p>NYC Route 23(i)C: From New Jersey via Goethals Bridge to Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A
01/06/95	<p>NYC Route 23(ii): From New England, upper New York State and Westchester County to Howland Hook Truck Terminal, Staten Island</p> <p>[Use routes 19(i) and 19(ii) except that entrance to Howland Hook Terminal is east from Western Avenue.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 23(iii): From Nassau County and Suffolk County to Howland Hook Truck Terminal, Staten Island</p> <p>[West on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge, then west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 23(iv): From Airports to Howland Hook Truck Terminal, Staten Island</p> <p>[NYC Route 23(iv)A: From J. F. Kennedy Airport, north on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), then west on Long Island Expressway continuing as per route 23(iii).</p> <p>NYC Route 23(iv)B: From LaGuardia Airport, south on 82nd Street to Astoria Blvd., west on Astoria Boulevard to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278), continuing as per route 23(iii)</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted. Explosives prohibited on Verrazano Bridge.]</p>	A
01/06/95	<p>NYC Route 24: Truck and Railroad Terminal in Bushwick area, Brooklyn and Maspeth area, Queens</p> <p>[Utilize routes 3(i) or 3(ii) from New Jersey, 4(i) or 4(ii) from upstate New York, New England or Westchester County, C-3 Island Expressway (I-495), then Long Island Expressway (I-495) to Grand Avenue exit (westbound) or Maurice Ave. exit (eastbound), then to Grand Avenue (and Grand Street), east or west as required.</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A

NY NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/06/95	<p>NYC Route 25: Alternate hazmat routes in lieu of the Throgs Neck Bridge [For vehicles not carrying explosives, alternate routes utilizing the Whitestone Bridge or the Triboro Bridge may be used in lieu of the Throgs Neck Bridge specified in Routes 4(ii), 7(i), 9(ii), 12(i), 13(ii), 19(ii), and 20(ii), as follows:</p> <p>NYC Route 25(i): Cross Bronx Expressway (I-95) to Hutchinson River Parkway, south on Hutchinson River Parkway over Whitestone Bridge, and continue south on Whitestone Expressway (I-678)—THEN either:</p> <p>NYC Route 25(i)A: to Astoria Blvd., west on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.</p> <p>NYC Route 25(i)B: to Van Wyck Expressway (I-678), south on Van Wyck Express way (I-676) to J.F. Kennedy Airport.</p> <p>NYC Route 25(i)C: to Van Wyck Expressway (I-678), south to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island piers as per routes (19) or (20).</p> <p>NYC Route 25(ii): South on Major Deegan Expressway (I-87) from Cross Bronx Expressway or Upstate New York, to Triboro Bridge, across Triboro Bridge to Queens, exit and proceed east on Astoria Blvd.— THEN either:</p> <p>NYC Route 25(ii)A: to 82nd Street, north on 82nd Street to LaGuardia Airport.</p> <p>NYC Route 25(ii)B: to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), east on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F.K. Airport.</p> <p>NYC Route 25(ii)C: to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island Piers as per routes (19) or (20).</p> <p>Note: Rendezvous with escort if required. Reverse routing permitted.]</p>	A

STATE: NORTH CAROLINA

State Agency: POC: Address: Phone: Fax:	NC Dept. of Transportation Cpt. George Gray Transportation Building, DMV 1 S. Wilmington St., BOX 25201 Raleigh, NC 27611-5201 919-861-3186 919-715-3988	FMCSA: FMCSA POC: Address: Phone: Fax:	NC FMCSA Field Office NC Motor Carrier State Director 310 New Bern Ave. Suite 468 Raleigh, NC 27601 (919) 856-4378
No Routes Designated as of 11/14/00			

STATE: NORTH DAKOTA

State Agency: POC: Address: Phone: Fax:	ND DOT Jerry Horner 608 East Blvd. Ave. Bismarck, ND 58505 (701)-328-4443 (701)-328-4623	FMCSA: FMCSA POC: Address: Phone: Fax:	ND FMCSA Field Office ND Motor Carrier State Director 1471 Interstate Loop Bismarck, ND 58501-0567 (701) 250-4346
No Routes Designated as of 11/14/00			

STATE: OHIO

State Agency: POC: Address: Phone: Fax:	Public Utilities Comm of OH Dan Fisher 180 East Broad St Columbus, OH 43215 (614)-752-7991 (614)-752-8349	FMCSA: FMCSA POC: Address: Phone: Fax:	OH FMCSA Field Office OH Motor Carrier State Director 200 N. High St. Room 328 Columbus, OH 43215 (614) 280-5657
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RESTRICTED ROUTES FOR ALL OH HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/01/96	Any other highway or state or local road not otherwise designated for the transportation of hazardous materials by the routing designation. [in Northeastern Ohio]	0
10/14/93	City of Cambridge [Hazmat transportation in the City of Cambridge is prohibited where there is neither a point of origin or destination within the City on the following routes: US Route 40, US Route 22, State Route 209, and any City streets]	0
05/04/92	City of Cleveland [City Streets] [Hazmat transportation in the City of Cleveland is prohibited where there is neither a point of origin nor delivery point with the City unless the point of origin or delivery is within one mile of the City limits and the use of the city streets is the safest and most direct route and the shortest distance of travel. Downtown streets are restricted from hazmat transportation between 7 AM and 6PM daily, except on the weekend. When city streets are to be used, the transporter must use interstate highways to a point as close as possible to the destination.]	0
11/03/86	City of Lorain [Hazmat transportation in the City of Lorain is prohibited where there is neither a point of origin or destination within the City on the following routes: State Route 57, State Route 611, State Route 58, US Route 6, and any city streets.]	0
07/01/96	Interstate 71 from Interstate 80 to Interstate 90 [in Cuyahoga County]	0
07/01/96	Interstate 77 from Interstate 80 to Interstate 90 [in Cuyahoga County]	0
07/01/96	Interstate 90 from Interstate 271 [in Lake County] to Interstate 80/90 [in Lorain County]	0
07/01/96	Interstate 480 from Interstate 271 to Interstate 480N [in Cuyahoga County]	0
07/01/96	Interstate 490 from Interstate 90 to Interstate 77 [in Cuyahoga County]	0
07/01/96	State 2 from State 44 to Interstate 90 [in Lake County]	0
07/01/96	State 44 from State 2 to Interstate 90 [in Lake County]	0

RADIOACTIVE HAZMAT (RAM) ROUTES

OH RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
09/09/88	State-Wide [Preferred routes for high route controlled quantities of radioactive materials (HRCQ of RAM) are, "Interstate System highways, including interstate system bypasses or Interstate System beltways" as per 49 CFR Part 397]	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

OH NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/29/90	Bedford from Erieway Facility [at 33 Industry Drive] [Proceed on Industry Dr, turn right on Northfield Rd, turn left on Alexander Rd., to I271 access road. Alternatively, from Northfield Rd, turn right on Forbes Rd, turn right on Broadway Rd. to I271.]	A
04/06/85	Broad St. [Inside Interstate 270] [Only for the delivery of NRHM within the City of Columbus]	A
10/14/93	County 35 [Old 21/Clark/Byesville Rd. in the City of Cambridge] [for destination within City only]	A
11/03/86	Cooper Foster Park Rd. [in the City of Lorain] [for destination within City only]	A
04/06/85	High St. [Inside Interstate 270] [Only for the delivery of NRHM within the City of Columbus]	A
10/14/93	Interstate 70 [in the City of Cambridge] [For hazmat shipments which have neither a point of origin or destination within the City of Cambridge.]	A
04/06/85	Interstate 70 [inside I270] [Only for the delivery of NRHM within the City of Columbus]	A
07/01/96	Interstate 71 from Interstate 80 [in Cuyahoga County] to Interstate 271 [in Summit County]	A
04/06/85	Interstate 71 [inside I270] [Only for the delivery of NRHM within the City of Columbus]	A
07/01/96	Interstate 77 from Interstate 80 [in Cuyahoga County] to Interstate 271 [in Summit County]	A
10/14/93	Interstate 77 [in the City of Cambridge] [For hazmat shipments which have neither a point of origin or destination within the City of Cambridge.]	A
07/01/96	Interstate 80 [and I80/I90 Ohio Turnpike] from Gate 13 [in Portage County] to Loraine/Erie County Line	A
07/01/96	Interstate 90 from Lake/Ashtabula county line to Interstate 271 [in Lake county]	A

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
OH NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/03/86	Interstate 90 [in the City of Lorain] [For hazmat shipments which have neither a point of origin or destination within the City of Lorain.]	A
11/01/94	Interstate 90 [in the City of Westlake]	A
04/06/85	Interstate 270 [Columbus Outerbelt] [Shipments which do not have the destination within the City of Columbus, but as a throughway.]	A
07/01/96	Interstate 271 from Interstate 90 [in Lake County] to Interstate 71 [in Medina County]	A
07/01/96	Interstate 480N from Interstate 271 to Interstate 480 [in Cuyahoga County]	A
07/01/96	Interstate 480 from Interstate 480N [in Cuyahoga County] to Interstate 80 [in Loraine County]	A
07/01/96	Interstate 480 from Interstate 80 [Gate 13 in Portage County] to Interstate 271 [in Summit County]	A
04/06/85	Interstate 670 from Interstate 70 to Interstate 270 [Only for the delivery of NRHM within the City of Columbus]	A
10/02/89	Liberty St. [in the City of Painesville]	M
11/03/86	Middle Ridge Rd. [in the City of Lorain] [for destination within City only]	A
10/14/93	North Second St. [in the City of Cambridge] [for destination within City only]	A
10/02/89	Richmond St. [in the City of Painesville]	M
10/02/89	State 2 [City of Painesville] [For medical waste which does not originate in the City of Painesville]	M
11/03/86	State 2 [in the City of Lorain] [For hazmat shipments which have neither a point of origin nor destination within the City of Lorain.]	A
04/06/85	State 33 [inside I270] [Only for the delivery of NRHM within the City of Columbus]	A
10/02/89	State 44 [City of Painesville] [For medical waste which does not originate in the City of Painesville]	M
11/03/86	State 57 [in the city limits of Lorain] [for destination within City only]	A
11/03/86	State 58 [in the city limits of Lorain] [for destination within City only]	A
04/06/85	State 161 [inside I270] [Only for the delivery of NRHM within the City of Columbus]	A
10/14/93	State 209 [Southgate Parkway in the City of Cambridge] [for destination within City only]	A
11/01/94	State 252 [Columbia Rd. in the City of Westlake]	A,B
11/01/94	State 254 [Detroit Rd. in the City of Westlake]	A,B
04/06/85	State 315 [inside I270] [Only for the delivery of NRHM within the City of Columbus]	A
11/03/86	State 611 [in the city limits of Lorain] [for destination within City only]	A
10/14/93	Stubenville Ave. [in the City of Cambridge] [for destination within City only]	A
11/03/86	US 6 [in the city limits of Lorain] [for destination within City only]	A
11/01/94	US 20 [Center Ridge Rd. in the City of Westlake]	A,B
10/14/93	US 22 [Wheeling Ave. in the City of Cambridge] [for destination within City only]	A
10/14/93	US 40 [Whelling Ave. in the City of Cambridge] [for destination within City only]	A

STATE: OKLAHOMA

State Agency: POC: Address:	OK Dept. of Transportation Harold Smart 200 NE 21st St Oklahoma City, OK 73105-3204	FMCSA: FMCSA POC: Address:	OK FMCSA Field Office OK Motor Carrier State Director 300 N. Meridian Suite 106S Oklahoma City, OK 73107-6560 (405) 605-6047
Phone: Fax:	(405) 521-2861 (405) 521-2865	Phone: Fax:	

RESTRICTED ROUTES FOR ALL OK HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/29/97	Interstate 40 [In Oklahoma City] from Interstate 44 to Interstate 35 [(Elevated section—not full-width shoulder)]	0

RESTRICTED ROUTES FOR ALL OK HAZMATs—Continued

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/29/97	OK City & Tulsa [Carriers transporting hazardous cargo should avoid traveling through large metropolitan areas during times of the day when congestion is expected. These carriers should also avoid construction zones when possible. Construction information can be accessed by calling the OK Department of Transportation at (405) 521-2554.]	0

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
OK NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/29/97	All Interstates [All hazardous material shipments moving through Oklahoma should remain on Interstate routes, when possible.]	A
07/29/97	Interstate 44 [Southwest of Oklahoma City] from Interstate 40 to Interstate 240 [Use to bypass section of I-40 running through downtown Oklahoma City]	A
07/29/97	Interstate 240 [South of Oklahoma City] from Interstate 44 to Interstate 40 [Southeast of Oklahoma City] [Use to bypass section of I-40 running through downtown Oklahoma City]	A
07/29/97	Interstate 244 [Tulsa] from Interstate 44 [West of Tulsa] to Interstate 44 [East of Tulsa] [Use to bypass downtown Tulsa]	A

STATE: OREGON

State Agency: POC: Address:	Oregon DOT Michael Sullivan 12348 N. Center Ave Portland, OR 97217	FMCSA: FMCSA POC: Address:	OR FMCSA Field Office OR Motor Carrier State Director The Equitable Center-Suite 100 530 Center Street, NE Salem, OR 97301-3740 (503) 399-5775
Phone: Fax:	(503)-283-5790 (503)-283-5703	Phone: Fax:	

RESTRICTED ROUTES FOR ALL OR HAZMATs

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	NW Balboa Ave [Portland—crossing Burlington Northern rail tracks] from Frost Ave. to St. Helens Rd.	0
11/01/94	NW Doane Ave. [Portland—crossing Burlington Northern rail tracks] from St. Helens Rd. to Frost Ave. [03/01/00—This route is deleted—NW Doane Ave. no longer exists.]	0
11/01/94	US 26 [includes Vista Ridge Tunnel] from Interstate 405 to State 217	0
11/01/94	US 30 [St. Helens Rd. near NW Doane Ave. and NW Boloa Ave. Rail Crossings (Burlington Northern)] [Use the Kittridge Ave Overpass to Frost Ave.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES
OR RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Interstate 84 [east of Pendelton] [Arrowhead Truck Plaza (on tribal land) prohibits parking of classes 1.1, 1.2, 1.3, and 7.]	1,7

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
OR NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Interstate 84 [east of Pendelton] [Arrowhead Truck Plaza (on tribal land) prohibits parking of classes 1.1, 1.2, 1.3, and 7.]	1,7

OR NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Interstate 5 from Interstate 405 to State 217 [** alternate route in Portland **]	A
11/01/94	Interstate 205 from Interstate 5 [south of Portland] to Interstate 5 [Washington State]	A
11/01/94	Interstate 405 from Interstate 5 to Interstate 5 [** alternate route for Portland **]	A
11/01/94	Kittridge Ave. Overpass [Portland] from St. Helens Ave. to Frost Ave.	A
11/01/94	State 217 from Interstate 5 to US 26 [** alternate route in Portland]	A

STATE: PENNSYLVANIA

State Agency: POC: Address:	PA DOT Daniel R. Smyser, P.E. Chief, Motor Carrier Division P.O. Box 8210 Harrisburg, PA 17105-8210	FMCSA: FMCSA POC: Address:	PA FMCSA Field Office PA Motor Carrier State Director 228 Walnut St. Room 536 Harrisburg, PA 17101-1720
Phone: Fax:	(717)-787-7445 (717)-705-1434	Phone: Fax:	(717) 221-4443

RESTRICTED ROUTES FOR ALL PA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/58	Interstate 279 [Forts Pitt Tunnels in Pittsburgh] [(1) Explosives A, (2) Explosives B, (3) Blasting Agents, (4) Flammable Gas, (5) Flammable, (6) Flammable Solids, and (7) Flammable Solid W. prohibited.]	0
01/01/52	Interstate 376 [Squirrel Hill Tunnels in Pittsburgh] from Exit 8 to Exit 9 [(1) Explosives A, (2) Explosives B, (3) Blasting Agents, (4) Flammable Gas, (5) Flammable, (6) Flammable Solids, and (7) Flammable Solid W. prohibited.]	0
01/01/50	Liberty Ave. [in Liberty Tunnels—Allegheny County] from Carston St. to Saw Mill Run Blvd. [(1) Explosives A, (2) Explosives B, (3) Blasting Agents, (4) Flammable Gas, (5) Flammable, (6) Flammable Solids, and (7) Flammable Solid W. prohibited.]	0
09/15/93	State 34 [in Cumberland County] from Segment 0270/Offset 0000 to Segment 0300/Offset 0000	0
09/09/93	State 39 [Dauphin County] from Segment 0030/Offset 0000 to Segment 0210/Offset 0000	0
09/15/93	State 74 [in Cumberland County] from Segment 0170/Offset 0000 to Segment 0210/Offset 0000	0
09/15/93	State 641 [in Cumberland County] from Segment 0440/Offset 3196 to Segment 0470/Offset 0000	0
11/03/94	SR3009 [Dauphin County] from Segment 0210/Offset 0720 to Segment 0221/Offset 1382	0
03/21/94	SR4020 [Lancaster County] from Segment 0010/Offset 0000 to Segment 0130/Offset 0000	0
09/15/93	US 11 [in Cumberland County] from Segment 0360/Offset 2119 to Segment 0510/Offset 0000	0
09/09/93	US 22 [Eastbound—Dauphin County] from Segment 0420/Offset 0000 to Segment 0570/Offset 0000	0
09/09/93	US 22 [Westbound—Dauphin County] from Segment 0421/Offset 0000 to Segment 0571/Offset 0000	0
07/22/89	US 30 [West—Descending Laurel Mountain in Somerset/Westmoreland Counties] [Descending Laurel Mountain into the Village of Laughlintown (to protect Ligonier Municipal Reservoir). The "recommended" alternate route is south on US 219 to I-76 (PA Turnpike), west on I-76 to New Stanton.]	0

STATE: PENNSYLVANIA

State Agency: POC: Address:	PA Turnpike Commission Doris Stringer Customer Service Center P.O. Box 67676 Harrisburg, PA 17106-7676	FMCSA: FMCSA POC: Address:	PA FMCSA Field Office PA Motor Carrier State Director 228 Walnut St. Room 536 Harrisburg, PA 17101-1720
Phone: Fax:	1-800-331-3413 (717) 986-9686	Phone: Fax:	(717) 221-4443

RESTRICTED ROUTES FOR ALL PA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
01/01/40	Interstate 70/176 [Allegheny Tunnel—Somerset County] from Exit 10 to Exit 11 [Effective July 16, 2000: All Table 1 materials and Explosives are still prohibited. Table 2 materials (except explosives) permitted for non-bulk packages (those placards that do not require four-digit codes)]	0
01/01/40	Interstate 76 [Blue Mountain Tunnel and Kittatinny Tunnel—Franklin County] from Exit 14 to Exit 15 [Effective July 16, 2000: All Table 1 materials and Explosives are still prohibited. Table 2 materials (except explosives) permitted for non-bulk packages (those placards that do not require four-digit codes)]	0
01/01/40	Interstate 76 [Tuscarora Tunnel—Franklin/Huntingdon Counties] from Exit 13 to Exit 14 [Effective July 16, 2000: All Table 1 materials and Explosives are still prohibited. Table 2 materials (except explosives) permitted for non-bulk packages (those placards that do not require four-digit codes)]	0
01/01/65	Interstate 476 [Northeast Extension of PA Turnpike at Lehigh Tunnel] from Exit 33 to Exit 34 [Effective July 16, 2000: All Table 1 materials and Explosives are still prohibited. Table 2 materials (except explosives) permitted for non-bulk packages (those placards that do not require four-digit codes)]	0

STATE: PUERTO RICO

State Agency: POC: Address:	DOT & Public Works Sergio Gonzales P.O. Box 41269 Minillas Station Santurce, PR 00940	FMCSA: FMCSA POC: Address:	PR FMCSA Field Office PR Motor Carrier State Director US Courthouse & Fed Bldg. Carlos Chardon St., Room 329 Hato Rey, PR 00918-1755
Phone: Fax:	(787)-728-7785	Phone: Fax:	(787) 766-5985
No Routes Designated as of 11/14/00			

STATE: RHODE ISLAND

State Agency: POC: Address:	Depart. of Environmental Mgt. Beverly M. Migliore Div. of Waste Mgt. 291 Promenade Street Providence, RI 02908	FMCSA: FMCSA POC: Address:	RI FMCSA Field Office RI Motor Carrier State Director 380 Westminster Mall Room 547 Providence, RI 02903
Phone: Fax:	(401)-222-2797 (401)-222-3810	Phone: Fax:	(401) 528-4578

RESTRICTED ROUTES FOR ALL RI HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/18/84	Aquidneck Ave [in Middletown] from Wave Ave to Valley Road	0
07/18/84	Bliss Mine Road [in its entirety in Newport & Middletown]	0
07/18/84	Burchard Road [in its entirety in Little Compton]	0
07/18/84	Central Pike [in Scituate and Foster] from Route 94 [Foster] to Route 102 [Scituate]	0
07/18/84	Danielson Pike [in Scituate] from Route 6 to Route 6	0
07/18/84	Miantonami Ave. [in Middletown] from Bliss Mine Road to Valley Road	0
07/18/84	Neck Road [in its entirety in Tiverton]	0
07/18/84	North Main Road [in Jamestown] from Route 138 to East Shore Road	0
07/18/84	Old Plainfield Pike [in Foster & Scituate] from Route 102 to Route 12 [Scituate]	0
07/18/84	Peckham Road [in Little Compton] from Route 77 to Burchard Road	0
07/18/84	Reservoir Road [in Cumberland] from Route 114 to Massachusetts	0
07/18/84	Reservoir Road [in its entirety in Smithfield and North Smithfield]	0
07/18/84	Rocky Hill Rd. & Peeptoad Rd. [in Scituate] from Route 101 to Route 116 [Sawmill Rd.]	0
07/18/84	Route 101 [in Foster, Glocester, and Scituate] from Route 94 [Foster] to Route 6 [Scituate]	0
07/18/84	Route 102 [in Scituate and Foster] from Route 94 [Foster] to Snake Hill Road [Glocester]	0

RESTRICTED ROUTES FOR ALL RI HAZMATS—Continued

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/18/84	Route 116 [in Scituate & Smithfield] from Scituate Ave. [Scituate] to Smoke Hill Rd. [Smithfield]	0
07/18/84	Route 12 [in Scituate and Cranston] from Route 14 [Scituate] to Route 116 [Scituate]	0
07/18/84	Route 120 [in Cumberland] from Mendon Road to Massachusetts	0
07/18/84	Route 14 [in Scituate] from Route 102 to Route 116	0
07/18/84	Route 295 [in Smithfield and Lincoln] from Exit 8 [Douglas Pike—Smithfield] to Exit 9 [Route 146—Lincoln]	0
07/18/84	Route 6 [in Scituate, Johnston, & Foster] from Route 94 [Foster] to Hopkins Ave [Johnson]	0
07/18/84	Route 77 [in Little Compton and Tiverton] from Peckham Road [Little Compton] to Route 179 [Tiverton]	0
07/18/84	Route 94 [in Foster] from Route 101 to Route 102 [Scituate]	0
07/18/84	School House Road [in Warren] from Birch Swamp Rd. to Long Lane	0
07/18/84	Serpentine Road [in its entirety in Warren]	0
07/18/84	Valley Road [in Middletown] from Miantonami Ave to Route 138	0
07/18/84	Wave Ave [in its entirety in Middletown]	0

STATE: SOUTH CAROLINA

State Agency: POC: Address: Phone: Fax:	No Agency Designated	FMCSA: FMCSA POC: Address: Phone: Fax:	SC FMCSA Field Office SC Motor Carrier State Director Strom Thurmond Federal Bldg. 1835 Assembly St., Suite 1253 Columbia, SC 29201 (803) 765-5414
No Routes Designated as of 11/14/00			

STATE: SOUTH DAKOTA

State Agency: POC: Address: Phone: Fax:	South Dakota Highway Patrol Capt. Myron Rau 500 E. Capitol Pierre, SD 57501 (605) 773-4578 (605) 773-6046	FMCSA: FMCSA POC: Address: Phone: Fax:	SD FMCSA Field Office SD Motor Carrier State Director 116 East Dakota Ave. Pierre, SD 57501-3110 (605) 224-8202
No Routes Designated as of 11/14/00			

STATE: TENNESSEE

State Agency: POC: Address: Phone: Fax:	TN DOT Carl Cobble Suite 400 James K. Polk Bldg. Nashville, TN 37243-0333 (615)-741-2027 (615)-532-5995	FMCSA: FMCSA POC: Address: Phone: Fax:	TN FMCSA Field Office TN Motor Carrier State Director 640 Grassmere Park Rd. Suite 112 Nashville, TN 37211-3568 (615) 781-5781
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RESTRICTED ROUTES FOR ALL TN HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
05/15/87	Interstate 40 [Through City of Knoxville] from Exit 385 [intersection with I-75/I-640 west of Knoxville] to Exit 393 [intersection with I-640 east of Knoxville] [Prohibition does not apply to hazmat shipments originating at or destined to the City of Knoxville and to service points of US 129 in Blount County as verified by appropriate shipping papers, or shipments to be interlined with other carriers or to be transferred to other vehicles of the same carrier at facilities in these areas, or to vehicles which need emergency repair or warranty work performed at authorized dealers in these areas.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES
TN RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
05/15/87	Interstate 640/I75 from Interstate 40 [exit 385 West of Knoxville] to Interstate 40 [exit 393 East of Knoxville] [In lieu of I-40 in the Knoxville area. Preferred route originate date is 08/03/88]	A,P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
TN NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
05/15/87	Interstate 640/I75 from Interstate 40 [exit 385 West of Knoxville] to Interstate 40 [exit 393 East of Knoxville] [In lieu of I-40 in the Knoxville area. Preferred route originate date is 08/03/88]	A,P

STATE: TEXAS

State Agency: POC: Address:	TX Department of Transportation Margaret Moore 125 E. 11th St. Austin, TX 78701-2483	FMCSA: FMCSA POC: Address:	TX FMCSA Field Office TX Motor Carrier State Director Federal Office Bldg., Rm 826 300 East 8th St. Austin, TX 78701 (512) 916-5475
Phone: Fax:	(512)-416-3122 (512)-416-3299	Phone: Fax:	

RESTRICTED ROUTES FOR ALL TX HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Interstate 30 [Dallas] from Interstate 35 to Oakland Ave. [Overpass] [No operator of a motor vehicle transporting hazardous material scheduled for delivery to or from a Dallas Terminal shall transport those materials on any street or highway, or segment of a street or public highway designated as "Prohibited Hazardous Materials Area."]	0
11/01/94	Interstate 45 Elevated [Dallas] from Lamar Underpass to Bryan St. Underpass [No operator of a motor vehicle transporting hazardous material scheduled for delivery to or from a Dallas Terminal shall transport those materials on any street or highway, or segment of a street or public highway designated as "Prohibited Hazardous Materials Area"]	0

RADIOACTIVE HAZMAT (RAM) ROUTES
TX RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	US 277 [San Angelo] from Farm to Market 2105 to Loop 306 N	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES
TX NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Loop 335 [Amarillo] from Amarillo Blvd W to South City Limits	2

TX NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	10th St. [Texas City, Galveston County] from 4th St. to end	A
11/01/94	14th St. [Texas City, Galveston County] from Loop 197 to 5th Ave.	A
11/01/94	2nd Ave. [Texas City, Galveston County] from Loop 197 to Sterling Chemical Co.	A
11/01/94	4th Ave. [Texas City, Galveston County] from Loop 197 to 10th St.	A
11/01/94	51st St./Seawolf Pkwy. [Galveston, Galveston County] from State 275 to end	A
11/01/94	5th Ave. [Texas City, Galveston County] from State 146 to 14th St.	A
11/01/94	Airway Blvd [El Paso] from Interstate 10 to US 62/180	A
11/01/94	BI 40 [Amarillo] from West City Limits to Farm to Market 1719	A
11/01/94	BS 36 [Brenham] from State 36 to Farm to Market 577	A
11/01/94	BS 71 [La Grange] from West City Limits to Farm to Market 609	A
11/01/94	BU 281 [Edinburg] from US 281 N to Farm to Market 1925	A
11/01/94	BU 77 [Harlingen] from North City Limits to South City Limits	A
11/01/94	BU 77 [Harlingen] from US 77 N to Loop 499 N	A
11/01/94	Commerce St. [Harlingen] from BU 77 N to BU 77 S	A
11/01/94	Cordova Port of Entry [El Paso] from Interstate 110 to Republic of Mexico	A
11/01/94	Delta Dr. [El Paso] from Trowbridge Dr. to Fonseca Dr.	A
11/01/94	Farm to Market 106 [Harlingen] from East City Limits to BU 77	A
11/01/94	Farm to Market 324 [Lufkin] from South City Limits to Loop 287	A
11/01/94	Farm to Market 507 [Harlingen] from North City Limits to BU 77	A
11/01/94	Farm to Market 519 [Texas City, Galveston County] from West City Limits to Loop 197	A
11/01/94	Farm to Market 565 [Mont Belvieu] from Loop 207 to Farm to Market 3360	A
11/01/94	Farm to Market 577 [Brenham] from US 290 to BS 36	A
11/01/94	Farm to Market 609 [La Grange] from Southwest City Limits to BS 71	A
11/01/94	Farm to Market 659 [El Paso] from East City Limits to Loop 375 E	A
11/01/94	Farm to Market 715 [Midland] from Interstate 20 to BI 20	A
11/01/94	Farm to Market 801 [Harlingen] from Southwest City Limits to US 77/83	A
11/01/94	Farm to Market 1336 [Lufkin] from Farm to Market 324 to end	A
11/01/94	Farm to Market 1479 [Harlingen] from Southwest City Limits to US 77/83	A
11/01/94	Farm to Market 1719 [Amarillo] from North City Limits to BI 40	A
11/01/94	Farm to Market 1764 [Texas City, Galveston County] from Interstate 45 to State 146	A
11/01/94	Farm to Market 1925 [Edinburg] from US 281 to Farm to Market 2061	A
11/01/94	Farm to Market 1926 [Edinburg] from Southwest City Limits to State 107	A
11/01/94	Farm to Market 2004 [Texas City, Galveston County] from West City Limits to State 3	A
11/01/94	Farm to Market 2061 [Edinburg] from South City Limits to Farm to Market 1925	A
11/01/94	Farm to Market 2105 [San Angelo] from US 87 to US 277	A
11/01/94	Farm to Market 2128 [Edinburg] from East City Limits to US 281	A
11/01/94	Farm to Market 2994 [Harlingen] from West City Limits to Farm to Market 3195	A
11/01/94	Farm to Market 3195 [Harlingen] from US 83 to Farm to Market 2994	A
11/01/94	Fairgrounds Rd. [Midland] from BI 20 to Loop 250	A
11/01/94	Fonesca Dr. [El Paso] from Delta Dr. to Loop 375	A
11/01/94	Fred Wilson Rd. [El Paso] from Airport Rd. to US 54	A
11/01/94	Interstate 10 [Beaumont] from East City Limits to West City Limits	A
11/01/94	Interstate 10 [El Paso] from East City Limits to West City Limits	A
11/01/94	Interstate 10 [Houston] from Interstate 610 E to East City Limits	A
11/01/94	Interstate 10/US 90 [Houston] from Interstate 610 W to West City Limits	A
11/01/94	Interstate 10 [Mount Belvieu] from East City Limits to West City Limits	A
11/01/94	Interstate 20 [Dallas] from East City Limits to West City Limits	A
11/01/94	Interstate 20 [Fort Worth] from East City Limits to West City Limits	A
11/01/94	Interstate 20 [Midland] from East City Limits to West City Limits	A
11/01/94	Interstate 27 [Amarillo] from South City Limits to Interstate 40	A
03/26/96	Interstate 27 [Lubbock] from North City Limits to South City Limits	A
11/01/94	Interstate 30 [Dallas] from East City Limits to Interstate 635	A
11/01/94	Interstate 30 [Fort Worth] from West City Limits to Interstate 820 W	A
11/01/94	Interstate 35 E [Dallas] from North City Limits to LP 12	A
11/01/94	Interstate 35 E [Dallas] from South City Limits to Interstate 20	A
11/01/94	Interstate 35 W [Fort Worth] from North City Limits to Interstate 820	A
11/01/94	Interstate 35 W [Fort Worth] from South City Limits to Interstate 20	A
11/01/94	Interstate 35 [New Braunfels] from North City Limits to South City Limits	A
11/01/94	Interstate 35 [Temple] from North City Limits to South City Limits	A
11/01/94	Interstate 40 [Amarillo] from East City Limits to West City Limits	A
11/01/94	Interstate 45 [Dallas] from South City Limits to Interstate 20	A
11/01/94	Interstate 45 [Galveston, Galveston County] from Northwest City Limits to State 87	A
11/01/94	Interstate 45 [Houston] from North City Limits to Interstate 610 N	A
11/01/94	Interstate 45 [Houston] from South City Limits to Interstate 610 S	A
11/01/94	Interstate 45 [Texas City, Galveston County] from North City Limits to South City Limits	A
11/01/94	Interstate 110 [El Paso] from Cordova Port-of-Entry to Interstate 10	A
11/01/94	Interstate 610 [Houston (entire highway)]	A
11/01/94	Interstate 635 [Dallas] from Interstate 35 E to Interstate 20	A
11/01/94	Interstate 820 [Fort Worth (entire highway)]	A

TX NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	Loop 12 [Dallas] from Spur 408 to Interstate 35 E	A
11/01/94	Loop 197 [Texas City, Galveston County] from State 46 to 2nd Ave.	A
11/01/94	Loop 207 [Mont Belvieu] from State 146 N to State 146 S	A
11/01/94	Loop 224 [Nacogdoches (Entire Highway)]	A
11/01/94	Loop 250 [Midland] from Interstate 20 [North, and East] to Fairgrounds Rd.	A
11/01/94	Loop 287 [Lufkin (entire highway)]	A
03/28/96	Loop 289 [Lubbock] from US 62/82 W [North, East, South, & West] to Interstate 27 S	A
11/01/94	Loop 304 [Crockett (entire highway)]	A
11/01/94	Loop 306 [San Angelo] from US 277 [South, West, and North] to US 67 S	A
11/01/94	Loop 335 [Amarillo] from Dumas Dr. [US 27/US 287] to East City Limits	A
11/01/94	Loop 335 [Amarillo] from Dumas Dr. [(US 87/US 287)] to West City Limits	A
11/01/94	Loop 335 [Amarillo] from NE 24th Ave. to Interstate 40	A
11/01/94	Loop 337 [New Braunfels] from Interstate 35 N to Interstate 35 S	A
11/01/94	Loop 363 [Temple] from Interstate 35 N [East, South, West, & North] to State 36 W	A
11/01/94	Loop 375 [El Paso] from Railroad Dr. [East, South, West, & North] to US 54 S	A
11/01/94	Loop 499 [Harlingen] from BU 77 N [East & South] to US 77/83	A
11/01/94	Loop 500 [Center] from State 7 W to State 7 E	A
11/01/94	Marshall Rd. [El Paso] from Fred Wilson Rd. to Railroad Dr.	A
11/01/94	Railroad Dr. [El Paso] from North City Limits to Fred Wilson Rd.	A
11/01/94	Rio Hondo Rd. [Harlingen] from Farm to Market 507 to Academy	A
11/01/94	State 3 [Houston] from Southeast City Limits to Interstate 45	A
11/01/94	State 3 [Texas City, Galveston County] from Loop 197 to Farm to Market 1765	A
11/01/94	State 3 [Texas City, Galveston County] from Northwest City Limits to Farm to Market 2004	A
11/01/94	State 7 [Crockett] from East City Limits to Loop 304 E	A
11/01/94	State 7/21 [Crockett] from West City Limits to Loop 304 W	A
11/01/94	State 7 [Nacogdoches] from West City Limits to US 59	A
11/01/94	State 7 [Nacogdoches] from East City Limits to Loop 224 E	A
11/01/94	State 19 [Crockett] from South City Limits to Loop 304 S	A
11/01/94	State 21 [Crockett] from Northeast City Limits to Loop 304 NE	A
11/01/94	State 21 [Nacogdoches] from East City Limits to Loop 224 E	A
11/01/94	State 21 [Nacogdoches] from West City Limits to US 59	A
11/01/94	State 36 [Brenham] from BS36 N to US 290	A
11/01/94	State 36 [Temple] from West City Limits to State 95	A
11/01/94	State 53 [Temple] from East City Limits to Loop 363 E	A
11/01/94	State 71 [La Grange] from East City Limits to West City Limits	A
11/01/94	State 87 [Center] from West City Limits to US 96	A
11/01/94	State 94 [Lufkin] from West City Limits to Loop 287 W	A
11/01/94	State 95 [Temple] from South City Limits to State 36/Loop 363	A
11/01/94	State 103 [Lufkin] from East City Limits to Loop 287 US 59/69	A
11/01/94	State 103 [Lufkin] from West City Limits to Loop 287 W	A
11/01/94	State 105 [Beaumont, Beaumont District] from West City Limits to US 69/96/287	A
11/01/94	State 107 [Edinburg] from East City Limits to US 281	A
11/01/94	State 107 [Edinburg] from West City Limits to Farm to Market 2061	A
03/28/96	State 114 [Lubbock] from Northeast City Limits to Loop 289 NE	A
03/28/96	State 114 [Lubbock] from West City Limits to Loop 289 W	A
11/01/94	State 146 [Mont Belvieu] from North City Limits to Interstate 10	A
11/01/94	State 146 [Texas City, Galveston County] from North City Limits to South City Limits	A
11/01/94	State 199 [Fort Worth] from Northwest City Limits to Interstate 820	A
11/01/94	State 225 [Houston] from East City Limits to Interstate 610	A
11/01/94	State 275 [Galveston, Galveston County] from Interstate 45 to 9th St.	A
11/01/94	South Zargosa Rd. [El Paso] from Ysleta Port of Entry to Loop 375 S	A
11/01/94	Spur 408 [Dallas] from Interstate 20 to Loop 12	A
11/01/94	Spur 54 [Harlingen] from US 77 to US 83	A
11/01/94	Trowbridge Dr. [El Paso] from Interstate 10 to Delta Dr.	A
11/01/94	US 54 [El Paso] from New Mexico to Loop 375 S	A
11/01/94	US 59 [Houston] from North City Limits to Interstate 610 N	A
11/01/94	US 59 [Houston] from West City Limits to Interstate 610 W	A
11/01/94	US 59 [Lufkin] from North City Limits to South City Limits	A
11/01/94	US 59 [Nacogdoches] from North City Limits to South City Limits	A
11/01/94	US 60 [Amarillo] from East City Limits to Loop 335 E	A
11/01/94	US 62/180 [El Paso] from East City Limits to Airway Blvd.	A
03/28/96	US 62/82 [Lubbock] from Northeast City Limits to Loop 289 NE	A
03/28/96	US 62/82 [Lubbock] from Southwest City Limits to Loop 289 SW	A
11/01/94	US 67 [San Angelo] from Southwest City Limits to Loop 306 W	A
11/01/94	US 69/96/287 [Beaumont] from North City Limits to South City Limits	A
11/01/94	US 69 [Lufkin] from Northwest City Limits to Southeast City Limits	A
11/01/94	US 75 [Dallas] from North City Limits to Interstate 635 N	A
11/01/94	US 77 [Harlingen] from North City Limits to South City Limits	A
11/01/94	US 77 [La Grange] from North City Limits to State 71	A

TX NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/01/94	US 80 [Dallas] from East City Limits to Interstate 635	A
11/01/94	US 81/287 [Fort Worth] from North City Limits to Interstate 35 W	A
11/01/94	US 83 [Harlingen] from South City Limits to West City Limits	A
03/28/96	US 84 [Lubbock] from Northwest City Limits to Loop 289 N	A
03/28/96	US 84 [Lubbock] from Southeast City Limits to Loop 289 S	A
11/01/94	US 87/287 [Amarillo] from Loop 335 to North City Limits	A
11/01/94	US 87 [San Angelo] from North City Limits to Farm to Market 2105	A
11/01/94	US 90 [Beaumont] from West City Limits to Interstate 10	A
11/01/94	US 96 [Center] from North City Limits to South City Limits	A
11/01/94	US 175 [Dallas] from South City Limits to Interstate 20	A
11/01/94	US 190 [Temple] from South City Limits to Interstate 35	A
11/01/94	US 281 [Edinburg] from North City Limits to South City Limits	A
11/01/94	US 287 [Amarillo] from East City Limits to Interstate 40	A
11/01/94	US 287 [Crockett] from East City Limits to Loop 304 E	A
11/01/94	US 287 [Crockett] from North City Limits to Loop 304 N	A
11/01/94	US 290 [Brenham] from East City Limits to West City Limits	A
11/01/94	US 290 [Houston] from Northwest City Limits to Interstate 610	A
11/01/94	US 377 [Fort Worth] from West City Limits to Interstate 20	A

STATE: UTAH

State Agency:	Utah DOT / OMC	FMCSA:	UT FMCSA Field Office
POC:	Mr. Richard M. Ollerton	FMCSA POC:	UT Motor Carrier State Director
Address:	4501 South 2700 West Box 148240 Salt Lake City, UT 84119	Address:	2520 W. 4700 South Suite 9A Salt Lake City, UT 84118-1847
Phone:	(801) 965-4880	Phone:	(801) 963-0096
Fax:	(801) 965-4211	Fax:	

RADIOACTIVE HAZMAT (RAM) ROUTES

UT RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/01/97	Interstate 15 from Idaho to Interstate 84	P
07/01/97	Interstate 80 from Interstate 84 to Wyoming	P
07/01/97	Interstate 84 from Interstate 15 to Interstate 80 [Note: The Perry Port of Entry on I-15/I-84 is a designated safe haven for radioactive materials in transit.]	P

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

UT NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
07/01/97	All Interstates [The Utah Department of Transportation states that all Interstate routes in the State are designated NRHM routes.]	A
07/01/97	Interstate 215 [Belt Route] [Entire Route]	A

STATE: VERMONT

State Agency: POC: Address:	VT Emergency Mgt. Div. Mr. Ed VonTurkovich Department of Public Safety 103 South Main Street Waterbury, VT 05671 (802)-244-8721 (802)-244-8655	FMCSA: FMCSA POC: Address:	VT FMCSA Field Office VT Motor Carrier State Director Federal Building 87 State St. / P.O. Box 568 Montpelier, VT 05601 (802) 828-4480
Phone: Fax:		Phone: Fax:	
No Routes Designated as of 11/14/00			

STATE: VIRGINIA

State Agency: POC: Address:	VA DOT Perry Cogburn 1221 East Broad St. Richmond, VA 23219	FMCSA: FMCSA POC: Address:	VA FMCSA Field Office VA Motor Carrier State Director 400 North 8th St. Room 750 Richmond, VA 23240 (804) 775-3322
Phone: Fax:	(804)-786-6824 (804)-225-4979	Phone: Fax:	

RESTRICTED ROUTES FOR ALL VA HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
05/25/85	Airport Tunnel [City of Roanoke] [Detours: Airport Rd- Route 118; Hershberger Rd—Route 101; Williamson Rd.—Route 11; Peters Creek Road—Route 117.]	0

RADIOACTIVE HAZMAT (RAM) ROUTES

VA RAM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/15/95	Interstate 64 [Tunnel] from [Hampton] to [Norfolk]	7
11/15/95	Interstate 77 [to/from West Virginia] [Tunnel]	7
11/15/95	Interstate 264 from [Norfolk] to [Portsmouth]	7
11/15/95	Interstate 664 [Tunnel] from [Newport News] to [Suffolk]	7
11/15/95	US 58 [Tunnel] from Norfolk to Portsmouth	7

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES

VA NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/12/96	Chesapeake Bay Bridge—Tunnel [Phone: (757) 331-2960. This falls under the jurisdiction of Chesapeake Bay Bridge and Tunnel District, who maintain their own regulations regarding its use. Copies of these regulations can be obtained from: Chesapeake Bay Bridge and Tunnel District, 32386 Lankford Highway, Post Office Box 111, Cape Charles, VA 23310.]	1,2,4,6,A
11/15/95	Elizabeth River Tunnel [Downtown] [Phone: (757) 494-2424. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,A
11/15/95	Elizabeth River Tunnel [Midtown] [Phone: (757) 683-8123. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,A

NON-RADIOACTIVE HAZMAT (NRHM) ROUTES—Continued
VA NRHM Restricted Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/15/95	Hampton Roads Bridge—Tunnel [Phone: (757) 727-4830. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219]	1,2,4,6,i,A
11/15/95	Monitor-Merrimac Memorial [Bridge/Tunnel] [Phone: (757) 247-2100. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,i,A

VA NRHM Designated Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
11/15/95	Big Walker Mountain Tunnel [Phone: (540) 228-5571. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219]	A
11/12/96	Chesapeake Bay Bridge—Tunnel [Phone: (757) 331-2960. This falls under the jurisdiction of Chesapeake Bay Bridge and Tunnel District, who maintain their own regulations regarding its use. Copies of these regulations can be obtained from: Chesapeake Bay Bridge and Tunnel District, 32386 Lankford Highway, Post Office Box 111, Cape Charles, VA 23310.]	1,2,4,6,A
11/15/95	East River Mountain Tunnel [Phone: (540) 928-1994. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219]	A
11/15/95	Elizabeth River Tunnel [Downtown] [Phone: (757) 494-2424. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,A
11/15/95	Elizabeth River Tunnel [Midtown] [Phone: (757) 683-8123. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,A
11/15/95	Hampton Roads Bridge—Tunnel [Phone: (757) 727-4830. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219]	1,2,4,6,i,A
07/31/95	Interstate 495 [** Restricted to right lanes only **]	A
05/25/85	Interstate 664 [Bridge-Tunnel] [Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities". This manual available from: State Traffic Engineer, VDOT, 1401 E. Broad St., Richmond 23219.]	A
11/15/95	Monitor-Merrimac Memorial [Bridge/Tunnel] [Phone: (757) 247-2100. Classes 1.1, 1.2, 1.3, 2.3, 4.3, and 6.1 are PROHIBITED. Hazmat shipper MUST abide by rules & regulations outlined in VA DOT's "Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities". This document is available from: VDOT EOC, 1221 E. Broad St., Richmond 23219. See http://www.vdot.state.va.us/roads/tunnel.html for real-time traffic information.]	1,2,4,6,i,A

STATE: VIRGINIA

State Agency: POC: Address:	Dept. of Emergency Management Brian Iverson 10501 Trade Court Richmond, VA 23236-3713	FMCSA: FMCSA POC: Address:	VA FMCSA Field Office VA Motor Carrier State Director 400 North 8th St. Room 750 Richmond, VA 23240 (804) 775-3322
Phone: Fax:	(804) 897-6500 (804) 897-6576	Phone: Fax:	

RADIOACTIVE HAZMAT (RAM) ROUTES
VA RAM Preferred Routes

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
03/11/94	Interstate 85 from Interstate 95 to State 460	P
03/11/94	State 5 from State 155 [in Charles City] to State 156	P
03/11/94	State 10 from State 156 to State 58	P
03/11/94	State 100 [at Pearisburg] from US 460 to Interstate 81	P
03/11/94	State 155 from Interstate 64 to State 5 [at Charles City]	P
03/11/94	State 156 from State 5 to State 10	P
03/11/94	State 208 from US 522 to US 1	P
03/11/94	State 460 from Interstate 85 to State 726 [Mt. Athos Rd. in Lynchburg]	P
03/11/94	US 1 from State 208 to Interstate 95 [At Fourmile Fork]	P
03/11/94	US 17/U258 from Interstate 64 to State 10	P
03/11/94	US 29 from Interstate 66 to Interstate 64	P
03/11/94	US 58 from Portsmouth to Interstate 95	P
03/11/94	US 220 Alt. from US 460 to Interstate 81	P
03/11/94	US 460 from US 1 [in Petersburg] to US 58 [North of Suffolk]	P
03/11/94	US 460 from West Virginia to State 100 [Pearisburg]	P
03/11/94	US 469 from State 726 [Mt. Athos Rd. in Lynchburg] to US 220 Alt.	P
03/11/94	US 522 from State 208 to Interstate 64	P

STATE: WASHINGTON

State Agency: POC: Address:	No Agency Designated	FMCSA: FMCSA POC: Address:	WA FMCSA Field Office WA Motor Carrier State Director 711 S. Capitol Way Suite 501 Olympia, WA 98501-1284 (206) 753-9875
Phone: Fax:		Phone: Fax:	
No Routes Designated as of 11/14/00			

STATE: WEST VIRGINIA

State Agency: POC: Address:	WV Office of Emergency Services John Pack 1900 Kanawha Blvd. East EB-80, Bldg. 1 Charleston, WV 25305-0360	FMCSA: FMCSA POC: Address:	WV FMCSA Field Office WV Motor Carrier State Director 700 Washington St. East Geary Plaza, Room 205 Charleston, WV 25301-1604 (304) 347-5935
Phone: Fax:	(304) 558-5380 (304) 344-4538	Phone: Fax:	
No Routes Designated as of 11/14/00			

STATE: WISCONSIN

State Agency: POC: Address: Phone: Fax:	Wisconsin DOT Terrence D. Mulcahy Office of the Secretary P.O. Box 7910 Madison, WI 53707-7910 (608) 266-1114 (608) 266-9912	FMCSA: FMCSA POC: Address: Phone: Fax:	WI FMCSA Field Office WI Motor Carrier State Director 567 D'Onofrio Dr. Suite 101 Madison, WI 53719-2814 (608) 829-7530
No Routes Designated as of 11/14/00			

STATE: WYOMING

State Agency: POC: Address: Phone: Fax:	WY Highway Patrol Capt L.S. Gerard 5300 Bishop Blvd Cheyenne, WY 82009-3340 (307)-777-4312 (307)-777-4282	FMCSA: FMCSA POC: Address: Phone: Fax:	WY FMCSA Field Office WY Motor Carrier State Director 1916 Evans Ave. Cheyenne, WY 82001-3764 (307) 772-2305
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RESTRICTED ROUTES FOR ALL WY HAZMATS

Designation Date	Route Description	Restrict Desig 0123456789i ABIMP
04/12/94	City of Cheyenne [City Ordinance: Hazardous materials and radioactive materials may not be transported by motor vehicle within the City of Cheyenne except for the purpose of making pickups and/or deliveries within the City, unless such routing is consistent with 49 CFR 397.7 or 49 CFR 177.825. Motor vehicles carrying hazardous and/or radioactive materials which are making local pickups and/or deliveries must be operated over the safest and most direct route to and from the origination and destination point. Such routes shall not pass through residential areas unless there is no practical alternative.]	0

[FR Doc. 00-30815 Filed 12-1-00; 8:45 am]

BILLING CODE 4910-EX-F

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Docket No. AB-471 (Sub-No. 3X)]****South Kansas and Oklahoma Railroad Company—Abandonment Exemption—in Cherokee and Allen Counties, KS**

South Kansas and Oklahoma Railroad Company (SKO) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon: (1) An 8-mile line of railroad between milepost 109.0 at Iola and milepost 117.0 at Humboldt, in Allen County, KS; and (2) a 5-mile line of railroad between milepost 382.0 at Sherwin and milepost 387.0 at Faulkner, in Cherokee County, KS. The line traverses United States Postal Service Zip Codes 66749, 66748, and 66725.

SKO has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 3, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve

environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 14, 2000. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 26, 2000, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morell, Ball Janik LLP, 1455 F St., NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

SKO has filed an environmental report which addresses the effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by December 8, 2000. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), SKO shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by SKO's filing of a notice of

¹The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

²Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

consummation by December 4, 2001, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: November 27, 2000.

By the Board, David M. Konschnick, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 00-30654 Filed 12-1-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 2439**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2439, Notice to Shareholder of Undistributed Long-Term Capital Gains.

DATES: Written comments should be received on or before February 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice to Shareholder of Undistributed Long-Term Capital Gains.

OMB Number: 1545-0145.

Form Number: Form 2439.

Abstract: Form 2439 is used by regulated investment companies (RICs) and real estate investment trusts (REITs) to report undistributed capital gains and the amount of tax paid on these gains designated under Internal Revenue Code section 852(b)(3)(D) or 857(b)(3)(D). The company, the trust, and the shareholder file copies of Form 2439 with the IRS. The IRS uses the information to verify that the shareholder has included the capital gains in income.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8,363.

Estimated Time Per Respondent: 4 hr., 8 min.

Estimated Total Annual Burden Hours: 34,539.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 20, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-30794 Filed 12-1-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 976**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 976, Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

DATES: Written comments should be received on or before February 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

OMB Number: 1545-0045.

Form Number: Form 976.

Abstract: Form 976 is filed by corporations that wish to claim a deficiency dividend deduction. The

deduction allows the corporation to use the payment of dividends to reduce taxes imposed after the tax return is filed. The IRS uses Form 976 to determine if shareholders have included the dividend amounts in gross income.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 7hr., 40 min.

Estimated Total Annual Burden Hours: 3,830

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 20, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-30795 Filed 12-1-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Electronic Tax Administration Advisory Committee****AGENCY:** Internal Revenue Service (IRS).**ACTION:** Notice.

SUMMARY: In 1998 the IRS established the Electronic Tax Administration Advisory Committee (ETAAC). The ETAAC provides an organized public forum for discussion of electronic tax administration issues in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC offers constructive observations about current or proposed policies, programs, and procedures, and suggests improvements.

There will be a meeting of the ETAAC on Thursday, December 14, 2000. The meeting will be held in the Radisson Barcelo Hotel, 2121 P Street, NW, Washington, DC. A summarized version of the agenda along with a list of topics that are planned to be discussed are listed below.

Summarized Agenda for Meeting Thursday, December 14, 2000

9:00 Meeting Opens

12:00 Break for Lunch

1:15 Meeting Resumes

3:00 Meeting Adjourns

The topics that are planned to be covered are as follows:

- (1) Transition between Members
- (2) Digital Daily
- (3) ETA Direction
- (4) Strategic Plan Update

Note: Last minute changes to these topics are possible and could prevent advance notice.

SUPPLEMENTARY INFORMATION: ETAAC reports to the Director, Electronic Tax Administration, who is the executive responsible for the electronic tax administration program. Increasing participation by external stakeholders in the development and implementation of the Internal Revenue Service'' (IRS'') strategy for electronic tax administration will help achieve the goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members are not paid for their time or services, but consistent with Federal regulations, they are reimbursed for their travel and lodging expenses to attend the public meetings, working sessions, and an orientation each year.

The meeting will be open to the public, and will be in a room that accommodates approximately 100

people, including members of ETAAC and IRS officials. Seats are available to members of the public on a first-come, first-served basis. To get your name on the access list, *notification of intent to attend the meeting should be made with Ms. Robin Marusin by December 8, 2000. Ms. Marusin can be reached at 202-622-8184.* Notification of intent should include your name, organization and phone number. If you leave this information for Ms. Marusin in a voice-mail message, please spell out all names.

A draft of the agenda will be available via facsimile transmission the week prior to the meeting. Please call Ms. Marusin on or after Thursday December 7 to have a copy of the agenda faxed to you. Please note that a draft agenda will not be available until that date.

FOR FURTHER INFORMATION CONTACT: To get on the access list to attend this meeting, to have a copy of the agenda faxed to you, or to get general information about ETAAC, call Robin Marusin at 202-622-8184.

Approved: November 27, 2000.

Terence H. Lutes,

Acting Director, Electronic Tax Administration.

[FR Doc. 00-30796 Filed 12-1-00; 8:45 am]

BILLING CODE 4830-01-U



Federal Register

**Monday,
December 4, 2000**

Part II

**Department of the
Treasury**

**Office of the Comptroller of the
Currency
Office of Thrift Supervision**

**Federal Reserve
System**

**Federal Deposit
Insurance
Corporation**

**12 CFR Parts 14, 208, 343, and 536
Consumer Protections for Depository
Institution Sales of Insurance; Final Rule**

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****12 CFR Part 14**

[Docket No. 00–26]

RIN 1557–AB81

FEDERAL RESERVE SYSTEM**12 CFR Part 208**

[Docket No. R–1079]

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Part 343**

RIN 3064–AC37

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****12 CFR Part 536**

[Docket No. 2000–97]

RIN 1550–AB34

Consumer Protections for Depository Institution Sales of Insurance

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision, (collectively, the Agencies) are publishing final insurance consumer protection rules. These rules are published pursuant to section 47 of the Federal Deposit Insurance Act (FDIA), which was added by section 305 of the Gramm-Leach-Bliley Act (the G–L–B Act or Act). Section 47 directs the Agencies jointly to prescribe and publish consumer protection regulations that apply to retail sales practices, solicitations, advertising, or offers of any insurance product by a depository institution¹ or any person that is

engaged in such activities at an office of the institution or on behalf of the institution.

EFFECTIVE DATE: April 1, 2001.

FOR FURTHER INFORMATION CONTACT:

OCC: Stuart Feldstein, Assistant Director, or Michele Meyer, Senior Attorney, Legislative and Regulatory Activities Division, (202) 874–5090; Asa Chamberlayne, Senior Attorney, Securities and Corporate Practices Division, (202) 874–5210; Stephanie Boccio, Asset Management, (202) 874–4447; Barbara Washington, Core Policy Development (202) 874–6037, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Richard M. Ashton, Associate General Counsel, Legal Division, (202) 452–3750; Angela Desmond, Special Counsel, Division of Banking Supervision and Regulation, (202) 452–3497; David A. Stein, Attorney, Division of Consumer and Community Affairs, (202) 452–3667, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), contact Janice Simms, (202) 872–4984.

FDIC: Keith A. Ligon, Chief, Policy Unit, Division of Supervision, (202) 898–3618; Michael B. Phillips, Counsel, Supervision and Legislation Branch, Legal Division, (202) 898–3581; Jason C. Cave, Senior Capital Markets Specialist, (202) 898–3548, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.

OTS: Robyn Dennis, Manager, Supervision Policy, (202) 906–5751; Richard Bennett, Counsel (Banking and Finance), (202) 906–7409; Sally Watts, Counsel (Banking and Finance), (202) 906–7380; Mary Jane Cleary, Insurance Risk Management Specialist, (202) 906–7048, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:**Background**

On November 12, 1999, President Clinton signed the G–L–B Act into law. Section 305 of the Act² added new section 47 to the FDIA, captioned “Insurance Customer Protections.” This section requires the Agencies jointly to prescribe and publish consumer protection regulations that apply to retail sales practices, solicitations, advertising, or offers of insurance products by depository institutions or persons engaged in these activities at an office of the institution or on behalf of

the institution. Section 47 directs the Agencies to include specific provisions relating to sales practices, disclosures and advertising, the physical separation of banking and nonbanking activities, and domestic violence discrimination.

Section 47 also requires the Agencies to consult with the State insurance regulators, as appropriate. The National Association of Insurance Commissioners (NAIC) has submitted a comment letter in connection with the proposed rules. In preparing the proposed rules and these final rules, the Agencies also have met and consulted with the NAIC.³ These final rules reflect these meetings with, and comments from, the NAIC.

The texts of the Agencies’ final rules are substantially identical. Any differences in style or terms are not intended to create substantive differences in the requirements imposed by the regulations.

Overview of Comments Received

On August 21, 2000, the Agencies published a joint notice of proposed rulemaking (the proposed rules) in the **Federal Register** (65 FR 50882). The Agencies received approximately 75 comments in response to the proposed rules.

The majority of comments were received from depository institutions. These commenters offered a large number of suggested changes, with the most commonly advanced suggestions including: modifying the “covered person” definition; excepting various types of insurance from coverage by the final rules; eliminating certain disclosure requirements; and limiting the physical separation requirements to the teller area of an institution.

The NAIC submitted a comment on behalf of the State insurance authorities that generally supported the Agencies’ proposed rules. The NAIC advised the Agencies to clarify in the final rules the role of the States in regulating insurance sales. The NAIC also requested more detailed guidance in the Consumer Grievance Appendix to the final rules. Finally, the NAIC expressed its view that the lending area of a depository institution should be separated from the area in which insurance is sold.

The Agencies have modified certain provisions of the proposed rules in light of the comments received. The most significant comments, and the Agencies’ responses, are discussed in the following section-by-section analysis. As was done in the preamble discussion of the proposed rules, the citations are to sections only, leaving blank the

¹ “Depository institution” means national banks in the case of institutions supervised by the Office of the Comptroller of the Currency (OCC), state member banks in the case of the Board of Governors of the Federal Reserve System (Board), state nonmember banks in the case of the Federal Deposit Insurance Corporation (FDIC), and savings associations in the case of the Office of Thrift Supervision (OTS).

² Pub. L. 106–102, sec. 305, 113 Stat. 1338, 1410–15 (codified at 12 U.S.C. 1831x).

³ A summary of the Agencies’ consultations with the NAIC is available in the rule-making file.

citations to the part numbers used by each agency.⁴

The Agencies also received several comments requesting the Agencies to delay the effective date of these rules. The commenters state that institutions will need time to modify existing disclosure forms, train personnel and implement system changes. In determining the effective date and administrative compliance requirements for new regulations, the Agencies are required to consider any administrative burden that the regulations would place on depository institutions and to delay the effective date until at least the first day of a calendar quarter that begins on or after the date on which the regulations are published.⁵ The Agencies recognize that "lead time" is necessary for some institutions covered by the final rules to adjust their systems to comply, although others have systems that already conform to some extent to the requirements of the rules. The Agencies therefore have made the effective date April 1, 2001.

Section-by-Section Analysis

The discussion that follows applies to each of the Agencies' final rules.

Section _____.10 Purpose and Scope

Proposed § _____.10 identified the purposes and scope of the rules. As stated in the proposal, the rules are intended to establish consumer protections in connection with retail sales of insurance products and annuities⁶ to consumers by any depository institution or by any person that is engaged in these activities at an office of the institution or on behalf of the institution. These rules address certain consumer protection concerns that arise from the conduct of insurance activities by a depository institution, at an office of the institution, or on behalf of the institution and are not intended to authorize new activities. These rules are not exclusive and, for example, applicable State laws administered by State insurance commissioners may apply, as provided by sections 104 and 305 of the G-L-B Act.

The Agencies received several comments on the proposed scope of these rules. Some of these commenters

noted that the Interagency Statement on Retail Sales of Nondeposit Investment Products (February 15, 1994) (Interagency Statement) also may apply in certain circumstances to sales of insurance or annuities by depository institutions. These commenters requested clarification on how the Agencies will apply the Interagency Statement to those products subject to both these rules and the Interagency Statement. The Agencies note that in the event of a conflict between the Interagency Statement and the final rules, the rules will prevail.

Certain of the definitions contained in the final rules also address the circumstances under which the rules will apply. Under the proposed rules, only subsidiaries that are selling insurance products or annuities at an office of the institution or acting "on behalf of" the depository institution as defined in the rules⁷ would be subject to the requirements of the rules. Section 47 gives the Agencies discretion to determine whether the Act's consumer protections should extend to a depository institution's subsidiary in other circumstances. The Agencies received only one comment supporting broader application of the final rules to depository institution subsidiaries. The Agencies believe that extending the rules to a depository institution's subsidiary in circumstances other than when the subsidiary is selling insurance products or annuities at an office of the institution or acting "on behalf of" the depository institution is unnecessary and, therefore, the final rules retain the approach taken in the proposed rules on this issue. A more complete discussion of when a person is engaged in insurance activities "on behalf" of the depository institution is set forth below in the definition of "covered person."

Section _____.20 Definitions

The proposed rules contained several definitions about which the Agencies received little or no comment. The final rules therefore retain the definitions of "affiliate," "company," "control," "domestic violence," and "subsidiary" set forth in the proposed rules. The definitions about which the Agencies received more substantial comment are discussed below.

Consumer (§ _____.20(d)). The proposed rules defined "consumer" as an individual who obtains, applies for,

or is solicited to obtain insurance products or annuities from a covered person. The final rules make a clarifying change by replacing the term "obtains" with "purchases" in the definition of "consumer." A purchase includes any transaction where there is a cost to the consumer for the insurance either directly or indirectly such as a higher interest rate on a loan.

Several commenters asked the Agencies to distinguish between the terms "consumer" and "customer" in the same way as the Final Rules on the Privacy of Consumer Financial Information (Privacy Rules).⁸ However, unlike the Privacy Rules, section 47 uses the terms "consumer" and "customer" interchangeably without distinguishing between the two terms. For this reason, the Agencies believe that Congress did not intend to distinguish between consumers and customers for purposes of section 47. Thus, the Agencies have determined to continue to use the single term "consumer" in the final rules.

The Agencies also requested comment on whether the final rules should expand the definition of "consumer" to include small businesses. The majority of those commenting on this issue believed that the Agencies should not expand the definition to include small businesses because most Federal consumer protection statutes apply only to individuals. The Agencies agree with these commenters and therefore have not changed the definition of "consumer" to include small businesses.

The Agencies also invited comment on whether to limit the definition of consumer to individuals who "obtain or apply for insurance products or annuities primarily for personal, family, or household purposes." One effect of this change would be to exclude entities such as sole proprietorships and partnerships from the scope of the rules.

Several commenters preferred limiting the definition in this manner to be consistent with the Truth in Lending regulation's definition of "consumer credit."⁹ The Agencies agree with the commenters that depository institutions are familiar with this approach because it is used in other consumer protection rules. Thus, the final rules apply to an individual "who purchases or applies for insurance products or annuities primarily for personal, family, or household purposes."

⁴ The Board's rule is a new subpart of the Board's existing Regulation H, and not a separate regulation. Accordingly, the sections of the Board's rule are numbered consecutively.

⁵ 12 U.S.C. 4802.

⁶ These rules are not intended to have any effect on whether annuities are considered to be insurance products for purposes of any other section of the G-L-B Act or other laws. That question depends on the terms and purposes of those laws, as interpreted by the appropriate agency and the courts.

⁷ OTS does not intend the requirements of this part to apply to other savings association operating subsidiaries or service corporations by operation of 12 CFR 559.3(h). The OCC does not intend the requirements of this part to apply to other national bank operating subsidiaries by operation of 12 CFR 5.34(e)(3).

⁸ 65 FR 35162 (June 1, 2000).

⁹ 12 CFR 226.2(a)(12) ("Consumer credit means credit offered or extended to a consumer primarily for personal, family, or household purposes.")

Covered person or you (§ _____.20(e)). The proposal used the term “covered person,” or “you,” to determine to whom the requirements in these rules apply. As defined in the proposed rules, a covered person means any depository institution or any other person selling, soliciting, advertising, or offering insurance products or annuities to a consumer at an office of the institution or on behalf of the institution. A “covered person” includes any person, including a subsidiary or other affiliate, if that person or one of its employees sells, solicits, advertises, or offers insurance products or annuities at an office of an institution or on behalf of an institution.

For purposes of this definition, the proposed rules provided that a person’s activities are “on behalf of” a depository institution if:

(1) The person represents to a consumer that the sale, solicitation, advertisement, or offer of any insurance product or annuity is by or on behalf of the institution;

(2) The depository institution receives commissions or fees, in whole or in part, derived from the sale of an insurance product or annuity as a result of cross-marketing or referrals by the institution or an affiliate;

(3) Documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity identify or refer to the institution or use its corporate logo or corporate name; or

(4) The sale, solicitation, advertising, or offer of an insurance product or annuity takes place at an off-premises site, such as a kiosk, that identifies or refers to the institution or uses its corporate logo or corporate name.

In the preamble to the proposed rules, the Agencies noted that the second prong of the “on behalf of” test—the receipt of commissions or fees—did not include situations in which the institution receives a fee solely for performing a separate service or function that may relate to an insurance sale (such as processing a credit card charge for the insurance premium, or performing recordkeeping or payment functions on behalf of the affiliate) where the fee is based on that service or function and is not calculated as a share of the commissions or fees derived from the insurance product or annuity sale.

The Agencies sought comment on the proposed definition of covered person and specifically on those activities that would cause a person to be considered to be acting “on behalf of” an institution. The Agencies also invited comment on whether the following should be considered an activity on behalf of the institution:

- The use of the name or corporate logo of the holding company or other affiliate, as opposed to the name or corporate logo of the depository institution in documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity.

- The sale, solicitation, advertising, or offer of an insurance product or annuity at an off-premises site that identifies or refers to the holding company or other affiliate, as opposed to the depository institution, or uses the name or corporate logo of the holding company or other affiliate.

The Agencies received several comments on the proposed definition of covered person. Many commenters did not believe that the second prong of the “on behalf of” test should include a depository institution’s receipt of commissions or fees as a result of cross marketing. Those commenters suggested that the risk of customer confusion is small because a consumer typically would not know about the receipt of these fees. These commenters believed that requiring disclosures in these situations might actually result in increased customer confusion. The Agencies agree and therefore delete the reference to cross-marketing in the final rules. Thus, for example, while the sharing of customer lists with an unaffiliated third party would trigger certain requirements under the Privacy Rules, it would not trigger the requirements under any of the prongs in these final rules. The Agencies also note that the institution’s receipt of dividends from a subsidiary, or a holding company’s receipt of dividends from an affiliate, does not constitute receipt of “commissions or fees” within the meaning of this paragraph.

Several commenters also contended that the term “on behalf of” should not include sales of insurance products or annuities that result from a referral to an unaffiliated insurance agency by an employee of a depository institution. Unlike cross-marketing, a depository institution making a referral is in a position to influence a consumer’s choice of insurance providers. Therefore, the final rules retain the reference to “referrals” in the second prong of the “on behalf of” test, but with an important modification.

Rather than applying to any commission or fee derived from a sale resulting from a referral, the second prong of the “on behalf of” test in the final rules applies only when a depository institution has a contractual arrangement with an insurance provider to receive those fees. This is meant to distinguish referral fees and commissions received by a depository

institution under an arrangement based on sales with an insurance provider from those referral fees received by a teller, which are limited by § _____.50(b). Under § _____.50(b), any person who accepts deposits from the public in an area where such transactions are routinely conducted may receive a referral fee if it is a one-time, nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

A number of commenters also contended that the third prong of the “on behalf of” test should not cover situations where documents or other communications use the depository institution’s corporate logo or corporate name (a common logo or name used by the corporate family and not just by the depository institution). Those commenters believe that these circumstances alone are insufficient to create a level of confusion that warrants imposing the requirements under this rule. Moreover, extending the rules in this manner would cover transactions in which a depository institution has no involvement in the sale of insurance. The Agencies agree with these commenters, and therefore, the third prong of the “on behalf of” test in the final rules has been modified so that it does not cover documents that use a corporate logo or corporate name. It does, however, cover documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity that identify or refer to the depository institution. Under the final rules, insurance activities are conducted on behalf of a depository institution if the documents evidencing the activity identify or refer to the institution. In the Agencies’ view, the circumstances when the relevant documents refer to the institution for purposes of this test will depend on the facts involved.

The final rules also delete the fourth prong of the proposed “on behalf of” test because it is covered by the three remaining revised prongs. As revised, the Agencies believe that the remaining three prongs capture the appropriate circumstances under which a person could be said to be acting “on behalf of” a depository institution for purposes of these rules.

Several commenters also noted that the definition of “covered person” or “you” could be read to mean that once a person is a “covered person,” all insurance sales, solicitations, advertisements or offers by that person would be subject to these rules, whether or not these activities are conducted at an office of, or on behalf of, a depository

institution. The Agencies do not intend this result and have changed the proposal to clarify that a covered person is: (1) A depository institution; or (2) any other person only *when* the person sells, solicits, advertises or offers an insurance product or annuity to a consumer at an office of the institution or on behalf of the institution.

Finally, in the preamble to the proposed rules, the Agencies noted that the use of electronic media may present special issues in the application of the "on behalf of test" of the covered person definition. The Agencies invited comment on whether, and under what circumstances, to require disclosures for sales or solicitations by electronic media.

Several commenters suggested that the purposes of the statute and the rules—to avoid customer confusion about the nature of the products offered that arises because of the identity of the seller or marketer—is not implicated in all cases where a depository institution acts solely to bring together buyers and sellers of insurance products. For example, the Agencies believe that links established from depository institution web sites through the Internet or wireless services generally do not come within the scope of the covered person definition. To the extent there is a risk of possible consumer confusion when a customer leaves an institution's web site, the nature or type of these disclosures may differ and is better addressed in subsequent guidance or rulemaking.

Electronic media (§ _____.20(g)). Section 47 permits the Agencies to make adjustments to the Act's requirements for sales conducted in person, by telephone, or by electronic media to provide for the most appropriate and complete form of disclosure and consumer acknowledgment of the receipt of such disclosures. The proposed rules set forth special rules for electronic disclosures and consumer acknowledgments. A discussion of changes made to these provisions in the final rules is set forth below. See proposed § _____.40.

In addition, the proposed rules recognized the need for flexibility to accommodate rapid changes in communications technologies and thus defined "electronic media" broadly to include any means for transmitting messages electronically between a covered person and a consumer in a format that allows visual text to be displayed on equipment, such as a personal computer. The Agencies invited comment on this proposed definition and on whether a more expansive definition would be

consistent with the G-L-B Act's requirement for both written and oral disclosures. The majority of commenters supported the proposed definition of "electronic media"¹⁰ because it provided sufficient flexibility to address future innovation. The final rule, therefore, retains the proposed definition of "electronic media."

Office (§ _____.20(h)). The proposed rules defined "office" as the premises of an institution where retail deposits are accepted from the public. The Agencies received several comments requesting that this definition be limited to deposit taking areas. The Agencies note that specific provisions in these rules relating to the physical separation of the insurance activities and permissibility of referral fees are limited to areas where deposits are routinely taken. However, the Agencies do not believe that the overall protections afforded by these rules should be limited in this manner and, therefore, retain in the final rules the definition of "office" set forth in the proposed rules.

The proposed rules did not define the term "insurance product." As explained in the preamble to the proposed rules, the Agencies recognize that there is no single standard for defining the term "insurance" and that its definition may vary significantly depending on the context in which it is used. For example, section 302 of G-L-B Act lists certain types of products that are first offered after January 1, 1999 that may constitute insurance for purposes of determining when a national bank may underwrite, rather than sell, insurance. Thus, the Agencies indicated that they will look to a variety of sources in determining whether a given product is covered by the proposed rules, including section 302(c), common usage, conventional definitions, judicial interpretations, and other Federal laws. The Agencies invited comment on these and other sources for determining whether a product comes within the scope of the proposed rules, or, alternatively, whether the rule should include a specific definition of the term "insurance."

Few commenters requested a specific definition of insurance. Many commenters, however, asked that we exclude certain products from coverage or at least not require certain disclosures for those products. For example, those commenters believe that the rules should not cover credit insurance and property and casualty insurance because

¹⁰ Most of the comments concerning electronic media were raised in the context of disclosures and acknowledgments and are, therefore, discussed in the sections below concerning those requirements.

these products do not have an investment component and have been sold by and on behalf of depository institutions for years without consumer confusion. Section 47 of the G-L-B Act, however, does not distinguish between types of insurance products nor are the consumer protections under the statute limited to instances where there is a risk of investment loss or consumer confusion. The final rules therefore do not define the term "insurance" but, as explained in the discussion of § _____.40, provide more guidance on when certain disclosures are required.

Section _____.30 Prohibited Practices

Under section 47(b) of the FDIA, the Agencies' regulations must prohibit a covered person from engaging in any practice that would lead a consumer to believe that an extension of credit, in violation of the anti-tying provisions of section 106(b) of the Bank Holding Company Act Amendments of 1970,¹¹ is conditional upon either:

- (1) The purchase of an insurance product or annuity from the depository institution or any of its affiliates; or
- (2) An agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity. These prohibitions on tying and coercion were set forth in proposed § _____.30(a).

Section 47(c)(2) of the FDIA also requires the Agencies' regulations to prohibit a covered person from engaging in any practice at any office of, or on behalf of, a depository institution or a subsidiary of a depository institution that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

- (1) The uninsured nature of any insurance product or annuity offered for sale by the covered person or subsidiary;
- (2) In the case of an insurance product or annuity that involves investment risk, the investment risk associated with any such product; or
- (3) The fact that the approval of an extension of credit to a consumer by the institution or subsidiary may not be conditioned on the purchase of an insurance product or annuity from the institution or subsidiary, and that the consumer is free to purchase the

¹¹ 12 U.S.C. 1972. Section 106(b) of the Bank Holding Company Act Amendments of 1970 does not apply to savings associations. Those institutions are, however, subject to comparable prohibitions on tying and coercion, under section 5(q) of the Home Owners' Loan Act (HOLA), 12 U.S.C. 1464(g). Accordingly, OTS's final rule cites the HOLA provision.

insurance product or annuity from another source.

These prohibitions on misrepresentations were set forth in § _____.30(b) of the proposed rules.

The Agencies received several comments on these prohibitions. A few commenters asserted that the prohibitions on tying an extension of credit to the purchase of insurance should apply only to depository institutions and not all covered persons because section 106(b) of the Bank Holding Company Amendments of 1970 applies only to depository institutions. Therefore, the commenters requested the Agencies to amend proposed § _____.30(a) to delete references to parties other than depository institutions.

The commenter's proposed changes to § _____.30(a) are not supported by the statutory language, however. Section 47(c)(2) is not limited to depository institutions but also expressly applies to persons selling at an office of a depository institution or on behalf of the institution. In addition, § _____.30(a) is not a restatement of the section 106(b) prohibition on coercion by depository institutions. Rather, it is a prohibition on misleading a consumer into believing that an extension of credit could be conditioned in a manner that is prohibited by section 106(b). Section 47(c) of the G–L–B Act recognizes that either a depository institution, or someone selling at an office of a depository institution or on its behalf could mislead a consumer in this way. Therefore, the Agencies decline to limit § _____.30(a) to depository institutions.¹²

One commenter also questioned whether §§ _____.30 (a) and (b) would apply to “force placed” insurance. “Force placed” is a term used to describe a situation in which a depository institution purchases insurance, and bills the customer for it, because the customer has failed to obtain, or allowed to lapse, required insurance coverage for an asset used as collateral for a secured loan. The Agencies do not intend these final rules to apply to force placed insurance purchases since they are *made by depository institutions* to protect loan collateral rather than by consumers.

Finally, proposed § _____.30(c) implemented section 47(e) of the FDIA, which, as already noted, prohibits a covered person from considering a person's status as a victim of domestic violence or a provider of services to

domestic violence victims in making decisions regarding certain types of insurance products. One commenter stated that this provision could be difficult to comply with where a covered person sells or offers for sale insurance products for which a third party makes the decisions regarding the underwriting, pricing, renewal, scope of coverage, or payment of claims. However, the statute provides no exception from the prohibition on domestic violence discrimination in these circumstances. Therefore, the final rules as modified prohibit a covered person from selling or offering for sale, as principal, agent, or broker, any life or health insurance product if the status of the applicant or insured as a victim of domestic violence or as a provider of services to victims of domestic violence is considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of such product, or with regard to the payment of insurance claims on such product, except as required or expressly permitted under State law.

Section _____.40 What a Covered Person Must Disclose

In addition to prohibiting the misrepresentations outlined above, section 47(c) of the FDIA requires the Agencies' regulations to mandate that a covered person make affirmative disclosures in connection with the initial purchase of an insurance product or annuity. The proposed rules required the following disclosures:

- (1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the depository institution or (if applicable) an affiliate;
- (2) The insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC) or any other agency of the United States, the depository institution, or (if applicable) an affiliate;
- (3) In the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value; and

(4) The depository institution may not condition an extension of credit on either the consumer's purchase of an insurance product or annuity from the depository institution or any of its affiliates or the consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

Several commenters believed that the first disclosure—that the insurance product or annuity is not a deposit or

other obligation of, or guaranteed by, the depository institution—is unnecessary and not required by section 47. These commenters asserted that there is minimal risk that a customer will confuse an insurance product or annuity with a deposit. The Agencies disagree with this contention, particularly where the product has a savings component. Although the first disclosure is not expressly required by the statute, section 47 requires the Agencies to issue regulations that are consistent with the requirements of the G–L–B Act and provide “additional protections for customers” as necessary. The Agencies believe that requiring a covered person to disclose that the insurance product or annuity is not a deposit is necessary to protect consumers from confusion about the nature of the product offered.

There are, however, some instances where the first and second disclosures may not be accurate. Several commenters noted that the second disclosure—that a product is not insured by the depository institution or an agency of the United States—would not be true for Federal Crop Insurance and Federal Flood Insurance, both of which are insured by United States agencies. To address these concerns and to ensure that the disclosures required by § _____.40(a) are only made where accurate, the Agencies have modified § _____.40(a) to require a covered person to make the disclosures except to the extent the disclosures would not be accurate.

Several commenters also suggested removing certain types of insurance, such as property and casualty insurance and credit-related insurance, from the requirement to disclose that the product is not FDIC-insured. These commenters contend that there is little risk of confusion in these circumstances and that such disclosures may serve to increase customer confusion about the nature of the product offered. The Agencies disagree with this contention and favor requiring this disclosure in connection with the sale of any insurance product to prevent possible confusion about the nature of the product offered. The Agencies, however, will review this requirement on an on-going basis and make future changes if necessary.

Several commenters objected to the requirement that a covered person give the anti-coercion disclosures twice (once before the insurance sale and again if the consumer applies for credit). These commenters argued that section 47(a)(1)(A) provides that the Agencies' regulations only require the anti-coercion disclosure be made at the time of an application for credit. The

¹² The Agencies note that other provisions, such as the prohibitions on misrepresentations and certain required disclosures, also generally address situations relating to consumer coercion.

Agencies agree that this is a permissible interpretation of the statute and believe that the anti-coercion disclosure is most meaningful and relevant at the time a consumer is applying for credit. For this reason, the final rules only require that the anti-coercion disclosure be given at the time of application for credit. The Agencies have redesignated this provision as § _____.40(b) in the final rules.

Timing and Method of Disclosures

Under proposed § _____.40(b)(1), a covered person must provide the disclosures described in § _____.40(a) orally and in writing before the completion of the sale of an insurance product or annuity to a consumer. The disclosures concerning the prohibition on tying an extension of credit to an insurance product or annuity purchase (proposed § _____.40(a)(4)) also must be made orally and in writing at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity will be solicited, offered, or sold. Section 47 of the FDIA authorizes the Agencies to make necessary adjustments to the G-L-B Act's requirements for sales conducted in person, by telephone, or by electronic media. Section 47(a)(1) also requires the Agencies to publish final rules in a form that the Agencies jointly determine to be appropriate. Proposed §§ _____.40(b)(2) set forth special timing and method of disclosure rules for electronic and telephone disclosures. Because the Agencies modified the anti-coercion disclosure and redesignated it as § _____.40(b), the timing and method of disclosure rules are contained in § _____.40(c).

The Agencies received several comments on the timing and method of disclosures. A few commenters contended that it would be difficult if not impossible to provide the required oral disclosures in connection with direct mail solicitations. The Agencies recognize that providing oral disclosures in circumstances like these—where there is no means of communicating orally at the time of the sales presentation—would be impracticable. Therefore, the final rule provides that if the sale of an insurance product or annuity is conducted by mail, a covered person that sells, solicits or offers an insurance product or annuity by mail is not required to make the oral disclosures required by § _____.40(a). The final rule further provides that if a covered person receives an application for credit by mail, the covered person is not required to make the oral disclosure required by § _____.40(b). The Agencies also intend

this exception from the oral disclosure requirements to apply to a situation such as a “take one” credit application, where the consumer picks up a blank application form, completes the application at home, and mails it back to the institution.

A similar situation arises with respect to offers, solicitations or sales by telephone. Under the proposed rules, a covered person who takes an application for credit by telephone may provide the written anti-coercion disclosure by mail, if the covered person mails it to the consumer within three days starting on the next business day, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a). Several commenters requested the Agencies extend this flexible approach to all of the written disclosures, not just the anti-coercion disclosure, when transactions are conducted by telephone. The Agencies agree with this concern and have changed the final rules relating to telephone transactions to extend the option of providing any written disclosures by mail within a three-day time period.

Under proposed § _____.40(b)(2)(i), where the consumer affirmatively consents, a covered person may provide the written disclosures required by § _____.40(a) through electronic media instead of on paper, if they are provided in a format that the consumer may retain or obtain later, for example, by printing or storing electronically, such as by downloading. Under proposed § _____.40(b)(2)(ii), if the sale of an insurance product or annuity is conducted entirely through the use of electronic media and written disclosures are provided electronically, a covered person is not required to provide disclosures orally. The proposal also required a covered person to comply with all other requirements imposed by law or regulation for providing disclosures electronically.

In the preamble to the proposed rules, the Agencies also noted that new legislation addressing the use of electronic signatures and electronic records may affect institutions that provide disclosures and obtain acknowledgments electronically. The Electronic Signatures in Global and National Commerce Act (the E-Sign Act)¹³ contains, among other things, Federal rules governing the use of electronic records for providing required information to consumers. An institution may satisfy a legal

¹³ Pub. L. 106-229, 114 Stat. 464 (June 30, 2000) (codified at 12 U.S.C. 7001 *et seq.*) The E-Sign Act generally took effect on October 1, 2000, although there are delayed effective dates for provisions other than those discussed in the text.

requirement that the institution provide *written* disclosures by using an electronic disclosure if the consumer affirmatively consents and if certain other requirements of the E-Sign Act are met. For example, the E-Sign Act requires that, before a consumer consents to receive electronically information that is otherwise legally required to be provided in writing, the consumer must receive a “clear and conspicuous statement” containing certain information prescribed by the statute.¹⁴ The statute authorizes Federal regulatory agencies to exempt specified categories or types of records from the E-Sign Act requirements relating to consumer consent only if an exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.¹⁵ The Agencies invited comment on whether—and, if so, how—they should address the requirements of the E-Sign Act in the context of these proposed rules.

Two commenters suggested that providing disclosures consistent with the E-Sign Act should suffice. Commenters did not support other modifications of the final rule to address the E-Sign requirements. The Agencies believe electronic disclosures in lieu of written disclosures are appropriate if they meet the requirements of the E-Sign Act. Thus, the final rules provide that, subject to the requirements of section 101(c) of the E-Sign Act, a covered person may provide the written disclosures required by section _____.40(a) and (b) through electronic media if the consumer affirmatively consents to receiving disclosures electronically and if the disclosures are provided in a format that the consumer may retain or obtain later. This option is not limited to situations where the sale is conducted *entirely* through the use of electronic media, as in the proposed rule. Moreover, under the final rules, any disclosures required by _____.40(a) and (b) that are provided by electronic media are not required to be provided orally.

The Agencies made one additional clarifying change to the timing and method of the disclosure provisions to avoid an open-ended time frame for disclosures. The proposed rules required a covered person to make the anti-coercion disclosure “at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity *will be* solicited, offered, or sold.” Section _____.40(c)(1) requires that this

¹⁴ See 12 U.S.C. 7001(c)(1).

¹⁵ 12 U.S.C. 7004(d)(1).

disclosure be made "at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold." In addition, if a solicitation, offer, or sale occurs in connection with an application for credit that is pending with the depository institution, a covered person must make the disclosure when the solicitation, offer, or sale occurs.

The Agencies note that, consistent with section 47(c), the final rules require a covered person to provide the disclosures in connection with the "initial purchase" of an insurance product or annuity. Accordingly, while new disclosures are not required when a consumer simply renews an insurance policy or annuity, disclosures are required if a consumer purchases a different insurance product or annuity.

Disclosures Must Be Readily Understandable, Designed To Call Attention to the Information, and Meaningful

Section 47 of the FDIA requires the Agencies to promulgate regulations encouraging the use of disclosures that are conspicuous, simple, direct, and readily understandable. Proposed § _____.40(b)(3) contained this requirement and further required that the disclosures also must be designed to call attention to the nature and significance of the information provided. For example, the proposed rules provided that a covered person may use the following short-form disclosures as may be appropriate:

- NOT A DEPOSIT
- NOT FDIC-INSURED
- NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
- NOT GUARANTEED BY THE BANK [OR SAVINGS ASSOCIATION]
- MAY GO DOWN IN VALUE.

Several commenters requested that the Agencies clarify the circumstances in which a covered person may use the short form disclosures. The Agencies believe that provisions in the Joint Interpretations of the Interagency Statement on Retail Sales of Nondeposit Investment Products (September 12, 1995) for use of short form disclosures provide useful guidance on this issue. Therefore, the final rules are changed to provide that short form disclosures may be used in visual media, such as television broadcasts, ATM screens, billboards, signs, posters, and in written advertisements and promotional materials, such as brochures. The Agencies note that it may be appropriate to use the short form disclosures in other circumstances. The Agencies will

monitor use of these disclosures and issue further guidance if necessary.

In addition, several commenters requested that the final rules provide a short form of the anti-coercion disclosures. However, the commenters' suggested short form anti-coercion disclosure did not adequately capture all of the information contained in the form set forth in § _____.40(b) of the final rules. Moreover, the Agencies believe that requiring the full anti-coercion disclosure is not particularly burdensome because the final rules require the disclosure to be made only in circumstances involving a consumer's application for credit in connection with which insurance is solicited, offered, or sold. Therefore, the final rules do not provide a short form of the anti-coercion disclosure.

The Agencies also invited comment on whether the final rule should provide specific methods of calling attention to the material contained in the disclosures. For example, the Agencies suggested that the final rule could provide that the disclosures are designed to call attention to the nature and significance of the information provided if they use:

- A plain-language heading to call attention to the disclosures;
- A typeface and type size that are easy to read;
- Wide margins and ample line spacing;
- Boldface or italics for key words; and
- Distinctive type size, style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

Some commenters expressed concern that including these examples in the regulation would be viewed as adding new requirements. These concerns, however, are unfounded. The Agencies believe that providing examples of possible methods of calling attention to the material contained in the disclosures will provide useful guidance to the industry. The Agencies therefore have included these methods in the final rules as *examples* of ways in which a covered person could call a consumer's attention to the nature and significance of the information provided in the required disclosures. These examples are not binding requirements.

Further, as provided in § _____.40(c)(6) of the final rules, a disclosure is not "meaningfully" provided if a covered person merely tells the consumer that the disclosures are available in printed material without also providing the material and orally disclosing the information to the consumer. Similarly, a disclosure made through electronic

media is not meaningfully provided if the consumer may bypass the visual text of the disclosure before purchasing an insurance product or annuity.

The Agencies invited comment on whether these standards would adequately address situations where disclosures are made through electronic media. For example, the Federal Trade Commission (FTC) recently released detailed guidance on online advertising and sales reiterating that many of the general principles of advertising law apply to Internet advertisements, but recognizing that developing technology raises new issues.¹⁶ The Agencies sought comment on whether the type of detail provided in the FTC guidance is necessary in these proposed rules.

The Agencies received several comments on this issue, none of which favored providing the type of detail provided in the FTC guidance. Accordingly, the final rule does not include this level of detail.

Consumer Acknowledgment

Under the proposal, a covered person must obtain from the consumer, at the time the consumer receives the disclosures set forth in proposed § _____.40(a), the consumer's acknowledgment of receipt. In keeping with section 47's express provision for adjustments to the G-L-B Act's requirements for sales conducted by electronic media and the E-Sign Act, the proposal further provided that a consumer who has received disclosures through electronic media may acknowledge receipt of the disclosures electronically or in paper form.

Several commenters noted that it would be difficult to comply with the consumer acknowledgment requirement in situations other than face-to-face transactions. In mail or telephone transactions, for example, a covered person cannot control whether a consumer completes and returns a written acknowledgment. These commenters requested that the Agencies modify the proposed consumer acknowledgment provision to waive the written acknowledgment requirement in transactions that are not face-to-face. The Agencies appreciate the difficulties with obtaining consumer acknowledgments in non-face-to-face transactions but note that section 47 of the G-L-B Act contains no waiver for consumer acknowledgments in those situations. To address this problem, the Agencies have modified the consumer

¹⁶ The FTC's guidance, Dot Com Disclosures: Information about Online Advertising is available at www.ftc.gov/bcp/conline/pubs/buspubs/dotcom/index.html.

acknowledgment provision to provide that, if the disclosures required under § _____.40(a) or (b) are provided in connection with a transaction that is conducted by telephone, a covered person must: (1) Obtain an oral acknowledgment of receipt of the disclosures and maintain sufficient documentation to show that the acknowledgment was given; and (2) make reasonable efforts to obtain a written acknowledgment from the consumer. The final rules also clarify that a covered person may in all circumstances permit a consumer to acknowledge receipt of the disclosure electronically or in paper form. The Agencies intend that the implementation of this consumer acknowledgment requirement will not affect the substantive requirements of the parties pursuant to contracts for the sale of insurance products and annuities under applicable State law.

Advertisements and Other Promotional Material for Insurance Products or Annuities

In accordance with section 47(c)(1)(C) of the FDIA, proposed § _____.40(c) clarified that the disclosures described in proposed § _____.40 are not required in advertisements of a general nature describing or listing the services or products offered by the depository institution. The final rules modify this section slightly, and redesignate it as § _____.40(d), to clarify that the exclusion of the disclosure requirements does not apply to all advertisements and promotional material for insurance products or annuities but only to such material that is of a general nature, describing or listing the services or products offered by the depository institution. Further, § _____.40(d) refers only to the disclosures described in § _____.40(a). The Agencies believe that because the anti-coercion disclosure set forth in § _____.40(b) is required to be made only in the context of an application for credit, it could be confusing to the consumer if the disclosures were required in all advertisements and promotional material for insurance products or annuities.

Section _____.50 Where Insurance Activities May Take Place

Section 47(d)(1) of the FDIA requires that the Agencies' regulations include provisions to ensure that the routine acceptance of deposits is kept, to the extent practicable, physically segregated from insurance product activity. Proposed § _____.50(a) set forth this general rule. It further required that, to the extent practicable, a depository

institution identify areas where insurance product or annuity sales activities occur and clearly delineate and distinguish them from the areas where the institution's retail deposit-taking activities occur, in accordance with section 47(d)(2)(A) of the FDIA.

The Agencies received several comments on this provision, most of which asked for clearer guidance on what constitutes the area where deposits are routinely accepted. Several asserted that the physical segregation requirement should not apply to an institution's "platform" areas and should only apply to teller windows. "Platform" areas are typically areas of an institution's premises in which employees other than tellers engage in a variety of activities, including the origination of loans, the sale of insurance and annuity products, and occasionally, the acceptance of deposits. The Agencies wish to clarify for purposes of these final rules that the areas where retail deposits are routinely accepted from the general public are generally limited to traditional teller windows and teller lines.

One commenter also recommended physically segregating the area where lending activities occur from the area where insurance products or annuities sales occur. The Agencies decline to make this change because it would extend significantly beyond the restrictions set forth in the statute.

Proposed § _____.50(b) implemented section 47(d)(2)(B) of the FDIA, concerning referrals to insurance product and annuity sales personnel by a person who accepts deposits from the public. Under that proposed section, any person who accepts deposits from the public in an area where such transactions are routinely conducted in a depository institution may refer a consumer who seeks to purchase an insurance product or annuity to a qualified person who sells that product. The person making the referral may only receive a one-time, nominal fee of a fixed dollar amount for each referral. The fee may not depend on whether the referral results in a transaction. The Agencies received several comments requesting that the limits on referral fees apply only to tellers. The Agencies believe that the person described in the regulation text—that is, a person "who accepts deposits from the public in an area where such transactions are routinely conducted" will typically be a teller. The Agencies also believe that a description by function is preferable because it is more precise. We have therefore retained the language as proposed.

Section _____.60 Qualification and Licensing Requirements for Insurance Sales Personnel

Section 47(d)(2)(C) of the FDIA requires that the Agencies' regulations prohibit any depository institution from permitting any person to sell or offer for sale any insurance product in any part of any office of the institution, or on behalf of the institution, unless such person is appropriately qualified and licensed. Thus, proposed section _____.60 provided that a depository institution may not permit any person to sell or offer for sale any insurance product or annuity in any part of its office or on its behalf, unless the person is at all times appropriately qualified and licensed under applicable State insurance licensing standards with regard to the specific products being sold or recommended. One commenter expressed the opinion that this provision is unnecessary because each state's insurance licensing agency is already policing its licensing and qualification requirements. The Agencies retain this provision because it is required by the statute.

Appendix—Consumer Grievance Process

Section 47(f) of the FDIA requires that the Agencies jointly establish a consumer complaint mechanism for addressing consumer complaints alleging violations of these rules. Each agency has procedures in place to handle consumer complaints they receive directly.¹⁷ The Agencies will apply those procedures to complaints involving these rules. The Appendix to each agency's final rule contains the name and address of each agency's consumer complaint office. Any consumer who believes that a depository institution or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the institution or on behalf of the institution has violated the requirements of these rules may contact the consumer complaint office listed in the Appendix.

Each agency already has entered into, or is developing, agreements with State insurance commissioners regarding the sharing of consumer complaints. It is expected that these agreements will facilitate prompt resolution of consumer complaints and ensure that incoming complaints are directed to the appropriate agency. Consumer complaints alleging violations of these rules that raise issues under State and

¹⁷ E.g., OTS Customer Service Plan at www.ots.treas.gov/consass/html.

local law will be shared with State regulators pursuant to those agreements.

Effect on Other Authority

Section 47(g) sets forth a general framework for determining the effect of these final rules on State law. Under that framework, the Agencies' insurance consumer protection rules will not apply in a State where the State has in effect statutes, regulations, orders, or interpretations that are inconsistent with or contrary to the provisions of the Agencies' rules. If the Board, FDIC and OCC jointly determine, however, that the protection afforded by a provision of these final rules is greater than the protection provided by comparable state law or rulings, these final rules shall preempt the contrary or inconsistent State law or ruling. Prior to making this determination, the Board, FDIC and OCC must notify the appropriate State regulatory authority in writing, and the Board, FDIC and OCC will consider comments submitted by the appropriate State regulatory authorities. If the Board, FDIC and OCC determine that a provision of these final rules affords greater protection than State provisions, the Board, FDIC and OCC will send a written preemption notice to the appropriate State insurance authority that the provision of these final rules will be applicable unless the State adopts legislation within three years to override the preemption notice.

In the preamble to the proposed rules, the Board, FDIC and OCC invited comment on whether it would be helpful to include a second appendix restating these statutory requirements or whether such a restatement would be confusing absent a determination regarding the applicability of specific State laws. The comments generally did not support the inclusion in the final rules of a preemption appendix. The Agencies do not believe it would be useful to include such an appendix.

Regulatory Analysis

A. Paperwork Reduction Act

The Agencies may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control numbers and clearance expiration dates are listed below:

OCC: 1557-0220; October 31, 2003.

Board: 7100-0295; November 30, 2003.

FDIC: 3064-0140; October 31, 2003.

OTS: 1550-0106; October 31, 2003.

The final rule contains requirements to make disclosure at two different times. The respondents must prepare

and provide certain disclosures to consumers: (1) Before the completion of the initial sale of an insurance product or annuity to a consumer; and (2) at the time of application for the extension of credit (if insurance products or annuities are solicited, offered or sold in connection with an extension of credit) (§§ ____ .40(a) and (b)).

The Agencies received one comment that addressed a perceived low burden estimate stemming from these disclosures. The commenter, however, provided no suggestion as to an appropriate higher estimate. Other comments regarding the information collection are discussed above in the preamble discussion of §§ ____ .20, ____ .40 (a) and (b).

OCC: The respondents are national banks, District of Columbia banks, and Federal branches and agencies of foreign banks and any other persons selling, soliciting, advertising, or offering insurance products or annuities at an office of a national bank or on behalf of a national bank. OMB has reviewed and approved the collections of information contained in the rule under control number 1557-0220, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). There are 1,949 respondents with a total annual burden of 19,490 hours.

Board: The respondents are state member banks and any other persons selling, soliciting, advertising, or offering insurance products or annuities at an office of a state member bank or on behalf of a state member bank. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board approved the rule under the authority delegated to the Board by OMB. The OMB control number is 7100-0295. There are 1,010 respondents with a total annual burden of 46,090 hours.

FDIC: The respondents are insured nonmember banks and any other persons selling, soliciting, advertising, or offering insurance products or annuities at an office of an insured nonmember bank or on behalf of an insured nonmember bank. OMB has reviewed and approved the collections of information contained in the rule under control number 3064-0140, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). There are 5,800 respondents with a total annual burden of 76,667 hours.

OTS: The respondents are savings associations and any other persons selling, soliciting, advertising, or offering insurance products or annuities at an office of a savings association or on behalf of a savings association. OMB

has reviewed and approved the collections of information contained in the rule under control number 1550-0106, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). There are 1,097 respondents with a total annual burden of 47,286 hours.

The Agencies have a continuing interest in the public's opinion regarding collections of information. Members of the public may submit comments, at any time, regarding any aspect of these collections of information. Comments may be sent to:

OCC: Jessie Dunaway, Clearance Officer, Office of the Comptroller of the Currency, 250 E Street, SW, Mailstop 8-4, Washington, DC 20219.

Board: Mary M. West, Federal Reserve Board Clearance Officer, Mailstop 97, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FDIC: Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), Federal Deposit Insurance Corporation, Room F-4080, 550 17th Street, NW, Washington, DC 20429.

OTS: Dissemination Branch (1550-0106), Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

B. Regulatory Flexibility Act

OCC: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires federal agencies either to provide a Final Regulatory Flexibility Analysis (FRFA) with a final rule or certify that the final rule "will not, if promulgated," have a significant economic impact on a substantial number of small entities. On the basis of the information currently available, the OCC is of the opinion that this final rule is unlikely to have a significant impact on a substantial number of small entities. Because the final rules implement new legislation, however, the OCC lacks historical information specific to the requirements in the final rules on which to base estimates of cost. For this reason, the OCC has prepared the following FRFA.

Reasons, Objectives, and Legal Basis for the Final Rule

The OCC is issuing this final rule to implement section 47 of the FDIA. A fuller discussion of the reasons for, objectives of, and legal basis for, the final rule appears elsewhere in the Supplementary Information.

Description of the Small Entities to Which the Final Rule Would Apply

The final rule would apply to a national bank or any "other person" who, at an office of a national bank or on behalf of a national bank, sells,

solicits, advertises, or offers insurance products or annuities to consumers. The final rule would apply regardless of the size of the bank or other organization for which a person worked.

Small national banks are generally defined, for Regulatory Flexibility Act purposes, as those with assets of \$100 million or less. 13 CFR 121.201, Division H (2000). As of January, 1999, 1,949 national banks or national bank subsidiaries were engaged in insurance activities that would bring them within the scope of coverage of the final rule. We estimated in the preamble to the proposed rule that 976 of the national banks that sold insurance as of January, 1999, had \$100 million or less in assets. We received no comment on this estimate and believe it to be accurate.

Reporting, Recordkeeping, and Compliance Requirements of the Final Rule

The final rule requires national banks (and entities acting on behalf of national banks) to amend the written materials and Internet web sites they use in connection with the retail sale, solicitation, advertising, or offer of insurance products to consumers. The final rule also requires national banks (and entities acting on their behalf) to obtain from consumers acknowledgment that the consumer has received certain disclosures. The substance of these requirements is described in detail elsewhere in the Supplementary Information.¹⁸

The OCC believes that most national banks will be able to satisfy the disclosure provisions by including the information required to be disclosed in their written materials with minimal cost. We estimate that most banks maintain a 3 to 4 month inventory of those materials. This final rule will not become effective until April 1, 2001, which should allow ample time for most banks to exhaust their inventory of printed materials and prepare new materials. Nevertheless, our analysis assumes that some banks may need to amend the written materials they have in inventory during an interim period between the effective date of the final rule and the next regularly scheduled printing of those materials because their inventories will not be depleted during that time. These banks—which are

probably smaller banks that order written materials infrequently and in large quantities to obtain reduced rates on printing—would therefore incur costs as a result of this requirement.

There are approximately 25 national banks that sell insurance products over the Internet. Our experience has been that Internet banks regularly upgrade their web sites. Adding the required disclosures could be done as part of a regular upgrade and would therefore present only minimal additional costs to the bank.

The primary cost associated with the requirement that a bank obtain from the consumer a written acknowledgment of the consumer's receipt of the disclosures is, in the OCC's opinion, likely to be the cost of developing the written acknowledgment. Banks that sell insurance products over the Internet should, as part of a regularly scheduled upgrade, be able to revise their web sites to include a series of "click throughs" that will require affirmation from the customer that he or she has received the required disclosures.

Summary of Significant Issues Raised by the Public Comments in Response to Initial Regulatory Flexibility Analysis and Description of Steps the Agency Has Taken To Minimize Burden

The issues raised by the commenters are described more fully elsewhere in the Supplementary Information. The issues that were raised by commenters about the proposal's impact on small businesses were the following:

- The requirement that a covered person obtain a written acknowledgment of receipt of disclosures for a telephone transaction could require significant effort and additional correspondence if the customer does not return the acknowledgment with other paperwork for the policy. This effort would be a significant burden for small financial institutions.
- The requirement that such insurance as credit and mortgage insurance be sold in an area of the office separate from where deposits are routinely taken poses a particular hardship for small financial institutions where deposits and loan applications are taken at the same place.

The OCC considered how to tailor the form of disclosures and acknowledgments to the form of the sales transaction and how to make the record of acknowledgment functional, within the statutory constraints. In the case of telephone applications for credit, the proposed rule permitted the anti-coercion disclosure due at the time of applications to be given orally and

followed with written disclosures mailed within three days. To extend the principle more broadly, the final rule applies this form of providing written disclosures for telephone sales to all the required disclosures. The timing has been clarified to be three business days, starting with the first business day after the telephone transaction. With respect to telephone sales, the final rule permits an oral acknowledgment of the disclosures if the covered person documents the acknowledgment. In that case, the final rule requires the covered person also to make reasonable efforts to obtain a written acknowledgment.

We have made an additional change affecting disclosures relevant to sales initiated by telephone. The proposed rule limited the use of electronic disclosures to those transactions taking *place entirely* electronically. Commenters were concerned that the proposed rule did not permit electronic disclosures to be used in transactions that may have started with a telephone contact. To address this concern, the final rule provides that, if a transaction involves telephone contact, but the consumer affirmatively consents to transmission of disclosures through electronic media instead of on paper, the covered person may provide the "written" disclosures electronically. Of course, these electronic disclosures must satisfy the rule's requirement that the format of disclosure be one that permits the consumer to retain or to obtain later, such as by printing or storing electronically. Where disclosures are made electronically, the rule already provided that the consumer could acknowledge them electronically. Electronic acknowledgment of electronic disclosures applies under the final rule to these mixed media transactions, as well. The final rule also provides that oral disclosures are not required where disclosures are provided electronically. This exception applies not only to disclosures provided in the sale of insurance and annuities as in the proposed rule, but also to the anti-coercion disclosure provided with credit applications.

In response to the concern expressed about the difficulty of separating functions in a small office, we have clarified in the preamble to this final rule that generally the location where deposits are routinely taken is the teller window and teller line. This distinction permits a savings association to sell insurance products and annuities from the "platform area," where loan transactions may routinely be conducted, if the savings association distinguishes that area from the teller window area. The regulation also

¹⁸The final rule also requires national banks to keep the area where the bank conducts insurance transactions physically separate from the areas where retail deposits are routinely accepted from the general public "to the extent practicable." This requirement, which is worded like the requirement in the statute, leaves significant discretion to each national bank to determine what costs, if any, the bank must incur in order to avoid customer confusion.

requires this segregation of functions into separate areas "to the extent practicable." If it is not practicable for a small institution to have separate areas, it could make other efforts to satisfy the separation of functions between deposit taking and selling of insurance.

We note that in addition to these specific responses to concerns expressed with reference to impact on small entities, we have limited the scope of the rule in other ways to minimize compliance burdens. The final rule:

- Only applies to retail sales, solicitations, advertisements, or offers of insurance products or annuities to *individuals* purchasing for personal, family, or household use. The Agencies have determined, after requesting comment on whether to also include small business insurance purchases, not to broaden the coverage.

- Does not apply to subsidiaries of depository institutions, except where the subsidiaries are selling, soliciting, advertising, or offering insurance products or annuities to consumers at an office of a savings association or on behalf of a savings association.

- Clarifies the scope of the rule and the definition of "you" to apply only to transactions conducted by the person that are by, at an office of, or on behalf of, the savings association.

- Defines "office" narrowly to include only premises where retail deposits are accepted from the public.

- Clarifies when certain disclosures must be provided, including that a disclosure such as "not insured by any federal agency" is not to be given where it would be inaccurate (as in the case of federally-insured crop insurance or flood insurance).

- Only requires the anti-coercion disclosure to be made once, instead of twice per transaction.

- Provides flexibility for covered persons to use a variety of means to provide disclosures that are readily understandable and call attention to the information.

- Provides that, in the case of telephone sales, the duty to obtain a consumer's acknowledgment of receiving the disclosures may be satisfied by an oral acknowledgment of disclosures combined with reasonable efforts to obtain a written acknowledgment.

- Does not require disclosures in advertisements of a general nature describing or listing the services or products offered by the savings association.

- Provides for a delayed effective date, requiring compliance by April 1,

2001, to permit adequate time to prepare disclosures and acknowledgment materials and train staff.

Significant Alternatives to the Final Rule

Section 305 of the G-L-B Act expressly prescribes the content of its implementing regulations. The OCC's final rule does not depart materially from the requirements of the statute. The statute does not authorize the OCC to provide exemptions or exceptions to its requirements for small national banks.

In preparing the final rule, the OCC has considered the burden on small national banks to the extent that it has the discretion to do so. As set forth above in the discussion of significant issues raised in response to the Initial Regulatory Flexibility Analysis, the Agencies have modified the final rules to minimize burden.

Duplicative, Overlapping, or Conflicting Federal Rules

As used in the Interagency Statement, the term "nondeposit investment products," includes some products, such as annuities, that are covered by section 47 of FDIA and these proposed rules. The Interagency Statement provides, among other things, that institutions should disclose to customers that such products are not insured by the FDIC or the depository institution and are subject to investment risk including possible loss of principal. It also provides that institutions should obtain acknowledgments from customers verifying that they have received and understand the disclosures. The Interagency Statement further provides that retail sales or recommendations of nondeposit investment products should be conducted in a location physically distinct from where retail deposits are taken, that nondeposit investment product sales personnel should receive adequate training, and that referral fees should be limited. The final rules do not appear to conflict materially with the Interagency Statement.

Board: The Regulatory Flexibility Act (5 U.S.C. 601-12) requires federal agencies either to provide a Final Regulatory Flexibility Analysis with a final rule or to certify that the final rule will not have a significant economic impact on a substantial number of small entities. Based on available data, the Board is unable to determine at this time whether the final rule would have a significant impact on a substantial number of small entities. For this reason, the Board has prepared the

following Final Regulatory Flexibility Analysis.

Reasons, Objectives, and Legal Basis for the Final Rule

A description of the reasons why the Board is adopting this final rule and a statement of the need for, and the objectives of, the final rule are contained in the supplementary materials provided above. The Board's final rule is virtually identical to the final rules being adopted by the other Federal banking agencies for the depository institutions over which they have primary supervisory authority.

Description of the Small Entities to Which the Final Rule Would Apply

The final rule applies to all state member banks and any other person when that person sells, solicits, advertises, or offers an insurance product or annuity to an individual for personal, family, or household purposes at an office of a state member bank or on behalf of the bank. As of year-end 1999, there were approximately 1,010 state member banks. The Board estimates that approximately 480 state member banks have assets less than \$100 million. Based on available data, the Board is unable to estimate the number of other persons who engage in retail insurance activities at an office of a state member bank or on behalf of the bank, or how many of these other persons are small entities.

Summary of Significant Issues Raised by the Public Comments in Response to Initial Regulatory Flexibility Analysis and Description of Steps the Agency has Taken to Minimize Burden

The issues raised by the commenters generally are described more fully in the supplementary material provided above. The issues that were raised by commenters in connection with impact on small businesses, specifically, were the following:

- The requirement that a covered person obtain a written acknowledgment of receipt of disclosures for a telephone transaction could require significant effort and additional correspondence if the customer does not return the acknowledgment with other paperwork for the policy. This effort would be a significant burden for small financial institutions.

- The requirement that such insurance as credit and mortgage insurance be sold in an area of the office separate from where deposits are routinely taken poses a particular hardship for small financial institutions

where deposits and loan applications are taken at the same place.

The Board considered how to tailor the form of disclosures and acknowledgments to the form of the sales transaction and how to make the record of acknowledgment functional, within the statutory constraints. In the case of telephone applications for credit, the proposed rule permitted the anti-coercion disclosure due at the time of applications to be given orally and followed with written disclosures mailed within three days. To extend the principle more broadly, the final rule applies this form of providing written disclosures for telephone sales to all the required disclosures. The timing has been clarified to be three business days, starting with the first business day after the telephone transaction. With respect to telephone sales, the final rule permits an oral acknowledgment of the disclosures if the acknowledgment is documented. In that case, the final rule requires also that reasonable efforts be made to obtain a written acknowledgment.

We have made an additional change affecting disclosures relevant to sales initiated by telephone. The proposed rule limited the use of electronic disclosures to those transactions taking place *entirely* electronically. Commenters were concerned that the proposed rule did not permit electronic disclosures to be used in transactions that may have started with a telephone contact. To address this concern, the final rule provides that, if a transaction involves telephone contact, but the consumer affirmatively consents to transmission of disclosures through electronic media instead of on paper, the covered person may provide the "written" disclosures electronically. Of course, these electronic disclosures must satisfy the rule's requirement that the format of disclosure be one that permits the consumer to retain or to obtain later, such as by printing or storing electronically. Where disclosures are made electronically, the rule already provided that the consumer could acknowledge them electronically. Electronic acknowledgment of electronic disclosures applies under the final rule to these mixed media transactions, as well.

In response to the concern expressed about the difficulty of separating functions in a small office, we have clarified in the preamble to this final rule that generally the location where deposits are routinely taken is the teller window and teller line. This distinction permits a state member bank to sell insurance products and annuities from the "platform area," where loan

transactions may routinely be conducted, if the state member bank distinguishes that area from the teller window area. The regulation also requires this segregation of functions into separate areas "to the extent practicable." If it is not practicable for a small institution to have separate areas, it could make other efforts to satisfy the separation of functions between deposit taking and selling of insurance.

We note that in addition to these specific responses to concerns expressed with reference to impact on small entities, we have limited the scope of the rule in other ways to minimize compliance burdens. The final rule:

- Only applies to retail sales, solicitations, advertisements, or offers of insurance products or annuities to *individuals* purchasing for personal, family, or household use. The Agencies have determined, after requesting comment on whether to also include small business insurance purchases, not to broaden the coverage.

- Does not apply to subsidiaries of depository institutions, except where the subsidiaries are selling, soliciting, advertising, or offering insurance products or annuities to consumers at an office of a state member bank or on behalf of a state member bank.

- Clarifies the scope of the rule and the definition of "you" to apply only to transactions conducted by the person that are by, at an office of, or on behalf of, the state member bank.

- Defines "office" narrowly to include only premises where retail deposits are accepted from the public.

- Clarifies when certain disclosures must be provided, including that a disclosure such as "not insured by any federal agency" is not to be given where it would be inaccurate (as in the case of federally-insured crop insurance or flood insurance).

- Only requires the anti-coercion disclosure to be made once, instead of twice per transaction.

- Provides flexibility for covered persons to use a variety of means to provide disclosures that are readily understandable and call attention to the information.

- Provides that, in the case of telephone sales, the duty to obtain a consumer's acknowledgment of receiving the disclosures may be satisfied by an oral acknowledgment of disclosures combined with reasonable efforts to obtain a written acknowledgment.

- Does not require disclosures in advertisements of a general nature describing or listing the services or

products offered by the state member bank.

- Provides for a delayed effective date, requiring compliance by April 1, 2001, to permit adequate time to prepare disclosures and acknowledgment materials and train staff.

Reporting, Recordingkeeping, and Compliance Requirements of the Final Rule

The final rule requires a depository institution to make required disclosures in connection with insurance activities and applications for credit if insurance is sold or solicited in connection with the credit. Some insurance products or annuities that are covered by the final regulation may also be subject to the Interagency Statement. The Interagency Statement provides for consumer disclosure, acknowledgment, separation of activities, and personnel qualification requirements that are similar to the provisions of the final rule. The Board does not believe that the final rule would conflict materially with the Interagency Statement.

The final rule also prohibits certain practices in the sale of insurance, such as the tying of credit and insurance, making misrepresentations, and discriminating against the victims of domestic violence. These prohibitions incorporate the existing statutory prohibition on tying arrangements in section 106(b) of the Bank Holding Company Amendments of 1970 (12 U.S.C. 1972). Existing laws also ban many types of discrimination. To some extent, therefore, state member banks may already have the professional skills needed to comply with the requirements of the final rule.

Significant Alternatives to the Final Rule

As explained above, the substantive provisions of the final rule are required by section 47 of the FDIA. The final rule does not impose any new substantive requirements that are not mandated by the statute. Section 47 applies to all depository institutions, regardless of size, and does not provide the Agencies with the authority to exempt a small institution from the requirements of the statute. Thus, the Board has only limited discretion to consider alternatives to minimize the economic impact on small entities. As explained above, the Agencies have made some modifications to the proposed rule to accommodate existing methods of soliciting and selling insurance products and annuities and to reduce regulatory burden.

FDIC: The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601-612, requires

federal agencies either to provide a Final Regulatory Flexibility Analysis (FRFA) with a final rule or certify that the final rule "will not, if promulgated," have a significant economic impact on a substantial number of small entities. On the basis of the information currently available, the FDIC believes that this final rule is unlikely to have a significant impact on a substantial number of small entities. Because the final rules implement new legislation, however, the FDIC lacks historical information specific to the requirements in the final rules on which to base estimates of cost. For this reason, the FDIC has prepared the following FRFA.

Reasons, Objectives, and Legal Basis for the Final Rule.

The FDIC is issuing this final rule to implement section 47 of the FDIA. A fuller discussion of the reasons for, objectives of, and legal basis for, the final rule appears elsewhere in the Supplementary Information.

Description of the Small Entities to Which the Final Rule Would Apply

The FDIC's final rule applies to all FDIC-insured, state-chartered banks that are not members of the Federal Reserve System (approximately 5800) and any "other person" who, at an office of the bank or on behalf of the bank, sells, solicits, advertises, or offers insurance products or annuities to consumers. The final rule applies regardless of the size of the bank or other organization for which a person worked. The FDIC estimated in the preamble to the proposed rule that approximately 3700 of this total are "small entities" as defined by the RFA.¹⁹ We received no comment on this estimate and believe it to be accurate.

Reporting, Recordkeeping, and Compliance Requirements of the Final Rule

The final rule requires banks (and entities acting on behalf of banks) to amend the written materials and Internet web sites they use in connection with the retail sale, solicitation, advertising, or offer of insurance products and annuities to consumers. The final rule also requires banks (and entities acting on their behalf) to obtain from consumers acknowledgment that the consumer has received certain disclosures. The

substance of these requirements is described in detail elsewhere in the Supplementary Information.²⁰

The FDIC believes that most banks will be able to satisfy the disclosure provisions by including the information required to be disclosed in their written materials with minimal cost. We estimate that most banks maintain a 3 to 4 month inventory of those materials. This final rule will not become effective until April 1, 2001, which should allow ample time for most banks to use up their inventory of printed materials and prepare new materials. Nevertheless, our analysis assumes that some banks may need to amend the written materials they have in inventory during an interim period between the effective date of the final rule and the next regularly scheduled printing of those materials because their inventories will not be depleted during that time. These banks—which are probably smaller banks that order written materials infrequently and in large quantities to obtain reduced rates on printing—would therefore incur costs as a result of this requirement.

The primary cost associated with the requirement that a bank obtain from the consumer a written acknowledgment of the consumer's receipt of the disclosures is, in the FDIC's opinion, likely to be the cost of developing the written acknowledgment. Banks that sell insurance products over the Internet should, as part of a regularly scheduled upgrade, be able to revise their web sites to include a series of "click throughs" that will require affirmation from the customer that he or she has received the required disclosures.

Summary of Significant Issues Raised by the Public Comments in Response to Initial Regulatory Flexibility Analysis and Description of Steps the Agency Has Taken To Minimize Burden

The issues raised by the commenters generally are described more fully in the supplementary material provided above. The issues that were raised by commenters in connection with impact on small businesses, specifically, were the following:

- The requirement that a covered person obtain a written acknowledgment of receipt of disclosures for a telephone transaction

could require significant effort and additional correspondence if the customer does not return the acknowledgment with other paperwork for the policy. This effort would be a significant burden for small financial institutions.

- The requirement that such insurance as credit and mortgage insurance be sold in an area of the office separate from where deposits are routinely taken poses a particular hardship for small financial institutions where deposits and loan applications are taken at the same place.

The FDIC seriously considered how to tailor the form of disclosures and acknowledgments to the form of the sales transaction and how to make the record of acknowledgment functional, within the statutory constraints. In the case of telephone applications for credit, the proposed rule permitted the anti-coercion disclosure due at the time of applications to be given orally and followed with written disclosures mailed within three days. To extend the principle more broadly, the final rule applies this form of providing written disclosures for telephone sales to all the required disclosures. The timing has been clarified to be three business days, starting with the first business day after the telephone transaction. With respect to telephone sales, the final rule permits an oral acknowledgment of the disclosures if the covered person documents the acknowledgment. In that case, the final rule requires the covered person also to make reasonable efforts to obtain a written acknowledgment.

We have made an additional change affecting disclosures relevant to sales initiated by telephone. The proposed rule limited the use of electronic disclosures to those transactions taking place *entirely* electronically. Commenters were concerned that the proposed rule did not permit electronic disclosures to be used in transactions that may have started with a telephone contact. To address this concern, the final rule provides that, if a transaction involves telephone contact, but the consumer affirmatively consents to transmission of disclosures through electronic media instead of on paper, the covered person may provide the "written" disclosures electronically. Of course, these electronic disclosures must satisfy the rule's requirement that the format of disclosure be one that permits the consumer to retain or to obtain later, such as by printing or storing electronically. Where disclosures are made electronically, the rule already provided that the consumer could acknowledge them electronically. Electronic acknowledgment of

¹⁹The RFA defines the term "small entity" in 5 U.S.C. 601 by reference to definitions published by the Small Business Administration (SBA). The SBA has defined a "small entity of banking purposes as a national or commercial, savings institution or credit union with less than \$100 million in assets." See 13 CFR 121.201.

²⁰The final rule also requires banks to keep the area where the bank conducts insurance transactions physically separate from the areas where retail deposits are routinely accepted from the general public "to the extent practicable." This requirement, which is worded like the requirement in the statute, leaves significant discretion to each bank to determine what costs, if any, the bank must incur in order to avoid customer confusion.

electronic disclosures applies under the final rule to these mixed media transactions, as well. The final rule also provides that oral disclosures are not required where disclosures are provided electronically. This exception applies not only to disclosures provided in the sale of insurance and annuities as in the proposed rule, but also to the anti-coercion disclosure provided with credit applications.

In response to the concern expressed about the difficulty of separating functions in a small office, we have clarified in the preamble to this final rule that generally the location where deposits are routinely taken is the teller window and teller line. This distinction permits a depository institution to sell insurance products and annuities from the "platform area," where loan transactions may routinely be conducted, if the savings association distinguishes that area from the teller window area. The regulation also requires this segregation of functions into separate areas "to the extent practicable." If it is not practicable for a small institution to have separate areas, it could make other efforts to satisfy the separation of functions between deposit taking and selling of insurance.

We note that in addition to these specific responses to concerns expressed with reference to impact on small entities, we have limited the scope of the rule in other ways to minimize compliance burdens. The final rule:

- Only applies to retail sales, solicitations, advertisements, or offers of insurance products or annuities to *individuals* purchasing for personal, family, or household use. The Agencies have determined, after requesting comment on whether to also include small business purchase, not to broaden the coverage.
- Does not apply to subsidiaries of depository institutions, except where the subsidiaries are selling, soliciting, advertising, or offering insurance products or annuities to consumers at an office of a bank or on behalf of a bank. The FDIC is adopting this approach even though, under section 47(a)(2) of FDIA, the FDIC could apply the requirements to subsidiaries if it determined that doing so was necessary to ensure the consumer protections provided by the statute.
- Clarifies the scope of the rule and the definition of "you" to apply only to transactions conducted by the person that are by, at an office of, or on behalf of, the bank.

- Defines "office" narrowly to include only premises where retail deposits are accepted from the public.
- Clarifies when certain disclosures must be provided, including that a disclosure such as "not insured by any federal agency" is not to be given where it would be inaccurate (as in the case of federally-insured crop insurance or flood insurance).
- Only requires the anti-coercion disclosure to be made once, instead of twice per transaction.
- Provides flexibility for covered persons to use a variety of means to provide disclosures that are readily understandable and call attention to the information.
- Provides that, in the case of telephone sales, the duty to obtain a consumer's acknowledgment of receiving the disclosures may be satisfied by an oral acknowledgment of disclosures combined with reasonable efforts to obtain a written acknowledgment.
- Does not require disclosures in advertisements of a general nature describing or listing the services or products offered by the bank.
- Provides for a delayed effective date, requiring compliance by April 1, 2001, to permit adequate time to prepare disclosures and acknowledgment materials and train staff.

Significant Alternatives to the Final Rule

Section 305 of the G-L-B Act expressly prescribes the content of its implementing regulations. The FDIC's final rule does not depart materially from the requirements of the statute. The statute does not authorize the FDIC to provide exemptions or exceptions to its requirements for small banks.

In preparing the final rule, the FDIC has considered the burden on small banks to the extent that it has the discretion to do so. As set forth above in the discussion of significant issues raised in response to the Initial Regulatory Flexibility Analysis, the Agencies have modified the final rules to minimize burden.

Duplicative, Overlapping, or Conflicting Federal Rules

As used in the Interagency Statement, the term "nondeposit investment products," includes some products, such as annuities, that are covered by section 47 of FDIA and these proposed rules. The Interagency Statement provides, among other things, that institutions should disclose to customers that such products are not insured by the FDIC or the depository institution and are subject to investment

risk including possible loss of principal. It also provides that institutions should obtain acknowledgments from customers verifying that they have received and understand the disclosures. The Interagency Statement further provides that retail sales or recommendations of nondeposit investment products should be conducted in a location physically distinct from where retail deposits are taken, that nondeposit investment product sales personnel should receive adequate training, and that referral fees should be limited. The final rules do not appear to conflict materially with the Interagency Statement.

OTS: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires federal agencies to prepare a final regulatory flexibility analysis (RFA) with a final rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. OTS believes that this rule will not have a significant economic impact on a substantial number of small thrifts or other small entities because the burden imposed on small entities stems in large part from the G-L-B Act rather than from the final rule. This final rule restates and clarifies the statutory requirements. These clarifications should reduce the burden of complying with the G-L-B Act provisions. OTS has revised the proposed rule to reduce the regulatory burden on financial institutions of all sizes, as discussed below. However, OTS has prepared the following final RFA, because the G-L-B Act creates requirements that, in part, are new to the OTS, the thrift industry, and others, and because OTS is uncertain of the economic impact of compliance with the new requirements.

1. Statement of Need and Objectives

A description of the reasons why OTS is adopting this final rule and a statement of the objectives of, and legal basis for, the final rule, are contained in the supplementary materials provided above.

2. Small Entities to Which the Final Rule Would Apply

The final rule would apply to a savings association or any "other person" who, at an office of a savings association or on behalf of a savings association, sells, solicits, advertises, or offers insurance products or annuities to consumers. The final rule would apply regardless of the size of the savings association or other organization for which a person worked.

Small savings associations are generally defined, for Regulatory

Flexibility Act purposes, as those with assets of \$100 million or less. 13 CFR 121.201, Division H (2000). As of the publication of the proposed rule, OTS calculated that of the approximately 1,097 savings associations, a maximum of 482 were small savings associations. Currently, OTS calculates that of the approximately 1,091 savings associations, a maximum of 476 are small savings associations. OTS estimates that all of the small savings associations sell, solicit, advertise, or offer insurance products or annuities to consumers.

OTS does not collect data on how many "covered persons" that are not savings associations sell, solicit, advertise, or offer insurance products or annuities to consumers at an office of a savings association or on behalf of a savings association, or on how many of them are small entities. The initial RFA published in the proposed rule sought information about impact on entities other than savings associations affected by the rule to permit OTS to better analyze the effect. Although OTS received comments on the proposed rule from insurance industry representatives, who might have data with respect to their members, none of them provided information on the number or size of entities other than savings associations affected by the rule. As a result, OTS is unable to determine the number or size of entities other than savings associations affected by this final rule.

3. Significant Issues Raised in Response to Initial Regulatory Flexibility Analysis and Changes Made To Minimize Burden

The issues raised by the commenters generally are described more fully in the supplementary material provided above. The issues that were raised by commenters in connection with impact on small businesses, specifically, were the following:

- The requirement that a covered person obtain a written acknowledgment of receipt of disclosures for a telephone transaction could require significant effort and additional correspondence if the customer does not return the acknowledgment with other paperwork for the policy. This effort would be a significant burden for small financial institutions.

- The requirement that such insurance as credit and mortgage insurance be sold in an area of the office separate from where deposits are routinely taken poses a particular hardship for small financial institutions where deposits and loan applications are taken at the same place.

OTS seriously considered how to tailor the form of disclosures and acknowledgments to the form of the sales transaction and how to make the record of acknowledgment functional, within the statutory constraints. In the case of telephone applications for credit, the proposed rule permitted the disclosure on anti-tying due at the time of applications to be given orally and followed with written disclosures by mail, provided that the written disclosures were mailed within three days. To extend the principle more broadly, the final rule applies this form of providing written disclosures for telephone sales to all the required disclosures. The timing has been clarified to be three business days, starting with the first business day after the telephone transaction. With respect to telephone sales, the final rule permits an oral acknowledgment of the disclosures if the covered person documents the acknowledgment. In that case, the final rule requires the covered person to make reasonable efforts to obtain a written acknowledgment, as well.

We have made an additional change affecting disclosures relevant to sales initiated by telephone. In response to concerns expressed about the proposed rule's limitation of using electronic disclosures to those transactions taking place *entirely* electronically, and not permitting them to be used in transactions that may have started with a telephone contact, we have removed that limitation. Thus, if a transaction involves telephone contact, but the consumer affirmatively consents to transmission of disclosures through electronic media instead of on paper, the covered person may provide the "written" disclosures electronically. Of course, these electronic disclosures must satisfy the rule's requirement that the format of disclosure be one that permits the consumer to retain or to obtain later, such as by printing or storing electronically. Where disclosures are made electronically, the rule already provided that the consumer could acknowledge them electronically. Electronic acknowledgment of electronic disclosures applies under the final rule to these mixed media transactions, as well. The final rule also provides that oral disclosures are not required where disclosures are provided electronically. This exception applies not only to disclosures provided in the sale of insurance and annuities as in the proposed rule, but also to the anti-coercion disclosure provided with credit applications.

In response to the concern expressed about the difficulty of separating

functions in a small office, we have clarified in the preamble to this final rule that generally the location where deposits are routinely taken is the teller window and teller line. This distinction permits a savings association to sell insurance products and annuities from the "platform area" where loan transactions may routinely be conducted, if the savings association distinguishes that area from the teller window area. The regulation also requires this segregation of functions into separate areas "to the extent practicable." If it is not practicable for a small institution to have separate areas, it could make other efforts to satisfy the separation of functions between deposit taking and selling of insurance.

We note that in addition to these specific responses to concerns expressed with reference to impact on small entities, we have limited the scope of the rule in other ways to minimize compliance burdens. The final rule:

- Only applies to retail sales, solicitations, advertisements, or offers of insurance products or annuities to *individuals* purchasing for personal, family, or household use. The Agencies have determined, after requesting comment on whether to also include small business purchase, not to broaden the coverage.

- Does not apply to subsidiaries of depository institutions, except where the subsidiaries are selling, soliciting, advertising, or offering insurance products or annuities to consumers at an office of a savings association or on behalf of a savings association. OTS is adopting this approach even though, under section 47(a)(2) of FDIA, OTS could apply the requirements to subsidiaries if it determined that doing so was necessary to ensure the consumer protections provided by the statute.

- Clarifies the scope of the rule and the definition of "you" to apply only to transactions conducted by the person that are by, at an office of, or on behalf of, the savings association.

- Defines "office" narrowly to include only premises where retail deposits are accepted from the public.

- Clarifies when certain disclosures must be provided, including that a disclosure such as "not insured by any federal agency" is not to be given where it would be inaccurate (as in the case of federally-insured crop insurance or flood insurance).

- Only requires the anti-coercion disclosure to be made once, instead of twice per transaction.

- Provides flexibility for covered persons to use a variety of means to provide disclosures that are readily understandable and call attention to the information.

- Provides that, in the case of telephone sales, the duty to obtain a consumer's acknowledgment of receiving the disclosures may be satisfied by an oral acknowledgment of disclosures combined with reasonable efforts to obtain a written acknowledgment.

- Does not require disclosures in advertisements of a general nature describing or listing the services or products offered by the savings association.

- Provides for a delayed effective date, requiring compliance by April 1, 2001, to permit adequate time to prepare disclosures and acknowledgment materials and train staff.

4. Projected Reporting, Recordkeeping and Other Compliance Requirements

While the scope of the final rule implementing section 47 of FDIA is unique, there is some overlap with certain prior guidance and Federal statutes and rules. As used in the Interagency Statement on Retail Sales of Nondeposit Investment Products (February 15, 1994) ("Interagency Statement"), the term "nondeposit investment products" includes some products, such as annuities, that are covered by section 47 of FDIA and this final rule. The Interagency Statement provides, among other things, that institutions should disclose to customers that such products are not insured by the FDIC or the depository institution and are subject to investment risk including possible loss of principal. It also provides that institutions should obtain acknowledgments from customers verifying that they have received and understand the disclosures. The Interagency Statement further provides that retail sales or recommendations of nondeposit investment products should be conducted in a location physically distinct from where retail deposits are taken, that nondeposit investment product sales personnel should receive adequate training, and that referral fees should be limited.

Other federal authorities that overlap with the final rule include the statutory prohibition on tying arrangements in section 5(q) of the Home Owners' Loan Act (12 U.S.C. 1464(q)), and OTS's regulation prohibiting advertising that is inaccurate or makes misrepresentations (12 CFR 563.27). State consumer protection rules also may apply to sales, solicitations, advertisements, and offers

of insurance products or annuities. The final rule does not appear to conflict materially with the Interagency Statement or these other authorities.

As a result of the overlap of the rule's requirements with the provisions of the Interagency Statement and other federal authorities discussed above, many savings associations and other persons may already be partly or fully prepared to meet the requirements of the final rule. Persons selling, soliciting, advertising, or offering insurance products or annuities may have to revise printed materials and modify Internet web sites. Compliance with other requirements, such as the prohibition on domestic violence discrimination, will call for similar types of resources as are used to comply with other existing nondiscrimination statutes such as the Equal Credit Opportunity Act, 15 U.S.C. 1691-1691f, and the Fair Housing Act, 42 U.S.C. 3601 *et seq.* Covered persons may need to provide further training or additional personnel, including personnel skilled in clerical, computer, compliance, and legal matters. The delayed effective date of the final rule should provide adequate time for the affected parties to develop revised materials and to modify web sites, as necessary.

5. Significant Alternatives

The requirements in the final rule parallel those in section 47 of FDIA. The final rule clarifies the statutory requirements in some areas and restates the requirements in a more understandable manner in other areas. The final rule does not impose any requirements that differ substantially from the statute. Since the requirements are set by statute, OTS has only limited discretion to consider alternatives. To the extent that OTS does have discretion, it has exercised that discretion to minimize the burden as discussed in section 3 above.

Congress has decided that "any depository institution" and "any person" that is engaged in retail sales, solicitations, advertising, or offers of insurance products (or annuities), at the office or on behalf of a depository institution, must comply with these disclosure requirements. The G-L-B Act does not expressly authorize OTS to exempt small savings associations, affiliates, or persons from these requirements. OTS does not interpret the statute to permit such an exemption.

C. Executive Order 12866

OCC: The OCC has determined that this final rule does not constitute a "significant regulatory action" for the purposes of Executive Order 12866.

While the OCC's cost estimates are necessarily imprecise because the requirements included in the final rule result from new legislation, under the most conservative cost scenarios that the OCC can develop on the basis of available information, the impact of the final rule falls well short of the thresholds established by the Executive Order.

OTS: OTS has determined that this final rule does not constitute a "significant regulatory action" for the purposes of Executive Order 12866. The rule follows closely the requirements of section 305 of the G-L-B Act. Since the G-L-B Act establishes the minimum requirements for this activity, OTS has little discretion to propose regulatory options that might significantly reduce costs or other burdens. OTS believes that the impact of the rule would not meet the thresholds of the Executive Order, and consequently OMB review is not necessary.

D. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. However, an agency is not required to assess the effects of its regulatory actions on the private sector to the extent that such regulations incorporate requirements specifically set forth in law. 2 U.S.C. 1531. Section 305(e) of the G-L-B Act imposes the requirements contained in the final rules concerning domestic violence even without the issuance of regulations. Sections 305(a)-(d) of the G-L-B Act direct the Agencies to issue regulations implementing disclosure requirements and requirements to segregate the areas in which insurance activities are conducted from the areas where deposits are routinely accepted. The burden the rules place on the private sector is almost entirely attributable to the G-L-B Act. Therefore, the OCC and OTS have determined that the final rules will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, the OCC and OTS have not

prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

E. Executive Order 13132—Federalism

OCC: Executive Order 13132 imposes certain requirements when an agency issues a regulation that has federalism implications or that preempts State law. Under the Executive Order, a regulation has federalism implications if it has 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. In general, the Executive Order requires the agency to adhere strictly to federal constitutional principles in developing rules that have federalism implications; provides guidance about an agency's interpretation of statutes that authorize regulations that preempt State law; and requires consultation with State officials before the agency issues a final rule that has federalism implications or that preempts State law.

This final rule satisfies the requirements of the Executive Order. If an agency promulgates a regulation that has federalism implications and preempts State law, the Executive Order imposes upon the agency requirements to consult with State and local officials; to publish a "federalism summary impact statement," and to make written comments from State and local officials available to the Director of the Office of Management and Budget (OMB).

In the OCC's opinion, it is not clear that Executive Order 13132 applies to the OCC's rules implementing section 305 of the G–L–B Act because the statute itself directs most of the significant policy choices that the Agencies have made—that is, the statute expressly prescribes both the substantive content and the preemptive effect of the rules. Moreover, the impact of the language of the express preemption provision in section 305 is to preserve State laws, subject to certain exceptions, rather than to preempt them. Under that provision, the insurance customer protections in the Agencies' rules generally will not have preemptive effect in a State where the State has in effect statutes, rules, regulations, orders, or interpretations that are inconsistent with or contrary to the regulations prescribed by the Agencies unless a provision in the Agencies' rules affords greater protection to customers than is afforded by a comparable State law. Section 305 prescribes a process for the Agencies to use in order to determine jointly whether a provision in the Agencies'

regulations satisfies this "greater protection" standard. If the Agencies make that joint determination, and provide written notice to the affected State that its law is preempted, then that provision of State law will be preempted unless, within 3 years after the date that the Agencies issue the written notice, the State adopts legislation that overrides the preemption.

As we indicated in the Supplementary Information that accompanied the proposal, the federalism implications and the preemptive effect of the OCC's rules implementing section 305 depend, in the first instance, on how the Agencies' final rules compare with a particular State's laws and, ultimately, on whether a State adopts the "opt-out" legislation that section 305 permits.

Separately, section 305 of the G–L–B Act requires the Agencies to consult with State insurance regulators before issuing final implementing regulations. As described elsewhere in the Supplementary Information, the OCC and the other Agencies have consulted with the NAIC in preparing this final rule. The Agencies have provided the OMB a copy of the NAIC's written comments on the proposed rule.

OTS: Executive Order 13132 imposes certain requirements on an agency when formulating and implementing policies that will 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, or taking actions that preempt state law. Section 47(g) of FDIA, 12 U.S.C. 1831x, as added by section 305 of the G–L–B Act, provides that the insurance consumer protections in the Agencies' rules generally will *not* apply to retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by any savings association or any person that is engaged in such activities at an office of the savings association or on behalf of the savings association in a State where the State has in effect statutes, regulations, orders, or interpretations that are inconsistent with or contrary to the provisions of the federal regulations. However, if the federal regulations afford greater protection for insurance consumers than a comparable State law, rule, regulation, order, or interpretation, the State provision may be preempted by the Board, the OCC, and the FDIC in accordance with certain specified procedures described in greater detail in the OCC's statement on Executive Order 13132 above.

OTS has determined that application of these statutorily-mandated provisions will have federalism implications and may result in the preemption of state law. Section 47(a) of FDIA obligates OTS to issue this regulation to implement section 305 of the G–L–B Act, which includes section 47(g) of FDIA. Consistent with section 47(a)(3) of FDIA and section 6(c) of Executive Order 13132, OTS and the other Agencies have consulted with the National Association of Insurance Commissioners (NAIC), as indicated in the Supplementary Information above. As noted above, the Agencies considered and responded to the NAIC's comments. The Agencies also provided an advance copy of the final rule to the NAIC and OTS has provided an advance copy of the final rule to the Conference of State Bank Supervisors. The Agencies expect to consult with the NAIC and State insurance regulators as decisions are made concerning preemption in particular states.

Solicitation of Comments on Use of "Plain Language"

Section 722 of the G–L–B Act requires that the Federal banking Agencies use "plain language" in all proposed and final rules published after January 1, 2000. We invited your comments on how to make the proposed rules easier to understand. We received no comments on this general topic, only on ways to clarify the meaning of such terms as "covered person." We did make revisions in response to those specific types of comments, as discussed above.

List of Subjects

12 CFR Part 14

Banks, banking, Insurance consumer protection, National banks.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Insurance consumer protection, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 343

Banks, banking, consumer protection, Insurance, Reporting and recordkeeping requirements.

12 CFR Part 536

Consumer protection, Insurance, Reporting and recordkeeping requirements, Savings associations.

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set out in the joint preamble, the OCC amends chapter I of title 12 of the Code of Federal Regulations by adding a new part 14 to read as follows:

PART 14—CONSUMER PROTECTION IN SALES OF INSURANCE

Sec.

- 14.10 Purpose and scope.
 - 14.20 Definitions.
 - 14.30 Prohibited practices.
 - 14.40 What a covered person must disclose.
 - 14.50 Where insurance activities may take place.
 - 14.60 Qualification and licensing requirements for insurance sales personnel.
- Appendix A to Part 14—Consumer Grievance Process

Authority: 12 U.S.C. 1 *et seq.*, 24(Seventh), 92, 93a, 1818, and 1831x.

§ 14.10 Purpose and scope.

(a) *General rule.* This part establishes consumer protections in connection with retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by:

- (1) Any national bank; or
- (2) Any other person that is engaged in such activities at an office of the bank or on behalf of the bank.

(b) *Application to operating subsidiaries.* For purposes of § 5.34(e)(3) of this chapter, an operating subsidiary is subject to this part only to the extent that it sells, solicits, advertises, or offers insurance products or annuities at an office of a bank or on behalf of a bank.

§ 14.20 Definitions.

As used in this part:

(a) *Affiliate* means a company that controls, is controlled by, or is under common control with another company.

(b) *Bank* means a national bank or a Federal branch, or agency of a foreign bank as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101, *et seq.*)

(c) *Company* means any corporation, partnership, business trust, association or similar organization, or any other trust (unless by its terms the trust must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust). It does not include any corporation the majority of the shares of which are owned by the United States or by any State, or a qualified family partnership, as defined in section 2(o)(10) of the

Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(o)(10)).

(d) *Consumer* means an individual who purchases, applies to purchase, or is solicited to purchase from a covered person insurance products or annuities primarily for personal, family, or household purposes.

(e) *Control* of a company has the same meaning as in section 3(w)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(5)).

(f)(1) *Covered person* means:

- (i) A bank; or
- (ii) Any other person only when the person sells, solicits, advertises, or offers an insurance product or annuity to a consumer at an office of the bank or on behalf of a bank.

(2) For purposes of this definition, activities on behalf of a bank include activities where a person, whether at an office of the bank or at another location sells, solicits, advertises, or offers an insurance product or annuity and at least one of the following applies:

(i) The person represents to a consumer that the sale, solicitation, advertisement, or offer of any insurance product or annuity is by or on behalf of the bank;

(ii) The bank refers a consumer to a seller of insurance products or annuities and the bank has a contractual arrangement to receive commissions or fees derived from a sale of an insurance product or annuity resulting from that referral; or

(iii) Documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity identify or refer to the bank.

(g) *Domestic violence* means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

(1) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

(2) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

(3) Subjecting another person to false imprisonment; or

(4) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(h) *Electronic media* includes any means for transmitting messages electronically between a covered person and a consumer in a format that allows

visual text to be displayed on equipment, for example, a personal computer monitor.

(i) *Office* means the premises of a bank where retail deposits are accepted from the public.

(j) *Subsidiary* has the same meaning as in section 3(w)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)).

§ 14.30 Prohibited practices.

(a) *Anticoercion and antitying rules.* A covered person may not engage in any practice that would lead a consumer to believe that an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), is conditional upon either:

(1) The purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) An agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(b) *Prohibition on misrepresentations generally.* A covered person may not engage in any practice or use any advertisement at any office of, or on behalf of, the bank or a subsidiary of the bank that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

(1) The fact that an insurance product or annuity sold or offered for sale by a covered person or any subsidiary of the bank is not backed by the Federal government or the bank, or the fact that the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation;

(2) In the case of an insurance product or annuity that involves investment risk, the fact that there is an investment risk, including the potential that principal may be lost and that the product may decline in value; or

(3) In the case of a bank or subsidiary of the bank at which insurance products or annuities are sold or offered for sale, the fact that:

(i) The approval of an extension of credit to a consumer by the bank or subsidiary may not be conditioned on the purchase of an insurance product or annuity by the consumer from the bank or a subsidiary of the bank; and

(ii) The consumer is free to purchase the insurance product or annuity from another source.

(c) *Prohibition on domestic violence discrimination.* A covered person may not sell or offer for sale, as principal, agent, or broker, any life or health insurance product if the status of the

applicant or insured as a victim of domestic violence or as a provider of services to victims of domestic violence is considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of such product, or with regard to the payment of insurance claims on such product, except as required or expressly permitted under State law.

§ 14.40 What a covered person must disclose.

(a) *Insurance disclosures.* In connection with the initial purchase of an insurance product or annuity by a consumer from a covered person, a covered person must disclose to the consumer, except to the extent the disclosure would not be accurate, that:

(1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the bank or an affiliate of the bank;

(2) The insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC) or any other agency of the United States, the bank, or (if applicable) an affiliate of the bank; and

(3) In the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

(b) *Credit disclosure.* In the case of an application for credit in connection with which an insurance product or annuity is solicited, offered, or sold, a covered person must disclose that the bank may not condition an extension of credit on either:

(1) The consumer's purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) The consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(c) *Timing and method of disclosures.*

(1) *In general.* The disclosures required by paragraph (a) of this section must be provided orally and in writing before the completion of the initial sale of an insurance product or annuity to a consumer. The disclosure required by paragraph (b) of this section must be made orally and in writing at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold.

(2) *Exception for transactions by mail.* If a sale of an insurance product or annuity is conducted by mail, a covered person is not required to make the oral disclosures required by paragraph (a) of this section. If a covered person takes an

application for credit by mail, the covered person is not required to make the oral disclosure required by paragraph (b).

(3) *Exception for transactions by telephone.* If a sale of an insurance product or annuity is conducted by telephone, a covered person may provide the written disclosures required by paragraph (a) of this section by mail within 3 business days beginning on the first business day after the sale, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a). If a covered person takes an application for credit by telephone, the covered person may provide the written disclosure required by paragraph (b) of this section by mail, provided the covered person mails it to the consumer within three days beginning the first business day after the application is taken, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

(4) *Electronic form of disclosures.* (i) Subject to the requirements of section 101(c) of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001(c)), a covered person may provide the written disclosures required by paragraph (a) and (b) of this section through electronic media instead of on paper, if the consumer affirmatively consents to receiving the disclosures electronically and if the disclosures are provided in a format that the consumer may retain or obtain later, for example, by printing or storing electronically (such as by downloading).

(ii) Any disclosures required by paragraphs (a) or (b) of this section that are provided by electronic media are not required to be provided orally.

(5) *Disclosures must be readily understandable.* The disclosures provided shall be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided. For instance, a covered person may use the following disclosures in visual media, such as television broadcasting, ATM screens, billboards, signs, posters and written advertisements and promotional materials, as appropriate and consistent with paragraphs (a) and (b) of this section:

- NOT A DEPOSIT
- NOT FDIC-INSURED
- NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
- NOT GUARANTEED BY THE BANK [OR SAVINGS ASSOCIATION]
- MAY GO DOWN IN VALUE

(6) *Disclosures must be meaningful.*

(i) A covered person must provide the disclosures required by paragraphs (a)

and (b) of this section in a meaningful form. Examples of the types of methods that could call attention to the nature and significance of the information provided include:

(A) A plain-language heading to call attention to the disclosures;

(B) A typeface and type size that are easy to read;

(C) Wide margins and ample line spacing;

(D) Boldface or italics for key words; and

(E) Distinctive type style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(ii) A covered person has not provided the disclosures in a meaningful form if the covered person merely states to the consumer that the required disclosures are available in printed material, but does not provide the printed material when required and does not orally disclose the information to the consumer when required.

(iii) With respect to those disclosures made through electronic media for which paper or oral disclosures are not required, the disclosures are not meaningfully provided if the consumer may bypass the visual text of the disclosures before purchasing an insurance product or annuity.

(7) *Consumer acknowledgment.* A covered person must obtain from the consumer, at the time a consumer receives the disclosures required under paragraphs (a) or (b) of this section, or at the time of the initial purchase by the consumer of an insurance product or annuity, a written acknowledgment by the consumer that the consumer received the disclosures. A covered person may permit a consumer to acknowledge receipt of the disclosures electronically or in paper form. If the disclosures required under paragraphs (a) or (b) of this section are provided in connection with a transaction that is conducted by telephone, a covered person must:

(i) Obtain an oral acknowledgment of receipt of the disclosures and maintain sufficient documentation to show that the acknowledgment was given; and

(ii) Make reasonable efforts to obtain a written acknowledgment from the consumer.

(d) *Advertisements and other promotional material for insurance products or annuities.* The disclosures described in paragraph (a) of this section are required in advertisements and promotional material for insurance products or annuities unless the advertisements and promotional materials are of a general nature

describing or listing the services or products offered by the bank.

§ 14.50 Where insurance activities may take place.

(a) *General rule.* A bank must, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public, identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities occur.

(b) *Referrals.* Any person who accepts deposits from the public in an area where such transactions are routinely conducted in the bank may refer a consumer who seeks to purchase an insurance product or annuity to a qualified person who sells that product only if the person making the referral receives no more than a one-time, nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

§ 14.60 Qualification and licensing requirements for insurance sales personnel.

A bank may not permit any person to sell or offer for sale any insurance product or annuity in any part of its office or on its behalf, unless the person is at all times appropriately qualified and licensed under applicable State insurance licensing standards with regard to the specific products being sold or recommended.

Appendix A to Part 14—Consumer Grievance Process

Any consumer who believes that any bank or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the bank or on behalf of the bank has violated the requirements of this part should contact the Customer Assistance Group, Office of the Comptroller of the Currency, (800) 613-6743, 1301 McKinney Street, Suite 3710, Houston, Texas 77010-3031.

Dated: November 17, 2000.

John D. Hawke, Jr.,
Comptroller of the Currency.

Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set out in the joint preamble, the Board amends part 208, chapter II, title 12 of the Code of Federal Regulations as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321-338a, 371d, 461, 481-486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p-1, 1831r-1, 1831w, 1831x, 1835a, 1882, 2901-2907, 3105, 3310, 3331-3351, and 3906-3909; 15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 78o-4(c)(5), 78q, 78q-1, and 78w; 31 U.S.C. 5318, 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

Subpart H [Redesignated as Subpart I]

2. The existing subpart H— Interpretations is redesignated as subpart I.

3. A new subpart H is added to read as follows:

Subpart H—Consumer Protection in Sales of Insurance

Sec.

208.81 Purpose and scope.

208.82 Definitions for purposes of this subpart.

208.83 Prohibited practices.

208.84 What you must disclose.

208.85 Where insurance activities may take place.

208.86 Qualification and licensing requirements for insurance sales personnel.

Appendix A to Subpart H—Consumer Grievance Process

§ 208.81 Purpose and scope.

This subpart establishes consumer protections in connection with retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by:

- (a) Any state member bank; or
- (b) Any other person that is engaged in such activities at an office of the bank or on behalf of the bank.

§ 208.82 Definitions for purposes of this subpart.

As used in this subpart:

(a) *Affiliate* means a company that controls, is controlled by, or is under common control with another company.

(b) *Bank* means a state member bank.

(c) *Company* means any corporation, partnership, business trust, association or similar organization, or any other trust (unless by its terms the trust must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust). It does not include any corporation the majority of the shares of which are owned by the United States or by any

State, or a qualified family partnership, as defined in section 2(o)(10) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(o)(10)).

(d) *Consumer* means an individual who purchases, applies to purchase, or is solicited to purchase from you insurance products or annuities primarily for personal, family, or household purposes.

(e) *Control* of a company has the same meaning as in section 3(w)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(5)).

(f) *Domestic violence* means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

(1) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

(2) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

(3) Subjecting another person to false imprisonment; or

(4) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(g) *Electronic media* includes any means for transmitting messages electronically between you and a consumer in a format that allows visual text to be displayed on equipment, for example, a personal computer monitor.

(h) *Office* means the premises of a bank where retail deposits are accepted from the public.

(i) *Subsidiary* has the same meaning as in section 3(w)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)).

(j)(1) *You* means:

(i) A bank; or

(ii) Any other person only when the person sells, solicits, advertises, or offers an insurance product or annuity to a consumer at an office of the bank or on behalf of a bank.

(2) For purposes of this definition, activities on behalf of a bank include activities where a person, whether at an office of the bank or at another location sells, solicits, advertises, or offers an insurance product or annuity and at least one of the following applies:

(i) The person represents to a consumer that the sale, solicitation, advertisement, or offer of any insurance product or annuity is by or on behalf of the bank;

(ii) If the bank refers a consumer to a seller of insurance products or annuities and the bank has a contractual arrangement to receive commissions or fees derived from the sale of an insurance product or annuity resulting from that referral; or

(iii) Documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity identify or refer to the bank.

§ 208.83 Prohibited practices.

(a) *Anticoercion and antitying rules.* You may not engage in any practice that would lead a consumer to believe that an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), is conditional upon either:

(1) The purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) An agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(b) *Prohibition on misrepresentations generally.* You may not engage in any practice or use any advertisement at any office of, or on behalf of, the bank or a subsidiary of the bank that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

(1) The fact that an insurance product or annuity sold or offered for sale by you or any subsidiary of the bank is not backed by the Federal government or the bank or the fact that the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation;

(2) In the case of an insurance product or annuity that involves investment risk, the fact that there is an investment risk, including the potential that principal may be lost and that the product may decline in value; or

(3) In the case of a bank or subsidiary of the bank at which insurance products or annuities are sold or offered for sale, the fact that:

(i) The approval of an extension of credit to a consumer by the bank or subsidiary may not be conditioned on the purchase of an insurance product or annuity by the consumer from the bank or a subsidiary of the bank; and

(ii) The consumer is free to purchase the insurance product or annuity from another source.

(c) *Prohibition on domestic violence discrimination.* You may not sell or offer for sale, as principal, agent, or broker, any life or health insurance product if the status of the applicant or insured as a victim of domestic violence or as a provider of services to victims of

domestic violence is considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of such product, or with regard to the payment of insurance claims on such product, except as required or expressly permitted under State law.

§ 208.84 What you must disclose.

(a) *Insurance disclosures.* In connection with the initial purchase of an insurance product or annuity by a consumer from you, you must disclose to the consumer, except to the extent the disclosure would not be accurate, that:

(1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the bank or an affiliate of the bank;

(2) The insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC) or any other agency of the United States, the bank, or (if applicable) an affiliate of the bank; and

(3) In the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

(b) *Credit disclosure.* In the case of an application for credit in connection with which an insurance product or annuity is solicited, offered, or sold, you must disclose that the bank may not condition an extension of credit on either:

(1) The consumer's purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) The consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(c) *Timing and method of disclosures.*

(1) *In general.* The disclosures required by paragraph (a) of this section must be provided orally and in writing before the completion of the initial sale of an insurance product or annuity to a consumer. The disclosure required by paragraph (b) of this section must be made orally and in writing at the time the consumer applies for an extension of credit in connection with which insurance is solicited, offered, or sold.

(2) *Exceptions for transactions by mail.* If a sale of an insurance product or annuity is conducted by mail, you are not required to make the oral disclosures required by paragraph (a) of this section. If you take an application for credit by mail, you are not required to make the oral disclosure required by paragraph (b) of this section.

(3) *Exception for transactions by telephone.* If a sale of an insurance product or annuity is conducted by

telephone, you may provide the written disclosures required by paragraph (a) of this section by mail within 3 business days beginning on the first business day after the sale, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a). If you take an application for such credit by telephone, you may provide the written disclosure required by paragraph (b) of this section by mail, provided you mail it to the consumer within three days beginning the first business day after the application is taken, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

(4) *Electronic form of disclosures.* (i) Subject to the requirements of section 101(c) of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001(c)), you may provide the written disclosures required by paragraphs (a) and (b) of this section through electronic media instead of on paper, if the consumer affirmatively consents to receiving the disclosures electronically and if the disclosures are provided in a format that the consumer may retain or obtain later, for example, by printing or storing electronically (such as by downloading).

(ii) Any disclosures required by paragraphs (a) or (b) of this section that are provided by electronic media are not required to be provided orally.

(5) *Disclosures must be readily understandable.* The disclosures provided shall be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided. For instance, you may use the following disclosures, in visual media, such as television broadcasting, ATM screens, billboards, signs, posters and written advertisements and promotional materials, as appropriate and consistent with paragraphs (a) and (b) of this section:

- NOT A DEPOSIT
- NOT FDIC-INSURED
- NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
- NOT GUARANTEED BY THE BANK
- MAY GO DOWN IN VALUE

(6) *Disclosures must be meaningful.*

(i) You must provide the disclosures required by paragraphs (a) and (b) of this section in a meaningful form. Examples of the types of methods that could call attention to the nature and significance of the information provided include:

(A) A plain-language heading to call attention to the disclosures;

(B) A typeface and type size that are easy to read;

(C) Wide margins and ample line spacing;

(D) Boldface or italics for key words; and

(E) Distinctive type size, style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(ii) You have not provided the disclosures in a meaningful form if you merely state to the consumer that the required disclosures are available in printed material, but you do not provide the printed material when required and do not orally disclose the information to the consumer when required.

(iii) With respect to those disclosures made through electronic media for which paper or oral disclosures are not required, the disclosures are not meaningfully provided if the consumer may bypass the visual text of the disclosures before purchasing an insurance product or annuity.

(7) *Consumer acknowledgment.* You must obtain from the consumer, at the time a consumer receives the disclosures required under paragraphs (a) or (b) of this section, or at the time of the initial purchase by the consumer of an insurance product or annuity, a written acknowledgment by the consumer that the consumer received the disclosures. You may permit a consumer to acknowledge receipt of the disclosures electronically or in paper form. If the disclosures required under paragraphs (a) or (b) of this section are provided in connection with a transaction that is conducted by telephone, you must:

(i) Obtain an oral acknowledgment of receipt of the disclosures and maintain sufficient documentation to show that the acknowledgment was given; and

(ii) Make reasonable efforts to obtain a written acknowledgment from the consumer.

(d) *Advertisements and other promotional material for insurance products or annuities.* The disclosures described in paragraph (a) of this section are required in advertisements and promotional material for insurance products or annuities unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the bank.

§ 208.85 Where insurance activities may take place.

(a) *General rule.* A bank must, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public, identify the areas where insurance product or annuity sales activities

occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities occur.

(b) *Referrals.* Any person who accepts deposits from the public in an area where such transactions are routinely conducted in the bank may refer a consumer who seeks to purchase an insurance product or annuity to a qualified person who sells that product only if the person making the referral receives no more than a one-time, nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

§ 208.86 Qualification and licensing requirements for insurance sales personnel.

A bank may not permit any person to sell or offer for sale any insurance product or annuity in any part of its office or on its behalf, unless the person is at all times appropriately qualified and licensed under applicable State insurance licensing standards with regard to the specific products being sold or recommended.

Appendix A to Subpart H—Consumer Grievance Process

Any consumer who believes that any bank or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the bank or on behalf of the bank has violated the requirements of this subpart should contact the Consumer Complaints Section, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System at the following address: 20th & C Streets, NW, Washington, D.C. 20551.

By order of the Board of Governors of the Federal Reserve System, November, 21, 2000.

Jennifer J. Johnson,

Secretary of the Board.

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons set out in the joint preamble, the Federal Deposit Insurance Corporation amends chapter III of title 12 of the Code of Federal Regulations by adding a new part 343 to read as follows:

PART 343—CONSUMER PROTECTION IN SALES OF INSURANCE

Sec.

343.10 Purpose and scope.

343.20 Definitions.

343.30 Prohibited practices.

343.40 What you must disclose.

343.50 Where insurance activities may take place.

343.60 Qualification and licensing requirements for insurance sales personnel.

Appendix A to Part 343—Consumer Grievance Process

Authority: 12 U.S.C. 1819 (Seventh and Tenth); 12 U.S.C. 1831x.

§ 343.10 Purpose and scope.

This part establishes consumer protections in connection with retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by:

(a) Any bank; or

(b) Any other person that is engaged in such activities at an office of the bank or on behalf of the bank.

§ 343.20 Definitions.

As used in this part:

(a) *Affiliate* means a company that controls, is controlled by, or is under common control with another company.

(b) *Bank* means an FDIC-insured, state-chartered commercial or savings bank that is not a member of the Federal Reserve System and for which the FDIC is the appropriate federal banking agency pursuant to section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(c) *Company* means any corporation, partnership, business trust, association or similar organization, or any other trust (unless by its terms the trust must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust). It does not include any corporation the majority of the shares of which are owned by the United States or by any State, or a qualified family partnership, as defined in section 2(o)(10) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(o)(10)).

(d) *Consumer* means an individual who purchases, applies to purchase, or is solicited to purchase from you insurance products or annuities primarily for personal, family, or household purposes.

(e) *Control* of a company has the same meaning as in section 3(w)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(5)).

(f) *Domestic violence* means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

(1) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

(2) Engaging in a course of conduct or repeatedly committing acts toward

another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

(3) Subjecting another person to false imprisonment; or

(4) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(g) *Electronic media* includes any means for transmitting messages electronically between you and a consumer in a format that allows visual text to be displayed on equipment, for example, a personal computer monitor.

(h) *Office* means the premises of a bank where retail deposits are accepted from the public.

(i) *Subsidiary* has the same meaning as in section 3(w)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)).

(j) (1) *You* means:

(i) A bank; or

(ii) Any other person only when the person sells, solicits, advertises, or offers an insurance product or annuity to a consumer at an office of the bank or on behalf of a bank.

(2) For purposes of this definition, activities on behalf of a bank include activities where a person, whether at an office of the bank or at another location sells, solicits, advertises, or offers an insurance product or annuity and at least one of the following applies:

(i) The person represents to a consumer that the sale, solicitation, advertisement, or offer of any insurance product or annuity is by or on behalf of the bank;

(ii) The bank refers a consumer to a seller of insurance products or annuities and the bank has a contractual arrangement to receive commissions or fees derived from a sale of an insurance product or annuity resulting from that referral; or

(iii) Documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity identify or refer to the bank.

§ 343.30 Prohibited practices.

(a) *Anticoercion and antitying rules.* You may not engage in any practice that would lead a consumer to believe that an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), is conditional upon either:

(1) The purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) An agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance

product or annuity from an unaffiliated entity.

(b) *Prohibition on misrepresentations generally.* You may not engage in any practice or use any advertisement at any office of, or on behalf of, the bank or a subsidiary of the bank that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

(1) The fact that an insurance product or annuity sold or offered for sale by you or any subsidiary of the bank is not backed by the Federal government or the bank, or the fact that the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation;

(2) In the case of an insurance product or annuity that involves investment risk, the fact that there is an investment risk, including the potential that principal may be lost and that the product may decline in value; or

(3) In the case of a bank or subsidiary of the bank at which insurance products or annuities are sold or offered for sale, the fact that:

(i) The approval of an extension of credit to a consumer by the bank or subsidiary may not be conditioned on the purchase of an insurance product or annuity by the consumer from the bank or a subsidiary of the bank; and

(ii) The consumer is free to purchase the insurance product or annuity from another source.

(c) *Prohibition on domestic violence discrimination.* You may not sell or offer for sale, as principal, agent, or broker, any life or health insurance product if the status of the applicant or insured as a victim of domestic violence or as a provider of services to victims of domestic violence is considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of such product, or with regard to the payment of insurance claims on such product, except as required or expressly permitted under State law.

§ 343.40 What you must disclose.

(a) *Insurance disclosures.* In connection with the initial purchase of an insurance product or annuity by a consumer from you, you must disclose to the consumer, except to the extent the disclosure would not be accurate, that:

(1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the bank or an affiliate of the bank;

(2) The insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC) or any other agency of the United States, the bank, or (if applicable) an affiliate of the bank; and

(3) In the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

(b) *Credit disclosure.* In the case of an application for credit in connection with which an insurance product or annuity is solicited, offered, or sold, you must disclose that the bank may not condition an extension of credit on either:

(1) The consumer's purchase of an insurance product or annuity from the bank or any of its affiliates; or

(2) The consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(c) *Timing and method of disclosures.*

(1) *In general.* The disclosures required by paragraph (a) of this section must be provided orally and in writing before the completion of the initial sale of an insurance product or annuity to a consumer. The disclosure required by paragraph (b) of this section must be made orally and in writing at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold.

(2) *Exception for transactions by mail.* If a sale of an insurance product or annuity is conducted by mail, you are not required to make the oral disclosures required by paragraph (a) of this section. If you take an application for credit by mail, you are not required to make the oral disclosure required by paragraph (b).

(3) *Exception for transactions by telephone.* If a sale of an insurance product or annuity is conducted by telephone, you may provide the written disclosures required by paragraph (a) of this section by mail within 3 business days beginning on the first business day after the sale, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a). If you take an application for credit by telephone, you may provide the written disclosure required by paragraph (b) of this section by mail, provided you mail it to the consumer within three days beginning the first business day after the application is taken, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

(4) *Electronic form of disclosures.* (i) Subject to the requirements of section 101(c) of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001(c)), you may provide the written disclosures required by paragraph (a) and (b) of this section through electronic media instead of on paper, if the consumer affirmatively

consents to receiving the disclosures electronically and if the disclosures are provided in a format that the consumer may retain or obtain later, for example, by printing or storing electronically (such as by downloading).

(ii) Any disclosure required by paragraphs (a) or (b) of this section that is provided by electronic media is not required to be provided orally.

(5) *Disclosures must be readily understandable.* The disclosures provided shall be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided. For instance, you may use the following disclosures in visual media, such as television broadcasting, ATM screens, billboards, signs, posters and written advertisements and promotional materials, as appropriate and consistent with paragraphs (a) and (b) of this section:

- NOT A DEPOSIT
- NOT FDIC-INSURED
- NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
- NOT GUARANTEED BY THE BANK
- MAY GO DOWN IN VALUE

(6) *Disclosures must be meaningful.*

(i) You must provide the disclosures required by paragraphs (a) and (b) of this section in a meaningful form. Examples of the types of methods that could call attention to the nature and significance of the information provided include:

(A) A plain-language heading to call attention to the disclosures;

(B) A typeface and type size that are easy to read;

(C) Wide margins and ample line spacing;

(D) Boldface or italics for key words; and

(E) Distinctive type size, style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(ii) You have not provided the disclosures in a meaningful form if you merely state to the consumer that the required disclosures are available in printed material, but do not provide the printed material when required and do not orally disclose the information to the consumer when required.

(iii) With respect to those disclosures made through electronic media for which paper or oral disclosures are not required, the disclosures are not meaningfully provided if the consumer may bypass the visual text of the disclosures before purchasing an insurance product or annuity.

(7) *Consumer acknowledgment.* You must obtain from the consumer, at the

time a consumer receives the disclosures required under paragraphs (a) or (b) of this section, or at the time of the initial purchase by the consumer of an insurance product or annuity, a written acknowledgment by the consumer that the consumer received the disclosures. You may permit a consumer to acknowledge receipt of the disclosures electronically or in paper form. If the disclosures required under paragraphs (a) or (b) of this section are provided in connection with a transaction that is conducted by telephone, you must:

(i) Obtain an oral acknowledgment of receipt of the disclosures and maintain sufficient documentation to show that the acknowledgment was given; and

(ii) Make reasonable efforts to obtain a written acknowledgment from the consumer.

(d) *Advertisements and other promotional material for insurance products or annuities.* The disclosures described in paragraph (a) of this section are required in advertisements and promotional material for insurance products or annuities unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the bank.

§ 343.50 Where insurance activities may take place.

(a) *General rule.* A bank must, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public, identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities occur.

(b) *Referrals.* Any person who accepts deposits from the public in an area where such transactions are routinely conducted in the bank may refer a consumer who seeks to purchase an insurance product or annuity to a qualified person who sells that product only if the person making the referral receives no more than a one-time, nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

§ 343.60 Qualification and licensing requirements for insurance sales personnel.

A bank may not permit any person to sell or offer for sale any insurance product or annuity in any part of its

office or on its behalf, unless the person is at all times appropriately qualified and licensed under applicable State insurance licensing standards with regard to the specific products being sold or recommended.

Appendix A to Part 343—Consumer Grievance Process

Any consumer who believes that any bank or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the bank or on behalf of the bank has violated the requirements of this part should contact the Division of Compliance and Consumer Affairs, Federal Deposit Insurance Corporation, at the following address: 550 17th Street, NW., Washington, DC 20429, or telephone 202-942-3100 or 800-934-3342, or e-mail dcainternet@fdic.gov.

By order of the Board of Directors.
Federal Deposit Insurance Corporation.

Dated at Washington, DC, this 21st day of November, 2000.

Robert E. Feldman,
Executive Secretary.

Office of Thrift Supervision

12 CFR Chapter V

Authority and Issuance

For the reasons set out in the joint preamble, OTS amends chapter V of title 12 of the Code of Federal Regulations by adding a new part 536 to read as follows:

PART 536—CONSUMER PROTECTION IN SALES OF INSURANCE

Sec.

536.10 Purpose and scope.
536.20 Definitions.
536.30 Prohibited practices.
536.40 What you must disclose.
536.50 Where insurance activities may take place.

536.60 Qualification and licensing requirements for insurance sales personnel.

Appendix A to Part 536—Consumer Grievance Process.

Authority: 12 U.S.C. 1462a, 1463, 1464, 1467a, and 1831x.

§ 536.10 Purpose and scope.

(a) *General rule.* This part establishes consumer protections in connection with retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by:

- (1) Any savings association; or
- (2) Any other person that is engaged in such activities at an office of a savings association or on behalf of a savings association.

(b) *Application to operating subsidiaries.* For purposes of § 559.3(h) of this chapter, an operating subsidiary is subject to this part only to the extent

that it sells, solicits, advertises, or offers insurance products or annuities at an office of a savings association or on behalf of a savings association.

§ 536.20 Definitions.

As used in this part:

Affiliate means a company that controls, is controlled by, or is under common control with another company.

Company means any corporation, partnership, business trust, association or similar organization, or any other trust (unless by its terms the trust must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust). It does not include any corporation the majority of the shares of which are owned by the United States or by any State, or a qualified family partnership, as defined in section 2(o)(10) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(o)(10)).

Consumer means an individual who purchases, applies to purchase, or is solicited to purchase from a covered person insurance products or annuities primarily for personal, family, or household purposes.

Control of a company has the same meaning as in section 3(w)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(5)).

Domestic violence means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

(1) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

(2) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

(3) Subjecting another person to false imprisonment; or

(4) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

Electronic media includes any means for transmitting messages electronically between a covered person and a consumer in a format that allows visual text to be displayed on equipment, for example, a personal computer monitor.

Office means the premises of a savings association where retail deposits are accepted from the public.

Subsidiary has the same meaning as in section 3(w)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(4)).

You means:

(1) A savings association, as defined in § 561.43 of this chapter; or

(2) Any other person only when the person sells, solicits, advertises, or offers an insurance product or annuity to a consumer at an office of a savings association, or on behalf of a savings association. For purposes of this definition, activities on behalf of a savings association include activities where a person, whether at an office of the savings association or at another location, sells, solicits, advertises, or offers an insurance product or annuity and at least one of the following applies:

(i) The person represents to a consumer that the sale, solicitation, advertisement, or offer of any insurance product or annuity is by or on behalf of the savings association;

(ii) The savings association refers a consumer to a seller of insurance products and annuities and the savings association has a contractual arrangement to receive commissions or fees derived from a sale of an insurance product or annuity resulting from that referral; or

(iii) Documents evidencing the sale, solicitation, advertising, or offer of an insurance product or annuity identify or refer to the savings association.

§ 536.30 Prohibited practices.

(a) *Anticoercion and antitying rules.*

You may not engage in any practice that would lead a consumer to believe that an extension of credit, in violation of section 5(q) of the Home Owners' Loan Act (12 U.S.C. 1464(q)), is conditional upon either:

(1) The purchase of an insurance product or annuity from a savings association or any of its affiliates; or

(2) An agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(b) *Prohibition on misrepresentations generally.* You may not engage in any practice or use any advertisement at any office of, or on behalf of, a savings association or a subsidiary of a savings association that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

(1) The fact that an insurance product or annuity you or any subsidiary of a savings association sell or offer for sale is not backed by the Federal government or a savings association, or the fact that the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation;

(2) In the case of an insurance product or annuity that involves investment risk,

the fact that there is an investment risk, including the potential that principal may be lost and that the product may decline in value; or

(3) In the case of a savings association or subsidiary of a savings association at which insurance products or annuities are sold or offered for sale, the fact that:

(i) The approval of an extension of credit to a consumer by the savings association or subsidiary may not be conditioned on the purchase of an insurance product or annuity by the consumer from the savings association or a subsidiary of a savings association; and

(ii) The consumer is free to purchase the insurance product or annuity from another source.

(c) *Prohibition on domestic violence discrimination.* You may not sell or offer for sale, as principal, agent, or broker, any life or health insurance product if the status of the applicant or insured as a victim of domestic violence or as a provider of services to victims of domestic violence is considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of such product, or with regard to the payment of insurance claims on such product, except as required or expressly permitted under State law.

§ 536.40 What you must disclose.

(a) *Insurance disclosures.* In connection with the initial purchase of an insurance product or annuity by a consumer from you, you must disclose to the consumer, except to the extent the disclosure would not be accurate, that:

(1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, a savings association or an affiliate of a savings association;

(2) The insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC) or any other agency of the United States, a savings association, or (if applicable) an affiliate of a savings association; and

(3) In the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

(b) *Credit disclosures.* In the case of an application for credit in connection with which an insurance product or annuity is solicited, offered, or sold, you must disclose that a savings association may not condition an extension of credit on either:

(1) The consumer's purchase of an insurance product or annuity from the savings association or any of its affiliates; or

(2) The consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

(c) *Timing and method of disclosures.*

(1) *In general.* The disclosures required by paragraph (a) of this section must be provided orally and in writing before the completion of the initial sale of an insurance product or annuity to a consumer. The disclosure required by paragraph (b) of this section must be made orally and in writing at the time the consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold.

(2) *Exception for transactions by mail.* If you conduct an insurance product or annuity sale by mail, you are not required to make the oral disclosures required by paragraph (a) of this section. If you take an application for credit by mail, you are not required to make the oral disclosure required by paragraph (b) of this section.

(3) *Exception for transactions by telephone.* If a sale of an insurance product or annuity is conducted by telephone, you may provide the written disclosures required by paragraph (a) of this section by mail within 3 business days beginning on the first business day after the sale, solicitation, or offer, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a). If you take an application for credit by telephone, you may provide the written disclosure required by paragraph (b) of this section by mail, provided you mail it to the consumer within three days beginning the first business day after the application is taken, excluding Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

(4) *Electronic form of disclosures.* (i) Subject to the requirements of section 101(c) of the Electronic Signatures in Global and National Commerce Act (12 U.S.C. 7001(c)), you may provide the written disclosures required by paragraph (a) and (b) of this section through electronic media instead of on paper, if the consumer affirmatively consents to receiving the disclosures electronically and if the disclosures are provided in a format that the consumer may retain or obtain later, for example, by printing or storing electronically (such as by downloading).

(ii) You are not required to provide orally any disclosures required by paragraphs (a) or (b) of this section that you provide by electronic media.

(5) *Disclosures must be readily understandable.* The disclosures provided shall be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature

and significance of the information provided. For instance, you may use the following disclosures in visual media, such as television broadcasting, ATM screens, billboards, signs, posters and written advertisements and promotional materials, as appropriate and consistent with paragraphs (a) and (b) of this section:

- NOT A DEPOSIT
- NOT FDIC-INSURED
- NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
- NOT GUARANTEED BY THE SAVINGS ASSOCIATION
- MAY GO DOWN IN VALUE

(6) *Disclosures must be meaningful.*

(i) You must provide the disclosures required by paragraphs (a) and (b) of this section in a meaningful form. Examples of the types of methods that could call attention to the nature and significance of the information provided include:

- (A) A plain-language heading to call attention to the disclosures;
- (B) A typeface and type size that are easy to read;
- (C) Wide margins and ample line spacing;
- (D) Boldface or italics for key words; and
- (E) Distinctive type size, style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(ii) You have not provided the disclosures in a meaningful form if you merely state to the consumer that the required disclosures are available in printed material, but do not provide the printed material when required and do not orally disclose the information to the consumer when required.

(iii) With respect to those disclosures made through electronic media for which paper or oral disclosures are not required, the disclosures are not meaningfully provided if the consumer may bypass the visual text of the disclosures before purchasing an insurance product or annuity.

(7) *Consumer acknowledgment.* You must obtain from the consumer, at the time a consumer receives the disclosures required under paragraphs (a) or (b) of this section, or at the time of the initial purchase by the consumer of an insurance product or annuity, a written acknowledgment by the consumer that the consumer received the disclosures. You may permit a consumer to acknowledge receipt of the disclosures electronically or in paper form. If the disclosures required under paragraphs (a) or (b) of this section are provided in connection with a transaction that is conducted by telephone, you must:

(i) Obtain an oral acknowledgment of receipt of the disclosures and maintain sufficient documentation to show that the acknowledgment was given; and

(ii) Make reasonable efforts to obtain a written acknowledgment from the consumer.

(d) *Advertisements and other promotional material for insurance products or annuities.* The disclosures described in paragraph (a) of this section are required in advertisements and promotional material for insurance products or annuities unless the advertisements and promotional material are of a general nature describing or listing the services or products offered by a savings association.

§ 536.50 Where insurance activities may take place.

(a) *General rule.* A savings association must, to the extent practicable:

(1) Keep the area where the savings association conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public;

(2) Identify the areas where insurance product or annuity sales activities occur; and

(3) Clearly delineate and distinguish those areas from the areas where the savings association's retail deposit-taking activities occur.

(b) *Referrals.* Any person who accepts deposits from the public in an area where such transactions are routinely conducted in a savings association may refer a consumer who seeks to purchase an insurance product or annuity to a qualified person who sells that product only if the person making the referral receives no more than a one-time, nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

§ 536.60 Qualification and licensing requirements for insurance sales personnel.

A savings association may not permit any person to sell or offer for sale any insurance product or annuity in any part of the savings association's office or on its behalf, unless the person is at all times appropriately qualified and licensed under applicable State insurance licensing standards with regard to the specific products being sold or recommended.

**Appendix A to Part 536—Consumer
Grievance Process**

Any consumer who believes that any savings association or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the savings

association or on behalf of the savings association has violated the requirements of this part should contact the Director, Consumer Programs, Office of Thrift Supervision, at the following address: 1700 G Street, NW, Washington, DC 20552, or telephone 202-906-6237 or 800-842-6929, or e-mail consumer.complaint@ots.treas.gov.

Dated: November 21, 2000.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 00-30404 Filed 12-1-00; 8:45 am]

**BILLING CODE 4810-33-P; 6210-01-P; 6714-01-P;
6720-01-P**



Federal Register

**Monday,
December 4, 2000**

Part III

The President

**Proclamation 7382—World AIDS Day,
2000**

Presidential Documents

Title 3—

Proclamation 7382 of November 30, 2000**The President****World AIDS Day, 2000****By the President of the United States of America****A Proclamation**

As the global community observes the 13th annual World AIDS Day, we remember with sorrow our friends, loved ones, neighbors, and colleagues who have lost their lives to AIDS, and we reaffirm our shared commitment to carry on the fight until our battle against this devastating disease is won.

We can be proud of our efforts over the past 8 years. My Administration has worked aggressively to increase funding for AIDS research; to find better treatments, a vaccine, and a cure; to enhance HIV prevention efforts; and to help ensure that those living with HIV and AIDS receive the health care they need. Federal funding for such activities has doubled on the national front and tripled internationally, reaching nearly \$11 billion last year alone, and I recently named a Presidential Envoy for AIDS Cooperation.

Building on this commitment, last month I signed into law the Ryan White CARE Act Amendments of 2000, improving the Federal Government's most comprehensive program for providing services to Americans living with HIV/AIDS. Our investment is producing results and, thanks to new treatments, many people with AIDS are living longer and experiencing a better quality of life than ever before.

But our battle is far from over. Last year, 3 million people died from HIV/AIDS—the highest global total reported since the pandemic began. Current estimates indicate that more than 50 million people have been infected with HIV since the virus was first identified more than 15 years ago, and some 21.8 million people have died from HIV/AIDS. The number of children orphaned as a result of HIV/AIDS is estimated to be more than 13.2 million.

Because the spread of HIV has reached catastrophic proportions in many areas of our global community, AIDS has become a national and international security threat. The United States is working hard to develop partnerships with other nations and to mobilize a greatly expanded global response to address HIV/AIDS through our Leadership and Investment in Fighting an Epidemic Initiative. And this week, we will host a White House Summit of Religious Leaders to underscore the important role the world's faith communities play in preventing the spread of HIV and in caring for those affected by HIV. Many care and treatment programs around the world are operated by religious-based organizations, and often these groups provide the only available source of care. The summit will highlight successful efforts and raise awareness of our moral obligations in addressing HIV and AIDS.

Our goals are clear, and our resolve is firm. Working with our partners at home and abroad, we will triumph over the tragedy of HIV/AIDS and ensure a bright, healthy future for our children.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1, 2000, as World AIDS Day. I invite the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction

of the United States, and the American people to join me in reaffirming our commitment to defeating HIV and AIDS. I encourage every American to participate in appropriate commemorative programs and ceremonies in workplaces, houses of worship, and other community centers, to reach out to protect and educate our people, and to provide hope and help to all who are living with HIV and AIDS.

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

A handwritten signature in black ink, reading "William Clinton". The signature is written in a cursive style with a large, prominent initial "W".

[FR Doc. 00-31011

Filed 1-1-00; 11:09 am]

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Reader Aids

Federal Register

Vol. 65, No. 233

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

75153-75580..... 1
75581-75852..... 4

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7382.....75851

5 CFR

531.....75153

7 CFR

59.....75464

Proposed Rules:
319.....75187

9 CFR

78.....75581

Proposed Rules:
1.....75635
381.....75187
424.....75187

10 CFR

Proposed Rules:
430.....75196

12 CFR

14.....75822
208.....75822
343.....75822
536.....75822
Proposed Rules:
8.....75196

14 CFR

39.....75582, 75585, 75588,
75590, 75592, 75595, 75597,
75599, 75601, 75603, 75605,
75608, 75610, 75611, 75613,
75615, 75617, 75618, 75620,
75624, 75625

Proposed Rules:
39.....75198

16 CFR

300.....75154
303.....75154

17 CFR

240.....75414, 75439

18 CFR

284.....75628

21 CFR

73.....75158

28 CFR

16.....75158, 75159

Proposed Rules:
16.....75201

29 CFR

4006.....75160
4007.....75160
4011.....75164
4022.....75164
4044.....75165

31 CFR

Ch. V.....75629

33 CFR

Proposed Rules:
97.....75201

37 CFR

253.....75167

39 CFR

111.....75167

Proposed Rules:
111.....75210

40 CFR

60.....75338
180.....75168, 75174
300.....75179

Proposed Rules:
52.....75215
261.....75637
268.....75651
300.....75215

44 CFR

64.....75632

45 CFR

270.....75633
276.....75633

47 CFR

Proposed Rules:
43.....75656
73.....75221, 75222

49 CFR

195.....75378

Proposed Rules:
567.....75222
571.....75222
574.....75222
575.....75222

50 CFR

230.....75186

Proposed Rules:
216.....75230
648.....75232

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 DECEMBER 4, 2000

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Interstate transportation of animal products (quarantine):

- Brucellosis in cattle—
 - State and area classifications; published 12-4-00

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

- Insider trading regulations; published 8-4-00

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

Natural gas companies (Natural Gas Act):

- Energy facility applications; collaborative procedures; published 11-2-00

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

- Washington; published 10-4-00

Hazardous waste program authorizations:

- South Carolina; published 10-4-00

FEDERAL COMMUNICATIONS COMMISSION

Employee responsibilities and conduct:

- Nonpublic information; published 11-3-00

Radio services, special:

- Fixed microwave services—
 - 24 GHz service; licensing and operation; published 10-5-00

HEALTH AND HUMAN SERVICES DEPARTMENT Children and Families Administration

Personal Responsibility and Work Opportunity

Reconciliation Act of 1996; implementation:

Temporary Assistance for Needy Families Program—

- High performance bonus rewards to States; correction; and States and Indian Tribes under welfare-to-work grants data collection, etc.; CFR part removed; published 12-4-00

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Human drugs:

- Prescription drug marketing; published 12-3-99

SECURITIES AND EXCHANGE COMMISSION

Securities:

- Proxy and information statements; delivery to households; published 11-2-00

TRANSPORTATION DEPARTMENT**Coast Guard**

Ports and waterways safety:

- Portage River and Lily Pond Harbor, MI; inland waterways navigation regulation removed; published 9-5-00

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

- Israel Aircraft Industries, Ltd.; published 11-17-00
- Pratt & Whitney; published 10-30-00
- Raytheon; published 10-30-00
- Short Brothers; published 10-30-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT**Agricultural Marketing Service**

Cherries (sweet) grown in—

- Washington; comments due by 12-11-00; published 11-9-00

Onions (sweet) grown in—

- Washington and Oregon; comments due by 12-15-00; published 10-16-00

Oranges, grapefruit, tangerines, and tangelos grown in—

- Florida; comments due by 12-11-00; published 10-10-00

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:

- Citrus canker; comments due by 12-15-00; published 10-16-00

AGRICULTURE DEPARTMENT**Food and Nutrition Service**

Child nutrition programs:

- Child and adult care food program—
 - Management and program integrity improvement; comments due by 12-11-00; published 9-12-00

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

- Atlantic migratory species—
 - Atlantic bluefin tuna; comments due by 12-14-00; published 11-17-00

Ocean and coastal resource management:

- Marine sanctuaries—
 - Commercial submarine cables; installation and maintenance; comments due by 12-11-00; published 11-24-00

DEFENSE DEPARTMENT**Defense Logistics Agency**

Privacy Act; implementation; comments due by 12-12-00; published 10-13-00

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

- Multiple-award contracts competition; comments due by 12-14-00; published 12-15-99
- Veterans Entrepreneurship and Small Business Development Act of 1999; implementation; comments due by 12-11-00; published 10-11-00

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

- Florida; comments due by 12-15-00; published 11-15-00
- Missouri; comments due by 12-15-00; published 11-15-00

Air quality implementation plans; approval and

promulgation; various States:

California; comments due by 12-14-00; published 11-14-00

Illinois; comments due by 12-11-00; published 12-1-00

Michigan; comments due by 12-13-00; published 11-13-00

New Hampshire; comments due by 12-14-00; published 11-14-00

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Wisconsin; comments due by 12-15-00; published 11-15-00

Hazardous waste program authorizations:

Massachusetts; comments due by 12-15-00; published 11-15-00

Hazardous waste program authorizations:

Massachusetts; comments due by 12-15-00; published 11-15-00

Hazardous waste:

Land disposal restrictions—

- Spent potliners from primary aluminum reduction (KO88) treatment standards and KO88 vitrification units regulatory classification; comments due by 12-11-00; published 9-18-00

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 12-11-00; published 11-9-00

National priorities list update; comments due by 12-11-00; published 11-9-00

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Georgia; comments due by 12-11-00; published 11-8-00

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Veterans Entrepreneurship and Small Business Development Act of 1999;

implementation; comments due by 12-11-00; published 10-11-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Durable medical equipment, prosthetics, othotics, and supplies; supplier standards; comments due by 12-11-00; published 10-11-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

Arroyo southwestern toad; comments due by 12-11-00; published 11-9-00

Bay checkerspot butterfly; comments due by 12-15-00; published 10-16-00

Findings on petitions, etc.—

California spotted owl; comments due by 12-11-00; published 10-12-00

Mountain yellow-legged frog; comments due by 12-11-00; published 10-12-00

Yosemite toad; comments due by 12-11-00; published 10-12-00

Recovery plans—

Red-cockaded woodpecker; comments due by 12-13-00; published 10-17-00

LABOR DEPARTMENT

Federal Contract Compliance Programs Office

Affirmative action and nondiscrimination obligations of contractors and subcontractors:

Compliance evaluations; comments due by 12-11-00; published 10-12-00

LABOR DEPARTMENT

Occupational Safety and Health Administration

State plans; standards approval, etc.:

New Jersey; comments due by 12-13-00; published 11-13-00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Veterans Entrepreneurship and Small Business

Development Act of 1999; implementation; comments due by 12-11-00; published 10-11-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; comments due by 12-11-00; published 10-11-00

Bombardier; comments due by 12-14-00; published 11-14-00

British Aerospace; comments due by 12-15-00; published 11-2-00

Empresa Brasileira de Aeronautica S.A.; comments due by 12-13-00; published 11-13-00

Raytheon; comments due by 12-11-00; published 10-18-00

Rolladen Schneider Flugzeugbau GmbH; comments due by 12-14-00; published 11-9-00

Class E airspace; comments due by 12-11-00; published 10-25-00

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Motor carrier safety standards:

Drivers' hours of service—
Fatigue prevention; driver rest and sleep for safe operations; comments due by 12-15-00; published 8-15-00

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Fuel system integrity—
Compressed natural gas fuel containers; comments due by 12-14-00; published 10-30-00

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

West Elks, CO; comments due by 12-15-00; published 10-16-00

VETERANS AFFAIRS DEPARTMENT

Adjudication; pensions, compensation, dependency, etc.:

Post-traumatic stress disorder claims based on

personal assault; comments due by 12-15-00; published 10-16-00

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. 2346/P.L. 106-521

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment. (Nov. 22, 2000; 114 Stat. 2438)

H.R. 5633/P.L. 106-522

District of Columbia Appropriations Act, 2001 (Nov. 22, 2000; 114 Stat. 2440)

S. 768/P.L. 106-523

Military Extraterritorial Jurisdiction Act of 2000 (Nov. 22, 2000; 114 Stat. 2488)

S. 1670/P.L. 106-524

To revise the boundary of Fort Matanzas National Monument, and for other purposes. (Nov. 22, 2000; 114 Stat. 2493)

S. 1880/P.L. 106-525

Minority Health and Health Disparities Research and Education Act of 2000 (Nov. 22, 2000; 114 Stat. 2495)

S. 1936/P.L. 106-526

Bend Pine Nursery Land Conveyance Act (Nov. 22, 2000; 114 Stat. 2512)

S. 2020/P.L. 106-527

To adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes. (Nov. 22, 2000; 114 Stat. 2515)

S. 2440/P.L. 106-528

Airport Security Improvement Act of 2000 (Nov. 22, 2000; 114 Stat. 2517)

S. 2485/P.L. 106-529

Saint Croix Island Heritage Act (Nov. 22, 2000; 114 Stat. 2524)

S. 2547/P.L. 106-530

Great Sand Dunes National Park and Preserve Act of 2000 (Nov. 22, 2000; 114 Stat. 2527)

S. 2712/P.L. 106-531

Reports Consolidation Act of 2000 (Nov. 22, 2000; 114 Stat. 2537)

S. 2773/P.L. 106-532

Dairy Market Enhancement Act of 2000 (Nov. 22, 2000; 114 Stat. 2541)

S. 2789/P.L. 106-533

To amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board. (Nov. 22, 2000; 114 Stat. 2545)

S. 3164/P.L. 106-534

Protecting Seniors From Fraud Act (Nov. 22, 2000; 114 Stat. 2555)

S. 3194/P.L. 106-535

To designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office". (Nov. 22, 2000; 114 Stat. 2559)

S. 3239/P.L. 106-536

To amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees. (Nov. 22, 2000; 114 Stat. 2560)

Last List November 24, 2000

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-038-00001-3)	6.50	Apr. 1, 2000
3 (1997 Compilation and Parts 100 and 101)	(869-042-00002-1)	22.00	Jan. 1, 2000
4	(869-042-00003-0)	8.50	Jan. 1, 2000
5 Parts:			
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
7 Parts:			
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
8	(869-042-00022-6)	41.00	Jan. 1, 2000
9 Parts:			
1-199	(869-042-00023-4)	46.00	Jan. 1, 2000
200-End	(869-042-00024-2)	44.00	Jan. 1, 2000
10 Parts:			
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
11	(869-042-00029-3)	23.00	Jan. 1, 2000
12 Parts:			
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
13	(869-042-00036-6)	35.00	Jan. 1, 2000

Title	Stock Number	Price	Revision Date
14 Parts:			
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	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
15 Parts:			
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
16 Parts:			
0-999	(869-042-00045-5)	33.00	Jan. 1, 2000
1000-End	(869-042-00046-3)	43.00	Jan. 1, 2000
17 Parts:			
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
18 Parts:			
1-399	(869-042-00051-0)	54.00	Apr. 1, 2000
400-End	(869-042-00052-8)	15.00	Apr. 1, 2000
19 Parts:			
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
20 Parts:			
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
21 Parts:			
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
22 Parts:			
1-299	(869-042-00068-4)	54.00	Apr. 1, 2000
300-End	(869-042-00069-2)	31.00	Apr. 1, 2000
23	(869-042-00070-6)	29.00	Apr. 1, 2000
24 Parts:			
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	Apr. 1, 2000
25	(869-042-00076-5)	52.00	Apr. 1, 2000
26 Parts:			
§§ 1.0-1.60	(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
27 Parts:			
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
28 Parts:				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
29 Parts:				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	⁶ July 1, 2000
500-899	(869-042-00102-8)	47.00	July 1, 2000	41 Chapters:			
900-1899	(869-042-00103-6)	24.00	July 1, 2000	1, 1-1 to 1-10		13.00	³ July 1, 1984
1900-1910 (§§ 1900 to 1910.999)	(869-042-00104-4)	46.00	⁶ July 1, 2000	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1910 (§§ 1910.1000 to end)	(869-042-00105-2)	28.00	⁶ July 1, 2000	3-6		14.00	³ July 1, 1984
1911-1925	(869-042-00106-1)	20.00	July 1, 2000	7		6.00	³ July 1, 1984
1926	(869-042-00107-9)	30.00	⁶ July 1, 2000	8		4.50	³ July 1, 1984
1927-End	(869-042-00108-7)	49.00	July 1, 2000	9		13.00	³ July 1, 1984
30 Parts:				10-17		9.50	³ July 1, 1984
1-199	(869-042-00109-5)	38.00	July 1, 2000	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
200-699	(869-042-00110-9)	33.00	July 1, 2000	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
700-End	(869-042-00111-7)	39.00	July 1, 2000	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
31 Parts:				19-100		13.00	³ 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
32 Parts:				102-200	(869-042-00160-5)	21.00	July 1, 2000
1-39, Vol. I		15.00	² July 1, 1984	201-End	(869-042-00161-3)	16.00	July 1, 2000
1-39, Vol. II		19.00	² July 1, 1984	42 Parts:			
1-39, Vol. III		18.00	² 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	43 Parts:			
630-699	(869-042-00117-6)	25.00	July 1, 2000	1-999	(869-038-00165-9)	32.00	Oct. 1, 1999
700-799	(869-042-00118-4)	31.00	July 1, 2000	1000-end	(869-038-00166-7)	47.00	Oct. 1, 1999
800-End	(869-042-00119-2)	32.00	July 1, 2000	44	(869-038-00167-5)	28.00	Oct. 1, 1999
33 Parts:				45 Parts:			
1-124	(869-042-00120-6)	35.00	July 1, 2000	1-199	(869-038-00168-3)	33.00	Oct. 1, 1999
125-199	(869-042-00121-4)	45.00	July 1, 2000	200-499	(869-038-00169-1)	16.00	Oct. 1, 1999
200-End	(869-042-00122-5)	36.00	July 1, 2000	*500-1199	(869-042-00170-2)	45.00	Oct. 1, 2000
34 Parts:				1200-End	(869-038-00171-3)	40.00	Oct. 1, 1999
1-299	(869-042-00123-1)	31.00	July 1, 2000	46 Parts:			
300-399	(869-042-00124-9)	28.00	July 1, 2000	1-40	(869-038-00172-1)	27.00	Oct. 1, 1999
400-End	(869-042-00125-7)	54.00	July 1, 2000	41-69	(869-038-00173-0)	23.00	Oct. 1, 1999
35	(869-042-00126-5)	10.00	July 1, 2000	70-89	(869-038-00174-8)	8.00	Oct. 1, 1999
36 Parts:				90-139	(869-038-00175-6)	26.00	Oct. 1, 1999
1-199	(869-042-00127-3)	24.00	July 1, 2000	140-155	(869-038-00176-4)	15.00	Oct. 1, 1999
200-299	(869-042-00128-1)	24.00	July 1, 2000	156-165	(869-038-00177-2)	21.00	Oct. 1, 1999
300-End	(869-042-00129-0)	43.00	July 1, 2000	166-199	(869-038-00178-1)	27.00	Oct. 1, 1999
37	(869-042-00130-3)	32.00	July 1, 2000	200-499	(869-038-00179-9)	23.00	Oct. 1, 1999
38 Parts:				*500-End	(869-042-00180-0)	23.00	Oct. 1, 2000
0-17	(869-042-00131-1)	40.00	July 1, 2000	47 Parts:			
18-End	(869-042-00132-0)	47.00	July 1, 2000	0-19	(869-038-00181-1)	39.00	Oct. 1, 1999
39	(869-042-00133-8)	28.00	July 1, 2000	20-39	(869-038-00182-9)	26.00	Oct. 1, 1999
40 Parts:				40-69	(869-038-00183-7)	26.00	Oct. 1, 1999
1-49	(869-042-00134-6)	37.00	July 1, 2000	70-79	(869-038-00184-5)	39.00	Oct. 1, 1999
50-51	(869-042-00135-4)	28.00	July 1, 2000	80-End	(869-038-00185-3)	40.00	Oct. 1, 1999
52 (52.01-52.1018)	(869-042-00136-2)	36.00	July 1, 2000	48 Chapters:			
52 (52.1019-End)	(869-042-00137-1)	44.00	July 1, 2000	1 (Parts 1-51)	(869-038-00186-1)	55.00	Oct. 1, 1999
53-59	(869-042-00138-9)	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	49 Parts:			
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
136-149	(869-042-00148-6)	42.00	July 1, 2000	200-399	(869-038-00196-9)	53.00	Oct. 1, 1999
150-189	(869-042-00149-4)	38.00	July 1, 2000	400-999	(869-038-00197-7)	57.00	Oct. 1, 1999
190-259	(869-042-00150-8)	25.00	July 1, 2000	1000-1199	(869-038-00198-5)	17.00	Oct. 1, 1999
				*1200-End	(869-042-00199-1)	21.00	Oct. 1, 2000
				50 Parts:			
				1-199	(869-038-00200-1)	43.00	Oct. 1, 1999
				200-599	(869-038-00201-9)	22.00	Oct. 1, 1999

Title	Stock Number	Price	Revision Date
600-End	(869-038-00202-7)	37.00	Oct. 1, 1999
CFR Index and Findings			
Aids	(869-042-00047-1)	53.00	Jan. 1, 2000
Complete 1999 CFR set		951.00	1999
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..